SIDEWALK ASSESSMENT PROCEDURES

Council “Order-in” Scenario

City Council:

1. Common Council takes official action of “ordering in” installation of public sidewalk. This typically occurs after a specific area within the city has been discussed at one or more Public Works Committee or City Council Meetings.

Engineering:

2. PRELIMINARY ESTIMATE. (Usually done before step three (3) for the abutting property owners). Council Aldermen may ask for this information prior to taking action of “ordering in”.

3. Mail notice by Certified Mail to property owners at least five (5) business days prior to Public Works Meeting so that they can attend meeting and speak on their behalf. Include full legal description in notice. This acts as the last warning prior to starting RESOLUTION OF NECESSITY.

4. Proposed RESOLUTION of NECESSITY prepared, presented to Public Works Committee, original given to Finance Office. Must include list of legal descriptions with land owner’s names and addresses. Basis of payment in Advertising Authority approved by Finance Office. Authorization for Advertising for bids may be adopted at same meeting at request of Engineering Staff.

5. PLANS and SPECIFICATIONS prepared. (May begin after Step two (2)) May be an informal quote process, if construction estimates equal less than fifty thousand dollars ($50,000).

6. Once approved by City Council, send ‘PROPOSED RESOLUTION OF NECESSITY’ to abutting property owners by Certified Mail.


Finance & Engineering:

8. BIDS ARE OPENED the afternoon prior to City Council meeting and awarded that evening or referred to Public Works Committee for recommendation of award.

Engineering:

9. NOTICE OF AWARD ISSUED, contract documents executed. Notice to Proceed issued, project constructed, final pay estimate and change order prepared.

10. NOTE: Once the project is awarded to a Contractor the project can only be stopped by vote of Council.

11. ASSESSMENT ROLL DEVELOPED BASED ON FINAL PROJECT COST and according to the Resolution of Necessity. It is then submitted to Public.

12. City Council may approve, amend, or reject the assessment roll at this time. Affected property owners wishing to protest the assessment may speak before the Council at this meeting.
NOTE:
SIDEWALK IMPROVEMENTS – The hearing stages on Resolution of Necessity are not requirements, therefore not mentioned above. (SDCL 9-46-3) Attached.

PAYMENT OF ASSESSMENT

After the assessment roll is filed, the City Finance Office bills the property owner, giving the following payment options:

Option A.
Payment of the assessment over a period of ten (10) years [five (5) years for sidewalks], during which time one-tenth (1/10) of the total, plus interest at five percent (5.00%) per annum (Per Sharlene Mitchell-11/14/2013) on the unpaid balance of the assessment, will be paid to the Finance Officer in City Hall. If this option is followed, the first installment is due on January 1 of the following year, unless the final hearing is after October, then it doesn’t start until the second year following.

Option B.
Payment of the entire amount or any of the amounts listed to the City Finance Office at City Hall during a thirty (30) day pre-payment period after assessment roll is filed. This payment shall not be charged interest.

Option C.
Payment of any number of tenths (1/10’s) [or fifths (1/5’s) in case of sidewalks] of the total amount without interest to the City Finance Office in City Hall. However, if this option is followed, all payments must be credited to the assessment in inverse order of their due dates. For instance, if one installment is made, it must be applied to the installment due on the tenth year. The first installment will still be payable on the date indicated in the Option A.

General Information: This option is available anytime, however, the payments are credited in inverse order, and the first installment is still due January 1. The Assessment can be paid off at any time. Principal, together with any interest and penalty, due at the time of payoff request.

If the thirty (30) day pre-payment has passed and the first installment is not yet due, a payoff can still be made and the interest is prorated to the payoff date.