

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 3, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RECONSIDER ASSESSMENT PER RESOLUTION 09-007	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to reconsider and adjust the original assessment filed with the Sarpy County Treasurer for property clean up at 7107 Monterrey Dr., Lot 167 Park View Heights 2<sup>nd</sup> Addition.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

**BACKGROUND**

The Council passed Resolution 09-007 on January 20, 2009 to authorize the clerk to file special assessments with the Sarpy County Treasurer for unpaid charges for property cleanup on various properties. 7107 Monterrey Drive was one of the properties.

Since that time, the property owner has sent a letter asking that the Council reconsider the assessment.

The City gave proper notification with regard to the violation. Once the work was completed the bill was sent via certified mail which gives the property owner time to protest the bill prior to or at the Council meeting at which the assessment is presented. The Certified Letter sent to the property owner was returned to the City after the post office made three attempts to have the certified letter claimed.

Staff has reviewed similar requests from other property owners regarding the tree trimming violations and has waived the assessment. Because of the similarity of situations this is being brought back for Council reconsideration. This assessment has already been filed with the Sarpy County Treasurer and therefore if Council wants to adjust the assessment it requires action through the approval of a resolution with the amount of adjustment stated.

We have supplied the information presented at the time of the original assessment, the letter received from the property owner, and the memo from our Public Works Director regarding this clean up.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECONSIDERING AND ADJUSTING THE ORIGINAL ASSESSMENT OF A PROPERTY PURSUANT TO RESOLUTION 09-007 AND AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER AN ADJUSTMENT TO THE SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNT CITED HEREIN.

WHEREAS, the Mayor and City Council passed Resolution 09-007 on January 20, 2009 authorizing the City Clerk to file with the Sarpy County Treasurer a special assessment for property clean up at 7107 Monterrey Dr., Lot 167 Park View Heights 2<sup>nd</sup> Addition in the amount of \$179.18 ("7107 Monterrey Dr. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on February 13, 2009 requesting the Council's action and 7107 Monterrey Dr. Assessment be reconsidered and adjusted; and

WHEREAS, the City has verified that the owner did make an attempt to trim the branches in compliance with notice of the code enforcement officer; and

NOW THEREFORE BE IT RESOLVED, that, in consideration of the foregoing, exceptional circumstances and interests of equity:

1. Resolution 09-007 is hereby reconsidered to the extent of the 7107 Monterrey Dr. Assessment.
2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 7107 Monterrey Dr. Assessment, which is hereby adjusted and set at the following amount \$\_\_\_\_\_.
3. The La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer an adjustment to the 7107 Monterrey Dr. Assessment in accordance with the actions approved herein.

PASSED AND APPROVED THIS 3RD DAY OF MARCH, 2009

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

January 30, 2009



Kaylynn Rau  
7107 Monterrey Drive

Lavista, Ne 68128

Re: SID # 270020902 Lavista City Weed Lien

Dear Pam,

Several weeks ago I received a notice on my door regarding the trimming of branches in front of my home. After receiving this notice my fiancé and I trimmed all of the low hanging branches and hauled them away. A few weeks later, two city employees pulled up in front of the house and were measuring the branches on our tree that we had already trimmed. There was only one small branch that was even questionable. They decided to trim it and I said I would rather do it myself, especially since we had done the rest of the tree anyway. The worker claimed that it would only be about \$15 dollars to trim it anyway (he said they have to charge their hourly wage at least). My fiancé and I agreed to let him cut the one branch and they left. They were there about a total of 3 minutes.

Since then, I just received a statement for cutting that branch to the sum of \$181.72. Needless to say we are quite shocked to see such a large amount for cutting one branch off of our tree. I have no problem paying the \$15 dollars (which is what he told me) but if I knew this was going to cost almost \$200 dollars for one branch, we would have done it ourselves. We thought we did the right thing and had all of the branches cut in accordance with the city's specs. The branch he trimmed was even questionable as it barely touched his measuring

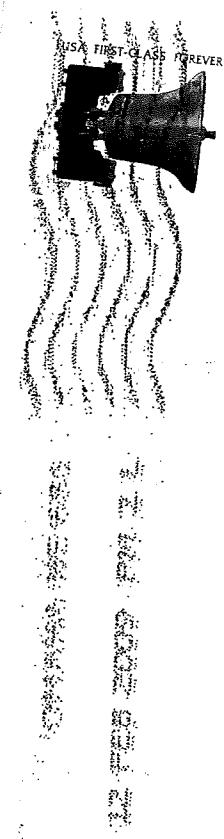
pole. We hired a company to cut down a dead tree this past summer and it cost us \$200 for the entire tree. We are frustrated and hoping that you will be able to help us clear this matter up.

