



# **City of Grand Island**

**Tuesday, August 26, 2008**

**Council Session**

## **Item E3**

**Public Hearing on Creation of Business Improvement District #8,  
Downtown**

**Staff Contact: Wes Nespor**

# **Council Agenda Memo**

**From:** Legal Department

**Meeting:** August 26, 2008

**Subject:** Resolution of Intention to Establish Business Improvement District #6  
Resolution of Intention to Establish Business Improvement District #7  
Public Hearing and Ordinance to Establish Business Improvement District #8

**Item #'s:** E-3, F-1, G-6 & G-7

**Presenter(s):** Dale Shotkoski, City Attorney  
Wesley D. Nespor, Attorney

## **Background**

The Mayor and Council set preliminary boundaries and appointed an initial Board of Directors to Business Improvement District (BID) #6, #7, and #8. The Board has recommended formal creation of a new district and the Regional Planning Commission concurs in that recommendation.

## **Discussion**

Pursuant to the authority given in Neb Rev Stats 19-4015 through 19-4038, cities may create Business Improvement Districts to facilitate improvements and to develop and promote a variety of beneficial activities. The next stage in the process for BID #6 and #7 is the adoption of a Resolution of Intention to Establish the District. The resolution must contain: a description of the boundaries; the time and place of a hearing to establish the District by Ordinance; the proposed projects, facilities, and improvements for the District; the proposed or estimated costs of the improvements and facilities; and the method of raising revenue. Upon passage of the Resolution of intent, it will be published once in the newspaper and a copy mailed to owners of taxable property in the District giving them notice of the hearing to be held on September 9, 2008.

The next stage in the process for BID #8 is to hold a public hearing to hear all protests and receive evidence for or against the District and to adopt the Ordinance formally

creating the District. There must be a ruling upon all the protests prior to the close of the hearing. This can be in the form of a motion to determine the protests are valid and that they constitute less than or more than 50% of the assessable units of real estate in the District. After the hearing, if the owners of less than 50% of the assessable units have protested the District, Council may adopt an Ordinance to create the District.

## **Alternatives**

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

### **DISTRICT #6 RESOLUTION OF INTENT**

1. Move to adopt the Resolution of Intent to Establish District #6.
2. Take no action on the issue.

### **DISTRICT #7 RESOLUTION OF INTENT**

3. Move to adopt the Resolution of Intent to Establish District #7.
4. Take no action on the issue.

### **DISTRICT #8 HEARING**

5. Move to determine that the protests are valid and constitute less than 50% of the assessable units in the District.
6. Move to determine that the protests are valid and constitute more than 50% of the assessable units in the District.
7. Continue the hearing from time to time.

### **DISTRICT #8 ORDINANCE**

8. Upon conclusion of the hearing, move to adopt the ordinance creating the District.
9. Take no action on the issue.

## **Recommendation**

City Administration recommends that the Council adopt the Resolutions of Intent to Establish District #6 and #7 setting this matter for hearing on September 9, 2008 at 7:00 p.m. Further, Administration recommends that Council adopt the Ordinance creating BID #8 after hearing.

## **Sample Motion**

Move to determine that the protests for District #8 are valid but constitute less than 50% of the assessable units in the District.

Move to adopt the Ordinance creating Business Improvement District #8.

Move to adopt the Resolution of Intent to Establish Business Improvement District #6.

Move to adopt the Resolution of Intent to Establish Business Improvement District #7.