

**OXFORD COURT SPECIAL ASSESSMENT DISTRICT
MINUTES OF BOARD OF REVIEW - CITY OF MANISTEE
MEETING HELD AT CITY HALL, 70 MAPLE ST., MANISTEE MI
SEPTEMBER 20, 2011- 7: 00 P.M.**

A regular meeting of the Manistee City Council was called to order by his honor, Mayor Richard Mack on Tuesday, September 20, 2011 at 7:00 p.m. in the City Hall Council Chambers, 70 Maple Street, followed by the Pledge of Allegiance.

PRESENT: Colleen Kenny, Ed Cote, Robert Hornkohl, Ilona Haydon, Catherine Zaring, Richard Mack, and Alan Marshall.

ALSO PRESENT: City Manager – Mitch Deisch, City Attorney – George Saylor, City Clerk – Michelle Wright, City Assessor – Julie Beardslee, Community Development Director – Jon Rose, and Public Safety Director – Dave Bachman.

The public notice for this City Council Board of Review hearing was published in the Manistee News Advocate on September 9, 2011.

City Council adopted a resolution to establish a special assessment district for the Oxford Court Curb and Gutter Project on May 17, 2011, after a public hearing in response to the Initiatory Petition filed with the City by the majority of the homeowners with frontage on Oxford Court. Upon completion of the project the City Clerk certified the true copy of costs of \$14,865.84 or \$18.77 per front foot of Oxford Court, for curb and gutter in the District.

Chapter 208.06 (b) of the City Chapter requires City Council to act as the Board of Review, to hear appeals regarding the Oxford Court Special Assessment District. The City Assessor has certified and confirmed the Final Special Assessment Roll Oxford Court Special Assessment District to City Council, including Council's resolved directive that the special assessments shall be paid in seven (7) annual installments with interest accruing on the unpaid portion of the special assessment at the rate of 4.3% per annum. Council will further resolve to allow payment in full within thirty (30) days of the final adoption date of the resolution.

City Council will act as the Board of Review. The City Assessor, Julie Beardslee, will act as the Secretary of the Board of Review. An owner or party in interest, or his or her agent may appear in person at the Board of Review to protest the special assessment, or shall be permitted to file his or her appearance or protest by letter and his or her personal appearance shall not be required. Protests without letters require the filing of a Special Assessment Petition to the Board of Review and must be completed as a record of the protest.

Following the Board of Review an owner or any person having an interest in the real property may file a written appeal of the special assessment with the Michigan Tax Tribunal within thirty (30) days after the confirmation of the special assessment roll, by resolution, which is on the City Council agenda for consideration later this evening.

City Assessor Beardslee described the Board of Review process: citizens need to file a letter and/or petition to protest – same process as the July, December, or March Board of Review; Council must make a decision on each written protest tonight, or at another public meeting; allow people to ask questions, taxpayers can turn in written protest to City Assessor either a letter or special assessment petition, she would then present them to Council; taxpayers have 30 days to pay in full or seven years in annual installments; and a deferment is available for special assessments for those with age and income eligibility.

Marshall - Why this is happening now instead of last May?

Beardslee - It was just the special assessment district that was established last May. That allowed construction to occur.

Marshall - The job is already done, why petition now? Would the City have to pay?

Beardslee - Any decrease in the special assessment, the City would pay the difference.

Deisch –We are just following the protocol as to how the ordinance sets up a special assessment.

Beardslee - The idea behind a special assessment is the value added to the property is equal to the payment.

Marshall – We shouldn't see any protest except for one that didn't sign the petition.

Mayor Mack opened the City Council Board of Review hearing to receive citizen comments.

Ed Palsrok, 16 Oxford Court – We never received storm sewer, none was put in, and curb and gutter became the storm sewer by funneling the water to another street. Other people had curb and gutter put in and did not have to pay for it. Questions: 1) why aren't others getting assessed and 2) is there a policy on this?

Rose – A policy was established in the 1990's. Policy states that curb and gutter is added to a project if 1) it replaces current curb and gutter, 2) to provide storm water control, or 3) it is a major street. Oxford Court never had storm sewers, therefore is not included in the project. On at least two other streets property owners wanted curb and gutter but were too late for a special assessment. They paid for theirs out-of-pocket.

Beardslee read the initiatory petition signed by citizens on Oxford Court – six signatures.

Marshall – That document says curb and gutter only, no sewer separation.

Rose – Work was being done on Oxford Court because Council decided to upgrade some of the "orphan" streets.

Deisch – It was never said they would receive storm sewer on those streets.

Palsrok – How many people had this done and didn't have to pay? We just received a new water line and the street was paved.

Mack – Tamarack Street, between Third and Fourth Streets, is an example of curb and gutter being installed to control storm water.

Gordon McLellan, Oxford Court – What makes Fourth Street more important than Oxford Court?

Rose – No streets were added for curb and gutter after the plans were made.

Zaring – How much does curb and gutter add to the value of the property?

Beardslee – No real discernible value is added for curb and gutter, value is based on frontage. It is the opinion of individual homeowners and/or buyers as to the value added.

John Veach, Oxford Court – He is grateful for City Council's time and explanations.

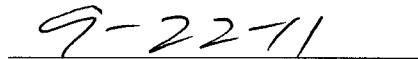
McLellan – He was against the curb and gutter, and still is; appreciates the Assessor's statement on curb and gutter's value being a matter of opinion. Now people have to be more careful parking or mowing their lawns because of the curb and gutter. It has added no value to the land or home. He resents paying for it when he doesn't want it.

No further comments received. The City Council Board of Review hearing closed at 7:36 p.m.

Respectfully submitted by,



Julie Beardslee, Secretary



Date