

# MINUTE RECORD

No. 729—REDFIELD & COMPANY, INC., OMAHA

## LA VISTA CITY COUNCIL MEETING March 16, 2010

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 16, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on March 4, 2010. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 2, 2010**
- 3. MONTHLY FINANCIAL REPORT – FEBRUARY 2010**
- 4. APPROVAL OF CLAIMS**

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Councilmember Ellerbeck reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Vehicle Supplies	269.85
ANN TROE, Design	360.00
APPLE RECYCLING & TRASH, Contract Services	325.03
ARAMARK UNIFORM, Contract Services	326.25
ASPHALT & CONCRETE MATERIALS, Street Maint.	446.52
ASSOCIATED FIRE PROTECTION, Contract Services	949.82
BAKER & TAYLOR BOOKS, Books	974.94
BCDM-BERINGER CIACCIO DENNELL, Professional Services	200.00
BENNETT REFRIGERATION, Repair	930.00
BENNINGTON EQUIPMENT, Vehicle Maint.	957.55
BETTER BUSINESS EQUIPMENT, Rentals	43.93
BIG RIG TRUCK ACCESSORIES, Vehicle Maint.	220.00
BLACK HILLS ENERGY, Utilities	10,431.89
BOB'S RADIATOR REPAIR, Vehicle Maint.	139.75
BOTACH TACTICAL, Wearing Apparel	27.53
BRAND, STEVEN, Travel	50.00
BUETHE, JOSH, Wearing Apparel	119.99
BUETHE, PAMELA, Training/Vehicle Maint/Travel	239.93
BUILDERS SUPPLY, Bldg & Grnds	131.80
BURT, STACIA, Training	360.00
CARDMEMBER SERVICE, Training/Travel/Dues	14,996.28
CARL JARL LOCKSMITHS, Squad Supplies	13.70
CDW GOVERNMENT, Supplies	922.44
CITY OF OMAHA, Contract Services	625.96
CJ'S HOME CENTER, Vehicle Maint./Bldg & Grnds/	581.76
CONTROL MASTERS, Repair	975.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	356.91
COX, Phone	58.65
DAVIDSON TITLE, Books	671.00
DAYMARK SOLUTIONS, Contract Services/Bldg & Grnds	835.50
DELL, Contract Services	6,781.10

