



CITY OF LA VISTA
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PLANNING COMMISSION MINUTES
FEBRUARY 17, 2011

The City of La Vista Planning Commission held a regular meeting on Thursday, February 17, 2011, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Krzywicki called the meeting to order at 7:00 p.m. with the following members present: Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. Members absent were: Hewitt, Gahan and Miller. Also in attendance were Ann Birch, Community Development Director, Chris 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 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. Approval of Meeting Minutes – December 9, 2010

- a. Circo moved, seconded by Andsager to approve the December 9, 2010 minutes as submitted. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller. **Motion Carried.** (7-0)

3. Old Business

None.

4. New Business

- A. **Public Hearing to consider annexation of Sanitary & Improvement District No. 239 (Giles Corner), Sanitary & Improvement District No. 82 (Crossroads Industrial Park) and miscellaneous lot, Performance Auto Plaza & Attic Storage, Part of Sanitary & Improvement District No. 59 (Brook Valley II Business Park) and adjoining street rights-of-way.**

- i. **Staff Report:** Solberg stated each year the City looks into the Comprehensive and Annexation Plans. An update to the Annexation Plan was done in September 2010 and made a decision on what time periods the annexations should take place. Staff feels that all areas within the annexation package concur with the comprehensive plan as it stands now and fills in the holes within the current City Limits as well as squares of boundaries and helps to clarify jurisdictional boundaries to help fire and rescue units know where they can provide services.

ii. **Public Hearing Opened:** Malmquist moved, seconded by Andsager to open the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

Scott D. Jochim came forward representing SID 59. He stated he looked at the annexation report discussing part of SID 59 and on page 5 of the report it talked about pending litigation and he believed that part of the report was incorrect. A law suit was filed by US Cold Storage in December of 2009. Mr. Jochim stated La Vista passed Ordinance number 1107 in late 2009 and US Cold Storage and other class action plaintiffs filed a lawsuit to stop the annexation ordinance number 1107 which dealt with the entire boundary of SID 59 so it was a total annexation ordinance which is subject to the lawsuit. The report talked about the lawsuit only involving the industrial area that is part of the northerly section of the SID but that is incorrect and there are allegations in the complaint and SID 59 is a co-defendant with La Vista in the case, but District Court Judge Kelch entered an order on January 19, 2010, denying US cold Storage the request for an injunction, but as part of his order he cited Nebraska Revised Statute 31-765 which essentially says they did not need an injunction because they have one because there is a statute that says that the merger shall not be effective until thirty days after final determination of validity of the ordinance 1107. As it stands the lawsuit is still pending dealing with allegations pertaining to all of SID 59. One of the causes of action brought by the class action plaintiffs does deal with a carve out section of an industrial area in the northern part of the SID. There are other allegations pertaining to the entirety of the SID including allegations of notice issues and revenue purposes. Mr. Jochim provided copies of the complaint and the answer that was filed by La Vista essentially admitting in the law suit that the allegations pertain to the entire SID. Mr. Jochim stated his point was this might be in violation of Judge Kelch's January 10th order and he doesn't believe La Vista can annex something twice. We have an annexation ordinance in 1107 which passed late 2009 and is currently subject to a law suit where the judge has specifically cited a statute saying that essentially the merger does not become effective until 30 days after final determination of the validity of the ordinance 1107.

Commissioner Krzywicki questioned if staff received this information prior to this meeting.

Mr. Jochim stated staff did not receive this information prior to the meeting.

Commissioner Malmquist asked if the judge said the merger meant annexation.

Mr. Jochim stated yes the judge was citing a statute regarding annexations of Sanitary Improvement Districts, in particular the one he cites deals with the total annexation which is what ordinance number 1107 was.

Commissioner Malmquist questioned if 1107 was activated.

Mr. Jochim stated the final determination has not been made that the case is still pending in District Court and may actually go to the Court of Appeals.

Marv Zuroske, from SID 239, came forward and questioned if Mr. Jochim's statements would affect the entire annexation request.

