



## Request for City Council Committee Action From the Department of Public Works

**Date:** July 21, 2009

**To:** Honorable Sandra Colvin Roy, Chair Transportation & Public Works Committee

**Subject:** **Ordinance Change – Establishing a Street Lighting Operations Fee/Assessment Public Hearing**

**Recommendation:**

- A. Amend Title 17, Chapter 431 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Street Lighting*, repealing the current Chapter 431 and adding a new Chapter 431 that relates to street lighting fees/assessments.

**Previous Directives:**

June 26, 2009 Set public hearing for July 21, 2009  
July 7, 2009 Receive & File presentation for the Street Lighting Operations Fee/Assessment

**Prepared by:** Jon Wertjes (673-2614)

**Approved by:**

\_\_\_\_\_  
Steven A. Kotke, P.E., City Engineer, Director of Public Works

**Presenters:** Steve Mosing, P.E., Traffic and Parking Services  
Jon Wertjes, P.E., PTOE, Traffic and Parking Services

**Financial Impact** (Check those that apply)

Business Plan:  Action is within the plan.  Action requires a change to plan.

Other financial impact (Explain):

*This proposed fee is intended as an option for the City Council to consider for the pending 2010 budget decisions.*

**Community Impact**

Neighborhood Notification: Public input will be sought.

City Goals: Maintain the physical infrastructure to ensure a healthy, vital and safe city

Comprehensive Plan: Not Applicable

Zoning Code: Not Applicable

**Background/Supporting Information**

Public Works and the City attorney's office worked jointly in reviewing and amending the Chapter 431. The amended ordinance will allow the City Council the ability to take subsequent action(s) to implement a street lighting operations fee/assessment. This amended ordinance language is beneficial not only to allow for a potential new operations fee, but also has been updated to allow for the continuation of:

- capital assessments for street lighting projects
- operations and maintenance assessments for tax-exempt properties
- operations and maintenance assessments for lighting in excess of the city standard.

Thus, the existing Chapter 431 ordinance language needs to be repealed and replaced with the amended ordinance language (see attachment).

Public Works held community meetings on July 14 and 16. Public input, comments and questions from those meetings will be presented at the July 21 public hearing.

Public Works is requesting the City Council conduct the public hearing and amend Title 17, Chapter 431 of the Minneapolis Code of Ordinances relating to *Streets and Sidewalks: Street Lighting*, repealing the current Chapter 431 and adding a new Chapter 431.

### **Street Lighting Schedule**

Attached is the project schedule for the Street Lighting Operations Fee/Assessment which has been previously presented to the City Council.

### **Attachments:**

Chapter 431 Ordinance Language  
Project Schedule

## CHAPTER 431. STREET LIGHTING

### ARTICLE I. GENERALLY

#### 431.10. Definitions. As used in this chapter:

*Parcel* is a portion of land recorded as the property of one person, claimant, or company according to the records of the Hennepin County Taxpayer Services Department.

*Standard street lighting* is the city-wide street lighting parameters as determined and established by the city engineer.

*Street lighting* is a system of lighting, servicing streets and sidewalks that is facilitated by the city and located within its geographic boundaries.

*Street lighting district* is an area containing one or more streets or part of a street upon which there is or shall be constructed, installed, maintained and operated a uniform system of street lighting poles, equipment and facilities by which lighting in excess of standard street lighting is provided, the city's costs for which shall be paid by the benefited property owners.

**431.20. Findings and determinations.** The city finds it to be in the interest of all citizens that the city establish, construct, operate and maintain a city-wide street lighting system. It is further found that the establishment, construction, operation and maintenance of street lighting promotes the general health, safety and well-being of the citizenry and provides a benefit to each and every parcel within the city. The city has determined that the cost of street lighting operation and maintenance should be offset by imposing a street lighting fee upon all such benefited parcels.

**431.30. Street lighting charge.** (a) *Street lighting fee established.* Subject to the provisions of this chapter, there is imposed upon each and every parcel within the city, a street lighting fee. This street lighting fee shall be determined and set by the city council and may be amended from time to time by the city council.

(b) *Street lighting fee application.* The street lighting fee shall be applied on an equitable basis and shall not be in excess of the benefit received by each, separate parcel.