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DIAMOND VOGEL PAINTS, Bldg & Grnds	214.52
DISPLAY SALES, LV50 Banners	5,940.00
DOUGLAS COUNTY HEALTH DEPT, Training	300.00
ED M. FELD EQUIPMENT, Supplies	95.00
EDGEWEAR SCREEN PRINTING, LV50 T-Shirts	1,095.00
ELECTRONIC ENGINEERING, Vehicle Maint.	283.00
EMBASSY SUITES HOTEL, Luncheon/Workshop/Dinner	2,793.72
EVANS, KENNETH AND MARY, Deposit Refund	2,342.00
FASTENAL COMPANY, Vehicle Maint.	90.01
FBINAA-FBI NATL ACAD ASSOCS, Training	75.00
FOSTER, TERRY, Travel	70.00
FUN SERVICES - OM, Deferred Revenue	438.45
GALE, Books	141.37
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	202.14
GENUINE PARTS COMPANY, Vehicle Maint./Supplies/Bldg & Grnds	2,503.79
GOMEZ, PONCE AND HEATHER, Deposit Refund	900.00
GRAINGER, Supplies/Bldg & Grnds	215.83
GRAYBAR ELECTRIC, Bldg & Grnds	163.92
GREAT PLAINS ONE-CALL SVC, Contract Services	76.12
GREAT PLAINS UNIFORMS, Wearing Apparel	114.00
GREAT WESTERN BANK, Fees	250.00
H & H CHEVROLET, Vehicle Maint.	91.06
HEARTLAND PAPER, Supplies	97.00
HOME DEPOT, Bldg & Grnds/Supplies	123.10
HUNTEL, Contract Services	171.00
HY-VEE, Supplies	150.74
IIMC CONFERENCE REGISTRATION, Training	510.00
J P COOKE, Supplies	25.56
J Q OFFICE EQUIPMENT, Supplies	661.54
JACK'S UNIFORMS & EQUIPMENT, Handgun	2,045.00
JUSTIN THYME CAFÉ, Supplies	450.00
LA VISTA PHARMACY, Squad Supplies	25.77
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LEAGUE ASSN OF RISK MGMT, Insurance	707.00
LEXIS NEXIS MATTHEW BENDER, Books	119.46
LIBRARY ADVANTAGE, Supplies	210.00
LINCOLN NATIONAL LIFE INS, Employee Benefits	7,347.81
LINWELD, Supplies	145.17
LOU'S SPORTING GOODS, Supplies	192.16
M B WILDER, Vehicle Maint.	60.00
MAACO, Vehicle Maint.	300.00
MALLARD SAND & GRAVEL, Winter Maint.	3,134.55
MENARDS, Bldg & Grnds	495.07
MICHAEL TODD AND COMPANY, Vehicle Maint.	827.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds/Street Maint.	166.69
MIDWEST TURF & IRRIGATION, Vehicle Maint.	1,716.55
MIXAN HEATING & AIR COND, Bldg & Grnds	4,233.00
NATIONAL PAPER COMPANY, Supplies	278.60
NE DEPT HEALTH/HUMAN SERVICES, Permit	40.00
NE DEPT OF LABOR, Contract Services	396.00
NEBRASKA CODE OFFICIALS ASSN, Dues	130.00
NEBRASKA FOREST TREE SERVICE, Training	105.00
NEBRASKA GOLF COURSE, Training	35.00
NEBRASKA TURF PRODUCTS, Bldg & Grnds	384.65
NEW YORK TIMES, Books	195.00
NEXTEL, Phone	682.25
NLA-MEMBERSHIPS, Dues	260.00
NMC EXCHANGE, Vehicle Maint.	4,050.10
NORTHERN WATER WORKS SUPPLY, Equipment	750.75
NUTS AND BOLTS, Bldg & Grnds	17.25
OABR PRINT SHOP, Printing	166.47
ODEY'S, Supplies	210.99
OFFICE DEPOT, Supplies	1,267.33
OMAHA COMPOUND, Supplies	110.84
OMAHA WINNELSON, Bldg & Grnds	20.74
OMNIGRAPHICS, Books	61.63
OPPD, Utilities	41,089.83
PALTEC TRUCK EQUIPMENT, Winter Maint.	190.26
PAPILLION SANITATION, Contract Services	304.11
PAPILLION TIRE, Vehicle Maint.	71.00

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PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	370.96
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	371.38
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	222.75
PRO, Contract Services	1,400.00
PROGRESSIVE BUSINESS, Supplies	320.00
QUALITY IRRIGATION, Contract Services	677.00
QWEST, Phone	104.08
REDFIELD & COMPANY, Supplies	217.00
REGAL AWARDS, Awards	1,247.55
RUSTY ECK FORD, Vehicle Maint.	182.89
SARPY COUNTY EDC, Travel	410.00
SARPY COUNTY TREASURER, Contract Services	8,750.00
SCHOLASTIC LIBRARY PUBLISHING, Books	202.80
SECURITY EQUIPMENT, Bldg & Grnds	15.00
SIMPLEX GRINNELL, Vehicle Maint/Bldg & Grnds	1,198.00
SOUCIE, JOSEPH, Phone	194.97
STATE STEEL, Bldg & Grnds	110.70
STEVENS, MARK, Travel	24.00
STOPAK, SCOTT, Travel	130.00
STRIKE TACTICAL SOLUTIONS, Training	350.00
SUBURBAN NEWSPAPERS, Dues	39.50
SUMMER KITCHEN, Supplies	62.64
SUPERIOR VISION, Employee Benefits	669.28
TARGET BANK, Equipment	6.99
THERMO KING CHRISTENSEN, Winter Maint/Vehicle Maint.	282.33
THOMPSON DREESSEN & DORNER, Professional Services	14,007.74
TORNADO WASH, Vehicle Maint.	145.00
UNIVERSITY OF NEBRASKA LINCOLN, Dues/Training	480.00
WAL-MART, Supplies	869.32
WASTE MANAGEMENT, Contract Services	760.94
WEATHER OR NOT, Professional Services	250.00
WICK'S STERLING TRUCKS, Vehicle Maint.	82.13

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

City Administrator Gunn reminded Council the Strategic Planning Meeting will be held on Tuesday, March 23, 2010 at 5:30 p.m. at the Police Station.

