



MEMORANDUM

TO: Mayor Burch and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Special Assessment Ordinance Amendment

DATE: July 9, 2015

We have discovered an error in the language of the City's special assessment ordinance as it relates to the process through which property owners may request that the City undertake a project for which they would be assessed such as for the paving of a gravel street. Section 54-3 of the City Code provides, in part, that a project may be initiated by "a petition signed by 50% of the owners of property to be assessed for the improvement..."

I was surprised to find this particular language in the Code when Amy Gilson called it to my attention. It is not consistent with provisions with which I am familiar in other special assessment ordinances. Further, it appears to conflict with the provisions of section 9.2 (8) of the City Charter which refers to owners of property "required to bear more than 50% of the cost" of an improvement.

I asked City Attorney Tom Hitch to review the matter. He agreed that the relevant language should read "a petition signed by the owners of more than fifty percent (50%) of the property to be assessed for the improvement." He has prepared a proposed ordinance amendment to correct the error which is presented for first reading on your agenda.