



# City of Grand Island

Tuesday, February 14, 2023

Council Session

## Item D-1

### **#2023-BE-1 - Consideration of Determining Benefits for Sidewalk Repairs at 239 South Plum Street**

*Council action will take place under Ordinances Item F-1.*

Staff Contact: Keith Kurz PE, Interim Public Works Director

# **Council Agenda Memo**

**From:** Keith Kurz PE, Interim Public Works Director

**Meeting:** February 14, 2023

**Subject:** Consideration of Determining Benefits for Sidewalk Repairs at 239 South Plum Street

**Presenter(s):** Keith Kurz PE, Interim Public Works Director

## **Background**

The Certificate of Final Completion for Sidewalk Repairs at 239 South Plum Street was approved by City Council on January 10, 2023, via Resolution No. 2023-8; with February 14, 2023 set as the date for Council to sit as the Board of Equalization. Galvan Construction, Inc. of Grand Island, Nebraska completed such work to the City standards for a cost of \$1,750.00. Total cost of the repairs, including Engineering Services of \$175.00, is \$1,925.00.

All work has been completed and special assessments have been calculated for the improvements.

## **Discussion**

The cost for this project will be assessed to the adjacent property per City Code Section 32-58(2) and 16-662. The payments are spread over six (6) years at 7% simple interest. The first payment of principal only at 1/7<sup>th</sup> of the assessment is due ten (10) days after filing of the ordinance that levies the costs as approved at the Board of Equalization. The remaining six payments of 1/7<sup>th</sup> of the assessment plus accrued interest are due on each one year anniversary thereafter. There is no penalty for prepayment of the outstanding balance at any time.

The City has had multiple correspondences with the property owner and has sent a reminder letter advising them that the BOE is scheduled for February 14, 2023 with City Council action anticipated after the BOE action and that the first installment payment will be due shortly after.

## **Alternatives**

The Council is sitting as the Board of Equalization. It appears that the Board has the following alternatives concerning the issue at hand. The Board may:

1. Move to approve
2. Continue the hearing to future date
3. Take no action on the issue

### **Recommendation**

City Administration recommends that the Board of Equalization determine benefits and pass a resolution establishing benefits for Sidewalk Repairs at 239 South Plum Street.

### **Sample Motion**

(Sample Motion for the Board of Equalization)

Move to approve the resolution establishing benefits for Sidewalk Repairs at 239 South Plum Street.

Notes:

179.60 SqFt. Sidewalk



## SIDEWALK REPAIRS

239 S. PLUM ST.  
GRAND ISLAND, NEBRASKA

**CITY OF**  
**GRAND ISLAND**  
**PUBLIC WORKS DEPARTMENT**

STATE OF NEBRASKA     )  
                                      ) ss  
COUNTY OF HALL         )

**AFFIDAVIT OF MAILING**

RaNae Edwards, City Clerk, being first duly sworn on oath, deposes and says that she is the duly appointed and acting City Clerk of the City of Grand Island, Nebraska, and that on January 24, 2023, she mailed copies of the "Notice of Board of Equalization Hearing – Sidewalk Repairs at 239 South Plum Street", which notice was first published in the Grand Island Independent on January 24, 2023, to the following named parties:

Larry D Gydesen  
Amanda M Gydesen  
239 South Plum Street  
Grand Island, NE 68801

Such communications were properly posted and deposited in the United States mail.

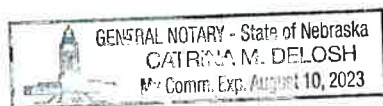
Those names shown with an asterisk were mailed copies by certified mail, return receipt requested, being owners of property within the district whose addresses were shown on the tax rolls of Hall County at the time said Notice was first published as being outside the boundaries of Hall County.

Affiant further states that she, and her attorney, after diligent investigation and inquiry, were unable to ascertain and does not know the post office address of any other party appearing to have a direct legal interest in the proceedings other than the above parties to whom notice has been mailed.

DATED: January 24, 2023

  
\_\_\_\_\_  
RaNae Edwards, City Clerk

Subscribed and sworn to before me this 24<sup>th</sup> date January, 2023.



  
\_\_\_\_\_  
Notary Public

# Sidewalk Repairs at 239 South Plum Street

## Details for Sidewalk Repairs at 239 South Plum Street

2023/1/24- The Grand Island Independent

NOTICE OF BOARD OF EQUALIZATION HEARING Sidewalk Repairs at 239 South Plum Street NOTICE is hereby given to all persons owning real estate at 239 South Plum Street in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on February 14, 2023 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the sidewalk improvements therein. All owners of real estate within said sidewalk repair area, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made. By order of the City Council, Grand Island, Nebraska. RaNae Edwards, City Clerk 24-31-7 ZNEZ

### Categories

- [Legal](#)

[https://theindependent.com/ads/community/announcements/legal/sidewalk-repairs-at-239-south-plum-street/ad\\_fc826c5d-c902-54ce-96ae-3893f0e76d13.html](https://theindependent.com/ads/community/announcements/legal/sidewalk-repairs-at-239-south-plum-street/ad_fc826c5d-c902-54ce-96ae-3893f0e76d13.html)

## NOTICE OF BOARD OF EQUALIZATION HEARING

Sidewalk Repairs at  
239 South Plum Street

NOTICE is hereby given to all persons owning real estate at 239 South Plum Street in the City of Grand Island, Hall County, Nebraska, and to all persons interested, that the City Council of said City will sit as a Board of Equalization at the City Council Chambers on February 14, 2023 at 7:00 p.m., to determine benefits accruing to the respective lots, tracts, and parcels of land in said district to pay the cost of the sidewalk improvements therein. All owners of real estate within said sidewalk repair area, and all persons interested, will take notice of the time and place of the sitting of the Board of Equalization, at which time any person or persons may appear and show cause, if any there be, why assessments should not be made.

