



City of Grand Island

Tuesday, January 10, 2006

Council Session

Item G16

**#2006-12 - Approving Setting Board of Equalization Date for
Annual Mowing Assessments**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: January 10, 2006

Subject: Accepting Report of Delinquent Weed Abatement Costs and Setting a Public Hearing for the Board of Equalization to Assess Weed Abatement Costs

Item #'s: G-16

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 accept the report on the unpaid weed expenses and set a date of February 14, 2006, for a Board of Equalization hearing to establish the benefits for the 2005 weed abatement program. A notice was sent to property owners who did not keep their weeds and grasses mowed. 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. Setting a Board of Equalization hearing for 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. Set a date authorizing a Board of Equalization hearing to establish the benefits of the weed abatement program.
2. Do not set a date for a public hearing for the determination of benefits and levying an assessment against the property owners who have not paid their mowing bills.
3. Table the issue.

Recommendation

City Administration recommends that the Council set a public hearing date of February 14, 2006, for a Board of Equalization to determine the benefits of mowing done during 2005 and levy the unpaid benefits as a lien against the properties that were mowed.

Sample Motion

Approve setting a Board of Equalization hearing on February 14, 2006, to approve the levying of assessments for unpaid mowing in 2005 against the properties which benefited from this service.

RESOLUTION 2006-12

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 February 14, 2006 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, January 10, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 4, 2006	☐ City Attorney