



MINUTES
Committee on Public Service
Monday, December 14, 2020 @ 3:00 p.m.

<https://us02web.zoom.us/j/84668800606> ; ID: 846 6880 0606; Dial In: (646) 876 9923

held virtually in an effort to protect the health and safety of the public & to mitigate the spread of COVID 19

CALL TO ORDER

The meeting was called to order at 3:02 p.m. by Council Member Spitzley

ROLL CALL-via remote audio/video

Council Member Dunbar, Chair, unexcused

Council Member Spitzley, Vice Chair remotely from Lansing, Michigan

Council Member Spadafore, Member remotely from Lansing, Michigan

OTHERS PRESENT

Sherrie Boak, Council Office Manager

Lisa Hagen, Assistant City Attorney

Andy Kilpatrick, Director of Public Service

Sean Zielinski

Chris Umphlett

Dan Dekker

Greg Venker, OCA

Dan Dekker

Chris Umphlett

Pat Barnes

Minutes

MOTION BY COUNCIL MEMBER SPADAFORE TO APPROVE THE MINUTES FROM NOVEMBER 9, 2020 AS PRESENTED. ROLL CALL VOTE, MOTION CARRIED 2-0.

Public Comment

Mr. Zielinski spoke on his property at 3328 and 3312 Melody Lane, and an email he sent earlier on his special assessment.

Mr. Umphlett voiced his concerns that he was not aware of all the meetings and was opposed to the process of appeals.

Mr. Dekker, 1110 Shelter Lane, did not speak in opposition to his assessment, but the special assessment project in general for all residents.

Mr. Fisher, referenced a topographical survey of his property that was sent to Council earlier.

Discussion

RESOLUTION – Montgomery Drain Special Assessment

Council Member Spitzley began by noting the required public hearing was held on 11/9/2020, and Council Member Spadafore and Betz held a neighborhood outreach meeting. The appeals were referred to this Committee on 11/30/2020 where the claimants have their second time to voice their appeal. Council Member Spadafore noted this process is the same that is used for snow and ice removal appeals, and other assessment appeals. Council Member Spitzley asked for confirmation on the adoption of the roll tonight and Council Member Spadafore confirmed.

33-01-01-11-429-311; No representation present. Mr. Kilpatrick outlined the calculation was based on the drainage factors, and the approach was taken for the overall City with a land use factor. Commercial properties are at .9 and residential at .4 which determinations were also based on parcel size.

Council Member Spitzley asked Mr. Kilpatrick during each appeal, to state staffs determination on if there is merit to the appeal. Mr. Kilpatrick stated that in this appeal, he did not see merit to the appeal based on what was submitted.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL BASED ON THE RECOMMENDATION BY PUBLIC SERVICE.

Mr. Kilpatrick went onto explain that the City developed a methodology that can stand up to equally applicable and stand up in court, therefore the Committee cannot adjust numbers, as a compassionate decision because then it would not have a fairness standard applied to all properties. Both Council Members stated their appreciation to Mr. Kilpatrick for reviewing all the appeals.

ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-476-111/33-01-01-11-476-131; Mr. Zielinski was present to speak. First Mr. Kilpatrick acknowledged these were duplexes next each other and with the information from the Drain office, .9 was applied because they are commercial properties. Mr. Zielinski appealed that they were residential homes and should be treated as such. Mr. Kilpatrick again stated they used the Drain Commission calculations and they do take a factor for roofs, lawns, patios, and driveways. He added is for the land use for a parcel size, rounded down, and they review water quality and quantity. For the assessments it was based on the benefit. Council Member Spadafore asked if the appeals had merit, and Mr. Kilpatrick stated that as far as evaluating the factors it is close to the numbers on the roll. Council Member Spitzley made note that the process is already into the end steps and it is difficult to add in other factors based on size, etc. and asked Mr. Kilpatrick if the assessment has changed what it would be, and did the appeal have merit. Mr. Kilpatrick stated the factor for the size of this parcel was applied correctly, therefore no change in the assessment. Mr. Zielinski did agree based on the factors and calculations laid out. However the residents want to be heard about if they are getting charged for the quantity of the water into the system. Council Member Spadafore explained if they used different factors for this property, they would have to do that for every parcel and that would mean each property would be looked at differently. This group is not the body that would determine if different factors need to be considered.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEALS FOR 3328 MELODY AND 3312 MELODY. ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-430-282; Mr. Barnes was present and referenced his appeal, outlining his argument on why he thought the assessment was excessive. Mr. Kilpatrick responded that the factor was appropriate to the parcel size.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL BASED ON THE CALCULATIONS AND FACTORS DETERMINED BY PUBLIC SERVICE. ROLL CALL VOTE, MOTION CARRIED 2-0.

