

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING August 1, 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 August 1, 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, City Clerk Ramirez, Finance Director Lindberg, City Planner Potter, Library Director Schinker, Recreation Director Stopak, Fire Chief Schuster, Police Chief Lausten, City Engineer Kottmann, 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 July 20, 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.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

### CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JUNE 26, 2006 CITY COUNCIL TOUR MEETING
3. MINUTES OF THE JULY 11, 2006 CITY COUNCIL BUDGET WORKSHOP MEETING
4. MINUTES OF THE JULY 12, 2006 CITY COUNCIL BUDGET WORKSHOP MEETING
5. MINUTES OF THE JULY 18, 2006 CITY COUNCIL MEETING
6. FINAL PAY REQUEST FROM SADLER LINE CONSTRUCTION FOR 108<sup>TH</sup> & GILES TRAFFIC SIGNAL - \$4,050.93
7. PAY REQUEST FROM THIELE GEOTECH FOR TESTING SERVICES – SOUTHPOR WEST IMPROVEMENTS - \$1,204.00
8. PAY REQUEST FROM SARPY COUNTY FOR 96<sup>TH</sup> STREET PROJECT GILES ROAD TO CORNHUSKER ROAD - \$119,531.25
9. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda as presented, which included an amendment to the third page of the minutes of the July 11, 2006 Council Budget Workshop. Seconded by Councilmember Sell. Councilmember Gowan reviewed the claims for this period and reported that he found everything to be in order. Councilmember Sheehan asked a question regarding multiple trip charges on the same day for concrete pours. Public Works Director Soucie informed Council that trips are made for various purposes after a concrete pour to facilitate the sampling and testing process. These trip charges are always part of the project; it was just coincidental that several trips were made in one day. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

3M LIBRARY SYSTEMS, Equipment	3,081.00
A.S.P. ENTERPRISES, Bldg & Grnds	110.88
ACTION BATTERIES, Supplies	401.70
ADT SECURITY, Contract Services	205.00
AKSARBEN HEATING/ARS, Permit	32.84
ANDERSON FORD, Vehicle Maint.	37.85
ANDRUS ENTERPRISES, Parking Dist. 1	224,887.83
AQUA-CHEM, Bldg & Grnds	322.85
AQUILA, Utilities	25.21
ARAMARK UNIFORM, Contract Services	177.25
ASPHALT & CONCRETE MATERIALS, Street Maint.	251.23
BAKER & TAYLOR BOOKS, Books	1,042.45
BARONE SECURITY SYSTEMS, Contract Services	20.00
BEACON BUILDING SERVICES, Contract Services	5,675.00
BELLEVUE GLASS MIRROR & AUTO, Vehicle Maint.	193.00
BENNINGTON IMPLEMENT, Vehicle Maint.	81.84
BIRCH, ANN, Auto Allowance	50.00
BOOKPAGE, Books	216.00

