

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING July 5, 2006

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 July 5, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Building and Grounds Director Archibald, City Engineer Kottmann, Fire Chief Schuster, Library Director Schinker, Recreation Director Stopak, Police Chief Lausten, Public Works Director Soucie, and City Clerk Ramirez.

A notice of the meeting was given in advance thereof by publication in the Times on June 22, 2006. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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

### APPOINTMENT OF FIRE DEPARTMENT ROOKIES – MIKE BOLEY, RORY FROEHLICH, JOE GARCIA, JOSH GRIESEMER, KYLE JONES, STUART LONGMEYER, JEFF PETERS, BRAD QUEDENSELY, BRIAN SCHAMP

Councilmember Sheehan introduced and moved for the appointment of the nine new members of the La Vista Volunteer Fire Department.

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

### SERVICE AWARDS – RICK DENNE AND MIKE DOYLE – FIVE YEARS

Mayor Kindig presented a certificate and pin to Rick Denne and Mike Doyle for their 5 years of service to the City.

### PROCLAMATION – INTERNATIONAL CLOWN WEEK

Mayor Kindig read and presented the International Clown Week proclamation to 5 representatives of the Omaha Wild Clown-Dum Alley #147. Gifts were presented to the Mayor from the clowns.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JUNE 20, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE JUNE 15, 2006 PLANNING COMMISSION MEETING
4. CHANGE ORDER NO. 1 FOR THOMPSON CREEK CHANNEL IMPROVEMENTS –  
PHASE V PROJECT - \$2,166.00
5. PAY REQUEST FROM TAB HOLDING COMPANY FOR 126<sup>TH</sup> & GILES ROAD  
IMPROVEMENTS (SOUTHPORT WEST) - \$69,463.36
6. PAY REQUEST FROM TERRACON FOR FIRE STATION NO. 2 PROJECT -  
\$3,583.25
7. PAY REQUEST FROM NELSON & ROCK CONTRACTING, INC - \$74,769.91  
(FINAL)
8. PURCHASE OF GRADING EASEMENTS (WEST GILES ROAD)
  - a. OMAHA DEVELOPMENT FOUNDATION - \$7,650.90
  - b. PINK INVESTMENTS, LLC - \$105,635.25
  - c. GARY L. PINK AND DEBORAH A. PINK - \$17,778.60
  - d. CATERPILLAR CLAAS AMERICA LLC - \$12,398.85
9. APPROVAL OF CLAIMS

