



City of Grand Island

Tuesday, September 09, 2008

Council Session

Item E5

**Public Hearing on Creation of Business Improvement District #6,
Second Street**

Staff Contact: Wes Nespor

Council Agenda Memo

From: Legal Department

Meeting: September 9, 2008

Subject: Public Hearing and Ordinance to Establish Business Improvement District #6 and #7

Item #'s: E-5, E-6, F-6 & F-7

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

Background

The Mayor and Council set preliminary boundaries and appointed an initial Board of Directors to Business Improvement District (BID) #6 and #7. The Board has recommended formal creation of new districts 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 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 Districts, Council may adopt an Ordinance to create the Districts.

Alternatives

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

DISTRICT #6 and #7 HEARING

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

DISTRICT #6 ORDINANCE

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

DISTRICT #7 ORDINANCE

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

Recommendation

City Administration recommends that Council adopt the Ordinance creating BID #6 and #7 after hearing.

Sample Motion

Move to determine that the protests for District #6 are valid but constitute less than 50% of the assessable units in the District.

Move to determine that the protests for District #7 are valid but constitute less than 50% of the assessable units in the District.

Move to adopt the Ordinance creating Business Improvement District #6.

Move to adopt the Ordinance creating Business Improvement District #7.