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BRONZEMAN, Sculpture	4,450.00
BUSINESS INTERIORS, Equipment	1,103.00
CARROLL, JAMES, Summer Program	50.00
CASS COUNTY TREASURER, Training	32.00
CENTER POINT PUBLISHING, Books	39.54
CITY OF OMAHA, Contract Services	27,337.43
COCA-COLA, Concessions	190.00
COMP CHOICE, Professional Services	819.00
CONSOLIDATED ELECTRICAL, Bldg & Grnds	30.90
COUNCIL OF STATE GOVERNMENTS, Books	112.50
DEMCO, Supplies	173.09
DENNE, RICK, Auto Allowance	100.00
DOUGLAS/SARPY EXTENSION, Training	30.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	103.57
E & A CONSULTING, Southport	20,786.05
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	10.26
FEDEX, Postage	10.51
FEDEX KINKO'S, Printing	19.50
FIREGUARD, Wearing Apparel, Equip.	293.70
FIREHOUSE MAGAZINE, Subscription	30.00
FITZGERALD SCHORR BARMETTLER, Professional Services	573.20
GAMBER JOHNSON, Equip. Maint.	133.22
GOLDMAN, JOHN, Telephone	40.00
GOOD TO GO GRAPHICS, Supplies	374.78
GRAPHIC IMAGINATION, Vehicle Maint.	152.95
GREENKEEPER COMPANY, Supplies	197.20
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	21.17
HANEY SHOE STORE, Wearing Apparel	240.00
HARM'S TRAILER CRETE, Street Maint.	43.00
HEIMES CORPORATION, Thompson Creek	512.68
HELGET GAS PRODUCTS, Supplies	101.50
HENRY DOORLY ZOO, Reading Program	50.00
HUSKER DOOR, Bldg & Grnds	138.46
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	35.83
INDUSTRIAL SALES, Bldg & Grnds	411.08
INTERNATIONAL CODE COUNCIL, Dues	100.00
J Q OFFICE EQUIPMENT, Supplies	598.96
JONES AUTOMOTIVE, Vehicle Maint.	556.73
KELLY'S AWARDS, Supplies	8.00
KINDIG, DOUGLAS, Telephone, Auto Allowance	130.00
KLINKER, MARK, Professional Services	200.00
KROGER-DILLON, Supplies	154.74
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	259.00
LAWLESS DISTRIBUTING, Concessions	169.75
LINWELD, Street Maint.	170.05
LOGAN CONTRACTORS SUPPLY, Street Maint.	926.85
LUKASIEWICZ, BRIAN, Telephone	40.00
LUTZ & COMPANY, Southport	8,350.00
M & M PORTABLES, Rental	204.00
MC DONALD'S AND ASSOCIATES, Equip.	149.00
METROPOLITAN COMMUNITY COLLEGE, Contract Services, Utilities	10,577.49
MUD, Utilities	5,497.66
MID AMERICA PAY PHONES, Telephone	150.00
MID CON SYSTEMS, Bldg & Grnds	140.73
MIDWEST GANG INVESTIGATORS, Training	30.00
MISSOURI VLY FIRE CHIEFS CONF, Training	250.00
MUNICIPAL EMERGENCY SVCS, Equip.	57.50
NAPE-NE ASSN PROPERTY/EVIDENCE, Dues	30.00
NE DEPT OF REVENUE-LOTT/51, Lottery Tax	61,955.49
NE DISTRIBUTING COMPANY, Concessions	83.75
NE LIBRARY COMMISSION, Equip.	427.00
NE LIFE MAGAZINE, Books	19.00
NE MACHINERY, Vehicle Maint.	1,610.99
NE NATIONAL BANK, Cart Lease	660.00
NE SMOKE EATER, Dues	275.00
NE TURF PRODUCTS, Supplies	234.25

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NE U C FUND, Insurance	2,160.00
NEUMAN EQUIPMENT, Bldg & Grnds	32.00
NEXTEL PARTNERS, Telephone	740.04
NOLTING, GARY, Contract Services	36.00
NUTS AND BOLTS, Bldg & Grnds	26.40
OFFICE DEPOT, Supplies	138.68
O'KEEFE ELEVATOR, Bldg & Grnds	137.50
OPPD, Telephone	1,911.18
OMAHA WORLD HERALD, Legal Advertising	637.93
ORIZON CPAS, Professional Services	1,000.00
PAPILLION SANITATION, Contract Services	151.85
PAPILLION TIRE, Vehicle Maint.	191.88
PAPIO FUN PARK, Summer Program	494.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	579.47
PAYLESS, Supplies	247.14
PEPSI COLA, Concessions	299.67
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	98.25
POTTER, DAVID, Travel	98.45
PRAIRIE MECHANICAL, Bldg & Grnds	2,766.86
PRECISION INDUSTRIES, Vehicle Maint.	100.42
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	84.00
QUINN, JEFF, Reading Program	100.00
QWEST, Telephone	2,182.49
RAINBOW GLASS & SUPPLY, Bldg & Grnds	32.80
RALSTON AUTOMOTIVE, Supplies	174.00
RAMIREZ, RITA, Auto Allowance, Travel, Supplies	443.87
READY MIXED CONCRETE, Street Maint.	2,350.72
REED, MITCH, Contract Services	130.00
RICE, ANTON, Contract Services	140.00
RICE, STEVE, Refund	25.00
RIEGE'S RECORDS, SID Recording	135.00
ROSE EQUIPMENT, Vehicle Maint.	906.76
SAFETY-KLEEN CORPORATION, Contract Services	342.42
SARPY COUNTY COURTHOUSE, Contract Services	2,640.05
SCHINKER, ROSE, Auto Allowance	40.00
SCHREINER, KELLY, Auto Allowance	100.00
SINNETT, JEFF, Dues	50.00
SOBCZYK, PAUL, Contract Services	80.00
SOUCIE, JOSEPH, Telephone	30.00
SPRINGFIELD ARMORY, Postage	25.90
STEVENS, MARK, Auto Allowance	100.00
SUN BEAMS, Reading Program	151.00
TED'S MOWER, Vehicle Maint.	39.96
THOMPSON DREESSEN & DORNER, Parking Dist. 1	21,110.83
TOTAL MARKETING, Bldg & Grnds	38.00
TRUGREEN-CHEMLAWN, Contract Services	1,140.57
TURF BUILDERS IRRIGATION, Bldg & Grnds	69.29
TURF CARS, Supplies	29.95
TURF SUPPLY, Supplies	297.75
TURFWERKS, Equip.	168.23
TWIN CREEK CINEMAS, Summer Program	272.70
UPS, Postage	13.50
US POSTAL SERVICE, Postage	896.72
USI, Supplies	69.39
VAN HAUTE, NATE, Contract Services	140.00
VAN HAUTE, VINCE, Contract Services	90.00
VARSITY TRANSPORTATION, Summer Program	172.50
VERIZON WIRELESS, Telephone	70.15
VITAL SUPPORT SYSTEMS, Contract Services	3,745.00
VOGEL TRAFFIC SERVICES, Street Maint.	4,112.50
WAL-MART, Bldg & Grnds, Supplies, Equip.	252.15
WILDER, JONI, Travel, Auto Allowance	88.74
WILSON, BARRY, Contract Services	54.00
WINGATE INNS, Travel	468.00
WOODHAVEN COUNSELING ASSOCS, Contract Services	425.00