Police Chief Lausten informed Council of the 911 call from a residence in La Vista. A car was left running in the garage, so the house filled with carbon monoxide. The case is under investigation. Lausten reported on a "shaken baby" case in La Vista. Lausten stated D.A.R.E. graduation will be held at G. Stanley Hall on April 9<sup>th</sup>.

Public Works Director Soucie informed Council he attended LEAD training in Virginia. Soucie informed Council that work on the backstop at the Sports Complex started today; and street sweeping and pot hole patching continues.

Recreation Director Stopak informed Council he also attended LEAD training in Virginia. Stopak informed Council the Park and Recreation Meeting will be held on Wednesday night. The senior St. Patrick's Day lunch will also be held on Wednesday. There is both tax and census assistance available at the Recreation Center.

Library Director Barcal informed Council the City received a letter from the Library Commission informing her that the state aid award amount was reduced due to a cut in funding.

## **B. RESOLUTION - FY 2008/2009 AUDIT REPORT - BKD, LLP**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-024: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2008 - 2009 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2008-2009 municipal operations; and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2008-2009 municipal audit is hereby accepted and approved.

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Seconded by Councilmember Quick. Roger Watton, from BKD presented hi-lighted portions of the audit. Watton also commented that the process in place by staff for approval of claims is sound and he does not recommend. His recommendation as to what Council is looking for large amounts or claims to unknown vendors. Tanya from BKD commented on how nice it was to work with City staff. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. CIMARRON TERRACE** **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Cimarron Terrace.

Larry Jobeun, with E&A Consulting addressed Council to state that by conforming to the plans approved by Council, the plan no longer warrants the addition of a traffic signal. Craig Martin, President of the Cimarron Woods Homeowners Association, addressed Council to state that a traffic signal should be installed at 99<sup>th</sup> and Harrison Street. Chaz Williamson, a Cimarron Woods resident, stated he is concerned with this type of development. There is no motivation to maintain the property. Martin stated the 42% contribution by Pedcor is appreciated but they would like Pedcor to help with all the landscape areas. Jobeun re-addressed Council to state the traffic signal is no longer warranted by the City of Omaha, due to the reduced number of apartments. There is potential liability and the City could lose federal funding if a signal is put in at a location where it is not warranted. Councilmember Quick asked for the number to warrant a signal. City Engineer Kottmann stated the number is 100 vehicles at peak times, where the current estimate is 70 vehicles. Councilmember Crawford asked about the use of a caution light for traffic entering. City Engineer Kottmann stated he would work with Omaha and Sarpy County to find out if warrants are necessary. He does not have an answer at this time. Jobeun stated the development would be built in two phases, with phase 1 consisting of 84 units, and phase 2 consisting of 192 units. Councilmember Quick asked how soon phase 1 would begin. Jobeun stated the project would begin as soon as market conditions improve.

At 7:50 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – FINAL PLANNED UNIT DEVELOPMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-025: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOT 380, CIMARRON WOODS, REPLATTED AS LOTS 1 AND 2, CIMARRON WOODS, A SUBDIVISION LOCATED IN THE NORTH ½ OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of final PUD plan for Lot 380, Cimarron Woods, replatted as Lots 1 and 2, Cimarron Woods; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary plat and preliminary PUD plan; and

WHEREAS, on November 19, 2010, the La Vista Planning Commission held a public hearing and reviewed the final PUD plan and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the final PUD plan for Lot 380, Cimarron Woods, replatted as Lots 1 and 2, Cimarron Woods, a subdivision located in the North 1/2 of Section 16, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 96<sup>th</sup> and Harrison Street, be, and hereby is, approved.

Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **3. RESOLUTION – FINAL PLAT**

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Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-026: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR THE PEDCOR INVESTMENTS LLC FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT GENERALLY LOCATED SOUTHWEST OF 96<sup>TH</sup> AND HARRISON STREET

WHEREAS, Pedcor Investments, LLC, on behalf of the property owner, Torco Development, Inc., has applied for a conditional use permit for the purpose of having a multi-family residential development; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The property has to be maintained and developed in accordance with the site plan, PUD Plan and Subdivision Agreement.
2. Pavement modifications to 99<sup>th</sup> Street and an as-built topographic survey of storm water detention areas is required before Certificates of Occupancy can be issued.
3. An off-site wetlands mitigation area must be acquired prior to any grading permits being issued.
4. No vehicle repair or storage of inoperable or abandoned vehicles is allowed in the parking areas.
5. A drainage study identifies that peak storm water runoff volumes are reduced after construction of the project, and the developer agrees to cooperate with the SID to take additional action if they are not reduced to the volumes shown in the study.
6. The clubhouse must be professionally staffed during open hours.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Pedcor Investments, LLC, for the purpose of having a multi-family residential development, subject to the conditions listed in the last recital above.

Seconded by Councilmember Gowan. Councilmember Sheehan stated the development has done a good job, but he has never been in favor of building an apartment complex at that location. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **4. RESOLUTION – CONDITIONAL USE PERMIT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-027: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE FINAL PLAT FOR LOT 380, CIMARRON WOODS A SUBDIVISION IN THE NORTH ½ OF SECTION 16, TOWNSHIP 14N, RANGE 12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA .

WHEREAS, the owners of the above described piece of property have made application for approval of a Final Plat Lot 380, Cimarron Woods, to be replatted as Lots 1 and 2, Cimarron Woods Replat Two; and

WHEREAS, the City Administrator and the City Engineer have reviewed the final plat; and

WHEREAS, on November 19, 2009, the La Vista Planning Commission held a public hearing and reviewed the final plat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 380, Cimarron Woods, to be replatted as Lots 1 and 2, Cimarron Woods Replat Two, a subdivision located in the North ½ of Section 16, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 96<sup>th</sup> and Harrison Street, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. The necessary mylar copies of the final plat must be submitted with all required signatures.

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Seconded by Councilmember Ellerbeck. Councilmember Carlisle wanted to make sure the City keeps track of traffic studies in the area. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **5. RESOLUTION – SUBDIVISION AGREEMENT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-028: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR THE CIMARRON WOODS LOT 380 SUBDIVISION IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on March 16 2010, approve the final plat for the Cimarron Woods Lot 380 Subdivision subject to certain conditions; and

WHEREAS, the Developer, Pedcor Investments, LLC, has agreed to execute a subdivision Agreement satisfactory in form to the City Attorney and City Engineer; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the March 16, 2010 City Council meeting for the Cimarron Woods Lot 380 Subdivision be, and hereby is approved and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Gowan. Councilmember Gowan stated that he has been a harsh critic of the project, but the developer has done everything the City has asked for. He understands the process for the installation of a traffic signal. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **D. AMEND ZONING REGULATIONS – SECTION 2.02, 5.06, 5.07, 5.08, AND 5.09**

### **1. PUBLIC HEARING**

At 7:55 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on amending Zoning Regulations – Section 2.02, 5.06, 5.07, 5.08, and 5.09.

At 8:03 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. ORDINANCE – AMEND SECTION 2.02 OF ZONING REGULATIONS – RESIDENTIAL**

Councilmember Carlisle motion to table Ordinance No. 1117 entitled: AN ORDINANCE TO AMEND SECTION 2.02 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF and Ordinance No. 1118 entitled: Councilmember AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF until the April 6<sup>th</sup> City Council meeting.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. ZONING TEXT AMENDMENT – FF/FW FLOOD PLAIN DISTRICTS**

### **1. PUBLIC HEARING**

At 8:03 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendment – FF/FW Flood Plain Districts.

