

**RESOLUTION AMENDING SPECIAL ASSESSMENTS RESOLUTION.** Assistant City Manager Chris McDonnell stated that at the May 5, 2015 Common Council meeting, there was discussion as to how to update the Special Assessments Policy dated April 15, 1986, further amended March 6, 1996. McDonnell stated at that Council meeting, Council recommended not assessing for steps, sidewalk, new pavement or driveway aprons and continue to assess for sanitary sewer extensions, water main extensions, sewage lift stations, force mains and new developments. Council further advised that a hardship program should be looked into which would include deferring payment for 5 years for low income households. Assistant City Manager McDonnell recommended that Council not apply a hardship program towards utility improvements because utility extensions/improvements are driven by development or a resident choice to connect into the sanitary or water system. A resident would not be assessed until hooked into the system. McDonnell further stated that the special assessment for the initial construction of curb and gutter needed to be addressed by Council. Council President Singer stated that curb and gutter is part of the street and that he would recommend striking the curb and gutter from the special assessment. It was moved by Binnie and seconded by Grady to approve the Special Assessments Resolution to remove curb and gutter and to add deferments for sanitary and water main extensions and other technical corrections as Council sees fit.

#### SPECIAL ASSESSMENT RESOLUTION

Amending the Special Assessment Resolution of April 15, 1986; (further Amended March 6, 1996)

IT IS HEREBY RESOLVED BY the Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, that special assessments levied against property benefited by public works project shall be as follows:

**Sanitary Sewer Extensions:** Benefiting properties shall be assessed 100% of the city's cost, including manholes, but excepting that portion of the sewer within street intersections, provided that the long side of corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be distributed over the entire project. Provided further, that the additional cost of mains larger than eight inches shall be paid by the City and such oversizing costs may be assessed on a benefiting area-wide basis.

**Watermain Extensions:** Benefiting properties shall be assessed 100% of the city's cost, excepting hydrants and street intersections. Provided that the long side of the corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be paid by the utility. Provided further that the additional cost of mains larger than eight inches shall be paid by the utility.

**Sewage Lift Stations and Force Mains Construction:** Benefiting properties shall be assessed 50% of the city's cost. The cost to reconstruct or repair existing sewage lift stations and force mains shall not be assessed.

**New Developments:** For new Developments, the developer shall build, and pay for 100% of the costs of required public improvements, unless a different agreement is approved by the Common Council.

**Hardships:** The City shall defer the payment of special assessments for owner occupied homes in situations where the following criteria are met:

1. Applicants for deferment of assessments must own and reside in the property subject to the assessment and demonstrate to the City Finance Director qualification for the deferment by presentation of a copy of their most recent federal tax return prior to the levying of the assessment. The State of Wisconsin Department of Housing and Urban Development Section 8 program income limits shall be used to determine qualification.

2. A property owner must qualify for this deferment at the time the council levies the initial assessment.

3. Where a property is owned by two or more persons, each owner must meet the eligibility requirements for the program. Property owned by any corporation, partnership, or trust is ineligible for assessment deferment.

4. Qualified low income persons shall have their assessment deferred for a period of five years from the date the first installment payment is due.

5. No interest shall accrue on assessments levied against a property during the period of deferment. Interest shall accrue on the unpaid balance of an assessment from the date upon which the property owner(s) cease being eligible for the deferment.

6. Deferment shall cease upon the expiration of the deferment period or upon the date which the ownership of the property is transferred to any other person, persons, partnership, corporation, trust, or other entity by any means whatsoever, whichever occurs first.

7. Hardship deferments are only applicable to special assessments relating to the construction of curb and gutter.

Estimated assessment shall be actual assessment. Any cost overruns shall be absorbed by the City. Any overestimates shall be reduced.

The City Council may, by majority vote, allow assessments for oversizing sanitary sewer on undeveloped land to be deferred until such time as use is made of the improvement.

Resolution introduced by Councilmember Binnie, who moved its adoption. Seconded by Council member Grady.

AYES: Langnes, Grady, Binnie, Kidd, Singer. NOES: None. ABSENT: Abbott, Stauffer. APPROVED: May 19, 2015.

