



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
FEBRUARY 28, 2013

The City of La Vista Planning Commission held a special meeting on Thursday, May 9, 2013, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:02 p.m. with the following members present: Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller. Members absent were: Circo, Andsager and Alexander. Also in attendance were Ann Birch, Community Development Director, Christopher Solberg, City Planner and John Kottmann, Assistant Public Works Director/City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. Call to Order

- a. The meeting was called to order by Chairman Krzywicki at 7:02 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – February 28, 2013

- a. Malmquist moved, seconded by Miller to approve the February 28, 2013, minutes as submitted. **Ayes:** Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller. **Nays:** None. **Abstain:** Nielsen. **Absent:** Circo, Andsager and Alexander. **Motion Carried.** (6-0)

3. Old Business

None.

4. New Business

- A. **Public Hearing to consider annexation of Sanitary Improvement District No. 195 (Mayfair), Miscellaneous Lots #1 (Mayfair Non-SID lots), I-80 Business Park 2nd Addition and Tax Lots 17 & 18 17-14-12, Miscellaneous Lots #2 (Sod Farm), and adjoining street rights-of-way.**

- i. **Staff Report:** Solberg explained what was being annexed and requested that one motion with a recommendation be made for all four areas. Plans for services is being discussed for Mayfair and Miscellaneous Lots #1 which would move street, park and sewer maintenance up to July 31st to start the services as opposed to October 1st as noted in the book. Staff recommended approval to the annexation.

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- ii. **Public Hearing Opened:** Hewitt moved, seconded by Malmquist to open the public hearing. **Ayes:** *Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Circo, Andsager and Alexander.* **Motion Carried.** (7-0)

Sue Wedige questioned when the SID will be in the City Limits.

Solberg stated that July 31st is the day the SID will be in the City Limits.

Michael McDermott came forward and stated "Good evening. My name is Michael McDermott. I am associated with the sod tract. It has been owned by our family since the 80's. It is currently owned by my mother, or my mother's trust, Aida McDermott. Aida sends her greetings, but she is now passed ninety and says she no longer attends these sorts of functions in person so she sends me and she asked me some questions that I thought I should solicit an answer for. We have that pie shaped piece of the sod ground. It's been in the county for a long time. It's been in the county since we bought it. There are no other residents on that property but us. There are no discernible city services. There are no houses. There's no schools. There's no city services, so if we are paying county taxes and paying that county function (unclear) why is it that we should be in the city and then be subject to city taxes as well, or isn't this the sort of tract that should be agricultural be in the county and stay that way and I don't know what the rationale is."

Solberg stated from a strictly land use viewpoint the Comprehensive Plan calls for it to be annexed so that it clears up the donut hole aspect. That property is surrounded mostly by City land and makes a gap. Solberg provided an example of a car veering into the sod farm, there could be confusion as to who would respond to the accident because of the gap.

Mr. McDermott stated "I understand the part about making the map simple and say the City of La Vista goes from here to there and shouldn't have this hole in it where our sod farm is. That ground as it runs along the creek has some differences with its neighbors. I mean we can't call the City of La Vista and say we want to open a Jimmy John's on that ground because that won't happen. So it continues to be that agricultural space, subject to an agricultural use, and I just, if somebody wants to put it in there for administrative simplicity, and you can write it up that we would like to have a simpler map and simpler responsibilities, but I am trying to get to the point about city services and that we don't use city services and the ground is such that it is not going to use city services today or tomorrow or twenty years ago or ten years from now, why should that ground be taxed as though it is in the City of La Vista if we are not using City Services.

Kottmann stated that Mr. McDermott benefits from in regard to city services is that Eastport Parkway is a public street that provides access to the property and

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the commercial trucks that go into and out of Mr. McDermott's property use the city street that La Vista maintains to provide access to his property.

Mr. McDermott stated, "Water, fire, police all that stuff. Water fire police, the normal, that normal basket of services, (unclear) isn't that pretty much covered by a county requirement and since we don't have an upgraded population associated with our property are we really using the services that City of La Vista is good at providing. I mean not (unclear) City is a terrific place."

Kottmann stated that the vehicular access to the property is utilizing the city services.

Mr. McDermott stated " (Unclear) things were probably ok for us before Eastport Parkway as well. I mean it's an upgrade I'm not sure given annexed, we own ground on the other side of Eastport Parkway. (Unclear) ground on the other side of Eastport Parkway I understand that commercial development and you can build a Jimmy John's over there, but the piece that's been a sod farm for thirty years, and it's probably going to stay that way. My mother asked me this question and I thought I should at least come down here and ask it. That's the question."