By order of the City Council, Grand Island, Nebraska.

RaNae Edwards, City Clerk

Publication Dates:

January 24, 2023

January 31, 2023

February 7, 2023

ORDINANCE NO. \_\_\_\_

An ordinance assessing and levying a special tax to pay the cost of construction of Sidewalk Repairs at 239 South Plum Street of the City of Grand Island, Nebraska; providing for the collection of such special tax; repealing any provisions of the Grand Island City Code, ordinances, and parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. There is hereby assessed upon the following described lots, tracts and parcels of land specially benefited, for the purpose of paying the cost of construction of said sidewalk repairs at 239 South Plum Street, as adjudged by the Mayor and Council of the City, to the extent of benefits thereto by reason of such improvement, after due notice having been given thereof as provided by law; and a special tax for such cost of construction is hereby levied at one time upon such lots, tracts and land as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Larry D & Amanda M Gydesen	Lot 6, Block 1, Koehler Place City of Grand Island, Hall County, Nebraska	\$1,925.00
<b>TOTAL</b>		<b>\$1,925.00</b>

Approved as to Form    ☐ \_\_\_\_\_  
January 24, 2023        ☐ City Attorney



ORDINANCE NO. \_\_\_\_\_ (Cont.)

SECTION 2. The special tax shall become delinquent as follows: One-seventh of the total amount shall become delinquent in ten days; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; one-seventh in six years respectively, after the date of such levy; provided, however, the entire amount so assessed and levied against any lot, tract or parcel of land may be paid within ten days from the date of this levy without interest, and the lien of special tax thereby satisfied and released. Each of said installments, except the first, shall draw interest at the rate of not exceeding seven percent (7.0%) per annum from the time of such levy until they shall become delinquent. After the same become delinquent, interest at the rate of three-fourths of one percent per month shall be paid thereon as in the case of other special taxes, until the same is collected and paid.

SECTION 3. The treasurer of the City of Grand Island, Nebraska is hereby directed to collect the amount of said taxes herein set forth as provided by law.

SECTION 5. Any provision of the Grand Island City Code, and any provision of any ordinance, or part of ordinance, in conflict herewith is hereby repealed.

SECTION 6. This ordinance shall be in force and take effect from and after its passage and publication within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: February 14, 2023

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

RESOLUTION 2023

DRAFT

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for sidewalk repairs at 239 South Plum Street, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$1,925.00; and

Such benefits are based on length of sidewalk installed at the adjacent property; and

According to the actual frontage of sidewalk installed adjacent to the respective lots, tracts, and real estate within such sidewalk repair area, such benefits are the sums set opposite the several descriptions as follows:

<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Larry D & Amanda M Gydesen	Lot 6, Block 1, Koehler Place City of Grand Island, Hall County, Nebraska	\$1,925.00
<b>TOTAL</b>		<b>\$1,925.00</b>

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Adopted by the City Council of the City of Grand Island, Nebraska, February 14, 2023.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form    ☐ \_\_\_\_\_  
January 24, 2023        ☐ City Attorney

#### 239 S Plum Street

- 2022/7/6- Code Enforcement received complaint “sidewalk is cracked and needs replaced before someone gets hurt”- Code Enforcement officer observed several City Code violations- gave 7 days to comply
- 2022/7/7- Code Enforcement sent sidewalk repair letter
- 2022/7/8- PW Eng Tech marked deficient areas of public sidewalk
- 2022/8/16- Code Enforcement noted no action taken
- 2022/8/17- Code Enforcement sent final notice to make sidewalk repairs
- 2022/10/12- Code Enforcement has “exhausted all options and given enough time for a response from the property owner to comply- case forwarded to PW Eng”
- 2022/10/13- no work has been started- letter sent to property owner notifying this matter will be presented to City Council at their 2022/10/25 meeting for action
- 2023/10/25- City Council approved Resolution No. 2022-307 ordering the sidewalk repairs- 15 days to obtain permit & then 15 days to complete work
- 2022/10/26- notice sent to property owner of City Council action
- 2022/11/15- sent regular & certified mail of notice that quotes would be obtained
- 2022/11/28- noticed posted on property that contractor has been hired to complete the work (Galvan Construction- PO No. 37961 for \$2k)
  - Work completed for \$1750 w/ 10% (\$175) Engineering fee= \$1925
- 2023/1/10- City Council approved Certificate of Final Completion- Resolution No. 2023-8
- 2023/2/14- Board of Equalization to assess total costs of \$1925

R E S O L U T I O N   2023-BE-1

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for sidewalk repairs at 239 South Plum Street, after due notice having been given thereof, that we find and adjudge:

That the benefits accruing to the real estate in such district to be the total sum of \$1,925.00; and

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<u>Name</u>	<u>Description</u>	<u>Assessment</u>
Larry D & Amanda M Gydesen	Lot 6, Block 1, Koehler Place City of Grand Island, Hall County, Nebraska	\$1,925.00
<b>TOTAL</b>		<b>\$1,925.00</b>

- - -

Adopted by the City Council of the City of Grand Island, Nebraska, sitting as a Board of Equalization, on February 14, 2023.

\_\_\_\_\_  
Roger G. Steele, Mayor

Attest:

\_\_\_\_\_  
RaNae Edwards, City Clerk

Approved as to Form	☐ _____
February 10, 2023	☐ City Attorney