

5/4/04 Council Minutes and Preliminary Resolution:

RESOLUTION INDICATING INTENT TO LEVY SPECIAL ASSESSMENTS FOR PROPERTIES ON WISCONSIN STREET. Upon closing of the public hearing held earlier, Dean Fischer explained that the developer agreement entered into between the City and Teronomy indicated that sewer costs would be borne by the developer and whenever assessments were collected, the developer would get paid back. That is to be decided by council. Water will be borne by the water utility.

Lengthy discussion ensued about cost impacts and repayment options. Stewart wondered whether this was a unique or unusual situation.

It was moved by Bilgen and seconded by Kienbaum to approve the resolution, deferring assessments to 2024 or upon hook up by property owner, whichever occurs sooner.

It was then moved by Allen and seconded by Uselman to amend the motion to include that assessments be paid or transferred at 2024 or sale of property or failure of one or both of the systems. A motion was taken on the amendment: AYES: Uselman, Allen, Stewart. NOES: Scott, Bilgen, Hixson, Kienbaum. ABSENT: None. Amendment to motion fails.

It was then moved by Allen and seconded by Stewart to amend the motion to approve the resolution, deferring payment for the assessment until 2024 or hookup by property owner, whichever occurs sooner, at which time the assessment will be paid in full. A vote was taken on the amendment. AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None. Amendment carries.

A final vote was then taken on the amended motion, which is to defer assessments to year 2024 or upon hook up by property owner, whichever occurs sooner. AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None.

PRELIMINARY RESOLUTION DECLARING INTENT TO LEVY SPECIAL ASSESSMENTS UNDER MUNICIPAL POLICE POWER PURSUANT TO SECTION 66.60, WISCONSIN STATUTES.

(Wisconsin Street Sewer & Water Assessments)

RESOLVED, by the governing body of the CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin:

1. The governing body hereby declares its intention to exercise its police power under Section 66.60, Stats., to levy special assessments upon property in the assessment district hereafter described for benefits conferred upon such property by reason of the following public work and improvements:

Installation of sanitary sewer and water main installed on Wisconsin Street.

2. The property to be assessed lies within the following described assessment district:

ASSESSMENT DISTRICT

Properties located on the west side of Wisconsin Street, commencing at the Hillside Cemetery property, thence southerly to the southeast corner of Tax Parcel No. /WUP-288 (Catherine Bigelow).

3. Before the improvements are made, the municipality shall cause water and sewer service pipes to be laid in the street from the mains to the curb line of each lot fronting on such street and keep an accurate account of the expenses incurred in front of each lot and shall report these costs to the municipal clerk

who shall cause the amount charged to each lot to be entered on the tax roll as a special tax against the lot.

4. The total amount assessed against the properties in the described assessment district shall not exceed the total cost of the improvements.
5. The governing body determines that the improvements constitute an exercise of the police power for the health, safety and general welfare of the municipality and its inhabitants.
6. The municipal Director of Public Works has prepared a report which shall consist of:
 - a. A Final plan and specifications for the improvements.
 - b. An estimate of the entire cost of the proposed street and curb and gutter improvements.
 - c. Schedule of proposed assessments.
7. The Director of Public Works has filed a copy of the report with the municipal clerk for public inspection and, if state property is to be assessed, shall mail a copy of the report to the responsible state agency and, for assessments of \$50,000 or more, to the Wisconsin state building commission.
8. Upon receiving the report of the responsible officer or body, the clerk shall cause notice to be given stating the nature of the proposed improvements, the general boundary lines of the proposed Assessment District, (including a small map thereof), the time and place at which the report may be inspected, preliminary resolution and the report. This notice shall be published as a class 1 notice under ch. 985, Stats. and a copy shall be mailed, at least 10 days before the hearing, to every interested party whose address is known or can be ascertained with reasonable diligence.
9. The hearing shall be held in the Community Room of the City of Whitewater Municipal Building at 312 W. Whitewater Street, Whitewater, Wisconsin 53190 at a time set by the clerk in accordance with Section 66.60(7), Stats.
(Scheduled for Tuesday, May 4, 2004 at 6:30 p.m.).
10. The assessment against any parcel may be paid in cash or in annual installments, the number of which shall be determined at the public hearing on the proposed assessments.

