

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING October 23, 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 October 23, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Administrator Gunn, Community Development Director Birch, and Deputy City Clerk Lupomech.

A notice of the meeting was given in advance thereof by publication in the Times on October 12, 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.

### **A. AMENDMENT TO THE PUD PLAN – SOUTHPORT WEST (SOUTHPORT PARKWAY & GILES ROAD)** **1. PUBLIC HEARING**

At 7:01 p.m. Mayor Kindig stated the floor was now open for a public hearing on the amendment to the PUD Plan – Southport West (Southport Parkway & Giles Road).

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

At 7:01 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember McLaughlin introduced Ordinance No. 1013 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCES NO. 948, 970, AND 1004, AND THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO REPEAL ORDINANCES NO. 948, 970, AND 1004 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Sheehan made a motion to amend Section 8. (Conditions), part B (Land Use Design Criteria), i. (Parcel 1) b. (Building Setback) of the ordinance to read: No part of any building eight (8) stories or under in height shall be erected within sixty (60) feet of the property line. No part of any building over eight (8) stories in height shall be erected within one hundred twenty-five (125) feet of the property line. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Sheehan 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, 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.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember McLaughlin. The Mayor then stated the question was, "Shall amended Ordinance No. 1013 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The

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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 Clerk attested the passage/approval of the same and affixed her signature thereto.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reported that Kevin Nokels, Vice President and Chief Operating Officer of Midlands Hospital updated him on the 40 million dollar expansion project that is underway and that Council could contact him if they had any questions. Mr. Nokels looks forward to their attendance at the upcoming ribbon cutting to see the improvements to the hospital.

Councilmember Sheehan asked the condition of Art McEneaney. Gunn stated he was released from the hospital on Saturday. Councilmember Ronan said he called Sunday to see if there was anything he could do for the family, and Mrs. McEneaney said he was improving and doing well.

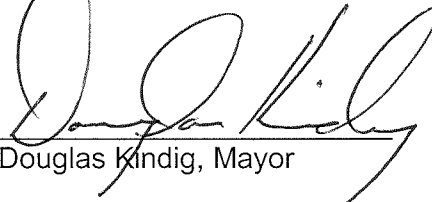
Councilmember Sell asked about the article in the Nebraska Municipal Review that stated the courts have taken away the recreation liability protection for government entities. City Administrator Gunn stated that Assistant City Administrator Ramirez is now on the LARM board, and the League is looking to see if there is a rider that can be put on the City's coverage to cover the risk. Councilmember Sheehan asked if the league is doing anything with the legislature. Gunn stated a meeting is being held on Friday with the League Legislative Committee and she will update Council if she receives any updated information.

## ADJOURNMENT

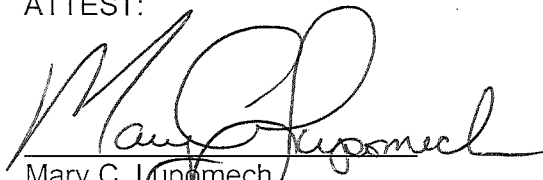
At 7:06 p.m. Councilmember Quick made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF NOVEMBER 2006.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Mary C. Lupomech  
Deputy City Clerk

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