



City of Grand Island

Tuesday, June 09, 2009

Council Session

Item G7

#2009-130 - Approving Setting Board of Equalization Hearing to Determine Benefits - 2008 Weed/Nuisance Abatement Program

Staff Contact: Wes Nespor

Council Agenda Memo

From: Wesley D. Nespor, Attorney

Meeting: June 9, 2009

Subject: Setting Board of Equalization Hearing to Determine Benefits - 2008 Weed/Nuisance Abatement Program

Item #'s: G-7

Presenter(s): Wesley D. Nespor, Attorney

Background

The Grand Island City Code contains a procedure for abating nuisances such as excessive growths of weeds, unsafe buildings, and litter. If the owners do not comply with notices to abate these nuisances, the City follows one or more avenues to do the work and bill the property owner. If the owner fails to pay the bill, the City is authorized to levy an assessment on the property for the amount of the abatement expenses.

Discussion

The City Council, sitting as the Board of Equalization, will be asked to determine the benefits for the nuisance abatement program that took place during 2008. A Board of Equalization hearing date must be set and notice given before the City may determine benefits and levy special assessments by ordinance on the properties. A hearing date of June 23, 2009 at 7:00 p.m. is suggested.

Alternatives

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

1. Set a hearing date and direct that notice be given according to law.
2. Continue the issue to a later date.

Recommendation

City Administration recommends that the Council set a Board of Equalization hearing for June 23, 2009 at 7:00 p.m. and direct that notice be given according to law.

Sample Motion

Move to sit as a Board of Equalization to determine the benefits of nuisance abatement on June 23, 2009 at 7:00 p.m. and give notice according to law.

RESOLUTION 2009-130

WHEREAS, pursuant to the Grand Island City Code, for reason of the failure of the owners, agents, occupants, or persons in possession, charge, or control of lots, tracts, or parcels of land in the City to comply with the notices of the City Council in regard to abating nuisances, the cutting and removing of weeds and other rank growth of vegetation, such weeds, nuisances, and other rank growth of vegetation were caused to be removed by the City, and the actual expenses thereof have been audited and paid by the City; and

WHEREAS, the owners, agents, occupants, or persons in possession, charge or control of lots, tracts or parcels of land whereon such nuisances, weeds and other rank growth of vegetation were caused to be cut or removed by the City and are in default of payment of the expenses and costs incurred by the City therefore; and

WHEREAS, the Finance Department for the City has reported the expenses and costs of such weed cutting to the City Council and recommends that the City Council sit as a Board of Equalization to assess the expenses and costs thereof to the respective lots, tracts, or parcels of land.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that:

1. The report of the Finance Department for the City pertaining to the cutting of weeds and other nuisance abatement is hereby accepted.
2. The City Council shall sit as a Board of Equalization to determine the benefits of such nuisance abatement on June 23, 2009 at 7:00 p.m.
3. The City Clerk shall give notice, as required by Section 16-707, R.R.S. 1943, as amended, by one publication in the Grand Island Independent that the City Council will sit as a Board of Equalization on the date and time set forth above, at least ten (10) days prior thereto; and further, that the City Clerk, within five (5) days after the date of publication of the above notice and 10 days prior to the meeting, shall send by U.S. mail, a copy of the published notice to each and every party appearing to have a direct legal interest in such proceeding whose name and post office addresses are known, in accordance with the provisions of Nebraska law.

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Adopted by the City Council of the City of Grand Island, Nebraska, June 9, 2009.

Margaret Hornady, Mayor

Attest:

Approved as to Form <input type="checkbox"/> _____ June 4, 2009 <input type="checkbox"/> City Attorney

RaNae Edwards, City Clerk