Please let me know if there is anything else I can do. I greatly appreciate your time and effort regarding this matter.

Thank you,

Kaylynn Rau

K. Rose  
7107 Monterey Dr.  
Jawata, NE 68128



City of Calista  
Attention: Pam  
Bill Parkview Blvd.  
Jawata, NE  
68128

FEB 13 2009

68128

February 23, 2009

TO: Pam Buethe  
City Clerk

FROM: Joe Soucie  
Public Works Director

RE: Tree Trimming Charges: 7107 Monterrey Drive

I spoke with the Public Works crew that performed the tree trimming operations on Monterrey Drive. The employees do remember having a conversation with Ms. Rau. They stated that it did appear that the homeowner had made an attempt to trim the branches; however the branches still did not meet code. The senior employee on the crew informed Ms. Rau that the charge should be at the minimum rate since they would be there only 15 minutes. The employee stated that at no time did the provide a dollar amount associated with performing the work since they had no idea what those charges are.

RESOLUTION NO. 09-007

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
8016 Park View Blvd., Lot 1279 La Vista, \$182.06,  
7410 Park View Blvd., Lot 757 La Vista, \$182.06,  
7332 Frederick Ave., Lot 412 La Vista Replat, \$181.90,  
8812 Pine Dr., Lot 183 Park View Heights 2<sup>nd</sup> Addition, \$176.43,  
7501 S 76<sup>th</sup> Ave., Lot 559 La Vista Replat, \$179.15,  
7425 Josephine St., Lot 120 Crestview Heights, \$179.15,  
7222 Joseph Ave., Lot 358 La Vista Replat, \$181.90,  
6905 Josephine St., Lot 171 La Vista Replat, \$177.78,  
6905 Gertrude St., Lot 85 La Vista Replat, \$182.06,  
7107 Monterrey Dr., Lot 167 Park View Heights 2<sup>nd</sup> Addition, \$179.18 and  
7505 Diane Ct., Lot 740 La Vista, \$189.81  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 94.06, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

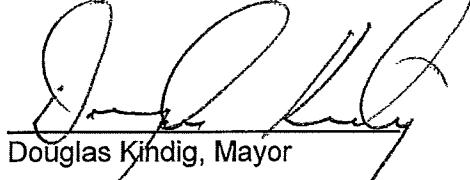
WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

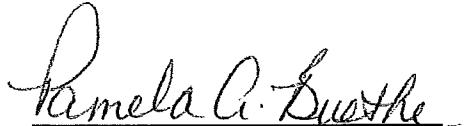
PASSED AND APPROVED THIS 20TH DAY OF JANUARY, 2009

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk

	Motion	Second	Aye	Nay	Abstain	Absent
Kindig						
Carlisle	✓		✓			
Crawford			✓			
Ellerbeck		✓	✓			
Gowan			✓			
Quick			✓			
Ronan			✓			
Sheehan			✓			
Sell			✓			





December 4, 2008

KayLynn M Rau  
7107 Monterrey Dr  
La Vista, NE 68128

RE: Lot 167/Park View Heights 2nd Addition

Dear Ms. Rau:

On October 23, 2008, your property on Monterrey Dr in La Vista was in violation of the City of La Vista's Municipal Code, Sections 94.06 and a yellow tag was left at the above address that stated the trees on the property needed to be trimmed within 14 days or the City would correct the violation at the owner's expense. On November 18, 2008 the Public Works Department trimmed and disposed of the tree branches that were over the street and/or the sidewalk. A total cost of \$179.18 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Tree Trimming and Disposal		
Two Workers, 1 Hour Each		36.43
Equipment Cost		42.75
Chipping		50.00
<b>TOTAL</b>	<b>\$</b>	<b>179.18</b>

Please remit \$179.18, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on January 20, 2009, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
City Clerk

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Cornhusker Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

November 21, 2008

To: Valerie Houloose  
Code Enforcement Officer

Fr: Joe Soucie  
Public Works Director

Re: Tree Trimming  
7107 Monterrey Dr.

