



AGENDA
Committee on Public Services
Friday, March 17, 2017 @ 3:30 p.m.
City Council Conference Room, City Hall 10th Floor

Councilmember Kathie Dunbar, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member

1) Call to Order

2) Public Comment on Agenda Items

3) Minutes

- March 13, 2017

4) Discussion/Action:

A.) RESOLUTION –Sidewalk Snow Removal Assessment

B.) RESOLUTION – Set the Public Hearing; Ordinance Introduction;
Special Assessment Notice Requirement Ordinance Amendment

5) Adjourn



MINUTES
Committee on Public Service
Monday, March 13, 2017 @ 5:00 p.m.
City Hall, Conference Room, 10th Floor

CALL TO ORDER

The meeting called to order at 5:05 p.m.

ROLL CALL

Councilmember Kathie Dunbar, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member

OTHERS PRESENT

Sherrie Boak, Council Staff
Jim Smiertka, City Attorney
Brandon Waddell, Assistant City Attorney

Public Comment

No comments.

Discussion/Action:

RESOLUTION – Setting of a Public Hearing; Glenburne Commons Annual Maintenance

The Committee reviewed the resolution based on the meeting which set the public hearing, corrected the timeline to reflect a calendar year instead of July 2016 to July 2017, and spoke to an earlier survey, which was addressed by Law by stating that the 2016 resolution did not make the survey mandatory. It was noted that at the March 3rd meeting it was determined if a survey was done and was not paid for, there was no active association to invoice currently.

MOTION BY COUNCIL MEMBER HOUGHTON TO SET THE PUBLIC HEARING FOR MARCH 27TH FOT THE GLENBURNE COMMONS ANNUAL MAINTENANCE.

The Committee then discussed costs for administration fees. The resolution was corrected to add the word “estimated” to the third “Be It Further Resolved”.

MOTION BY COUNCIL MEMBER HOUGHTON TO AMEND HER PREVIOUS MOTION TO INCLUDE THE ADDITIONAL LANGUAGE OF “ESTIMATED” IN THE THIRD “BE IT FURTHER RESOLVED”. MOTION CARRIED 3-0.

DRAFT MINUTES

Minutes

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MARCH 3, 2017 WITH THE CORRECTIONS TO PAGE 3 REMOVING "S" AFTER "THURSDAY AND FRIDAY". MOTION CARRIED 3-0

ADJOURN

The meeting was adjourned at 5:20 p.m.

Submitted by, Sherrie Boak

Recording Secretary

Lansing City Council

Approved: _____



Virg Bernero, Mayor

OFFICE OF THE MAYOR

9th Floor, City Hall
124 W. Michigan Avenue
Lansing, Michigan 48933-1694
(517) 483-4141 (voice)
(517) 483-4479 (TDD)
(517) 483-6066 (Fax)

TO: City Council President Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 2-9-17

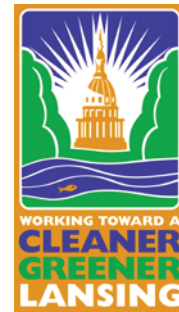
RE: Sidewalk Snow Removal Assessment Notice of Hearing

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment



City of Lansing
Inter-Departmental
Memorandum



To: Virg Bernero, Mayor

From: Chad A. Gamble, P.E., Director of Public Service

Subject: CITY COUNCIL AGENDA ITEM - Sidewalk Snow Removal Assessment Notice of Hearing

Date: February 9, 2016

Please forward this resolution to City Council for placement on the Agenda.

If you have any questions, or need additional information, please give me a call.

Attachments

BY THE COMMITTEE ON PUBLIC SERVICE
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

SNOW AND ICE REMOVAL ASSESSMENT ROLL WINTER 2016-17

WHEREAS, pursuant to Chapter 1020.06, Snow and Ice, adopted by this Council, the City Assessor has completed the assessment roll for removal of snow and/or ice adjacent to certain properties within the City.

WHEREAS, the owners of these properties were given proper notice in accordance with Chapter 1020.06(c)(1) to remove the snow and/or ice from the public sidewalk adjacent to their property.