At 8:04 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. ORDINANCE – AMEND SECTION 5.18 OF ZONING REGULATIONS**

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Councilmember Gowan introduced Ordinance No. 1119 entitled: AN ORDINANCE TO AMEND SECTION 5.18 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.18 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question was, "Shall Ordinance No. 1119 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **F. ZONING TEXT & MAP AMENDMENTS – ADDING 84<sup>TH</sup> STREET TO THE GATEWAY CORRIDOR OVERLAY DISTRICT**

### **1. ORDINANCE – APPROVE AMENDMENTS TO ZONING ORDINANCE – SECOND READING**

City Clerk Buethe read Ordinance No. 1113 entitled: AN ORDINANCE TO AMEND SECTIONS 5.17.01, 5.17.03 AND 5.17.04 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17.01, 5.17.03, AND 5.17.04 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Carlisle made a motion to waive the second reading and move to final passage. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1113 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### **2. ORDINANCE – APPROVE AMENDMENTS TO OFFICIAL ZONING MAP – SECOND READING**

City Clerk Buethe read Ordinance No. 1114 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Carlisle made a motion to waive the second reading and move to final passage. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1114 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the

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Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **G. FIREWORKS PERMITS**

Discussion was held regarding the number of permits that should be issued and whether they should be limited in trying to help economic growth. Quick motioned to change the city Code of Ordinances with regard to the number of permits and bring this to the next meeting to be voted on. Seconded by Crawford. Voting aye: Sell, Quick, Carlisle, Crawford, and Ellerbeck. Nays: Ronan, Sheehan, and Gowan. Motion carried.

### **1. RESOLUTION – ESTABLISH NUMBER OF PERMITS**

Councilmember Sheehan motioned to table Resolution No. 10-029 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2010. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION – ISSUANCE OF PERMITS**

Councilmember Sheehan motioned to table Resolution No. 10-030 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF \_\_\_\_\_, \_\_\_\_\_,

\_\_\_\_\_, and \_\_\_\_\_. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Quick made a motion to introduce an ordinance to establish the number of allowable permits, based on a recommendation of staff. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A discussion was held concerning the number of firework permits to be allowed each year. Several Councilmembers felt the number of allowable permits should be removed from the ordinance to help with economic development. Other Councilmembers felt the current ordinance should not be changed.

Councilmember Quick made a motion to bring an ordinance to the April 6<sup>th</sup> City Council meeting to determine the allowed number of firework permits. Seconded by Councilmember Crawford.

Discussion continued, with concerns as to whether now is the correct time for a change in the ordinance. Rich Richt, a representative of several applicants, commented that applicants should know the rules before they apply for the firework permits, and the deadline was January 15<sup>th</sup>. Warren Neffler, a representative of Cornerstone Church, stated they want to be able to help the community.

## **H. LIQUOR LICENSE APPLICATION – JDJND, INC. DBA JD'S LIQUOR LOCKER**

### **1. PUBLIC HEARING**

At 8:47 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Liquor License Application – JDJND, Inc. dba JD's Liquor Locker.

At 8:48 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVAL OF LIQUOR LICENSE**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-031: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS DK LIQUOR LICENSE APPLICATION FOR JDJND INC. DBA JD'S LIQUOR LOCKER, LA VISTA, NEBRASKA.

WHEREAS, JDJND Inc. dba JD's Liquor Locker, 8052 S 84<sup>th</sup> Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class DK Liquor License, and



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WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class DK Liquor License application submitted by JDJND Inc. dba JD's Liquor Locker, 8052 S 84<sup>th</sup> Street, La Vista, NE.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **I. RESOLUTION – APPROVE AGREEMENT – TRIPLE CROWN SPORTS, INC.**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-032: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A FIVE YEAR AGREEMENT WITH TRIPLE CROWN SPORTS INC, FORT COLLINS CO, TO ALLOW USE OF THE CITY SPORTS FACILITIES FOR A YOUTH BASEBALL TOURNAMENT AND SLUMP BUSTER FESTIVAL .