Solberg stated that it would be proposed as separate ordinances before the City Council.

iii. **Public Hearing Closed:** Malmquist moved, seconded by Kramolisch to close the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

iv. **Recommendation:** Malmquist moved, seconded by Nielsen to recommend a positive recommendation of the annexation package to the City Council. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

B. Public Hearing regarding amendments to Sections 2.2 and 7.01, Zoning Regulations, regarding Signage.

i. **Staff Report:** Solberg stated the package was not ready due to NDOR regulations and should be on the March Planning Commission agenda.

C. Public Hearing for the review of the One & Six Year Road Plan.

i. **Staff Report:** Goldberg came forward and discussed the staff proposal for the 2012 through 2017 road plan. Documents were provided including the form eleven (11) report from the previous year and the summary of the six year plan. Two maps were provided that indicated the locations of all proposed road improvement projects.

ii. **Open Public Hearing:** Malmquist moved, seconded by Alexander to open the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

No one came forward.

iii. **Public Hearing Closed:** Circo moved, seconded by Malmquist to close the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

iv. **Recommendation:** Malmquist moved, seconded by Kramolisch to recommend approval of the One & Six Year Road Plan as presented. **Ayes:** Nielsen, Circo,

Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None.**
Abstain: None. Absent: Hewitt, Gahan and Miller.
Motion Carried. (7-0)

D. Public Hearing for annual review of the Comprehensive Plan.

- i. **Staff Report:** Solberg reviewed the goals and policies of the comprehensive plan and provided a report as to what was accomplished for the past year as well as goals for the upcoming year in relation to the comprehensive plan. A lot of the items relate to the Vision 84 study completion, La Vista Daze and 50th Anniversary celebrations and those activities covered many goals within the Comprehensive Plan. The 2011 items are listed on page three of the report. Solberg stated that an RFP is being developed to commence phase two of the Vision 84 process and developing an RFP for a blight study for certain areas along that corridor to improve funding options to redevelop some of those areas. The mini park plans will go to the City Council March 15, 2011.
- ii. **Open Public Hearing:** Circo moved, seconded by Nielsen to open the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None. Abstain: None. Absent:** Hewitt, Gahan and Miller.
Motion Carried. (7-0)

No one came forward.

Malmquist questioned action 1 in the report.

Solberg stated that one of the RFP's is for a park plan to consider changes to what is now the golf course, but the Vision 84 project called for a central park.

- iii. **Public Hearing Closed:** Malmquist moved, seconded by Kramolisch to close the public hearing. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None. Abstain: None. Absent:** Hewitt, Gahan and Miller.
Motion Carried. (7-0)

5. Comments from the Floor

None.

6. 2011 Election of Officers

Chairman Krzywicki questioned if anyone not currently serving as an officer was interested in serving or if anyone was interested in making a recommendation.

Recommendation: Circo moved, seconded by Nielsen to approve officers remaining the same, President Krzywicki, Vice President Circo and Secretary Gahan. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays: None. Abstain: None.**
Absent: Hewitt, Gahan and Miller.
Motion Carried. (7-0)

7. **Adoption of the 2011 scheduled of Planning Commission hearings/City of La Vista review schedule.**

Malmquist moved, seconded by Andsager, to accept 2011 review schedule as printed. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

8. **Comments from the Planning Commission.**

Solberg provided information about the NPZA conference.

Alfaro provided information about the La Vista Commemorative Cookbooks.

9. **Adjournment**

Malmquist moved, seconded by Alexander, to adjourn. **Ayes:** Nielsen, Circo, Kramolisch, Krzywicki, Malmquist, Andsager and Alexander. **Nays:** None. **Abstain:** None. **Absent:** Hewitt, Gahan and Miller.

Motion Carried. (7-0)

Reviewed by Planning Commission:

Michele Alfaro
Recorder

Michael J Krzywicki
Planning Commission Chair

4-21-2011
Approval Date