WHEREAS, the City incurred costs for the removal of snow and/or ice, which it is required to recover in accordance with Chapter 1020.06(c)(2).

WHEREAS, pursuant to Chapter 1020.06, the fees for those costs were adopted by Council.

WHEREAS, those costs incurred between November 1, 2016 and February 6, 2017, by the City total \$13,869.00.

NOW, THEREFORE, BE IT RESOLVED the Lansing City Council will hold a public hearing on Monday, March 13, 2017 at 7:00 PM, in the Council Chambers, to review, prior to confirmation, said assessment roll; and

BE IT FURTHER RESOLVED, that the City Clerk is hereby requested to give due notice of this public hearing as provided by Chapter 1026, Section 1026.06(b) and (c), of the Code of Ordinances by publishing a notice of a public hearing in a daily newspaper of the City, not more than twenty days and not less than ten days before such public hearing. In addition, the Clerk shall give notice of hearings in special assessment proceedings to each owner of, or party in interest in, property to be assessed, whose name appears upon the last local tax assessment records, by first class mail addressed to such owner or party at the address shown on the tax records, at least ten days before the date of such hearing. Said notices shall include the time and place of the hearing; a description of the properties determined by the Director of Public Service to have violated Chapter 1020.06 which are contained in the special assessment roll; where the special assessment roll is on file with the City Clerk and may be examined at the City Clerk's office;

BE IT FURTHER RESOLVED, that any person aggrieved by the assessments as contained in the special assessment roll, or the necessity of the removal of snow and ice, may file a written objection thereto which must be delivered to the City Clerk prior to the close of the hearing, or the person may appear and protest the same at the public hearing in person or by his or her representative; that the appearance and protest or written protest in the manner described is required if the person desires to appeal the amount of the assessment to the Michigan Tax Tribunal;

BE IT FINALLY RESOLVED, that pursuant to the requirement of 1962 PA 162, as amended, a written appeal of the Special Assessment may be made to the Michigan Tax Tribunal, 611 West Ottawa St., P.O. Box 30232, Lansing, MI 48909; if filed within thirty days after confirmation of the special assessment roll and if the Special Assessment was protested at this hearing.

Adopted by the Committee
on Public Services
on

Approved for Placement on
the City Council Agenda:

James D. Smiertka
City Attorney

Date:

SPECIAL ASSESSMENT ROLL 2016-2017 SNOW REMOVAL

The City Council will hold a Public Hearing in the Council Chambers on the 10th Floor of City Hall, Lansing, Michigan on Monday, March 13, 2017 at 7:00 P.M. to review, prior to confirmation, said assessment roll, and consider any complaints or objections that there may be with respect to this improvement or the assessment.

	<u>Parcel Number</u>	<u>Street Address</u>	<u>Total Cost</u>
	33010102377091	2707 MONTEGO DR	\$149
→	33010102452161	2115 VASSAR DR	\$149
	33010103353001	2128 N EAST ST	\$219
	33010106252001	4415 N GRAND RIVER AVE	\$219
	33010108226141	ROSENEATH AVE	\$219
	33010108226151	1615 ROSENEATH AVE	\$149
	33010108228051	1600 LANSING AVE	\$149
	33010108426002	1230 N M L KING JR BLVD	\$219
	33010109207021	1616 JAMES ST	\$149
	33010109231024	N LARCH ST	\$219
	33010109408041	914 N WASHINGTON AVE	\$149
	33010110181261	1223 E GRAND RIVER AVE	\$219
	33010114105081	610 N HAYFORD AVE	\$149
→	33010114105091	606 N HAYFORD AVE	\$149
	33010114106061	419 N CLEMENS AVE	\$149
→	33010114301081	120 S CLEMENS AVE	\$149
	33010114301121	134 S CLEMENS AVE	\$149
	33010114301131	138 S CLEMENS AVE	\$149
	33010114301251	238 S CLEMENS AVE	\$219
	33010114302151	227 S CLEMENS AVE	\$149
	33010114307071	325 S CLEMENS AVE	\$149
	33010115126101	1025 ORCHARD ST	\$149
	33010115126101	1025 ORCHARD ST	\$149
	33010115126101	1025 ORCHARD ST	\$219
	33010115253051	1409 VINE ST	\$149
	33010115302202	220 S HOSMER ST	\$219
	33010115356201	917 LARNED ST	\$219
	33010115380011	605 S PENNSYLVANIA AVE	\$149
	33010115380131	1111 LARNED ST	\$149
→	33010116157081	513 W IONIA ST	\$149
	33010117205001	1127 W SAGINAW ST	\$219
	33010121203003	E MALCOLM X ST	\$219
	33010121430075	1523 S CEDAR ST	\$289
	33010122202111	942 BENSCH ST	\$219
	33010122204131	936 MCCULLOUGH ST	\$149
	33010122206001	1001 BENSCH ST	\$359