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

# MINUTE RECORD

July 5, 2006

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

A ADVERTISING & SUPPLY, Sports Equip.	226.00
ACCURATE TESTING, Bldg & Grnds	280.00
ACTION BATTERIES, Supplies	176.49
ANDERSON FORD, Vehicle Maint.	439.54
ANDRUS ENTERPRISES, Payments	456,689.87
AQUA-CHEM, Supplies	188.25
AQUILA, Utilities	1,112.30
ARAMARK UNIFORM, Contract Services	177.25
ASPHALT & CONCRETE MATERIALS, St. Maint.	651.76
AUTO GLASS CENTER, Vehicle Maint.	180.77
BAKER & TAYLOR BOOKS, Books	2,141.47
BARNHARDT, JACQUELINE, Reading Program	75.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	825.00
BEACON BUILDING SERVICES, Contract Services	5,675.00
BENNINGTON IMPLEMENT, Vehicle Maint.	32.13
BIRCH, ANN, Auto Allowance	50.00
BOB'S RADIATOR REPAIR, Vehicle Maint.	130.00
BRADLEY, KIRSTEN, Travel	107.00
BUILDERS SUPPLY, Street Maint.	64.48
CAKE GALLERY, Cake	36.99
CENTER POINT PUBLISHING, Books	38.34
CITY OF BELLEVUE, Training	400.00
CITY OF OMAHA, Contract Services	26,750.65
COCA-COLA, Concessions	446.20
COMP CHOICE, Professional Services	665.00
COSGRAVE, Bldg & Grnds	49.20
DEMCO, Supplies	415.76
DENNE, RICK, Auto Allowance	100.00
DON'S PIONEER UNIFORMS, Wearing Apparel	913.30
EDEN TREE & LANDSCAPE, Bldg & Grnds	148.53
EDGEWEAR SCREEN PRINTING, Wearing Apparel	14.00
EZRA, GAYLA, Refund	20.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL, Supplies	94.15
FBI NATIONAL ACADEMY, Training	115.00
FBINAA-FBI NATL ACAD ASSOCS, Dues	45.00
FEDEX KINKO'S, Supplies	34.97
FILTER CARE, Vehicle Maint.	89.20
FIREGUARD, Equipment	553.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	621.61
GODFATHER'S PIZZA, Food Supplies	45.26
GOLDMAN, JOHN G, Phone	40.00
GRAINGER, Bldg & Grnds	704.31
GUNN, BRENDA, Auto Allowance	300.00
HANEY SHOE STORE, Wearing Apparel	119.95
HARM'S TRAILER CRETE, Street Maint.	152.00
HARTFORD LIFE-PRIORITY ACCTS, Payroll W/H	1,474.18
HEIMES, Street Maint.	101.21
HELGET GAS PRODUCTS, Supplies	36.50
HELGET SAFETY SUPPLY, Pool Improvements	45.20
HIGHGEAR BIKE & OUTDOOR, Equipment	74.99
HIGHSMITH, Supplies	126.13
HOST COFFEE, Concessions	20.60
HUSKER MIDWEST PRINTING, Printing	155.40
INDUSTRIAL SALES, Bldg & Grnds	47.19
J Q OFFICE EQUIPMENT, Supplies	171.63
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	1,937.96
JONES AUTOMOTIVE, Vehicle Maint.	1,941.63
JONES, DAVID, Contract Services	18.00
KINDIG, DOUGLAS, Phone/Auto Allowance	130.00
KLINKER, MARK, Professional Services	200.00
KROGER, Supplies	104.96
L.T.R. INC TOWING & RECOVERY, Vehicle Maint.	125.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	378.50
LAMP RYNEARSON, Professional Services	438.80
LANGLEY ANIMAL HOSPITAL, Services	303.00
LAWLESS DISTRIBUTING, Concessions	693.75
LEAGUE ASSN OF RISK MGMT, Insurance & Bonds	298.00

# MINUTE RECORD

July 5, 2006

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

LIFE ASSIST, Supplies	377.12
LINWELD, Street Maint.	47.10
LOVELAND LAWNS, Bldg & Grnds	110.00
LUKASIEWICZ, BRIAN, Phone	40.00
M & M PORTABLES, Rentals	203.75
MAPA, Contract Services	1,009.00
MCCAIN, JEFF, Contract Services	350.00
MCS SOLUTIONS, Contract Services	75.00
MEADOWBROOK, Insurance	1,855.00
METAL SUPERMARKETS, Supplies	128.97
METEORLOGIX, Professional Services	1,176.00
METROPOLITAN COMMUNITY COLLEGE, Misc.	14,502.46
METROPOLITAN TEE TIMES, Advertising	153.00
MUD, Utilities	2,595.31
MID AMERICA PAY PHONES, Telephone	150.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	46.75
MIDWEST TURF & IRRIGATION, Bldg & Grnds	263.71
MILLER BRANDS, Concessions	450.00
MONARCH OIL, Street Maint.	447.00
MOORE WALLACE, Uniforms	190.47
MULHALL'S, Landscaping	428.13
MUNICIPAL EMERGENCY SVCS, Vehicle Maintenance	245.58
NE DISTRIBUTING, Concessions	83.75
NE FIRE CHIEF'S ASSN, Dues	80.00
NEBRASKA MACHINERY, Vehicle Maint.	44.85
NE NATIONAL BANK, Rental	660.00
NE STATE VOLUNTEER, Dues	410.00
NEXTEL, Telephone	669.45
OABR PRINT SHOP, Printing	621.84
OFFICE DEPOT, Supplies	54.37
OMAHA COMPOUND, Supplies	453.06
OMAHA ELECTRIC, Repairs	1,209.67
OMAHA NEWSPAPER, Advertising	208.00
PARAMOUNT LINEN & UNIFORM, Cleaning Service	282.38
PAYLESS, Supplies	186.81
PENWORTHY, Books	974.33
PEPSI, Concessions	787.91
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	241.91
PITNEY BOWES, Supplies	504.00
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	84.00
QUALITY AUTO REPAIR & TOWING, Towing Charges	225.00
QUILL, Supplies	46.02
QWEST, Telephone	2,364.03
RAINBOW GLASS & SUPPLY, Bldg & Grnds	601.34
RAMIREZ, RITA, Auto Allowance	100.00
READY MIXED CONCRETE, Street Maint.	2,253.98
REPCO MARKETING, Supplies	19.75
SAPP BROS PETROLEUM, Vehicle Supplies	305.50
SARPY COUNTY COURTHOUSE, Contract Services	2,640.05
SARPY COUNTY FIRE CHIEFS ASSN, Dues	100.00
SARPY COUNTY REGISTER OF DEEDS, Professional Services	10.50
SAXTON, SCOTT, Refund	20.00
SCHILDHAUER, BARB, Travel	107.00
SCHINKER, ROSE, Auto Allowance	40.00
SCHREINER, KELLY, Auto Allowance	100.00
SOUCIE, JOSEPH, Telephone	30.00
STAPLES, Supplies	67.13
STATEWIDE EMS CONF, Training	450.00
STERIL MANUFACTURING, Repairs	50.00
STEVENS, MARK, Travel/Auto Allowance	207.00
THOMPSON DREESSEN & DORNER, Payments	46,249.14
TIERNEY HEATING & AIR COND, Bldg & Grnds	268.00
TILFORD PRINTING, Printing	400.00
TODCO BARRICADE, Barricades	150.00
TURF CARS, Cart	71.30
TURF SUPPLY, Supplies	1,298.00
TURFWERKS, Vehicle Maint.	89.45
UNL, Training	30.00