**431.40. Collection and appeal procedure.** (a) *Procedures.* The city council shall adopt an assessment roll levying a special assessment upon each benefited parcel, which shall be transmitted to the county auditor and included with the tax levy upon such parcels and collected in the same manner as special assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis.

(b) *Duration of assessment.* The street lighting fee shall be established as a stated amount as provided in section 431.30(a) and may continue on a reoccurring, annual basis for a period of time not to exceed 20 years.

### ARTICLE II. STREET LIGHTING DISTRICTS

**431.50. Street lighting districts.** Notwithstanding the provisions of section 431.30 and 431.40, all parcels affected by section 431.60 shall be treated in the manner set out in this article.

**431.60. Procedure for establishing street lighting districts.** The city engineer shall determine and designate the location, extent and character of each street lighting district, or the expansion thereof, or other changes therein. Thereupon, the city engineer shall make and present to the city council a report containing a list and description of the several parcels of land within the district, together with the number of square feet of each parcel benefiting from the street lighting improvement and the names of the owners of the several parcels as nearly as the city engineer can readily ascertain the same. A report

shall be made and published in the record of the proceedings of the city council. In addition to the publication of this report, the city clerk shall give written notice by mail to the listed owner of each of the parcels in the street lighting district of a hearing before the city council committee to be held not earlier than two (2) weeks after the mailing of the notice. Any interested party may appear at the hearing and give evidence and enter any objection to the delineation or establishment of any such street lighting district.

**431.70. Assessments against benefited property.** After a street lighting district has been established, the city council may levy and assess against benefited property in the district all or part of the city's construction, operating and/or maintenance costs as applicable. That part of the assessment which is for operation and maintenance may include the amount in excess of the cost of standard street lighting. Such assessment shall be made in the same manner as assessments under Chapter 10, Section 8 of the Charter of the City of Minneapolis and may continue on a reoccurring, annual basis for a period of time not to exceed 20 years.

**431.80. Severability.** In the event that any portion or section of this chapter is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, the decision shall in no manner affect the remaining portions or sections of this chapter, which shall remain in full force and effect.

# Street Lighting Operations Fee/Assessment Project Schedule

Date	City Council Approvals	Staff Implementation
<u>Notice and hearing for Ordinance Change</u>		
6-12-09	City Council Meeting - Introduction of subject matter of ordinance amendments and referral to T&PW	
6-16-09	T&PW - Set public hearing on ordinance change for 7-21-09	Ordinance changes Fee Model Structure Fee Model Rates Community meetings Staff recommendations
7-7-09	T&PW – Further Discussion at committee	
7-14-09 & 7-16-09	Community meetings <b>Tuesday, July 14 - 6:30 to 8:30 p.m.</b> Farview Park, 621 29th Ave. N  <b>Thursday, July 16 – 6:30 to 8:30 p.m.</b> Martin Luther King Park, 4055 Nicollet Ave. S	
7-21-09	T&PW - Hold Public Hearing for ordinance changes	
8-4-09	T&PW – Approve ordinance	
8-14-09	City Council Meeting – Approval of ordinance change. Request Early Signing and Publication (Upon Mayoral approval, a summary of the ordinance is published in <i>Finance and Commerce</i> . The ordinance becomes effective upon publication unless an effective date is stated in the ordinance.)	
<u>Notice and hearing for Assessment Fee implementation</u>		
8-18-09	T&PW - Set public hearing on the assessments for 9-22-09 and introduce the fee method and amounts.  Publication of Public Hearing Information in Finance and Commerce	Mail notices of public hearing with amount of assessment (two weeks prior to public hearing) <ul style="list-style-type: none"> <li>▪ Service characters/extent</li> <li>▪ Fee model structure, rates, and costs</li> <li>▪ Property identification and owners</li> </ul> Respond to questions
8-18 to 9-21	Provide scheduled times to answer questions for Public and City Council	
9-22-09	T&PW - Hold Public Hearing on the assessments.	
10-2-09	City Council Meeting – Approval of assessments. Request Early Signing and Publication	
<u>Assessment Fee Implementation</u>		
Oct/Nov 2009	Implementation	Complete Assessments and send to County
2010		Assessment shows up on tax bill