The following is a list of expenses incurred by the Public Works Department on November 18, 2008 while trimming and disposing of the tree branches over the street and/or sidewalk at 7107 Monterrey Dr., per your instructions.

**LABOR:**

	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
Employee #1	23.17	1	23.17
Employee #2	13.26	1	13.26
			\$ 36.43

**EQUIPMENT:**

<u>Description</u>	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
1 pickup truck	20.00	1	20.00
1 trailer	15.00	1	15.00
1 power pruner	7.75	1	7.75
			\$ 42.75

**CHIPPING:**

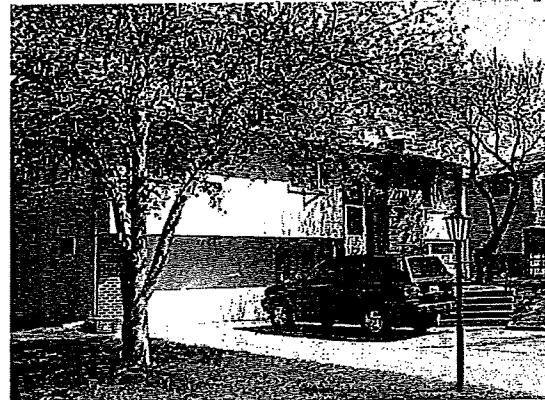
Standardized fee for chipping tree branches	\$ 50.00
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**TOTAL LABOR, EQUIPMENT and CHIPPING:** \$ 129.18

Date	10/23/08
Location	7107 Montevey
Violation	94.06 tree branches
Time to Comply	11/08/08
Vehicle Description	black Ford F-150
Follow-up Officer	Valerie Hanousek
Date:	11/18/08

**Active**

Parcel Number: 010565795  
 Location: 07107 MONTERREY DR  
 Owner: RAU/KAYLYNN M  
 C/O  
 Mail Address: 7107 MONTERREY DR  
                  LA VISTA NE 68128-  
 Legal: LOT 167 PARK VIEW HEIGHTS 2ND ADD  
 Tax District: 27002  
 Map #: 2959-15-0-30006-000-0200



Click Picture/Sketch for Larger View.

Residential Information for 1 January Roll Year 2008			
Style:	Split Entry		
Year Built:	1963	Bedrooms	3
Bathrooms	1.5	Total Sqft	1184
Total Bsmt Finish Sqft	540	Bsmt Total Sqft	1104
Garage Type		Garage Sqft	0
Lot Depth	125	Lot Width	70
<b>Misc</b>			
<b>Description</b>	<b>Sqft or Quantity</b>		
OPEN SLAB PORCH	240		
BSMT GARAGE FINISH	456		
BSMT OUTSIDE ENTRY	2		
CONCRETE STOOP	30		
WOOD DECK	36		
SGLE 1/S FIREPLA	1		
DRIVeway	1		

Sales Information (Updated 12/2/2008)			
Sale Date B & P	Grantor	Grantee	Sale Price
4/16/1999 99-11301	KRISHNA/MOHAN SILVIO 7107 MONTERREY DR LA VISTA NE 68128-0000	KRISHNA/SUSANNE M & MOHAN S 717107 MONTERREY DR LA VISTA NE 68128-0000	\$0
9/20/2002 02-39891	KRISHNA/SUSANNE M & MOHAN S 717107 MONTERREY DR LA VISTA NE 68128-0000	RAU/KAYLYNN M 7107 MONTERREY DR LA VISTA NE 68128-	\$112,000

Valuation Information					
Valuation					
PV = Partial Valuation					
Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$22,000	\$103,537	\$0	\$125,537	NO
2007	\$22,000	\$98,082	\$0	\$120,082	NO
2006	\$22,000	\$92,992	\$0	\$114,992	NO
2005	\$22,000	\$89,423	\$0	\$111,423	NO
2004	\$20,000	\$85,018	\$0	\$105,018	NO
2003	\$20,000	\$82,575	\$0	\$102,575	NO
2002	\$20,000	\$80,347	\$0	\$100,347	NO
2001	\$18,000	\$76,666	\$0	\$94,666	NO
2000	\$17,460	\$70,415	\$0	\$87,875	NO
1999	\$17,280	\$67,043	\$0	\$84,323	NO