# MINUTE RECORD

July 5, 2006

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

UPSTART, Supplies	44.00
VALUATION SERVICES, Reports	2,000.00
VAN ORMAN, BRIAN, Training	373.50
VERIZON, Telephone	69.74
WAL-MART, Supplies	709.57
WICK'S STERLING TRUCKS, Vehicle Maint.	241.93
WILDER, JONI, Auto Allowance	30.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten updated Council on petition circulators that have been in the City. He stated that at the request of private property owners, the police department has been asking them to leave. He informed the Council that they have been receiving 4 -5 calls per week on petitioner complaints. The City's response to the complaints is based on the rulings from the State. All of the petition drives will conclude at the end of this week.

Public Works Director Soucie reported to Council there were no major fireworks incidents this year with regard to City property damage. The restrooms in Central Park were locked at the beginning of the season and portable facilities brought in. These restrooms have been damaged extensively in past years by fireworks. They will be re-opened on July 6, 2006. Soucie commented on street debris left by fireworks, indicated that due to the increased size of some of the debris the street sweepers cannot pick it all up. This results in an increased number of man hours to get all of the debris off the street.

Soucie also reported that the stop signs in the Briarwood subdivision approved previously by Council had been installed and the pavement reconstruction project started today in various areas throughout the City.

## B. RESOLUTION – TRANSFER OWNERSHIP OF POLICE DOG

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-096: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A TRANSFER OF OWNERSHIP AGREEMENT FOR THE CITY'S POLICE SERVICE DOG, COSMO.

WHEREAS, Cosmo has been an active and productive member of the La Vista Police Department since September 1, 1998; and

WHEREAS, Cosmo has reached the age where service dogs are typically retired from duty; and

WHEREAS, Cosmo's handler, Officer John Danderand, has agreed to take ownership of him; and

WHEREAS, the City must take action to release Cosmo from our custody and transfer ownership to Danderand; and

WHEREAS, a Transfer of Ownership Agreement has been prepared in which Danderand agrees to accept the responsibility for all future needs of Cosmo.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista hereby officially declares Cosmo to be retired, and authorizes the Mayor to execute a Transfer of Ownership Agreement with Officer John Danderand.

Police Chief Lausten talked about the advantages of having a K-9 program and the benefits the City and the department have seen as a result. Former Councilmember Art McEneaney was acknowledged for his role in getting the first K-9 program off the ground. Lausten and Mayor Kindig thanked Cosmo and his handler, Officer John Danderand for their service and dedication to the department. The K-9 teams from Ralston, Papillion, and Council Bluffs were in attendance for the presentation, as well as a number of La Vista police officers.