Cameron L. Clapper, City Manager Michele R. Smith, City Clerk



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **05/19/2015**

ITEM: **Review and possible direction regarding City's Special Assessment Policy**

PRESENTER: **Assistant City Manager**

**SUMMARY OF ITEM BEING PRESENTED:**

**At the May 5, 2015, council meeting staff received feedback on how to update the special assessment policy. The general consensus from council follows:**

- **Do not special assess for the following improvements (Including initial construction and reconstruction)**
  - § **Steps**
  - § **Sidewalk**
  - § **New Pavement**
  - § **Driveway Aprons**
- **Continue to assess for**
  - § **Sanitary Sewer Extensions\***
  - § **Watermain Extensions\***
  - § **Sewage Lift Stations and Force mains\***
  - § **New developments**
- **Undecided**
  - § **Curb and Gutter initial construction**
    - **General consensus was to not asses for reconstruction**
- **Hardship Program**
  - § **Council directed staff to define parameters**
  - § **\*Staff recommends not applying the hardship program to utility improvements**
    - **Utility extensions/improvements are driven by development or a resident choice to connect into the sanitary or water system. A resident would not be assessed until hooked into the system**

**STAFF RECOMMENDATION: Staff would like direction from council on the following:**

- 1. Apply special assessments for initial curb and gutter construction?**
- 2. Do not apply the hardship program for**
  - a. Sanitary Sewer Extensions**
  - b. Watermain Extensions**
  - c. Sewage Lift Stations and Force Mains**

**RECOMMENDED MOTION: Move to amend the Special Assessment Resolution of April 15, 1986; further amended March 6, 1996.**

ATTACHMENT(S) INCLUDED (If none, please state that)

**Draft Special Assessment Resolution (redlined), 2014 Federal Section 8 Income Limits**

FOR MORE INFORMATION CONTACT:

**Christopher McDonnell, cmcdonell@whitewater-wi.gov, 262.473.0139.**

SPECIAL ASSESSMENT RESOLUTION  
Amending the Special Assessment Resolution  
Of April 15, 1986  
(further Amended March 6, 1996)

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Curb and Gutter: Benefiting properties shall be assessed 100% of the city's cost, excepting street intersections. The cost to reconstruct or repair existing curb and gutter shall not be assessed.

Sanitary Sewer Extensions: Benefiting properties shall be assessed 100% of the city's cost, including manholes, but excepting that portion of the sewer within street intersections, provided that the long side of corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be distributed over the entire project. Provided further, that the additional cost of mains larger than eight inches shall be paid by the City and such oversizing costs may be assessed on a benefiting area-wide basis.

~~New Pavement: Benefiting properties shall be assessed 100% of the city's cost of new pavement required to widen or extend existing street pavement, or pave a new street or alley.~~

~~Sidewalk Construction: Benefiting properties shall be assessed 40% of the city's cost, for the first four feet of sidewalk width.~~

~~Sidewalk Repair: Benefiting properties shall be assessed 25% of the city's cost, for the first four feet of sidewalk width.~~

Watermain Extensions: Benefiting properties shall be assessed 100% of the city's cost, excepting hydrants and street intersections. Provided that the long side of the corner lots shall be assessed for one-third of the length, and the cost of the remaining two-thirds shall be paid by the utility. Provided further that the additional cost of mains larger than eight inches shall be paid by the utility.

Sewage Lift Stations and Force Mains Construction: Benefiting properties shall be assessed 50% of the city's cost. The cost to reconstruct or repair existing sewage lift stations and force mains shall not be assessed.

~~Hard Surfaced Driveway Aprons: Benefiting properties shall be specially charged 100% of the city's cost in accordance with City Ordinance 12.16.060.~~

~~Steps: Benefiting properties shall be assessed 100% of the city's cost.~~

————New Developments: If required as a condition for approval of a new development, every developer shall build and pay 100% of the costs for any required improvements in accordance with specifications established by the City.

Hardships: The City shall defer the payment of special assessments for owner occupied homes in situations where the owners have incomes at or below the federal standards (Section 8 Income Limits) for low incomes in their respective County.

1. Applicants for deferment of assessments must own and reside in the property subject to the assessment and demonstrate to the City Finance Director qualification for the deferment by presentation of a copy of their most recent federal tax return prior to the levying of the assessment. A property owner must qualify for this deferment at the time the council levies the initial assessment.
2. Where a property is owned by two or more persons, each owner must meet the eligibility requirements for the program. Property owned by any corporation, partnership, or trust is ineligible for assessment deferment.
3. Qualified low income persons shall have their assessment deferred for a period of five years from the date the first installment payment is due.
4. No interest shall accrue on assessments levied against a property during the period of deferment. Interest shall accrue on the unpaid balance of an assessment from the date upon which the property owner(s) cease being eligible for the deferment.
5. Deferment shall cease upon the expiration of the deferment period or upon the date which the ownership of the property is transferred to any other person, persons, partnership, corporation, trust, or other entity by any means whatsoever, whichever occurs first.
6. Hardship deferments are only applicable to special assessments relating to the construction of curb and gutter.

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Resolution introduced by Councilmember \_\_\_\_\_, who moved its adoption.  
Seconded by Council member \_\_\_\_\_.

AYES:

NOES:

ABSENT:

AMENDED ADOPTED: ~~March~~ 6, 1996 ~~;~~ ~~ADOPTED: April 15, 1986.~~

Michele R. Smith, City Clerk

Cameron Clapper, City Manager

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