	33010122208001	1001 MCCULLOUGH ST	\$219
	33010122208011	1005 MCCULLOUGH ST	\$149
	33010122226331	943 MCCULLOUGH ST	\$219
	33010122252122	DAKIN ST	\$149
	33010122253171	1124 MCCULLOUGH ST	\$149
	33010122253211	1416 WALSH ST	\$219
	33010122279141	1033 REGENT ST	\$149
	33010128106011	2109 S RUNDLE AVE	\$149
→	33010128106031	2119 S RUNDLE AVE	\$289
	33010128334091	116 ASTOR AVE	\$149
	33010128334101	3022 STABLER ST	\$219
	33010128336241	215 ASTOR AVE	\$149
	33010128336261	223 ASTOR AVE	\$149
→	33010128406401	220 PARIS AVE	\$149
	33010128426003	2701 S CEDAR ST	\$219
	33010128433101	551 PARIS AVE	\$149
	33010128435151	572 PARIS AVE	\$149
→	33010129206111	1116 POXSON AVE	\$149
	33010129207171	1319 POXSON AVE	\$149
	33010129231162	2104 S RUNDLE AVE	\$359
	33010129451022	3330 S M L KING JR BLVD	\$289
	33010129477083	3232 S WASHINGTON AVE	\$359
	33010130301051	3600 SANDHURST DR	\$219
	33010130328131	2926 DEERFIELD AVE	\$219
	33010130402011	2923 DEERFIELD AVE	\$219
	33010132201223	3512 S M L KING JR BLVD	\$219
	33010132201256	1211 W HOLMES RD	\$219
	33010132201264	1301 W HOLMES RD	\$149
	33010132201273	1315 W HOLMES RD	\$219
	33010133203275	3630 S CEDAR ST	\$359
	33010133203275	3630 S CEDAR ST	\$219
	33010133230132	3601 S CEDAR ST	\$289
	33010133351121	4921 BURCHFIELD AVE	\$149
	33010133476121	561 KENDON DR	\$219
	33010508426022	6726 S WASHINGTON AVE	\$219
	TOTAL		<u>\$13,869</u>

Zuchowski, Monica

From: cyrosspc@aol.com
Sent: Thursday, March 09, 2017 4:44 PM
To: Clerk, City
Subject: Appeal Special Assessment Alleged Snow and Ice Removal

Re: Parcel Number: 33-01-01-02-452-161

Property Address: 2115 Vassar Drive

Date of Service: 12/16/2016

Dear Chris Scope,

I strenuously dispute that snow and ice removal was provided by the City at my home on December 16, 2016. My private snow removal service removed snow at my home on the date in question. Please consider this my APPEAL of any assessment.

Constance Y. Ross

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For more information please visit <http://www.symanteccloud.com>

Zuchowski, Monica

From: Holp, Eric <holp@msu.edu>
Sent: Monday, March 06, 2017 11:57 PM
To: Clerk, City
Subject: email appealing snow removal cost

Dear Chris Swope,

I'm writing this email to appeal the cost being levied against me for snow removal at 606 N. Hayford Ave, Lansing, MI 49912-4243, Parcel Number 33-01-01-14-105-091, on the date 12/21/2016.