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

City Clerk Ramirez reminded the Mayor and Council of the employee and volunteer picnic, which will be held at the Swimming Pool on August 5, 2006.

Police Chief Lausten thanked the Mayor and Council for their participation in National Night Out event on Sunday, July 30, 2006.

Fire Chief Schuster reported that the department had assisted on a weed fire in Papillion last Sunday and there was also a fire on the roof of the La Vista Keno building. The fire was contained to an air conditioning unit, however there was water damage at both La Vista Pharmacy and Polly's Books. Schuster stated that Police Officer Ray Harrod, who recently completed arson/fire investigation training, was on the scene and was an asset to the investigation process. He thanked the Police Department and neighboring fire departments for their assistance. Mayor Kindig thanked Schuster and the other members of the Fire Department for their efforts on Sunday.

Public Works Director Soucie gave an update on the concerns expressed by Mike McCormick at a previous Council meeting regarding repeated disruptions in his telephone service due to construction projects. Soucie stated that Qwest had reviewed the incidents and were satisfied that they were a result of normal construction activity and did not see any consistent repeat occurrences by one contractor. Qwest stated that locates were called in and there were some errors of the part of Qwest, as well. They are not intending to invoke their right to fine any of the contractors involved in these incidents and have replaced the phone line providing service to the McCormick property.

Soucie updated the Council on various projects, stating that the 96th Street and Cornhusker Road intersection work could be completed in as little as 50 days, rather than the previously forecasted 100 days, weather permitting. The Brentwood Drive sidewalk project is complete and the residential street resurfacing project is still underway in neighborhoods west of 84<sup>th</sup> Street. Soucie also reported that the demolition of the Blooming Deals building is underway.

Soucie thanked the Fire Department for their assistance in getting Ray Crane, the Shop Foreman at Public Works, involved in Fire Mechanics School. Ray recently completed this training.

Library Director Schinker informed the Council the library had 460 children participate in the Summer Reading Program, which is an increase of 20 over last year. She stated that 4,805 hours of reading time were logged by participants.

### **B. FISCAL YEAR 06/07 MUNICIPAL BUDGET**

#### **1. PUBLIC HEARING**

At 7:12 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Fiscal Year 06/07 Municipal Budget.

There was no additional information presented by City staff. There were no questions or comments from the public.

At 7:13 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

#### **2. APPROPRIATIONS ORDINANCE – FIRST READING**

Councilmember Carlisle introduced Ordinance No. 1000 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2006 AND ENDING ON SEPTEMBER 30, 2007; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Mayor Kindig stated, "Ordinance No. 1000 now comes on for its first reading." Councilmember Quick made a motion to approve Ordinance No. 1000 on its first reading and pass it on to a second reading on August 15, 2006. Seconded by Councilmember Ellerbeck. Councilmembers

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

## **3. MASTER FEE ORDINANCE – FIRST READING**

Councilmember Carlisle introduced Ordinance No. 1001 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 987, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Mayor Kindig stated, "Ordinance No. 1001 now comes on for its first reading." Councilmember Quick made a motion to approve Ordinance No. 1001 on its first reading and pass it on to a second reading on August 15, 2006. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. STORM WATER MANAGEMENT REQUIREMENTS**

### **1. ORDINANCE - AMEND MUNICIPAL CODE TO ADD CHAPTER 154**

Councilmember Carlisle introduced Ordinance No. 1002 entitled: AN ORDINANCE TO ADD CHAPTER 154 TO THE LA VISTA MUNICIPAL CODE PRESCRIBING REGULATIONS FOR STORM WATER MANAGEMENT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember McLaughlin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle 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, McLaughlin, 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.