WHEREAS, the City has determined that it is desirable to have a long term agreement with Triple Crown Sports Inc; and

WHEREAS, Triple Crown Sports have been renting the Sports facilities for the last several years; and

WHEREAS, this agreement will insure the return of this event to the City of La Vista in the future; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign an agreement with Triple Crown Sports Inc, Fort Collins CO, to allow use of the City sports facilities for a youth baseball tournament and slump buster festival for the next five years.

Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **J. RESOLUTION – APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-033: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF SAFETY COMMITTEE MEMBERS.

WHEREAS, THE City Council of the City of La Vista has determined that the appointments to the La Vista Safety Committee are necessary; and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

WHEREAS, the recommended appointments comply with N.R.S. 48-443:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby appoint the following city employees to the La Vista Safety Committee for the term specified:

Rich Carstensen – Employee representative	2 year term
Jeff Siebels – Employee representative	2 year term
Pat Cavlovic – Employer representative	2 year term

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Bob Lausten – Employer representative

2 year term

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **K. RESOLUTION – ADOPT PANDEMIC FLU PLAN**

Councilmember Carlisle motioned to table Resolution No. 10-034 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **L. RESOLUTION – PURCHASE BUNKER GEAR**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF SEVEN SETS OF GLOBE G7 BUNKER GEAR AND TWO PAIR OF FIREFIGHTING BOOTS FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,230.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and

WHEREAS, funds are provided in the FY 09/10 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of seven sets of Globe G7 Bunker Gear and two pair of firefighting boots from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$13,230.00.

Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **M. RESOLUTION – APPROVE BASE RATE**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DIRECTING THE PREPARATION OF THE FY 2011 BUDGET WITH A PAY-FOR-PERFORMANCE BASE FACTOR OF 2.5% AND AN ADJUSTMENT TO THE SALARY RANGES OF 2.5%.

WHEREAS, the City Council has adopted a pay-for-performance compensation system for employees; and

WHEREAS, the Council Policy Statement governing the administration of the pay-for-performance compensation system calls for the City Council to establish a base factor for salary increases and consider adjustments to the established salary ranges; and

WHEREAS, City staff has researched and presented data regarding salary trends for 2009 and 2010; and

WHEREAS, based on the data presented and the overall financial condition of the City, a PFP base factor of 2.5% and salary range adjustments of 2.5% are recommended for FY 2011; and

WHEREAS, official action to establish the PFP base factor and determine salary ranges will be taken by Council in conjunction with the adoption of the FY 2011 budget.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby direct that the FY 2011 budget be prepared with a pay-for-performance base factor of 2.5% and an adjustment to the salary ranges of 2.5%, all effective October 1, 2010.

Seconded by Councilmember Ellerbeck. Councilmember Crawford asked if there is a history yet with the companies used. Councilmember Sheehan asked how the 2.5 percentage was determined. Assistant City Administrator Ramirez stated that projected increases were reviewed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **N. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 9:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 9:10 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVE SPECIAL ASSESSMENTS**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-037: 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  
7354 S 70<sup>th</sup> Street, Lot 202/La Vista Replat, \$141.64;  
7109 S 69<sup>th</sup> Street, Lot 120/La Vista Replat, \$133.79; and  
7818 Terry Drive, Lot 1255/La Vista, \$116.85  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 93.015, 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.

Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **COMMENTS FROM THE FLOOR**

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

### **COMMENTS FROM MAYOR AND COUNCIL**

There were no comments from Mayor and Council.

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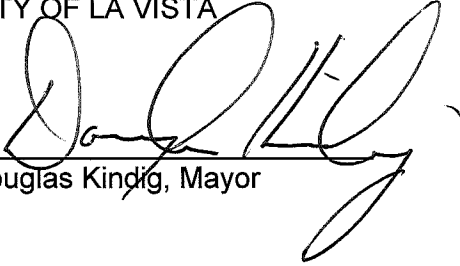
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At 9:13 p.m. Councilmember Ellerbeck made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF APRIL 2010

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09COUNCIL MINUTES\March 16, 2010