AGENDA
Committee on Public Services
Monday, April 24, 2017 @ 4:30 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**
   - April 7, 2017

4) **Discussion/Action:**

   A.) Ordinance; Special Assessment Notice Requirement Amendment
   Chapter 1026; Section 1026.06

   B.) RESOLUTION – Public Improvement V – Assessment Roll B-095 for 2015 Sidewalk Repair

5) **Adjourn**

MINUTES
Committee on Public Service
Friday, April 7, 2017 @ 3:30 p.m.
City Hall, Conference Room, 10th Floor

CALL TO ORDER
The meeting called to order at 3:33 p.m.

ROLL CALL
Councilmember Kathie Dunbar, Chair
Councilmember Carol Wood, Vice Chair
Councilmember Tina Houghton, Member-arrived at 3:40 p.m.
Dean Johnson, Public Service

OTHERS PRESENT
Sherrie Boak, Council Staff
Dean Johnson, Public Service
Mary Ann Prince
Brett Kaschinske, Parks and Recreation Director
Brandon Wadell, Assistant City Attorney

Minutes
MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM MARCH 17, 2017 AS PRESENTED. MOTION CARRIED 2-0.

Public Comment
No comments.

Discussion/Action:
RESOLUTION –Decertification of Vacated Street Segments, Removal of Act 51 Street System
Mr. Johnson outlined for the Committee that the ACT 51 is a State Act where every public street that is administered by the State under that ACT receives funds from the return of the gas tax in proration to the population and number of miles. ACT 51 requires municipalities to update their maps, and in doing so the City discovered streets that had been vacated and needed to be removed from the amp. Mr. Johnson distributed maps and photos of each area being removed, as noted in the resolution.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION FOR THE DECERTIFICATION OF THE VACATED STREET SEGEMENTS AND REMOVAL FROM THE ACT 51 STREET SYSTEM. MOTION CARRIED 3-0.

Council staff was asked to place the location maps of the streets in the Council packets for the meeting.

RESOLUTION – Dedication of Multipurpose Athletic Complex to Honor Willard Walker
Mr. Kaschinske clarified that the dedication was for the Multipurpose Athletic Complex not a renaming of the entire Risdale Park. He then outlined the project itself for the complex which include phase 1 of parking lot, bleachers, a press box, scoreboard, irrigation, and fencing. Phase 2 would consist of the bathrooms and concessions. A potential 3rd phase would be a walking path.

The Committee held discussions with Mr. Kaschinske on the overall layout and plan of the complex project.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO SET THE PUBLIC HEARING FOR MAY 15, 2017. MOTION CARRIED 3-0.

RESOLUTION – Renaming of Westside Park to Rudy and Dorothy Wilson Park
Mr. Kaschinske informed the Committee that the Westside Park would be renamed Rudolph and Dorothy Wilson Park. The Committee, with a consensus, to correct the resolution in the last WHEREAS, to state "Rudolph" instead of "Rudy'.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO SET THE PBULI HEARING FOR MAY 15, 2017 WITH THE CORRECTION. MOTION CARRIED 3-0.

Council staff confirmed the hearings will be held on May 15, 2017, back to Committee on May 19 and final adoption on May 22, 2017. The Committee asked Mr. Kaschinske to inform the families of the final adoption date.

Ms. Prince asked what the cost of the sports complex in Risdale would be and where the funds would be coming from. Mr. Kaschinske did not have the exact amount but stated the funds would be from the Community Development Block Grant through HUD and the design was done with funds from the City millage.

ADJOURN
The meeting was adjourned at 4:15 p.m.
Submitted by, Sherrie Boak
Recording Secretary
Lansing City Council
Approved:_____________________

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,

Chris Swope

Chris Swope, CMC
Lansing City Clerk

ORDINANCE NO: ________

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 CITY OF LANSING ORDAINS:

SECTION 1. That Section 1026.06 of Chapter 1026 of the Lansing Codified Ordinances ("Code") be amended to read as follows:

1026.06. - Assessment procedure.

The assessment procedure for public improvements assessed according to this chapter shall be as follows:

(a) *Estimating and Apportioning Cost; Petition for Grading Street.* Whenever Council determines that the whole or any part of the expense of public improvements shall be defrayed by an assessment on the lands to be benefited thereby, and to the owners of or the parties in interest thereof, it shall declare the same by an entry in its minutes. After ascertaining, as it may think proper, the estimated or final expense of such improvement, Council shall declare by any entry in its minutes whether the whole, or what portion thereof, shall be assessed to such owners or parties in interest, specifying the sum to be assessed and the portion of the City which it deems to be benefited by such improvements.