Councilmember Sheehan asked if the fees being proposed were in line with what other cities are charging. Soucie stated La Vista's ordinance and fee structure was a joint venture with the other communities in the Watershed Partnership and all of the communities will be consistent with the fee amounts.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the amended ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1002 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, and Gowan. The following voted nay: Quick and Ellerbeck. 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. RESOLUTION – ADOPTION OF STORM WATER MANAGEMENT POLICIES**

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-109: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE ADOPTION OF STORMWATER MANAGEMENT POLICIES AS REQUIRED BY THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PHASE II STORMWATER PERMITS ISSUED TO MEMBERS OF THE PAPILLION CREEK WATERSHED PARTNERSHIP.

WHEREAS, the NPDES Phase II Stormwater Permit issued to the City of La Vista requires the development and implementation of policies that will improve the quality and quantity of stormwater; and

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WHEREAS, the City of La Vista has worked with the members of the Papillion Creek Watershed Partnership, in conjunction with technical and policy workgroups to develop standard policies to be adopted by each member of the partnership; and

WHEREAS, it has been determined that the adoption of said stormwater policies is advantageous and in the best interests of the City of La Vista.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska hereby adopts the Stormwater Management Policies as presented herein.

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

## **D. CONDITIONAL USE PERMIT – CHURCH, LOT 619 PARK VIEW HEIGHTS**

### **1. PUBLIC HEARING (CONTINUED)**

At 7:20 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Conditional Use Permit for an addition to a church on Lot 619, Park View Heights.

There was no additional information from City staff.

Larry Smith, of Avant Architects, addressed the Council to represent the Church. He displayed renderings of the proposed church addition, which is designed in two phases, the first being a fellowship hall and the second an expansion of the worship space.

Councilmember Gowan asked about the construction material for the building, asking specifically if it was steel. Smith informed Council the fellowship hall would be steel, however it is designed with a brick façade.

A question was asked regarding whether the neighbors in the residential area had been given an opportunity for input. Smith stated that letters were sent to all abutting property owners prior to the consideration of the application by the La Vista Planning Commission.

At 7:25 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Sheehan. 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. 06-110: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR JUDSON BAPTIST CHURCH TO OPERATE A CHURCH ON LOT 619, PARK VIEW HEIGHTS.

WHEREAS, Judson Baptist Church has applied for a conditional use permit for the purpose of operating a church on Lot 619, Park View Heights, located at 8517 Park View Blvd.; 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 drainage study will be reviewed in more detail at the time of building permits for Phase 1 and Phase 2.
2. Any proposed site lighting will need to use fixtures of an appropriate type and height to limit the light levels affecting the adjacent single family homes to acceptable levels.
3. Screening of the parking lot should be provided to protect adjacent homes from car headlights.
4. The proposed driveway will be relocated with the construction of Phase 2 to align with 86<sup>th</sup> Street to the north of the site. This will allow slightly improved sight distance to the west on Park View Blvd., and will allow for drainage to be directed down the driveway rather than crossing under the sidewalk.

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5. Parking restrictions may be needed along Park View Blvd. Such restrictions should be determined at the time of building permit review. This may be warranted to provide for visibility of traffic turning into the church entrance.
6. The applicant will need to comply with the requirements of Articles 91.32 and 91.33 of the La Vista Municipal Code pertaining to the location of fire hydrants and fire lane access prior to the issuance of a building permit. This could require additional fire hydrants and a larger turn-around at the south end of the parking lot.

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 Judson Baptist Church to operate a church on Lot 619, Park View Heights, subject to the six conditions listed in the last recital above.

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

## **E. RESOLUTION – PAVING AND STORM SEWER IMPROVEMENTS SECTION I – PORTAL RIDGE (101<sup>ST</sup> & GILES ROAD)**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-111: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS, SPECIFICATIONS CONSTRUCTION DOCUMENTS FOR PAVING & STORM SEWER SECTION 1 IMPROVEMENTS IN THE PORTAL RIDGE SUBDIVISION AND AUTHORIZING EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary and Improvement District No. 276 of Sarpy County ("District") and the City of La Vista ("City") entered into a Subdivision Agreement concerning the development of lands locally known as Portal Ridge within the zoning jurisdiction of the City ("Subdivision Agreement") on June 6, 2006; and

