

Council Okayed Paving Assessments for Two Street Projects in Southwest Auburn

Written by Nemaha County Herald

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During the July 12 meeting, Auburn City Council passed a resolution approving reconsideration of special assessments in Street Improvement Projects Nos. 2008-1 and 2008-2.

As the names of the projects indicate, the actual paving was approved a couple of years ago following repeated discussions at council meetings about poor street conditions encountered by persons living on 24th Street on the west edge of the city when they would leave their neighborhood.

The council initially sought to pave one block of "S" Street between 23rd and 24th streets as a means of improving access. However, no one who would be responsible for actually paying for the paving assessments came forward in support of the project.

And then, the decision was made to undertake a second gap paving project on "S" Street between 24th and 26th streets to address water runoff problems which would likely result from paving the block to the north and allowing the water to run to the south without any storm sewer system. Residents living between 24th and 26th streets along "S" Street also voiced their opposition to the paving and indicated that they would experience serious financial hardship if the paving assessments were forced upon them.

The council at that time, which included two members no longer serving, approved the three blocks of paving as two separate gap paving projects.

In March of this year, proposed paving assessments didn't receive enough yes votes to pass and two of those voting at that meeting weren't members of the council when the projects were initially approved.

Since that time, the total paving assessments have been recalculated with the city adding \$30,000. This change made the city's contribution to the project figure at about 53 percent, with property owners left to pick up the remaining approximate 47 percent.

Attorney Bruce Dalluge from Tecumseh, representing Betty England who owns property along one block of the street and who faces a revised total assessment amount of \$20,773.30, said he is under the impression that a city can't legally stack two gap paving projects next to each other. He also questioned if the council could proceed during the July 12 meeting to reconsider action dating back to March 22, 2010, as over three consecutive meetings have elapsed since that time.

Mayor Bob Engles said City Attorney Bert Fuller's opinion is that the city has and continues to operate properly. Fuller wasn't present at Monday night's meeting.

Among those citizens speaking were former Councilwoman Mary Kruger, and Auburn residents John Taylor and Dottie Holliday.

Holliday asked the mayor and council why the city wasn't represented by legal council that night. She was advised that Fuller had a previous commitment and the city doesn't ordinarily have its Deputy City Attorney attend a meeting if the City Attorney can't.

Engles said he believe the City generally pays about 35 percent of the costs on gap paving projects to cover such expenses as intersections and storm sewers. Discussion followed that such a figure is higher than what most other communities do.

Councilman Bill Snyder said that while he wasn't happy with how the gap paving progressed after he initially voted against it, he would vote for it now because he considers the recalculated

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assessments the best solution so far.

Councilman Chris Erickson also voiced his disappointment with the situation that has transpired by saying "The situation stinks", but he would vote for the assessments now even though he voted against the matter in March.

Councilman Frank Crister pointed out that Auburn residents who are expected to pay for the paving didn't request it and the work benefits mostly people in that area who aren't being asked to pick up the cost.

Councilman Larry Holtzman said, "We'll go along with our legal counsel on this matter. If a lawsuit follows, we will have to pay for it. That's why we have legal counsel."

Councilman Dennis Wittmann reported he had earlier received lots of complaints from people who regularly drove the "S" Street area being discussed. But he added that those complaining about the street conditions weren't necessarily those people living along them.

Paving assessments are figured by the number of feet of property along the street which benefits from the improvement.

The adjusted assessments due from property owners which were approved on a 5-1 vote, with Critser casting the lone dissenting vote, follow:

"S" Street between blocks 23 and 24 (\$44,540.66 total): Curry \$12,016.30; Eberhardt \$10,462.30; Becker \$9,428.30; Kruger \$12,633.76.

"S" Street from 24th to 25th (\$43,065.32 total): Kite \$3,462.22; Kneifel \$7,460.05; Johnson \$11,369.75; Flynn \$6,924.43; Molleur \$13,848.87.

"S" Street from 25th to 26th (\$42,678.86 total): Collin \$6,924.43; Kimball \$8,749.14; Elznic \$6,231.99; England \$20,773.30.