There was a notice on my front door informing me that the sidewalk needed to be shoveled and salted. As a result I went out and shoveled the sidewalks and sprinkled salt on the sidewalks. As a result, I don't think that it was necessary to have any snow removal work done and I was surprised when it was done. Therefore I respectfully request that the charges be dropped for the snow removal.

Thank you.

Eric Holp
517-482-4105
holp@msu.edu
owner of home at 606 N. Hayford

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Zuchowski, Monica

From: David Roth <dlroth1982@ameritech.net>
Sent: Monday, March 13, 2017 11:25 AM
To: Clerk, City
Subject: Appeal of Snow and Ice Removal-120 S. Clemens

I am the property owner of 120 S. Clemens in Lansing, MI 48912. I have spoken to my tenants and have been reassured that they have kept the sidewalks clear of snow and ice as required by the City of Lansing. I live in the Detroit suburbs and was not aware of any snowfall of 2 inches or more. I have another property located near the Clemens property and I hire a snow removal company to do the walks, and he did not find a need to do any snow removal since earlier in December. I looked online for snow accumulation in Lansing and found according to Weather Underground the following:

Monday Jan. 20-.04 inches
Tuesday Jan. 31-.05 inches
Wed. Feb 1- .04 inches
Thurs. Feb. 2- .05 inches
Fri. Feb. 3- .04 inches

As you can see, this is well below the 2 inch requirement. Despite the amount of snowfall, my tenant did say he was the only one around the neighborhood who was out shoveling. I am very perplexed about this notice. Usually, I am sent a non-compliance letter from code enforcement alerting me to any problems at my rental property. I am a very conscientious landlord who has been doing this for 40 years in Lansing and have never been cited for anything like this. For this reason I am appealing your notice.

Thank you for your consideration.

Linda Roth
248-752-7575

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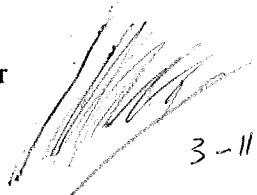
3/11/2017

City of Lansing, Clerk's Office
Ninth Floor, City Hall
124 W. Michigan Ave.
Lansing, MI 48933

To Chris Swope or whom it may concern.

My name is Niall Power. I was house sitting for the rental tenants at 120 S. Clemens Ave. between January 25 and February 6, 2017. While house sitting, we received snowfall of less than $\frac{1}{2}$ of an inch each day for three consecutive days in February. I have been a resident of Lansing for 6 years and am very familiar with the snow and ice ordinance. While the snowfall was less than 2 inches, I still shoveled each day. In fact, I was the only one to have shoveled the sidewalk on that end of the street. For any further questions, I may be reached at (517) 528-5894 or by email at golfjunky88@gmail.com.

Sincerely,
Niall Power



3-11-2017

Zuchowski, Monica

From: Scott Schmidt <scott@vestabuilding.com>
Sent: Wednesday, March 08, 2017 2:35 PM
To: Clerk, City
Subject: 513 Ionia st
Attachments: IMG_20161222_213825697.jpg; IMG_20161221_123842692_HDR.jpg

As it pertains to a notice of assessment received from the city, I dispute the claim of violation of snow and ice Ordinance.

Attached are two pictures. I took the first picture (12/21 12:38 PM) when I found the violation notice posted on the building, sidewalk was already cleared as pictured prior to the posting of notice.

Second picture (12/22 9:38 PM) is after I noticed additional snow had been cleared.

I had called in to the number on the notice after seeing it posted. I was told it was not in the system so they could not communicate the what the corrective measures should be.

It appears the notice was for the city metered parking that exist in front of the buildings, and the fine/assessment pertains to the work completed to clear the city maintained parking area. I did not notice any snow removed or cleared from any other location that wasn't at parking locations.

I'd like an explanation of what was actually in violation at posting, and if it there is an expectation that the property owners maintain city metered parking.

Otherwise, I do not believe there was a violation of ordinance.

