



City of Grand Island

Tuesday, April 27, 2004

Council Session

Item D2

**#2004-BE-4 - Consideration of Determining Benefits for 2003
Weed Abatement Program**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: April 27, 2004

Subject: Determination of Benefits–2003 Weed Abatement Program

Item #'s: D-2 & F-5

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

Background

Article III of Chapter 17 to the Grand Island City Code contains a procedure for abating nuisances created by properties that have excessive growths of weeds, grasses and other vegetation. The City Code provides for owners to receive a notice to cut their weeds and grasses and if the owners do not comply with such notice, then the City is authorized to proceed to have the work done and bill the property owner. Once the property owner has been billed, if the owner fails to pay the bill or refuses to do so, the City is authorized by Section 17-38 of the City Code to levy an assessment on the property for the amount of the mowing expenses.

Discussion

The City Council is being asked to assess the benefits for the weed abatement program that took place during the growing season of 2003. There were several properties within the City of Grand Island which were not mowed after notice had been sent that they were not in compliance. When the property owners did not respond to the notice, the City contracted to have the properties mowed and then sent a statement to the property owners for the cost of the mowing. The determination of benefits and levying of special assessments on the properties is the next step in the process of collecting on the mowing expense from those property owners who have not paid their mowing statements.

Alternatives

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

1. Approve the determination of benefits and approve levying the assessment against the property owners who have not paid their mowing bills.
2. Disapprove or /Deny the determination of benefits and levying an assessment against the property owners who have not paid their mowing bills.
3. Modify the determination of benefits and levying of special assessments to meet the wishes of the Council
4. Table the issue

Recommendation

City Administration recommends that the Council determine the benefits of mowing done during 2003 and levy the unpaid benefits as a lien against the properties that were mowed.

Sample Motion

Approve the determination of benefits. Approve the levying of assessments for unpaid mowing in 2003 against the properties which benefited from this service.

RESOLUTION 2004-BE-4

WHEREAS, pursuant to Sections 16-230 and 16-707, Neb. R.R.S. 1943, as amended, the City Clerk of the City of Grand Island, Nebraska, gave notice at least ten days prior thereto by publication in a newspaper having general circulation in the City and by mail to persons whose addresses were known to her that the City Council would meet as a Board of Equalization to equalize special weed cutting assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, sitting as a Board of Equalization for the purpose of assessing the costs and expenses of cutting and removing weeds, grasses, or worthless vegetation to the various lots and pieces of ground during the 2003 season, that:

1. The special benefits accruing to the real estate hereinafter described for each cutting is the actual expense thereof plus \$50.00 as costs for the City per lot or piece of ground or any combination thereof; and
2. The several lots and pieces of ground hereinafter described are respectively benefited by reason of such weed elimination as follows:

<u>Name/Address</u>	<u>Description</u>	<u>Assessment</u>
Jose Torres 200 E. Park Avenue Norfolk, NE 68701	West 2/3 of Lots 5, 6, and 7, Hann's 3 rd Addition	125.00
Lenders Asset Management 7325 S. Pierce Street, Suite 203 Littleton, CO 80128	Lot 6, Block 11, Original Town	125.00
Agnes Wilson 319 E. 10th Grand Island, NE 68801	Lot 2, Nagorski Subdivision	140.00
Gosna Inc. 1010 E. Bismark Grand Island, NE 68801	Lot 1, Super Bowl Subdivision	1,169.02
Troy Noziska 6363 N. Gunbarrel Road Grand Island, NE 68801	Lot 6, Block 30, Packer & Barr's 2 nd Subdivision	125.00

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Adopted by the City Council of the City of Grand Island, Nebraska on April 27, 2004.

RaNae Edwards, City Clerk

Approved as to Form	<input type="checkbox"/>	_____
April 22, 2004	<input type="checkbox"/>	City Attorney