WHEREAS, the District has presented to City for approval plans, specifications and construction documents to construct certain improvements; and

WHEREAS, said plans, specifications and construction documents were prepared by E & A Consulting Group which firm of engineers has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose; and

WHEREAS, City Engineer Thompson, Dreessen & Dorner, Inc., have been presented the plans for review and recommend approval subject to resolution of the following issues:

1. The plans are being revised to address the review comments that were provided in July 19, 2006; and
2. Confirmation that the subdivision agreement and final plat have been executed and recorded.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, does hereby approve the plans, specifications and construction documents for Paving and Storm Sewer Section 1 improvements, copies of which have been filed with the City Clerk, approved by the City Engineer.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with MBC Construction Co., Inc., Omaha, Nebraska in the amount of \$1,515,566.20.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall deliver to the City Administrator the following, as required by the following paragraphs of the Subdivision Agreement:

1. Revised plans to address the review comments that were provided on July 19, 2006
2. Executed subdivision agreement and recorded plat and easements.
3. District's warrant in the amount of \$30,311.32 in payment of applicable

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- 2. administrative fee; and
- 2. Executed contract of construction between District and MBC Construction Co., Inc.; and
- 3. Executed Performance and Maintenance Bond.

Seconded by Councilmember Sell. City Administrator Gunn informed Council that the city engineer has reviewed the revised plans. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **F. RESOLUTION – INTERLOCAL AGREEMENT – REHABILITATION OF BRIDGE (92<sup>ND</sup> & HARRISON STREET)**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-112: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH DOUGLAS COUNTY AND SARPY COUNTY FOR THE REHABILITATION OF BRIDGE #03015 LOCATED AT 92<sup>ND</sup> AND HARRISON STREET.

WHEREAS, Douglas County is undertaken the rehabilitation of Bridge #03015 located at 92<sup>nd</sup> and Harrison Street; and

WHEREAS, Sarpy County and the City of La Vista each have 25% of this structure located in their jurisdiction; and

WHEREAS, it has been determined that the rehabilitation of Bridge #03015 is advantageous and in the best interest of the City of La Vista.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Douglas County, Nebraska and Sarpy County, Nebraska concerning the rehabilitation of Bridge #03015 located at 92<sup>nd</sup> and Harrison Street, is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City.

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

## **G. CLASS I LIQUOR LICENSE APPLICATION OF SUSHI YAMA INC. DBA SUSHI YAMA**

### **1. PUBLIC HEARING**

At 7:27 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Class I Liquor License Application of Sushi Yama, Inc. DBA Sushi Yama.

There was no additional information from City staff. There were no questions or comments from the public.

At 7:28 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVE LIQUOR LICENSE APPLICATION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-113: 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 I LIQUOR LICENSE APPLICATION OF SUSHI YAMA INC. DBA SUSHI YAMA.

WHEREAS, Sushi Yama, Inc., dba Sushi Yama, 8058 So. 84<sup>th</sup> Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License, and

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

# MINUTE RECORD

August 1, 2006

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

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 I Liquor License application submitted by Sushi Yama, Inc. dba Sushi Yama.

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

### **3. MOTION – CORPORATE MANAGER APPLICATION**

Councilmember Carlisle made a motion to approve the corporate manager application of Patrick Vacanti in conjunction with the Class I liquor license application for Sushi Yama, Inc. dba Sushi Yama. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

### **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

### **H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS – HOTEL/CONFERENCE CENTER AND FOP**

At 7:30 p.m. Councilmember McLaughlin made a motion to go into executive session for protection of the public interest to discuss contract negotiations regarding a proposed hotel/conference center project and the Fraternal Order of Police collective bargaining agreement. Seconded by Councilmember Ronan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 8:42 p.m. the Council came out of executive session. Councilmember Carlisle 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.

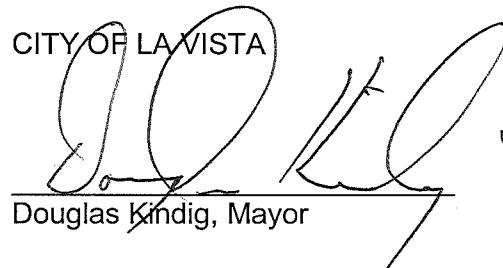
### **COMMENTS FROM MAYOR AND COUNCIL**

Mayor Kindig thanked the Council for their participation at the National Night Out event.

### **ADJOURNMENT**

At 8:44 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF AUGUST 2006.

  
CITY OF LAVISTA  
Douglas Kindig, Mayor

ATTEST:

  
Rita M. Ramirez, CMC  
City Clerk