Thank you,

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Schmidt 2

Jackson, Brian

From: Zuchowski, Monica
Sent: Monday, March 06, 2017 8:49 AM
To: Jackson, Brian
Subject: FW: Appeal for Snow and Ice removal

From: Claire Moyet [<mailto:clairemoyet@gmail.com>]
Sent: Sunday, March 05, 2017 8:15 PM
To: Clerk, City
Subject: Appeal for Snow and Ice removal

To whom it may concern,

I am writing to appeal a letter I received on March 2nd, 2017 regarding a snow and ice removal fee from the city of Lansing, for my home at 2119 S. Rundle Ave. The date of service for the snow and ice removal was December 21st of 2016. During this time, I was out of state for a school externship. Someone was watching my house for me and I was unaware of any snow/ice buildup around my home. More importantly, I did not receive a warning notification from the city, asking me to remove the snow and ice. If I had been notified and given the chance to address the issue, then I would've done so. Additionally, the letter is stating that it took a total of 1 hour to clear the snow and ice from my side walk. My sidewalk area is not very large and from personal experience, it only takes me about 20 minutes to clear the side walk, so I feel as though the charge for the removal time is unwarranted.

I do understand the importance of removing the snow and ice from the sidewalks, and as a home owner, I have never had a snow/ice removal violation with the city. I am kindly requesting that this be appealed, as I was out of town and was never given a notice to correct the issue in the first place. Please let me know if there is anything else that needs to be done or what the next step would be in this process.

Thank you,

Claire Moyet

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For more information please visit <http://www.symanteccloud.com>

CITY Clerks Office
9TH Floor - City Hall
124 W Michigan Ave
LANSING MI 48933

220 Paris

MAR 09 2017

I Thomas Henly wish To appeal special
Assessment Roll # SR-006 - known as snow
And ice removal.

I Am 70 years old AND handicapped - I hire
A neighbor boy To maintain The sidewalks during
The winter - Apparently The City got There
before him on 12-15-16. I had no idea it
wasn't done. I live at 3425 Palmer, several
blocks away. Is There not some notification
before removing snow? I have owned The
house since mid 70's AND have NOT had
one problem with The City - I brought
The house for my mother To retire in. When
she died my brother was There, getting house
ready To sell, he was robbed IN JAN of 1997
AND house set on fire 2 Locations, he survived
To smoke inhalation. I had house fixed, but
couldn't go over There, bad memory. My youngest
son has it ready To sell in spring, I need
To remove all memories of This house (bad memories)
I have had The yard & walks maintained since
Then with no problems with The city,
AND kept Taxes paid.

3425 Palmer ST 48910

#517 3940979
C517 8196672

Please Consider my appeal
Thomas R Henly

Daron Jones
6421 Cowman Rd.
Hubbardston, MI 48845
517-526-3580

City Clerk's Office
9th Floor, City Hall
124 W. Michigan Ave.
Lansing, MI 48933

3/8/2017

To Whom It May Concern:

I am currently traveling back and forth to the home located at 1116 Poxson Ave., Lansing, MI 48910. We are in the process of a major remodel. I was away over the weekend and was not able to shovel the walk. Even still there was only a light amount of snow present when the citation was issued.

By the time I made it back to the house the following week, the weather had warmed and the walk was clear. I later learned that the walk was cleared by the city on Feb 6. The weather had warmed and was above freezing for both Feb 6 and Feb 7.

(See picture 1 for the picture before the walk was cleared)

I would like to appeal the fine for \$149.00. At the point of the work the snow was almost completely melted away. I would appreciate your consideration in this matter.

This amount of work hardly seems to represent an appropriate use of man hours. Also keep in mind the upcoming forecast would have indicated this work to be pointless as it would have cleared on its own.

(See picture 2 for the picture after the walk was cleared)

Thank you for considering this appeal. I understand that this rule is in place to keep the city safe, and I appreciate that. However, I also recognize that sometimes cases like mine get caught in the rules and don't make sense as I hope you will agree.

Sincerely,

Daron Jones

DARON JONES

Picture 1.



Picture 2.





Chris Swope
Lansing City Clerk

March 10, 2017

President and Members of the Lansing City Council
10th Floor, City Hall
Lansing, MI 48933

Dear Councilmembers:

I request your consideration of the attached proposed ordinance to eliminate the publication requirement for special assessment public hearings. Affected property owners would still receive notice of special assessment public hearings.