The cost and expenses of making estimates, plans and assessments incidental thereto shall be included in the estimated expense of such improvement.

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

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

(c) *Hearings on Assessment Roll.*

(1) Upon the making and filing of the assessment roll, as required in subsection (b) hereof, Council shall hold a public hearing before the roll is confirmed. ~~The City Clerk shall cause notice of the public hearing to be published, not~~

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

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

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

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

~~D. That any person aggrieved by the assessment as contained in the special assessment roll, or the necessity of the improvement, 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;~~

~~E. 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; and~~

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

(2) ~~In addition, the~~ THE CITY 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~~ TWELVE days before the date of

such hearing. As used in this section, "last local tax assessment records" means the last assessment roll for ad valorem tax purposes that has been reviewed by the local board of review, as supplemented by any subsequent changes in the names and addresses of owners or parties listed thereon. Notice given under this subsection shall comply with any mandatory statutory provision governing the same. THE NOTICE SHALL CONTAIN THE FOLLOWING:

A. THE TIME AND PLACE OF THE HEARING;

B. A DESCRIPTION OF THE SECTION OR AREA OF THE CITY DETERMINED BY COUNCIL TO BE WITHIN THE ASSESSMENT DISTRICT AS CONTAINED IN THE SPECIAL ASSESSMENT ROLL;

C. WHERE THE SPECIAL ASSESSMENT ROLL IS ON FILE AND MAY BE EXAMINED;

D. THAT ANY PERSON AGGRIEVED BY THE ASSESSMENT AS CONTAINED IN THE SPECIAL ASSESSMENT ROLL, OR THE NECESSITY OF THE IMPROVEMENT, 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;

E. 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; AND

F. THAT ANY APPEAL TO THE MICHIGAN TAX TRIBUNAL MUST BE TAKEN WITHIN THIRTY DAYS OF THE CONFIRMATION OF THE SPECIAL ASSESSMENT ROLL, PROVIDED A PROTEST WAS TIMELY MADE.

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

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

Council may ratify and confirm such assessment roll without any corrections or with such corrections therein as it may deem proper.

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

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

If the assessment is not paid, the Treasurer shall, within five days after the time prescribed by the warrant for the collection thereof has expired, make a report to the City Clerk of the sum and interest, as the case may be, due and so remaining unpaid, which has not been collected, together with a description of the premises assessed for such unpaid taxes. The Clerk, within five days thereafter, shall, in like manner, notify the City Assessor of the amount of such taxes, and the description of the premises assessed and charged with such tax, who shall assess such unpaid taxes on such premises, in the tax roll of the proper ward next thereafter to be made.

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

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

(g) *Invalid Assessments; Reassessments.* Whenever any special assessment to defray the expense of any improvement is invalid, in the opinion of Council,

Council may vacate and set the same aside. When any such special assessment is so vacated, or is held invalid by the judgment or decree of any court of competent jurisdiction, Council may, from time to time until a valid assessment is made, cause a new assessment to be made for the purpose for which the original assessment was made and in the manner provided for making the original assessment.

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

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

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

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

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

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

(j) *Assessment of State Land.* The Board of State Auditors shall allow the City moneys in proportion to the assessment upon adjoining property for any improvements made under this chapter upon any street upon which any block or parts of a block of land belonging to the State abut. The Auditor General, on the presentation to him or her of any such account duly allowed, shall draw his or her warrant on the State Treasurer therefor.

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

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

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

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

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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)

Virg Bernero, Mayor

TO: City Council President Patricia Spitzley and Councilmembers

FROM: Mayor Virg Bernero

DATE: 4-7-17

RE: Public Improvement V: Assessment Roll B-095 2015 Sidewalk Repair

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

VB/rh
Attachment

Virg Bernero, Mayor

City of Lansing

Inter-Departmental Memorandum

To: Virg Bernero, Mayor

From: Mitchell Whisler, Assistant City Engineer

Subject: CITY COUNCIL AGENDA ITEM - Public Improvement V: Assessment Roll B-095 2015 Sidewalk Repair

Date: April 5, 2017

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.

