

AGENDA
SPECIAL MEETING – HUTCHINSON CITY COUNCIL
TUESDAY, MAY 31, 2005

1. **CALL TO ORDER – 5:00 P.M.**

2. **NEW BUSINESS**

- (a) LETTING NO. 4, PROJECT NO. 05-04 & 05-05 (DOWNTOWN STREETScape) – DECLARING COST TO BE ASSESSED, ORDERING PREPARATION OF PROPOSED ASSESSMENT AND SETTING HEARING ON PROPOSED ASSESSMENT

Action – Motion to reject – Motion to approve

- (b) DISCUSSION OF MOSQUITO CONTROL SPRAYING OPERATIONS

Action –

3. **MISCELLANEOUS**

- (a) COMMUNICATIONS

4. **ADJOURN**

**RESOLUTION NO. 12720
RESOLUTION DECLARING COST TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT**

**ASSESSMENT ROLL NO. 5074
LETTING NO. 4
PROJECT NO. 05-04 & 05-05**

WHEREAS, cost has been determined for the improvement of:

- 05-04 Main Street between 1st Avenue N and 4th Avenue S by construction of concrete sidewalk, street lights, traffic signal system revisions, landscaping, restoration and appurtenances, and
- 05-05 Washington Avenue West between Main Street S and Franklin Street SW by construction of concrete sidewalk, street lights, watermain, storm sewer, landscaping, restoration and appurtenances,

and the bid price for such improvement is \$ _____ and the expenses incurred or to be incurred in the making of such improvement amount to \$ _____ so that the total cost of the improvement will be \$ _____.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTCHINSON, MINNESOTA:

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$ _____ and the portion of the cost to be assessed against benefited property owners is declared to be \$ _____.

2. Assessments shall be payable in equal annual installments extending over a period of 10 years, the first of the installments to be payable on or before the first Monday in January, 2006 and shall bear interest at the rate of ____ percent per annum from November 1, 2005.

3. The City Administrator, with the assistance of the Director of Engineering, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and he shall file a copy of such proposed assessment in his office for public inspection.

4. The City Administrator shall, upon the completion of such proposed assessment, notify the Council thereof.

Adopted by the Council this 31st day of May 2005.

Mayor

City Administrator

2(a)

**RESOLUTION NO. 12721
RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT**

**ASSESSMENT ROLL NO. 5074
LETTING NO. 4
PROJECT NO. 05-04 & 05-05**

WHEREAS, by a resolution passed by the Council on the 31st day of May, 2005, the Director of Engineering was directed to prepare a proposed assessment of the cost of improving:

- 05-04 Main Street between 1st Avenue N and 4th Avenue S by construction of concrete sidewalk, street lights, traffic signal system revisions, landscaping, restoration and appurtenances, and
- 05-05 Washington Avenue West between Main Street S and Franklin Street SW by construction of concrete sidewalk, street lights, watermain, storm sewer, landscaping, restoration and appurtenances,

WHEREAS, the Director of Engineering has notified the Council that such proposed assessment has been completed and filed in his office for public inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTCHINSON, MINNESOTA:

1. A hearing shall be held on the 14th day of June 2005, in the Council Chambers at Hutchinson City Center at 6:30 P.M. to pass upon such proposed assessment and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.

2. The City Administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the improvement. He shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid by November 15th, 2005. He may at any time thereafter, pay to the City Administrator, the entire amount of the assessment remaining unpaid, with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

Adopted by the Council this 31st day of May 2005.

Mayor

City Administrator

PUBLICATION NO. 7340
NOTICE OF HEARING ON PROPOSED ASSESSMENT
ASSESSMENT ROLL NO. 5074
LETTING NO. 4
PROJECT NO. 05-04 & 05-05

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council will meet at 6:00 P.M. on the 14th day of June 2005, in the Council Chambers at City Hall at Hutchinson, Minnesota, to consider and possibly adopt, the proposed assessment for the improvement of:

- 05-04 Main Street between 1st Avenue N and 4th Avenue S by construction of concrete sidewalk, street lights, traffic signal system revisions, landscaping, restoration and appurtenances, and
- 05-05 Washington Avenue West between Main Street S and Franklin Street SW by construction of concrete sidewalk, street lights, watermain, storm sewer, landscaping, restoration and appurtenances,

Adoption by the Council of the proposed assessment against abutting property may occur at the hearing.

You may at anytime prior to certification of the assessment to the County Auditor, pay the entire assessment on such property, with interest accrued to the date of payment, to the City Administrator. No interest shall be charged if the entire assessment is paid by November 15th, 2005. You may, at anytime thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 15th or interest will be charged through December 31st of the succeeding year. If you decide not to prepay the assessment before the date given above, the rate of interest that will apply is 10 percent (plus or minus) per year. The right to partially prepay the assessment shall be until November 15, 2005.

The proposed assessment is on file for public inspection at the City Administrator's Office. The total amount of the proposed assessment is \$_____. Written or oral objections will be considered at the meeting.

No appeal may be taken as to the amount of an assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may, upon such notice, consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narratives or by examination, and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.

2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota rules of evidence will not be strictly applied; however, they may be considered and argued to the Council as to the weight of items of evidence or testimony presented to the Council.
5. The entire proceedings will be tape-recorded.
6. At the close of presentation of evidence, the objector may make a final presentation to the Council based on the evidence and the law. No new evidence may be presented at this point.

An owner may appeal an assessment to District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or City Administrator within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or City Administrator.

Under Minnesota Statutes, Section 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments. When deferment of the special assessment has been granted and is terminated for any reason provided in that law, all amounts accumulated, plus applicable interest, become due. Any assessed property owner meeting the requirements of the law and the resolution adopted under it, may within 30 days of the confirmation of the assessment, apply to the City Clerk, for the prescribed form for such deferral of payment of this special assessment on his property.

Gary D. Plotz, City Administrator
City of Hutchinson, Minnesota

**PUBLISHED IN THE HUTCHINSON LEADER ON TUESDAY, MAY 31ST, 2005 AND
TUESDAY, JUNE 7TH, 2005.**

2(a)