MCL 271.741 et. seq. establish state law requirements for special assessments. State law has requirement for notice to property owners, but no requirement of publication in a newspaper. <http://legislature.mi.gov/doc.aspx?mcl-Act-162-of-1962>

The Lansing City Charter has no requirement of publication for special assessments.

Sincerely,

A handwritten signature in cursive script that reads "Chris Swope".

Chris Swope, CMC
Lansing City Clerk

INTRODUCTION OF ORDINANCE

_____ introduced:

An Ordinance of the City of Lansing, Michigan to amend Chapter 1026, Special Assessments, Section 1026.06, Assessment Procedure, to eliminate the requirement that notice be published in a daily newspaper of the City.

The Ordinance is referred to the _____

RESOLUTION SETTING PUBLIC HEARING

BY _____

RESOLVED BY THE CITY COUNCIL, CITY OF LANSING, that a public hearing be set for _____ at 7:00 p.m. in the City Council Chambers, 10th Floor Lansing City Hall, 124 W. Michigan Ave., Lansing, MI for the purpose of considering An Ordinance of the City of Lansing, Michigan to amend Chapter 1026, Special Assessments, Section 1026.06, Assessment Procedure, to eliminate the requirement that notice be published in a daily newspaper of the City.

Interested Persons are invited to attend this Public Hearing

1 (b) *Assessing Costs; Assessment Roll.* Pursuant to the order of Council, the City
2 Assessor shall make an assessment roll for the lands within the portion of the
3 City so designated showing the amount of expense, in case of construction of
4 sewers and drains, of the opening of streets or alleys, or of any other
5 improvement, except as hereinafter provided in this subsection, in proportion as
6 nearly as possible to the benefits which each person is deemed to acquire by
7 the making of such improvement, and in case of grading, graveling, paving and
8 all other street improvements, according to foot frontage. The Assessor shall
9 make out an assessment roll which shall include the names of the owners or
10 parties in interest of such lands, as shown from the Assessor's records, the
11 description of the property assessed, and the amount assessed to each person
12 respectively.

13 In case any lot or parcel of real estate belongs to a nonresident owner or party
14 of interest, or the owner or party of interest is unknown, the same shall be
15 entered accordingly, with a description of such lot or premises, as is required by
16 law in assessment rolls made by the City Assessor, with the amount assessed
17 thereon. The assessment roll shall be subscribed by the City Assessor and
18 returned within two weeks to Council, unless such time is extended by
19 resolution of Council.

20 (c) *Hearings on Assessment Roll.*

21 (1) Upon the making and filing of the assessment roll, as required in subsection
22 (b) hereof, Council shall hold a public hearing before the roll is
23 confirmed. ~~The City Clerk shall cause notice of the public hearing to be~~

1 published, not more than twenty days and not less than ten days before
2 such hearing, in a daily newspaper of the City. The notice shall contain the
3 following:

4 A. ~~The time and place of the hearing;~~

5 B. ~~A description of the section or area of the City determined by Council to~~
6 ~~be within the assessment district as contained in the special~~
7 ~~assessment roll;~~

8 C. ~~Where the special assessment roll is on file and may be examined;~~

9 D. ~~That any person aggrieved by the assessment as contained in the~~
10 ~~special assessment roll, or the necessity of the improvement, may file a~~
11 ~~written objection thereto which must be delivered to the City Clerk prior~~
12 ~~to the close of the hearing, or the person may appear and protest the~~
13 ~~same at the public hearing in person or by his or her representative;~~

14 E. ~~That the appearance and protest or written protest in the manner~~
15 ~~described is required if the person desires to appeal the amount of the~~
16 ~~assessment to the Michigan Tax Tribunal; and~~

17 F. ~~That any appeal to the Michigan Tax Tribunal must be taken within~~
18 ~~thirty days of the confirmation of the special assessment roll, provided a~~
19 ~~protest was timely made.~~

20 (2) ~~In addition, the~~ THE CITY Clerk shall give notice of hearings in special
21 assessment proceedings to each owner of, or party in interest in, property
22 to be assessed, whose name appears upon the last local tax assessment
23 records, by first class mail addressed to such owner or party at the address

1 shown on the tax records, at least ten days before the date of such hearing.

