

City of Jamestown, North Dakota


RESOLUTION

Introduced by Council Member Brubakken, who moved its adoption; January 4, 2016

Be It Resolved by the City Council of the City of Jamestown, to wit:


THAT, the City Council does hereby approve the Special Assessment Policy, dated January 1, 2016, for the City of Jamestown.

ATTEST:



Jeff Fuchs
City Administrator

APPROVED:



Katie Andersen
Mayor

Council Member Gumke seconded the motion for adoption.

Roll Call No. 4 showed: 5 ayes, 0 nays, 0 absent.

**CITY OF JAMESTOWN
SPECIAL ASSESSMENT POLICY
JANUARY 1, 2016**

Policy Goals

1. Provide a stable and continuing Source of funding within the financial capacity of the City to accommodate infrastructure needs for new development, redevelopment and maintenance within the community in a cost-effective manner.
2. To be responsive to community needs and desires for health, safety, welfare, accessibility, and mobility provided by new infrastructure and maintenance of existing assists.
3. Provide for and ensure consistent, uniform, fair, and equitable treatment, insofar as is practical, lawful and possible for all property owners in regard to the assessment of cost for benefits to properties for qualifying improvements as listed and prescribed in North Dakota Century Code Chapter 40.
4. Provide the Special Assessment Commission, City Council and staff with guidelines and methods to efficiently distribute infrastructure costs to benefitting properties in an equitable and consistent manner thereby enhancing the value of property by assigning a proportionate value of the improvements to the properties deriving from the improvement.
5. Provide a comprehensive, well-constructed and well maintained infrastructure system that services individual properties and takes advantage of economies of scale and flexibility in the timing of infrastructure development.
6. To provide an effective tool for the management of municipal resources to support a highly functional and well-maintained system of infrastructure that promotes economic development and growth fosters a sense of pride throughout the community, and long-range capital improvement plans by identifying the magnitude and sources of funding available.

Special Assessment Process

The North Dakota Century Code Chapter 40 provides cities with the authority to levy special assessments on private property for public improvements. Special Assessments are used to pay for projects such as street paving and reconstruction, installation of curb & gutter, water and sewer mains, sidewalks, storm and sanitary sewer mains; as well as weed-cutting, removal of diseased trees and collection of unpaid or delinquent city utility billings.

There are several opportunities in the formation of a special assessment district and in the special assessment process for citizen involvement and input from affected property owners.

Following is a step-by-step description:

1. When property owner's petition for improvements or the City Council with input from the City Administrator and City Engineering Department decide work needs to be done, they create a special assessment district which includes all property benefitting from the improvements.

2. Boundaries of special assessment districts must be considered and approved by the City Council.
3. Once approved,(if it is not health and safety related project such as a water and sewer project),public notice of the district being created is then published in The Jamestown Sun, two times over a two week period. Property owners within the district have the right to protest against the district being constructed, if the protest is received in writing within 30 days of the first publication of the notice. If the owners of a majority of the property (50%) within the district file a written petition or protest, the project is cancelled.
4. Once approved a district is then bid for construction. After bids are received, and if a bid is awarded by the City Council, a contract and bond are executed.
5. When construction of a project is completed, the total local cost (less any federal or state cost share if applicable) of the improvement is determined, including construction cost, notice and publication costs, testing and inspection, engineering, legal fees, bonding fees, and fiscal and administrative services provided by city staff or others.
6. City staff then assists the Special Assessment Commission in preparing the breakdown of costs for the various properties within the district.
7. In determining the special assessments, calculations are made on a per unit basis. These unit costs may be on a per lot basis, according to the front footage, or square footage of a parcel, or any combination thereof.
8. Once assessments are determined, public notices with lists are published in The Jamestown Sun twice in a two period.
9. Property owners have the right to protest their special assessment at a scheduled public hearing before the Special Assessment Commission. If the property owner's protest is denied, the individual may appeal that decision to the City Council.

A three-person Special Assessment Commission is responsible for determining which properties within an improvement district benefit from construction work performed and for spreading assessments fairly among properties. The Special Assessment Commission is not responsible for determining whether any work should be done. As outlined above, there are several opportunities for public input about the necessity and scope of projects earlier in the process.

Annual installments of special assessments must be certified by November 1 of each year by the city auditor to the county auditor for collection with property tax collections. Property owners have the option of paying their special assessments in full at any time by contacting the county auditor's office.

Basis of Special Assessments

Special Assessments is the method the City of Jamestown uses to pay for public improvements that affect benefitting properties. The costs of improvements are allocated to the parcels/lots that benefit from these improvements.

1. Streets

- New Pavement/Reconstruction/Resurfacing – patch, level, mill & overlay, chip seal
 - Cost allocation based on parcel/lot unit value (square footage/7000 sq. ft.)

- Boundaries are drawn to not only include properties that abut the roadway improvement, but also include properties up to a distance of halfway to the adjacent roadway. Thus each parcel/lot is assessed for an avenue and a street in order that corner lots are assessed the same as interior lots.
- City subsidy of 25% is provided for reconstruction and resurfacing projects.

- Alleys (public alleys with asphalt or concrete pavement)

- The full cost to pave, resurface, or reconstruct public alleys will be assessed proportionately/without subsidy, based on lot frontage/width, to properties that either abut the alley or have access to their property via the public alley.

2. Concrete Curb & Cutter/Sidewalk/Driveway aprons (New and Repairs)

- Total cost assessed directly to individual parcels/lots

3. Street Lights

- Cost allocation based on parcel/lot front footage.
- Boundaries are drawn to include properties that abut the improvement.
- Normally corner lots only pay a ½ street light assessment for each side of lot.
- Residential street lighting is typically installed and paid for by Ottertail Power Company and therefore not assessed, however any ornamental or City owned street lighting is subject to assessment.

4. Water Mains

- Cost allocation based on parcel/lot front footage.
- Half the cost to install 6" water main for residential or 8" for commercial is calculated and then allocated to all parcels on one side of improvement proportionately based on lot frontages. Same is done for the other side of improvement.
- City assumes excess cost of oversize main installation.
- No city subsidy for new main construction.
- City subsidy of 25% is provided for main replacement.
- For regional water main, City assumes the cost for un-annexed property which assessment is held in abeyance until un-annexed land is annexed.

5. Sewer Mains

- Cost allocation based on parcel/lot front footage.
- Half the cost to install 8" sewer main for residential or 10" for commercial is calculated and then allocated to all parcels on one side of improvement proportionately based on lot frontages. Same is done for the other side of improvement.
- City assumes excess cost of oversize main installation.
- No City subsidy for new main construction.
- City subsidy of 25% is provided for main replacement.
- For regional sewer main, City assumes the cost for un-annexed property which assessment is held in abeyance until un-annexed land is annexed.

6. Storm Water

- Cost allocation based on parcel/lot unit value (square footage/7000 sq. ft.)
- Boundaries are determined by watershed areas.
- Coulees, Detention Ponds, and any other non-developable properties are not assessed for storm water.
- For Regional Storm Water, City assumes the cost for un-annexed property which assessment is held in abeyance until un-annexed land is annexed.