Council Member Spitzley asked staff to confirm during the appeals that the factors were appropriately and consistently applied to the property.

33-01-01-11-429-241 Chris and Christine Umphlett were present. Mr. Kilpatrick noted the factor was .28 and they understand the owners took lawn into effect, however lawns do create a runoff. Mr. Umphlett confirmed his calculations were based on impervious areas, and noted that he believed no appeals will be granted based on technical suggestions. Mr. Kilpatrick supported the factors that were used in the assessment.

MOTION BY COUNCIL MEMBER SPADADFORE TO DENY THE APPEAL. ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-430-311; No representation present. Mr. Kilpatrick referenced the appeal, which cited a financial hardship. Mr. Kilpatrick stated that cannot be considered.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL. ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-427-151; Mr. Kilpatrick referenced the appeal, stating it was general appeal. Mr. Fisher referenced a survey he sent to Council. Mr. Kilpatrick responded that based on size and land use of parcel the calculation was correct. Council Member Spitzley asked if topographical information was being considered, at which Mr. Kilpatrick stated topographical is not considered, nor soil type. That does not factor into the general factor. Mr. Fisher referenced the language on the assessment roll itself. Mr. Kilpatrick explained they are using the rational method for runoff calculations, general size land use factors based on type, and not per parcel individual calculations. Mr. Fisher again appealed for a justification on the benefit. Mr. Kilpatrick clarified that the City had to use the calculations from the Drain Commissioner and Ingham County Drain office. Council Member Spadafore asked Mr. Kilpatrick if staff needs to be clear that it is the land use factor that is determining the cost, and Mr. Kilpatrick agreed. Mr. Spadafore explained to the public that if the City started adjusting to each property, then each parcel is adjusted differently. The question that needs to be answered by staff for each appeal, is whether the factor was correctly applied, and if the appeal has merit.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-451-021; No representation present. Mr. Kilpatrick confirmed his office looked individual parcels and came up with the same factor that was applied.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE, MOTION CARRIED 2-0

33-01-01-11-430-031 No representation present. Mr. Kilpatrick referenced the email from the claimant, in which it stated their appeal was because they thought the drain district was of benefit to Frandora Hills.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE, MOTION CARRIED 2-0

33-01-01-11-428-022; No representation present. Mr. Kilpatrick referenced the appeal which stated no residents should pay, so there was no merit to the appeal.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE, MOTION CARRIED 2-0

33-01-01-11-429-301; No representation present. Mr. Kilpatrick confirmed the calculations were applied correctly and no merit to the appeal.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE,
MOTION CARRIED 2-0

33-01-01-11-430-191; No representation present. Mr. Kilpatrick confirmed the correct calculations and no merit to the appeal.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE,
MOTION CARRIED 2-0

33-01-01-11-429-291; No representation present. Mr. Kilpatrick stated there was no merit to the appeal.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE,
MOTION CARRIED 2-0.

Two appeals on the list were voicemail messages with no details.

33-01-01-11-430-401; No representation present. Mr. Kilpatrick noted the appeal was financial hardship, is a residential spot and not a rental, and did not see merit in the appeal.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE,
MOTION CARRIED 2-0.

33-01-01-13-151-014/33-01-01-13-151-023/33-01-01-14-226-021; No representation present. Mr. Kilpatrick stated that they are appeals in general with the assessment, with no merit.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL FOR 33-01-01-13-151-014.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL FOR 33-01-01-13-151-023.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL FOR 33-01-01-14-226-021.
ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-14-430-471; No representation present. Mr. Kilpatrick recommended denial.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM. ROLL CALL VOTE,
MOTION CARRIED 2-0.