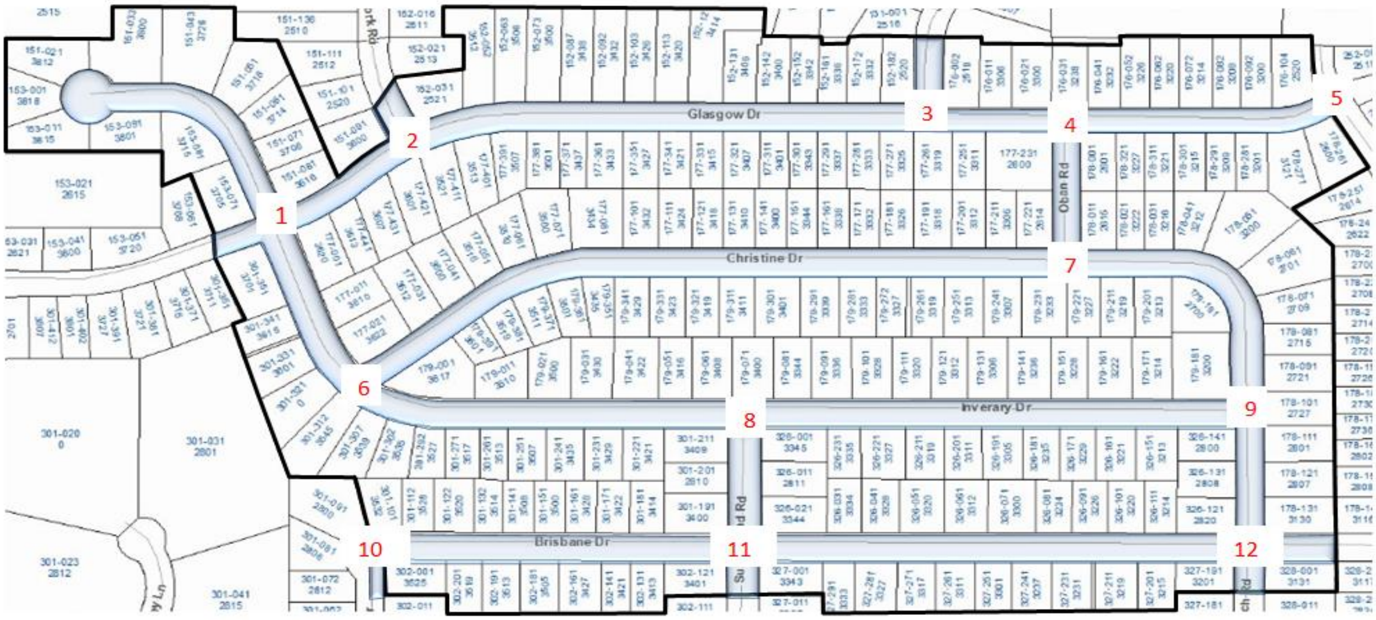
Attachments

Virg Bernero, Mayor

PUBLIC SERVICE DEPARTMENT

Engineering Division
732 City Hall
124 West Michigan Avenue
Lansing, Michigan 48933
(517) 483-4455
FAX: (517) 483-6082
http://publicservice.cityoflansingmi.com

SUBJECT: Public Improvement V, 2015 - Sidewalk Repair Project Map, PS# 01113



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

PUBLIC IMPROVEMENT V

WHEREAS, it was deemed to be a public necessity to repair Sidewalk in the areas described below, and

WHEREAS, the construction of PS #01113, known as the 2015 SIDEWALK REPAIR Construction Project, has been completed, and

WHEREAS, changes to the Assessment Roll have been conveyed to the City Assessor Roll # B-095, as ratified by City Council, and

WHEREAS, there was an error in the reported estimated cost of $41,152.90 assessable to the property owner(s) in Resolution #2015-223, and

WHEREAS, the reported estimated cost assessable to the property owner should have stated $40,574.64, and

WHEREAS, the benefitted properties are as follows:

PROPERTY BENEFITTED:

SIDEWALK:

- Glasgow Drive (from Deerfield Avenue to Inverary Drive); and
- Christine Drive (from Norwich Road to Inverary Drive); and
- Inverary Drive (from Norwich Road to Glasgow Drive); and
- Brisbane Drive (from Norwich Road to Averill Drive); and
- Oban Road (from Christine Drive to Glasgow Drive); and
- Sunderland Road (from Brisbane Drive to Inverary Drive);

Excepting all public streets and alleys and other land deemed not benefited.

ROLL B-095	ESTIMATED COST	ACTUAL COST	DIFFERENCE
2015 Sidewalk Repair	$40,574.64	$37,390.68	($3,183.96)

RESOLVED, by the City Council of the City of Lansing, that the supplementary Special Assessment Roll B-095, Public Service # 01113, known as 2015 SIDEWALK REPAIR CONSTRUCTION Project, as returned by the City Assessor be and the same is hereby ratified and confirmed, and that the Mayor be and hereby is directed to affix within ten days, his warrant directing the City Treasurer to adjust the assessments of all persons who have paid said tax as originally assessed to pro rata amount of difference as shown in said supplementary roll, and collect all unpaid tax as shown on said roll 90 days after approval.