

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
APRIL 7, 2009 AGENDA**

Subject:	Type:	Submitted By:
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 6905 Josephine St., Lot 171 La Vista Replat.

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. 6905 Josephine St. 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 6905 Josephine Street., Lot 171 La Vista Replat in the amount of \$177.78 ("6905 Josephine St. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on March 13, 2009 requesting the Council's action and 6905 Josephine St. 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 6905 Josephine St. Assessment.
2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 6905 Josephine St. 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 6905 Josephine St. Assessment in accordance with the actions approved herein.

PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2009

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

Rec'd 3/13/09

Attention City Clerk I am writing this letter to you in hope's that you will reconsider charging me for any tree's that were trimmed by the City of La Vista being's that my Wife's cousin & I had already done the trimming that we thought was needed prior to the City of La Vista doing what they did. I have included pictures of the pile of limbs that we trimmed to show you the work that we did. I hope this will help you make your decision and show you we made the attempt to comply with the City of La Vista's tree regulations. Thank You.

Sincerely
Donald R. Graunke Jr. &
Heather J. Graunke



Pam Buethe

From: Joe Soucie
Sent: Wednesday, March 25, 2009 1:30 PM
To: Cathy Lupomech; Ann Birch
Cc: Pam Buethe
Subject: RE: Tree Assessment Response

The crew does not specifically remember this address. As before, they used the same policy on each residence; if the homeowner made an attempt to trim and the branches were within one foot of being correct they trimmed them back and did not put it on the charge list. If the branches were more than one foot from code, the branches were trimmed and the homeowner was assessed the charges.

Joe

From: Cathy Lupomech
Sent: Monday, March 16, 2009 7:49 AM
To: Ann Birch; Joe Soucie
Cc: Pam Buethe
Subject: Tree Assessment Response

Good Morning All,

Attached is a letter that was sent in response to a tree assessment that was approved at the January 20, 2009 City Council meeting.

Let me know what you decide.

Cathy

4/2/2009

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 2nd Addition, \$176.43,
7501 S 76th 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 2nd 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

ATTEST:

Douglas Kindig, Mayor

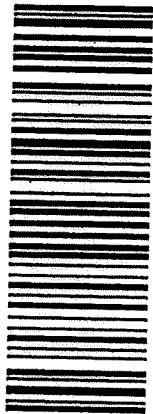
Pamela A. Buethe, CMC
City Clerk

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



City of La Vista
8116 Park View Blvd
La Vista, NE 68128

CERTIFIED MAIL™



7006 0810 0001 6713 7665



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9x
DEC 29 2008
12-5
12-10

Donald Graunke & Heather Knott
6905 Josephine St
La Vista, NE 68128

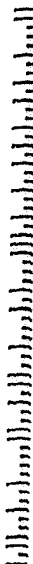
NIXIE

.881 .4E .1 84 12/27/08

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 68128219899 *1095-03160-27-23

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City

Donald Graunke & Heather Knott
6905 Josephine St
La Vista, NE 68128

PS Form 3842, June 2006

Instruction



December 4, 2008

Donald Graunke & Heather Knott
6905 Josephine St
La Vista, NE 68128

RE: Lot 171/La Vista Replat

Dear Mr. Graunke & Ms. Knott:

On September 10, 2008, your property on Josephine St. 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 October 9, 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 \$177.78 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		37.78
Equipment Cost		40.00
Chipping		50.00
TOTAL	\$	<u>177.78</u>

Please remit \$177.78, 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. Bueche, 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
6905 Josephine St.

The following is a list of expenses incurred by the Public Works Department on October 9, 2008 while trimming and disposing of the tree branches over the street and/or sidewalk at 6905 Josephine St., per your instructions.

LABOR:

	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
Employee #1	23.17	1	23.17
Employee #2	14.61	1	14.61
			<hr/>
			\$ 37.78

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 manual pruner	5.00	1	5.00
			<hr/>
			\$ 40.00

CHIPPING:

Standardized fee for chipping tree branches	\$ 50.00
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TOTAL LABOR, EQUIPMENT and CHIPPING: \$ 127.78

Date 9/10/08 Not done 10/11/08 ✓

Location 6905 Josephine

Violation 94.06 tree branches

Time to Comply 14 days

Vehicle Description 543-9413

Follow-up Officer Don 9/30/08

Valerie Anlouse pt. Donald & Heather Kroft

Due: 9/24/08 #171 LV5 Reflat

Active

Parcel Number: 010322566
 Location: 06905 JOSEPHINE ST
 Owner: GRAUNKE/DONALD R
 C/O & HEATHER J KNOTT
 Mail Address: 6905 JOSEPHINE ST
 LA VISTA NE 68128-
 Legal: LOT 171 LA VISTA REPLAT
 Tax District: 27002
 Map #: 2959-13-2-30051-000-0143



Click Picture/Sketch for Larger View.

Residential Information for 1 January Roll Year 2008			
Style:	Ranch		
Year Built:	1960	Bedrooms	2
Bathrooms	1	Total Sqft	792
Total Bsmt Finish Sqft	0	Bsmt Total Sqft	0
Garage Type	Detached	Garage Sqft	352
Lot Depth	110	Lot Width	70
Misc			
Description	Sqft or Quantity		
CONCRETE STOOP	16		
DRIVEWAY	1		

Sales Information (Updated 12/2/2008)			
Sale Date B & P	Grantor	Grantee	Sale Price
7/29/1997			\$59,000
97-16549			
8/7/1995			\$44,000
95-15425			
8/26/2001	HUTCHISON/MICHAEL C	GRAUNKE/DONALD R	\$73,500
01-31916		& HEATHER J KNOTT	
	6905 JOSEPHINE ST	6905 JOSEPHINE ST	
	LAVISTA NE 68128-0000	LA VISTA NE 68128-	

Valuation Information					
Valuation					
PV = Partial Valuation					
Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$18,000	\$64,843	\$0	\$82,843	NO
2007	\$18,000	\$60,348	\$0	\$78,348	NO
2006	\$18,000	\$58,838	\$0	\$76,838	NO
2005	\$18,000	\$54,314	\$0	\$72,314	NO
2004	\$18,000	\$50,555	\$0	\$68,555	NO
2003	\$18,000	\$49,110	\$0	\$67,110	NO
2002	\$18,000	\$46,823	\$0	\$64,823	NO
2001	\$16,000	\$43,823	\$0	\$59,823	NO
2000	\$15,520	\$39,930	\$0	\$55,450	NO
1999	\$15,360	\$37,108	\$0	\$52,468	NO
1998	\$11,280	\$35,712	\$0	\$46,992	NO
1997	\$46,244			\$46,244	NO