2 As used in this section, "last local tax assessment records" means the last
3 assessment roll for ad valorem tax purposes that has been reviewed by the
4 local board of review, as supplemented by any subsequent changes in the
5 names and addresses of owners or parties listed thereon. Notice given
6 under this subsection shall comply with any mandatory statutory provision
7 governing the same.

8 (3) Where any person claims an interest in real property whose name and
9 correct address do not appear upon the last local tax assessment records,
10 he or she shall be obligated to file immediately his or her name and address
11 with the City Assessor and to provide evidence acceptable to the City
12 Assessor that he or she is entitled to be the taxpayer of record. The
13 Assessor shall immediately enter on the local tax assessment records any
14 changes in the names and addresses of owners or parties in interest filed
15 with him or her and shall at all times keep such tax assessment records
16 current, complete and available for public inspection.

17 (4) On the day appointed for the hearing and on such other days as the hearing
18 may be adjourned to, Council shall receive all written protests and hear the
19 allegations and proofs of all persons who appear and protest the
20 assessment. Council may rectify and amend such assessment roll in whole
21 or in part, or may set such roll aside and direct a new assessment, either by
22 the same person or by such other person as Council appoints for that
23 purpose. In such case, the same proceedings as are herein provided for the

1 first order of assessment shall be conducted for the new assessment, or
2 Council may ratify and confirm such assessment roll without any corrections
3 or with such corrections therein as it may deem proper.

4 (d) *Correction of Deficient or Excessive Assessment.* If the estimated expense of
5 the improvement was used to establish the special assessment and the special
6 assessment proves insufficient to pay for the improvement or work for which it
7 was levied, and for the expenses incident thereto, Council may, within the
8 limitations prescribed for such assessments, make an additional pro rata
9 assessment to supply the deficiency. If a larger amount is collected than is
10 necessary, the excess shall be refunded ratably to those by whom it was paid.

11 (e) *Liens on Property for Assessments.* When any special assessment for public,
12 local or other improvements, or for any other purpose authorized by ordinance,
13 has been made, as provided in this chapter, and the tax roll for such
14 assessment is delivered to the City Treasurer for collection, the assessment
15 shall be a lien upon the premises upon which it was assessed from and after
16 the date of the warrant for the collection thereof. The Treasurer may levy on
17 and collect such tax from any personal property in the possession of the person
18 charged with such tax, or in any other manner permitted by law.

19 If the assessment is not paid, the Treasurer shall, within five days after the time
20 prescribed by the warrant for the collection thereof has expired, make a report
21 to the City Clerk of the sum and interest, as the case may be, due and so
22 remaining unpaid, which has not been collected, together with a description of
23 the premises assessed for such unpaid taxes. The Clerk, within five days

1 thereafter, shall, in like manner, notify the City Assessor of the amount of such
2 taxes, and the description of the premises assessed and charged with such tax,
3 who shall assess such unpaid taxes on such premises, in the tax roll of the
4 proper ward next thereafter to be made.

5 Real property exempt from taxation by law shall nevertheless, with or without
6 valuation, be subject to taxation for special improvements, the same as other
7 property. Such tax or taxes shall then be levied, collected and returned, and the
8 premises may be sold or forfeited for nonpayment of the ordinary City taxes.

9 (f) *Interest-Bearing Notes for Street Paving Taxes.* Council may direct and
10 authorize the Mayor and the City Clerk to issue and negotiate for and on behalf
11 of the City, not exceeding five percent per annum, interest-bearing notes, with
12 interest at market rates and as shall be permitted by law, free of taxation, for the
13 aggregate amount of any paving taxes, the time for the payment of which has
14 been extended beyond the year of the date of the original warrant for their
15 collection. Such notes shall be made payable at the office of the City Treasurer
16 and fall due at such times as Council shall determine such taxes can be
17 collected, and the proceeds of such notes shall be deposited with the
18 Treasurer, and disbursed thereby on the order of Council, in payment of the
19 cost and expenses of any pavement on account of which such notes have been
20 issued, and for no other purpose whatsoever. The proceeds of such extended
21 taxes, when collected, shall be used for the payment of such notes and for no
22 other purpose whatsoever.

