



City of Grand Island

Tuesday, May 12, 2009

Council Session

Item E4

**Public Hearing on Disestablishment of Business Improvement
District No. 8**

Staff Contact:

Council Agenda Memo

From: Jeff Pederson, City Administrator
Meeting: May 12, 2009
Subject: Disestablishment of Business Improvement District No. 8
Item #'s: E-4 & F-3
Presenter(s): Jeff Pederson, City Administrator

Background

On April 14, 2009, the City Council passed Resolution No. 2009-90 which set May 12, 2009 as the date for a Public Hearing on the issue of disestablishment of Business Improvement District No. 8. Some written evidence (documents) has been received, and will be brought forward at the Hearing.

Discussion

The City Council is now at the stage in the process where evidence is received at a public hearing regarding whether or not to disestablish Business Improvement District No. 8. State law requires that the Council hear all protests and receive evidence for or against disestablishment. Prior to closing the hearing, Council must rule upon all written protests. This merely means that Council should determine if the protests are validly signed by someone who owns property within the boundaries of the District. If the owners of more than 50% of the assessable units communicate in writing that they do not want the district to be disestablished, you will not even consider the ordinance to disestablish and the district will continue.

Under every other scenario, the outcome is at the discretion of the governing body. You may disestablish the district or not depending on what you feel is in the best interests of those involved based on the evidence presented during the hearing. Although the hearing was set by a resolution of intent to disestablish the district, neither state law nor city code explicitly states that there is any presumption that you will act one way or another. If there are not enough protests to automatically stop the process, you may decide to introduce the ordinance to disestablish so that you may have a discussion about whether or not to disestablish. A vote for the ordinance would end the district. A vote against the ordinance would allow the district to continue. You also have the option of not

introducing the ordinance at all and taking no further action. In that case, the district would continue.

Alternatives

If there are not enough protests to automatically stop the process, the Council has the following alternatives concerning the issue at hand. The Council may:

1. Continue the public hearing if more time is needed to adduce evidence or verify protests.
2. Take no action on the issue.
3. Waive the rule requiring three readings, introduce the ordinance, and vote for or against passage.
4. Introduce the ordinance on first reading.

Recommendation

This issue involves the owners of property within a Business Improvement District and not the day-to-day operations of the City. Since the action of the Council should be based on evidence presented at a hearing, City Administration has no recommendation.

Sample Motion

Motion to be taken depends on the course of action the council chooses.