Hewitt stated she was an attorney outside of the Planning Commission and provided an example of what has happened when there are donut holes where county services are provided and they are surrounded by City services. She stated there was a minor that needed to be transported. The City police could only transport them within their city jurisdiction and had to stop, transport the minor into a county sheriff car for four blocks because it was not annexed by the city and then switch again to another city car because they could not transport the minor over the county jurisdiction, so there were three switches to get a minor ten blocks. When there are donut holes of county services surrounded by city services it creates bizarre situations in regard to who responds.

Mr. McDermott stated, "I appreciate your time. Thank you."

Ms. Cheryl Kirwin came forward and questioned the portion of the tax commitment for the Learning Community be changed by becoming part of the City.

Solberg stated there are four levies that would be effected and replaced with the municipal bond. The Learning Community is not impacted.

Ms. Kirwin questioned if Library services would be free after being annexed.

Solberg stated they would be.

Ms. Kirwin questioned is this possible or is it going to be a done deal.

Solberg stated the Planning Commission would provide a recommendation to

the City Council and on May 21st it will be presented to the City Council for their first reading of the ordinance. A public hearing will take place on June 4th and a third reading will take place and if approved the annexation will be effective July 31st.

Ms. Kirwin questioned the lot that Durkop's own, Lot 21.

Solberg stated that it would be annexed but separately because they are not part of the SID.

Jeff Davis came forward and requested information regarding what benefits they receive by being annexed.

Solberg stated residents will have immediate access to police and fire services. Papillion Rural Fire will continue to provide services until October 1st. Library services will be free of charge. The recreation department will be available to use the gym, weight lifting etc. will be free of charge. The Public Works department will take over the maintenance of the sewer and the streets for plowing etc.

Birch stated that SID's are intended to be annexed. That is why when it was developed it was within the City of La Vista's 2 mile jurisdiction so the City had review and approval of that plat, the subdivision of the lots and all the public improvements that went in so that when it was annexed it would be consistent with La Vista's other improvements and neighborhoods.

Ms. Wedige came forward and questioned if there are any contracts that the City has that we are going to benefit such as reduced rates for garbage removal.

Solberg stated that garbage removal is privately contracted and would not be impacted.

Mr. Mike Belik came forward and questioned if there are any current plans to add stop lights along 96th Street or Giles with the new development by Casey's.

Solberg stated there will be an increase in traffic and with every traffic light the City is required by NDOR to meet certain warrants depending on the amount of traffic and other factors. If the traffic is high enough that warrants a stop light and within the subdivision agreement of the Neighborhood Market development the financing setup of how it is divided was set up to be installed once it meets those warrants.

Kottmann stated a traffic signal study warrant analysis was conducted a couple years ago and at that time they did not meet the warrants for signals but a couple locations were getting close.

iii.

Public Hearing Closed: Malmquist moved, seconded by Tom Miller to close the public hearing. **Ayes:** Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan

and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Circo, Andsager and Alexander. **Motion Carried.** (7-0)

- iv. **Recommendation:** Gahan moved, seconded by Malmquist to recommend approval of Sanitary & Improvement District No. 195 (Mayfair), Miscellaneous Lots #1 (Mayfair Non-SID lots), I-80 Business Park 2nd Addition and Tax Lots 17 & 18 17-14-12, Miscellaneous Lots #2 (Sod Farm), and adjoining street rights-of-way and the changing of the date to July 31st for extension of services for public works. **Ayes:** Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and. **Nays:** None. **Abstain:** Lowell Miller. **Absent:** Circo, Andsager and Alexander. **Motion Carried.** (6-0)

5. **Comments from the Floor**
None.

6. **Comments from the Planning Commission**
Solberg informed Commissioners of the regular Planning Commission Meeting taking place May 16th.

7. **Adjournment**

Hewitt moved, seconded Nielsen, to adjourn. **Ayes:** Nielsen, Tom Miller, Hewitt, Krzywicki, Malmquist, Gahan and Lowell Miller. **Nays:** None. **Abstain:** None. **Absent:** Circo, Andsager and Alexander. **Motion Carried.** (7-0)

Reviewed by Planning Commission:

Recorder

Planning Commission Chair

Approval Date