



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, October 8, 2019
Category:	PUBLIC HEARING
Type:	ACTION
Subject:	Public Hearing for Ice and Snow Removal and Weed Elimination from Private Property in the City of Marshall – 2. Consider Resolution Adopting Assessment.
Background Information:	<p>City shall conduct public hearing to consider approving of special assessment to be levied against City property to allow for collection of costs incurred by the City to remove ice and snow and to mow lawns-eliminate weeds on private property.</p> <p>Minnesota Statutes Chapter 429.101 does set forth the various types of City charges that can be assessed against property taxes pursuant to the special assessment process. Minnesota Statutes §429.101 subd. 1(1) indicates that snow, ice, or rubbish removal from sidewalks may be assessed against property owners. §429.101 subd. 1(2) indicates that “weed elimination from streets or private property” may be assessed against property owners. The procedure by which those types of costs incurred by the City may be assessed against private property owners is outlined in Minnesota Statute §429.061 and procedures further outlined in a Minnesota Court of Appeals decision Sykes v. Rochester City Council Court of Appeals case A13-2421. The Sykes decision does require full compliance with §429.061, when levying those costs as assessments against private property. §429.061 does require public hearing to be held before those amounts can be assessed. The City Council has previously passed a resolution declaring the costs to be assessed as required by Minnesota Statute §429.061 and further that a second resolution has been passed calling for a public hearing regarding those costs to be assessed. Notice of public hearing has been sent to property owners and has been published in the Marshal Independent as required by Statute. Public hearing is to be held as scheduled.</p>
Fiscal Impact:	The City has incurred the costs for ice and snow removal, lawn mowing and weed elimination as set forth in the attached resolution. Approval of the resolution will allow for the City to recover its out of pocket costs.
Alternative/ Variations:	None recommended.
Recommendations:	Recommendation #2 that the Council adopt RESOLUTION NUMBER XXXX, SECOND SERIES, which is the “Resolution Adopting Assessment” for ice and snow removal and for weed elimination from private property in the City of Marshall.