

Vote Failed 2-3 Council Doesn't Approve Paving Assessments on 'S' Street Projects

Written by Nemaha County Herald

Friday, 26 March 2010 02:46 - Last Updated Friday, 26 March 2010 02:49

During the March 22 meeting, Auburn City Council conducted a public hearing for the purpose of sitting as a Board of Equalization and levying special assessments on the lots and parcels of land abutting on or adjacent to the streets, avenues and alleys in connection with two street improvement projects in south Auburn. The paving projects involved "S" Street from 23rd to 24th streets, and "S" street from 24th to 26th streets.

A number of property owners or family members representing those owners of property who would be levied assessments for the three blocks of paving spoke during the hearing.

Attorney Bruce Dalluge of Tecumseh was the first to speak for affected property owner Betty England, who has six lots and would be responsible for paying \$25,773.30. Dalluge stated that his client feels that the City of Auburn improperly used the available "gap and extend laws" and that the amount of the assessment exceeds the value of the property to its owner. Dalluge submitted an affidavit on behalf of his client reflecting England's intent to contest a requirement to pay any paving assessments.

Dennis Kimball said his mother Mildred Kimball of 2511 "S" Street, whose assessments for two lots total \$10,582.47, didn't seek to have the street or her driveway paved but now she faces being required to pay the paving assessments. He also stated his thought that the cost assessed for the driveway seeded higher than a reasonable amount.

Cindy Kruger of 2318 "S" Street repeated her statements made previously to the council that she doesn't believe that the project met the gap paving requirements. She also questioned her paving assessment amount of \$15,133.76 and stated that she didn't ask for her driveway to be extended to the paving nor expect to be required to pay for it.

City Attorney Bert Fuller asked Councilman Larry Holtzman several questions regarding how the project was carried out. Holtzman said the three blocks were paved as two separate projects with all aspects kept as individual projects.

Mayor Bob Engles said consideration was being given to issuing bonds to pay for the paving and to have any property owners who choose to not pay the amount in full within 50 days of receiving notice to pay or that they would be responsible for paying seven percent interest on the remaining amount with payments allowed to continue for the next 14 years to keep the amount more financially reasonable for those impacted.

Milton Kite of 2400 "S" Street, whose assessment amount is \$4,295.55, asked the council, "How long can you [the property owner] go without paying taxes before they [tax levying entities] can take your property from you?"

Kite added, "Not one person in the three affected blocks sought the paving. You [the council] put a lot of burden on these people for the benefit of others living on West 24th Street."

In response to a question from the crowd, City Clerk Sherry Heskett reported all affected landowners would receive a copy of the resolution indicating the amount which they would be required to pay. Mayor Engles said the documents would be sent out via certified mail.

Larry Draper, an Auburn resident but who doesn't live in the impacted area, expressed his concern about how these assessments had been issued when a project(s) on the north side of the city was pursued but one of the major beneficiaries of the work still hasn't been required to pay an assessment.

Councilman Bill Snyder said, "If I vote no and the motion to adopt the paving assessments fails, who then will pay for it. All property owners in the city might then be asked to share in the expense."

Vote Failed 2-3 Council Doesn't Approve Paving Assessments on 'S' Street Projects

Written by Nemaha County Herald

Friday, 26 March 2010 02:46 - Last Updated Friday, 26 March 2010 02:49

Councilman Chris Erickson stated that the project was approved before he was elected to the council.

After the hearing concluded, the vote to levy the assessments on the two paving projects failed 2 to 3. Councilmembers Dennis Wittmann and Larry Holtzman voted yes, while Snyder, Erickson and Annie Thomas voted no. Councilman Frank Critser was absent from Monday's meeting. That vote effectively ended that subject for the evening.

Where Money May Now Come From

Unless the paving assessments are levied at some time, the citizens of Auburn will be required to pick up the tab on the roughly \$160,000 sought in paving assessments, not to mention that the city has already paid for thousands of dollars in expenses for intersections and storm sewers.