



City of Grand Island

Tuesday, July 24, 2007

Council Session

Item D1

**#2007-BE-4 - Consideration of Determining Benefits for 2006
Weed Abatement Program**

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Wesley D. Nespor, Attorney

Meeting: July 24, 2007

Subject: Determination of Benefits
2006 Weed Abatement Program

Item #'s: D-1 & F-1

Presenter(s): Wesley D. Nespor, 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, the City is authorized to do the work and bill the property owner. If the owner fails to pay the bill, 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, sitting as the Board of Equalization, is being asked to determine the benefits for the weed abatement program that took place during the growing season of 2006. There were a number of properties within the City of Grand Island which were not mowed after notice was given. The property owners did not respond to the notice, the City contracted to have the properties mowed, and sent a statement to the property owners for the cost of the mowing. The determination of benefits and levying of special assessments by ordinance on the properties are the next steps in the process of collecting the mowing expense.

Alternatives

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

1. Determine the benefits and approve levying the assessment against the property.
2. Continue the issue to a later date.

Recommendation

City Administration recommends that the Council determine the benefits of mowing done during 2006 and levy the unpaid benefits as a lien against the properties that were mowed.

Sample Motion

Motion to adopt the resolution determining the special benefits of mowing and weed nuisance abatement for the properties listed and in the amounts set forth in the resolution.

After the resolution is adopted, a separate motion to adopt the assessment ordinance will be made in the manner for adopting ordinances.

RESOLUTION BE-2007-4

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 2006 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>
Gary and Cindy Clerc 803 E 14 th St Grand Island, NE 68801	Lot 4, Block 6, George Loan's Subdivision, City of Grand Island, Hall County, Nebraska	\$100.00
US Bank National Association ND FCL Department 205 W 4 th St, 5 th Floor Cincinnati, OH 45202	E ½ Lot 7, Block 74, Original Town, City of Grand Island, Hall County, Nebraska	\$220.00
Toni L. Cooper and Melquiades M. Reyes 516 E 1 st St Grand Island, NE 68801		
Household Mortgage Funding Corp 636 Grand Regency Blvd Brandon, FL 33510	N ½ Lot 4, Block 93, Original Town, City of Grand Island, AKA Lot 1 Cooper Subdivision, Grand Island, Hall County, Nebraska	\$140.00
John and Tammy Dearing 1320 N Wheeler Grand Island, NE 68801		

Stephen R. and Gladis M. Schuller N 7' of Lot 4 & S 43' of Lot 3, Hann's Addition, City Of \$140.00
and Desa Tucker Grand Island, Hall County, Nebraska

624 N. Broadwell

Grand Island, NE 68803 and

247 S. Locust, Grand Island, NE
68801

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Adopted by the City Council of the City of Grand Island, Nebraska, July 24, 2007.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk