

SPECIAL CITY COUNCIL MEETING
November 19th, 2012

Pursuant to due call and notice thereof a special meeting was duly held at the City Hall on the 19th day of November, 2012 at 1:30 p.m.

Council present: LeRoy Swanson, Rick Hinz, Mark Anderson, and Barry Kurtz.

Council absent: Paul Kirtz.

Also present: City Attorney Steve Hovey and City Clerk Jim Kiefer.

Mayor LeRoy Swanson presided at the meeting.

A special closed City Council meeting was called to consult with the City Attorney Steve Hovey concerning the appeal of a 2012 Street project assessment by Lois Osmundson.

Lois Osmundson filed an appeal to be relieved of an \$8989.07 street assessment approved by the City Council on October 9th, 2012. The appeal states that because her property does not receive water and sewer services from this project her assessment is too high. The appeal also claims that her property value would not increase by the assessment amount established by the City Council.

Steve Hovey had two problems with continuing to litigate the amount of the assessment. The first problem is that the attorney and appraiser fees will amount to much more than the amount of the assessment. The fees to litigate an assessment could be over \$20,000.00. The second problem is the City must show that the value of the bare lot being assessed was increased by \$8989.07. Appraisers have a hard time putting a value on property because of a lack of sales in small towns. The only appraisers doing this type of work would have to come from either Mankato or Minneapolis.

After considerable deliberation Steve Hovey's recommendation was to make an offer to lower the assessment and end the litigation. The City Council authorized Steve Hovey to lower the assessment as far as \$5055.00 (\$29.73 per foot) to end the litigation.

Barry Kurtz questioned how lowering this assessment would affect future street projects the City of Adams is considering. Steve Hovey's recommendation was to have the assessments all in place before building the street. If residents appeal the assessment the City could scrap the project and rebuild a different street.

Motion made by Kurtz, seconded by Hinz, to adjourn. Votes in favor: Anderson, Hinz, and Kurtz. Votes against: None Motion carried.

Meeting declared adjourned.

Jim Kiefer, City Clerk