Resolution introduced by Councilmember Bilgen, who moved its adoption. Seconded by Councilmember Kienbaum. AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None. Adopted: May 4, 2004. Assessment Amounts: Bigelow - \$7,522.17 Quast - \$7,522.17 Channing - \$7,522.17 Parker - \$7,522.17 Bigelow - \$7,522.17 Hillside Cemetery - \$7,522.17

Gary W. Boden, City Manager

Michele R. Smith, City Clerk

Council Minutes of 5/18/04 with Final Resolution:

FINAL RESOLUTION REGARDING SPECIAL ASSESSMENTS ON WISCONSIN STREET. Per Common Council direction given on May 4, 2004, the resolution establishes a 20-year balloon payment, without interest, for the water and sanitary sewer improvements for six properties on the west side of South Wisconsin. As discussed during the last Council meeting each property would be charged \$7,522.17. The amount individually assessed against any of the properties would be due the city prior to the 20-year deadline or upon hook up of the property to water or sewer.

FINAL RESOLUTION AUTHORIZING PUBLIC IMPROVEMENT AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITTED PROPERTY ON WISCONSIN STREET, CITY OF WHITEWATER, WALWORTH AND JEFFERSON COUNTIES, WISCONSIN.

WHEREAS, the governing body of THE CITY OF WHITEWATER, Walworth and Jefferson Counties, Wisconsin, held a public hearing at the City of Whitewater Municipal Building Community Room at 6:30 p.m. on May 4, 2004 for the purpose of hearing

all interested persons concerning the preliminary resolution and report of the Director of Public Works on the proposed public improvements consisting of installation of sewer and water improvements on Wisconsin Street, and preliminary assessments against benefited property, and heard all persons who desired to speak at the hearing;

NOW THEREFORE, BE IT RESOLVED, the governing body of The City of Whitewater, Walworth and Jefferson Counties, Wisconsin, determines as follows:

1. The report of the Director of Public Works, a copy of which is attached hereto and incorporated herein as if fully set forth herein, including the plans and specifications and assessments set forth therein, is adopted and approved.

2. The Director of Public Works has supervised the construction of the improvements in accordance with the report hereby adopted.

3. Payment for the improvements shall be made by assessing \$7,522.17 of the cost to the property benefited as indicated in the report.

4. Assessments shown on the report represent an exercise of the police power and have been determined on a reasonable basis and are hereby confirmed.

5. Assessments for all projects included in the report are hereby combined as a single assessment but any interested property owner may object to each assessment separately or all assessments jointly for any purpose.

6. Assessments will be deferred, interest free, until 2024, or upon hook up by property owner, whichever occurs earlier. Assessments must be paid in cash to the municipal clerk. Assessments shall be placed on the next tax roll after the due date for collection. Assessments not paid when due shall bear interest on the amount due at the rate of 12% per annum.

7. The municipal clerk shall publish this resolution as a class 1 notice under ch. 985 Stats., in the assessment district and mail a copy of this resolution and a statement of the final assessment against the benefited property together with notice of payment privileges to every property owner whose name appears on the assessment roll whose post office address is known or can with reasonable diligence be ascertained.

Resolution introduced by Councilmember Bilgen, who moved its adoption. Seconded by Councilmember Kienbaum.

AYES: Scott, Uselman, Bilgen, Hixson, Allen, Kienbaum, Stewart. NOES: None. ABSENT: None. ADOPTED: May 18, 2004.

Gary W. Boden, City Manager

Michele R. Smith, City Clerk