

CITY OF BURTON
COMMITTEE MEETING OF THE WHOLE MINUTES
MAY 15, 1990, 7:30 P.M., COUNCIL CHAMBERS

This Committee Meeting of the Whole is called to order by Council President Cross at 7:30 P.M.

Members Present: Abbey, Cross, Hammon, Martinbianco, Smiley and Walls.

Members Absent: Card.

Others Present: W. Walworth, City Clerk; J. Major, Assistant DPW Director; D. Lowthian, City Assessor; R. LaDuke, Building Supervisor and K. Collard, City Administrator.

PURPOSE OF THE MEETING: TO DISCUSS AND RECOMMEND A SOLUTION TO THE GENEVIEVE PAVING PROBLEM AND OTHER MATTERS THAT MIGHT ARISE.

PRESENTATION:

Mr. Collard said there were concerns of the administration in dealing with the Genevieve project. The administering of future projects in the field could be put in jeopardy and the problem of setting a precedent in disbursing money to a few of the people in a total project.

AUDIENCE PARTICIPATION:

George Schuplin, 1447 Genevieve, asked for the right to rebut presentations made by the administration during the meeting. He said the Council approved 22 feet for the total project and the implied contract is that Genevieve should also get 22 feet.

Mr. Hamilton said there was no contract with individuals in the project and if Council decided on a rebate, they would also decide where it would come from. He further explained that equity, in all matters of a special assessment, were difficult and that all the City could do was to try to be as fair as possible to all concerned and the City uses a unit factor for each lot.

Mr. Schuplin said his street got 20 feet, not 22 feet like everyone else, and the sewer lines on his street were necessary for the total project. He said the unit price was \$3,391.77. He also stated this matter will go to a Civil Court if they don't get what they paid for.

Bud LeGrande, 2105 E. Buder, expressed concern on what Genevieve paid for and what they got. He also expressed concern on the graveling of his street.

Johanna Muter, 6171 Hugh, expressed concern on the ruts on the side of her road.

Pauline Dargel, 6119 Hugh, asked for the same rebuttal rights as Mr. Schulpin. She said that any refund should be divided up in the total project. She also raised the question of equity if certain people get refunds, and wanted to know the legal basis for refunds.

Nola Beard, 1448 N. Genevieve, said the Council agreed to pave the additional 2 feet on a 7-0 vote. She said they wanted their just dues.

Frank Dargel, 6119 Hugh, said that Genevieve got extra sewer lines and ditching and they did get their fair share. He said that others would be back for refunds if Genevieve should get any money.

COMMITTEE DISCUSSION:

Mr. Abbey said this has dragged on too long and action needed to be taken one way or the other.

Mr. Cross noted this was a Committee of the Whole meeting and they could only make recommendations to the total Council for their consideration at their next meeting.

Mrs. Walls said this has gone on long enough and this needed to be straightened out. She said that each case should be handled on its own merit.

Mr. Martinbianco said there may or may not be an injustice. He said they had the professional judgement of those in the field, and the matter may come back after all cases are settled.

Mr. Cross said the administration should come back to Council and advise them of changes in the future.

Mr. LaDuke said 20 feet was on the drawings at the second public hearing which was approved by the Council. He also noted that field decisions are made on ditching and culverts and most did not get culverts in that project. He also said if Council agrees to a pay back to Genevieve, that in the future it would hamper his willingness to make field decisions.

Mr. Lowthian said that any pro-ration of Genevieve would place a cloud over the whole process of project pro-rations. He said that any perceived inequity should go before the tax tribunal.

Mr. Major noted that future paving projects in Burton would be destroyed if any action is taken on Genevieve.

Mr. Hamilton said this was a Council decision and the chances of the tax tribunal results affecting this decision are remote. Further, if the ruling of the tax tribunal was appealed, it was possible that the Council's action could be an issue at a new hearing.

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COMMITTEE RECOMMENDATIONS:

Moved by Abbey, supported by Walls to recommend to Council a reduced assessment for Genevieve or a payment up front of \$340.00 for those that have already paid the assessment. Motion failed 2-4 with Abbey and Walls voting yes.

Moved by Martinbianco, supported by Hammon to recommend to Council an indefinite tabling of the Genevieve matter. Motion failed 3-3 with Cross, Hammon and Martinbianco voting yes.

Moved by Hammon, supported by Smiley to make no recommendation to Council at this time. Motion carried 4-2 with Abbey and Walls voting yes.

Meeting Adjourned at 8:40 P.M.

Respectfully Submitted,

William R. Walworth
Burton City Clerk

WRW/cml