1 (g) *Invalid Assessments; Reassessments.* Whenever any special assessment to
2 defray the expense of any improvement is invalid, in the opinion of Council,
3 Council may vacate and set the same aside. When any such special
4 assessment is so vacated, or is held invalid by the judgment or decree of any
5 court of competent jurisdiction, Council may, from time to time until a valid
6 assessment is made, cause a new assessment to be made for the purpose for
7 which the original assessment was made and in the manner provided for
8 making the original assessment.

9 Whenever the tax or any part thereof assessed upon any lot or parcel of real
10 estate by the original assessment set aside or held invalid as aforesaid has
11 been paid, and is not refunded, the City Treasurer shall apply such payment
12 upon the reassessment on the lot or parcel of real estate and make a notation
13 thereof upon the new assessment roll. Such reassessment shall, to the extent
14 of such payment, be deemed paid and satisfied, after which no part of the
15 amount paid on the original assessment shall be refunded, unless the amount
16 paid as aforesaid exceeds the amount of the reassessment, in which case the
17 excess shall be refunded, and the person or his or her legal representative who
18 paid such amount shall be entitled to the amount to be refunded.

19 All the provisions of this chapter making special assessments a lien upon the
20 lots and parcels of real estate enforced therein, and also those relating to the
21 collection of special assessments, shall apply to such reassessments.

22 This section shall apply to assessments made before, as well as after, the
23 effective date of this section.

1 (h) *New Warrants of Collection.* Whenever any special assessment has not been
2 collected within the life of the Mayor's warrant affixed to the assessment roll,
3 and is not vacated or held invalid, the Mayor may affix a new warrant to such
4 assessment roll, extending the time for the collection of the assessment so long
5 as Council directs. The Mayor may continue to affix new warrants to any
6 assessment roll, from time to time, under the direction of Council, until the
7 assessment is collected or returned.

8 Whenever any special assessment roll is hereafter ratified and confirmed, the
9 time of payment of such special assessment is not extended over a term of
10 years, and such special assessment is not collected within the life of the
11 Mayor's first warrant affixed to such special assessment roll and is not vacated
12 or held invalid, there shall be added to, paid and collected with such tax or
13 assessment on each particular parcel or description of land, or any undivided
14 share thereof, a penalty of four percent at the time of the expiration of the
15 Mayor's first warrant affixed to such roll, together with interest at one-half
16 percent per month, computed from the date of confirmation thereof, until paid or
17 required by law to be returned as delinquent to the County Treasurer.

18 (i) *Assessment of Nonresidents' or Unoccupied Lands.* The lands of nonresidents
19 and unoccupied lands of the City may be assessed their just proportion of the
20 expenses of all improvements in the City, in the same manner and in the same
21 amounts as assessments for improvements of other lands.

22 (j) *Assessment of State Land.* The Board of State Auditors shall allow the City
23 moneys in proportion to the assessment upon adjoining property for any

1 improvements made under this chapter upon any street upon which any block
2 or parts of a block of land belonging to the State abut. The Auditor General, on
3 the presentation to him or her of any such account duly allowed, shall draw his
4 or her warrant on the State Treasurer therefor.

5 (k) *Application of Section.* The provisions of this section are applicable to all public
6 improvements permitted by law, including, but not limited to, streets, sidewalks,
7 drains, sewers, malls and promenades.

8 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or
9 rules, inconsistent with the provisions hereof are hereby repealed in their entirety and
10 shall be void and of no effect.

11 Section 3. Should any section, clause or phrase of this Ordinance be declared to
12 be invalid, the same shall not affect the validity of the ordinance as a whole, or any part
13 thereof, other than the part declared to be invalid.

14 Section 4. This Ordinance shall take effect on the 30th day after enactment
15 unless given immediate effect by the City Council.