



City of Grand Island

Tuesday, March 23, 2004

Council Session

Item G13

#2004-65 - Approving Date for Board of Equalization for Annual Mowing Assessments

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: March 23, 2004

Subject: Setting Date for Board of Equalization
for Annual Mowing Assessment

Item #'s: G-13

Presenter(s): Douglas R. Walker, City Attorney

Background

Chapter 17 of the Grand Island City Code, Garbage, Refuse, Waste and Weeds, Article III - Weeds, sets forth the procedure for levying special assessments against properties on which the City has performed mowing operations during the preceding year. If a property owner, agent, occupant or other person in possession, charge or control of a lot fails to pay the bill sent by the Finance Department for mowing, the Mayor and City Council, after sitting as a Board of Equalization, may levy the mowing costs against the property on which the services were delivered as a special assessment.

Discussion

There were five properties which did not pay mowing bills during the calendar year 2003 as of March 2, 2004. The City Code requires that a hearing date be set for the Board of Equalization to consider the proposed assessments and take public comment. This action sets Board of Equalization for April 27, 2004, and provides for publication and mailing of notices of the proposed assessments.

Alternatives

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

1. Approve the meeting date of April 27, 2004 for the Board of Equalization.
2. Disapprove or /Deny the meeting date of April 27, 2004 for the Board of Equalization.

3. Modify the meeting date of April 27, 2004, of the Board of Equalization to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council approve the meeting day of April 27, 2004, for the Board of Equalization for the 2003 mowing assessments.

Sample Motion

Approve the meeting date of April 27, 2004, for the Board of Equalization for the 2003 mowing assessments.

RESOLUTION 2004-65

WHEREAS, pursuant to Article III of Chapter 17 of the Grand Island City Code, for reason of the failure of the owners, agents, occupants, or persons in possession, charge, or control of lots, tracts, or parcels of land in the City to comply with the notices of the City Council in regard to the cutting and removing of weeds and other rank growth of vegetation, such weeds and other rank growth of vegetation were caused to be removed by the City, and the actual expenses thereof have been audited and paid by the City; and

WHEREAS, the owners, agents, occupants, or persons in possession, charge or control of lots, tracts or parcels of land whereon such weeds and other rank growth of vegetation were caused to be cut by the City and are in default of payment of the expenses and costs incurred by the City therefor; and

WHEREAS, the Finance Department for the City has reported the expenses and costs of such weed cutting to the City Council and recommends that the City Council sit as a Board of Equalization to assess the expenses and costs thereof to the respective lots, tracts, or parcels of land.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The report of the Finance Department for the City pertaining to the cutting of weeds and other rank growth of vegetation is hereby accepted.
2. The City Council shall sit as a Board of Equalization to determine the benefits of such weed cutting on April 27, 2004 at 7:00 p.m.
3. The City Clerk shall give notice, as required by Section 16-707, R.R.S. 1943, as amended, by one publication in the Grand Island Independent that the City Council will sit as a Board of Equalization on the date and time set forth above, at least ten (10) days prior thereto; and further, that the City Clerk, within five (5) days after the date of publication of the above notice, shall send by U.S. mail, a copy of the published notice to each and every party appearing to have a direct legal interest in such proceeding whose name and post office addresses are known, in accordance with the provisions of Section 25-520.01, R.R.S. 1943, as amended.

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Adopted by the City Council of the City of Grand Island, Nebraska, March 23, 2004.

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
March 18, 2004	☐ City Attorney