33-01-01-14-226-015/33-01-01-14-226-051/33-01-01-13-151-028/33-01-01-13-151-024/33-01-01-13-151-00233-01-01-13-151-002; No representation present. Mr. Kilpatrick stated the appeals are general to the overall assessment.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM FOR 33-01-01-14-226-015.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM FOR 33-01-01-14-226-051.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM FOR 33-01-01-14-226-001.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM FOR 33-01-01-13-151-038.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM FOR 33-01-01-13-151-034.
ROLL CALL VOTE, MOTION CARRIED 2-0.
MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE CLAIM FOR 33-01-01-13-151-002.
ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-476-053/33-01-01-11-476-062; No representation present. Mr. Kilpatrick explained that this appeal was actually that they "did not get the storm water credit". After review it was found that

they did not get the credit given to other properties. The City was provided with the agreement with Ingham County Drain office, therefore the City 10% for other parcels, so in this case the City does recommend the same approach. Council Member Spadafore asked if the appeal should be granted, and Mr. Kilpatrick confirmed they did not get the credit they stated they were to get, and therefore appealing this amount.

MOTION BY COUNCIL MEMBER SPADAFORE TO GRANT THE APPEAL BASED ON CONFIRMATION THAT THE PARCELS NEVER GOT THE STORM WATER CREDIT.

Mr. Kilpatrick confirmed the roll would be amended before Council to reflect it. Council Member Spadafore stated she was not comfortable on the motion because in this case Committee was not in the position to consider. Council Member Spadafore suggested denying the appeal, and then get a new roll at Council. The factors to consider are if the City is appropriately applying the factors and formulas that were applied to everyone else. It has been articulated that these two parcels were not appropriately assessed because the City was not aware they had not gotten a storm credit. Council Member Spadafore supported his earlier motion to grant the appeal.

ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-430-292; Mr. Hoffman restated his written appeal, asking for what the benefit to the owners that receive this is, over and above those that are not paying. Mr. Kilpatrick explained there is a benefit on the rain water and the City is taking care of storm water in the storm drain before it gets discharged into the red cedar. Mr. Hoffman again asked for the benefit compared to neighbors and other residents of the City. Council Member Spadafore noted that half the overall assessment is being paid by everyone in the City, and that amount is different than the individual home and business assessments.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL. ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-429-261; No representation present. Mr. Kilpatrick confirmed it was a general appeal, and therefore has no merit.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL. ROLL CALL VOTE, MOTION CARRIED 2-0.

33-01-01-11-429-261; No representation present. Mr. Kilpatrick stated the appeal was towards the calculations and so the staff reviewed the calculations, and believe they are what they should be.

MOTION BY COUNCIL MEMBER SPADAFORE TO DENY THE APPEAL. ROLL CALL VOTE, MOTION CARRIED 2-0.

Mr. Kilpatrick asked the Committee to address the revisions on the roll. Council Member Spitzley asked for a discussion at the Council meeting so all members can hear it. Mr. Kilpatrick explained that there were 10 residential parcels that were given a lower factor than they should have and because of that everyone with a credit, \$200-\$1,000. The recommendation is to not increase those 10 parcels, but the City will cover that error over 30 years, which is \$5,000. With the two that were just amended because of the missing storm water credit, and the other amendments, the total assessed is \$41,000. This would come from the GF Storm Water account over 30 years.

MOTION BY PETER TO APPROVE THE REVISED ROLL WITH RECOMMENDATION TO COUNCIL TO PASS, AND WHAT EVER HAS TO BE DONE WITH CALCULATION IN GF OVER NEXT 30 YEARS. ROLL CALL VOTE, MOTION CARRIED 2-0.

RESOLUTION – Introduction & Set Public Hearing; Ordinance Amendment Chapter 608 Section 608.04; Allow Consumption of Alcoholic Beverages on Public Property in Social District

Council Member Spadafore explained this is an ordinance change that does not have an urgent timeline, and does not need to be handled at this time. Council Member Spitzley agreed to move it to the first Committee meeting in 2021.

ADJOURN

The meeting was adjourned at 4:43 p.m.

Submitted by Sherrie Boak,

City Council Office Manager, Recording Secretary

Lansing City Council

Placed on File: February 17, 2021