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

# MINUTE RECORD

July 5, 2006

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

## **C. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – 107<sup>TH</sup> STREET**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-097: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SANITARY AND IMPROVEMENT DISTRICT NO. 266 OF SARPY COUNTY, NEBRASKA, SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA AND THE CITY OF PAPIILLION CONCERNING 107<sup>TH</sup> STREET IMPROVEMENTS, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, Sanitary and Improvement District No. 266 is currently undertaking the development known as the Portal Plaza subdivision and Portal Plaza South subdivision (existing solely within the Papillion jurisdiction); and

WHEREAS, Sanitary and Improvement District No. 276 is currently undertaking the development known as the Portal Ridge subdivision (existing solely within the La Vista jurisdiction); and

WHEREAS, it is has been determined that the improvement of 107<sup>th</sup> Street is advantageous and in the best interests to La Vista, Papillion, SID No. 266 and SID No. 276.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Sanitary and Improvement District No. 266 of Sarpy County, Nebraska, Sanitary and Improvement District No. 276 of Sarpy County, Nebraska and the City of Papillion concerning 107<sup>th</sup> Street Improvements, is hereby 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 Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – CORNHUSKER ROAD**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-098: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SANITARY AND IMPROVEMENT DISTRICT NO. 266 OF SARPY COUNTY, NEBRASKA, SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA AND THE CITY OF PAPIILLION CONCERNING CORNHUSKER ROAD IMPROVEMENTS, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, Sanitary and Improvement District No. 266 is currently undertaking the development known as the Portal Plaza subdivision and Portal Plaza South subdivision (existing solely within the Papillion jurisdiction); and

WHEREAS, Sanitary and Improvement District No. 276 is currently undertaking the development known as the Portal Ridge subdivision (existing solely within the La Vista jurisdiction); and

WHEREAS, it is has been determined that the improvement of Cornhusker Road is advantageous and in the best interests to La Vista, Papillion, SID No. 266 and SID No. 276.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Sanitary and Improvement District No. 266 of Sarpy County, Nebraska, Sanitary and Improvement District No. 276 of Sarpy County, Nebraska and the City of Papillion concerning Cornhusker Road Improvements, is hereby 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 Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

# MINUTE RECORD

July 5, 2006

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

## **E. RESOLUTION – COUNCIL POLICY STATEMENT – CAPITAL IMPROVEMENT PROGRAM**

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT REGARDING THE CAPITAL IMPROVEMENT PROGRAM POLICY.

WHEREAS, the City Council has determined that it is necessary and desirable to establish Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Council Policy Statement entitled Capital Improvement Program has been developed by staff and recommended to the Mayor and City Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement entitled Capital Improvement Program, and do further hereby directs the distribution of said Council Policy Statement to the appropriate City Departments.

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

## **F. RESOLUTION – LA VISTA COMMUNITY FOUNDATION – AMENDMENT TO BY-LAWS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-100: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AMENDMENT TO THE BYLAWS OF THE LA VISTA COMMUNITY FOUNDATION TO ELIMINATE TERM LIMITS OF DIRECTORS.

WHEREAS, the Board of Directors of the La Vista Community Foundation desires to amend the Bylaws to eliminate term limits of Directors; and

WHEREAS, any amendment to the Bylaws is subject to approval of the City Council of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize an amendment to the Bylaws of the La Vista Community Foundation to eliminate term limits of Directors.

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

## **G. RESOLUTION – PERMISSION TO CONSUME ALCOHOL AT SWIMMING POOL ON AUGUST 5, 2006**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-101: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT THE LA VISTA CITY SWIMMING POOL AND SAND VOLLEYBALL COURT ON SATURDAY, AUGUST 5, 2006, BY CITY EMPLOYEES, VOLUNTEERS AND THEIR GUESTS IN CONJUNCTION WITH THE ANNUAL VOLUNTEER/EMPLOYEE PICNIC.

WHEREAS, the La Vista Employee Activity Committee has requested permission to consume alcohol at the La Vista City Swimming Pool and Sand Volleyball Court in conjunction with the annual volunteer/employee picnic to be held on August 5, 2006, and

WHEREAS, City Council approval must be obtained prior to allowing the consumption of alcoholic beverages on city property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the consumption of alcohol at the La Vista City Swimming Pool and Sand Volleyball Court on August 5, 2006, in conjunction with the annual volunteer/employee picnic.

Seconded by Councilmember McLaughlin. Councilmember Sell inquired about increased liability for the City. Gunn stated the City has a policy that is followed regarding the consumption of

# MINUTE RECORD

July 5, 2006

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

alcohol on public property and there would be no more liability regarding this event than any other where alcohol would be permitted. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Quick. Absent: None. Motion carried.

## **H. SPECIAL ASSESSMENTS FOR PROPERTY IMPROVEMENTS**

### **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig stated the floor was now open for a public hearing on special assessments for property improvements.

