



City of Grand Island

Tuesday, February 14, 2006

Council Session

Item D2

**#2006-BE-3 - Consideration of Determining Benefits for 2005
Weed Abatement Program**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: February 14, 2006

Subject: Determination of Benefits
2005 Weed Abatement Program

Item #'s: D-2 & F-3

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 seasons of 2005. There were a number of 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 2005 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 2005 against the properties which benefited from this service.

R E S O L U T I O N BE-2006-3

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 2005 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>
Duane Jensen 716 W. 15 th Street Grand Island, NE 68801	Lot 8, Block 14, Schimmer's Addition	146.00
Donald Obst Sr. 409 W. 8 th Street Grand Island, NE 68801	Lot 6, Block 11, Original Town	125.00
Tamara Werner 674 N. 27 th Street Blair, NE 68008	Lot 7, Block 74, Original Town	500.00
Iris Phillips 1213 N. Cherry Grand Island, NE 68801	Lot 4, Block 2, George Loan's Subdivision	175.00

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Adopted by the City Council of the City of Grand Island, Nebraska, February 14, 2006.

Jay Vavricek, Mayor

Attest:

Approved as to Form <input type="checkbox"/> _____ February 9, 2006 <input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk