



# City of Grand Island

Tuesday, June 11, 2013

Council Session

## Item I-2

### **#2013-185 - Consideration of Resolution Supporting Administration's Efforts to Abate a Public Nuisance**

Staff Contact: Robert Sivick

# **Council Agenda Memo**

**From:** Stacy R. Nonhof, Assistant City Attorney

**Meeting:** June 11, 2013

**Subject:** Consideration of Resolution Supporting Administration's Efforts to Abate a Public Nuisance

**Item #'s:** I-2

**Presenter(s):** Robert J. Sivick, City Attorney

## **Background**

Larry Tourangeau owns property located at 311 East 3<sup>rd</sup> Street and 319 East 5<sup>th</sup> Street, Grand Island, Nebraska. Mr. Tourangeau has either placed himself or directed others to erect plywood signs facing the street(s) which together constitute fences running along the length of his properties. This has been an ongoing problem for a number of years. Mr. Tourangeau has been repeatedly asked to take the signs down, but has refused. The Grand Generation Center is located directly across the street from 311 East 3<sup>rd</sup> Street and the citizens that frequent that facility along with residents of the 5th and Oak Streets area have repeatedly expressed their desire to see these signs removed.

## **Discussion**

Grand Island City Code prohibits the erection of signs such as these without first obtaining a permit. Mr. Tourangeau has never requested nor been granted a permit to erect these signs. These signs violate nine (9) different provisions of the City Code - §31-2, §31-3, §31-5, §31-6, §31-9, §31-17, §36-100, §17-4 and §20-14. The signs on 3<sup>rd</sup> Street have within the last week been painted over with black and red paint. The signs at both locations have become a canvas for graffiti. The continued presence of these signs have decreased surrounding property values and reduced the overall livability of the City. These signs have also conveyed a shabby image of the City to visitors such as participants and spectators of the annual Harvest of Harmony parade.

City Code authorizes the removal of these signs. Mr. Tourangeau was sent notice to remove these signs. Pursuant to City Code, Mr. Tourangeau was sent a 10 day notice to remove these signs via certified mail – the 10 days commenced on May 20, 2013, when the certified mail receipt was signed for by an employee of the Missouri Secretary of State. The Missouri Secretary of State was sent notice along with others as the two

corporations that own these properties are incorporated in Missouri with Mr. Tourangeau listed as the registered agent. Service upon a corporation can be made upon the Secretary of State of the state in which a corporation is incorporated.

The Resolution for consideration this evening offers the Council the opportunity as the governing body for the City, to publicly express its support for the Administration's desire and efforts to abate this nuisance pursuant to City Code.

Removal of these signs will benefit the entire City of Grand Island.

### **Alternatives**

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

City Administration recommends that the Council approve Resolution 2013-185 expressing the Council's support for the Administration's desire and efforts to abate the nuisance of illegal signs located at 311 East 3<sup>rd</sup> Street and 319 East 5<sup>th</sup> Street for the benefit of the City of Grand Island and its citizens.

### **Sample Motion**

Move to approve Resolution 2013-185.

RESOLUTION 2013-185

WHEREAS, signs located at 311 East 3<sup>rd</sup> Street and 319 East 5<sup>th</sup> Street within the City of Grand Island have been erected and maintained in violation of the Grand Island City Code; and

WHEREAS, said signs constitute a public nuisance; and

WHEREAS, City Code Section 31-7 authorizes the removal of signs in violation of City Code; and

WHEREAS, the City Council as the governing body of the City of Grand Island, supports the Administration's desire and efforts to abate this public nuisance,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that it supports the Administration's desire and efforts to utilize all available means and resources to abate the public nuisance consisting of signs located at 311 East 3<sup>rd</sup> Street and 319 East 5<sup>th</sup> Street within the City of Grand Island.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 11, 2013.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk

Approved as to Form	▣ _____
June 7, 2013	▣ City Attorney