No one addressed the Council regarding this issue. At 7:27 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-102 as amended: 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  
7224 Valley Road, Lot 1512, La Vista Subdivision, \$124.80  
were notified to clean up their property as they were in violation of the City Municipal Code, Sections 130.09 and 133.01 respectively, 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 Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **I. DISCUSSION – TOBACCO PRODUCT PLACEMENT**

This item was placed on the agenda for discussion as the Mayor had received a request from the Sarpy County Tobacco Coalition for the City to pass a tobacco product placement ordinance. The Coalition supplied model ordinance language and the City Clerk acquired copies of the Papillion and Bellevue ordinances for reference.

Discussion was held regarding the purpose for this type of regulation and whether the City should place additional restrictions on businesses. The goal of the Coalition is to restrict access to tobacco by minors. They feel that by regulating where the products can be placed (behind counters or in locked cabinets for example), they can achieve this goal. Discussion was held on whether vending machines should be restricted under such a policy. Police Chief Lausten provided information about compliance checks and the sale of tobacco to minors. Ultimately, it was the consensus of Council to have staff prepare an ordinance for consideration.

## **J. DISCUSSION – WIRELESS TECHNOLOGY**

Henry Vargas, Frank Winters, and Deb Pfeiffer, representing V3 Technologies, presented information to Council regarding wireless broadband capabilities for the City. V3 is proposing a partnership with the City to provide wireless access for citizens. Initially, the areas being considered are the 84<sup>th</sup> Street corridor and the Southport area. They are seeking some financial

# MINUTE RECORD

July 5, 2006

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

commitment on the part of the City, but believe that ultimately providing this service can be a revenue source.

Councilmember Sell asked if they had done this in any other cities. Mr. Vargas stated they are currently in negotiations with three other communities. Sell indicated he would like to see some research on what other cities are doing in this arena prior to making any decision. Councilmember Sheehan agreed. Mayor Kindig indicated that staff would do some research regarding other communities and continue conversations with V3 Technologies. Further information will be brought back to Council at a later date.

Councilmember Sell made a motion to move "Comments from the Floor" up on the agenda ahead of Item K. Executive Session. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

Mike McCormick, who owns property near Giles Road and West Giles Road, addressed Council. He asked about traffic signals on Giles Road at 120<sup>th</sup> Street and also at West Giles Road. Public Works Director Soucie addressed Council to report that lights were to be installed at Southport Parkway and Giles Road within the next two weeks. Other intersections are also under contract, but the lights cannot be installed until road work is completed.

Mr. McCormick also commented on the dust from the construction site at Cabela's. City Administrator Gunn responded that she would visit with the contractor about this issue.

Three times in the past month, phone lines have been cut by contractors working in the area. Qwest told Mr. McCormick that companies are finding it cheaper to not call for locates and pay a fine on the back end. Councilmember Sell asked who sets the fee and the fine. Mr. McCormick would like the city to reiterate to contractors that they need to call Diggers Hotline.

## K. EXECUTIVE SESSION – PERSONNEL, CONTRACT NEGOTIATIONS AND NEGOTIATING STRATEGY

At 8:10 p.m. Councilmember McLaughlin made a motion to go into executive session to discuss contract negotiations and negotiating strategies. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 9:26 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

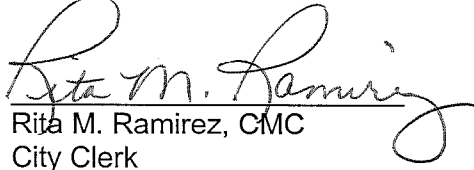
Mayor Kindig thanked Councilmembers for their recent attendance at various functions.

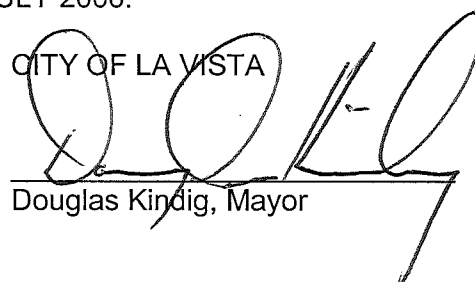
## ADJOURNMENT

At 9:27 p.m. Councilmember McLaughlin made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF JULY 2006.

ATTEST:

  
Rita M. Ramirez, CMC  
City Clerk

CITY OF LA VISTA  
  
Douglas Kindig, Mayor