

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING November 21, 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 November 21, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, Community Development Director Birch, Fire Chief Schuster, Library Director Schinker, Police Chief Lausten, Recreation Director Stopak, City Planner Potter, Public Works Director Soucie, and Deputy City Clerk Lupomech.

A notice of the meeting was given in advance thereof by publication in the Times on November 9, 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.

APPOINTMENT OF CITY CLERK - PAMELA BUETHE

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Pamela Buethe as the La Vista City Clerk effective November 27, 2006. Councilmember Carlisle motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: McLaughlin. Motion carried

1. RESOLUTION - APPROVAL OF BOND OF PAMELA BUETHE

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-162: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE OFFICIAL BOND OF PAMELA A. BUETHE.

WHEREAS, the City Clerk presents at this meeting an individual bond previously filed with her.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council make and approve the following findings: The Bond is in joint and several form, payable to the City of La Vista in the penalty amount of \$5,000, conditioned for the faithful discharge of the duties of the office of the person giving said Bond; the corporate sureties of said Bond are legally authorized to transact business in the State of Nebraska; the Bond has been executed by the principal and sureties thereof and the required oath has been endorsed thereon and executed by the principal; the Bond has been previously filed with the City Clerk; and all applicable legal requirements with respect to said Bond have been satisfied.

BE IT FURTHER RESOLVED, that the Bond, including, but not limited to the penalty amount and all other terms and conditions thereof, is hereby approved, and the Mayor and City Clerk are hereby authorized to endorse the approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premium for the Bond.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to take any other action as is necessary or appropriate to carry out the actions approved herein.

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

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2. RESOLUTION - APPROVAL OF BOND OF RITA RAMIREZ

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-163: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE OFFICIAL BOND OF RITA M. RAMIREZ.

WHEREAS, the City Clerk presents at this meeting an individual bond previously filed with her.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council make and approve the following findings: The Bond is in joint and several form, payable to the City of La Vista in the penalty amount of \$1,000, conditioned for the faithful discharge of the duties of the office of the person giving said Bond; the corporate sureties of said Bond are legally authorized to transact business in the State of Nebraska; the Bond has been executed by the principal and sureties thereof and the required oath has been endorsed thereon and executed by the principal; the Bond has been previously filed with the City Clerk; and all applicable legal requirements with respect to said Bond have been satisfied.

BE IT FURTHER RESOLVED, that the Bond, including, but not limited to the penalty amount and all other terms and conditions thereof, is hereby approved, and the Mayor and City Clerk are hereby authorized to endorse the approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premium for the Bond.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to take any other action as is necessary or appropriate to carry out the actions approved herein.

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

PROCLAMATION - NATIONAL FAMILY WEEK

The Mayor read a proclamation for National Family Week from November 19 – 25, 2006.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE NOVEMBER 7, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE OCTOBER 19, 2006 PLANNING COMMISSION MEETING
4. MINUTES OF THE NOVEMBER 6, 2006 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.
5. FINAL PAY REQUEST FROM ALL PURPOSE UTILITIES, INC. FOR 2006 PAVEMENT RECONSTRUCTION - \$25,346.03
6. SOUTHPORT WEST IMPROVEMENTS
 - a. PAY REQUEST FROM THEILE GEOTECH, INC. FOR SANITARY SEWER, PAVING, & STORM SEWER - SECTION I - \$2,592.50
 - b. FINAL PAY REQUEST FROM MBC CONSTRUCTION CO., INC, SANITARY SEWER, PAVING, & STORM SEWER - SECTION 1 - \$232,433.01
 - c. PAY REQUEST NO. 2 FROM VIERREGGER ELECTRIC COMPANY, TRAFFIC SIGNALS - SECTION I - \$96,662.54
 - d. PAY REQUEST NO. 1 FROM VIERREGGER ELECTRIC COMPANY, TRAFFIC SIGNALS - SECTION II - \$90,547.43
 - e. PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. FOR GROUP "A" CONSTRUCTION, PARKING DISTRICT NO. 1 - \$19,999.68
 - f. PAY REQUEST NO. 3 FROM LANOHA NURSERIES, INC. FOR GROUP "B" CONSTRUCTION - IRRIGATION & LANDSCAPING, PARKING DISTRICT NO. 1 - \$68,304.90
- g. PAY REQUEST NO. 3 FROM DOSTALS CONSTRUCTION CO. FOR GROUP "C" CONSTRUCTION - WATER FEATURE, PARKING DISTRICT NO. 1 - \$264,237.45
7. NEW FIRE STATION NO. 2
 - a. CHANGE ORDER NO. 2 - CONSTRUCT INC. FOR GENERAL CONSTRUCTION - \$51,869.00
 - b. PAY REQUEST NO. 9 FROM CONSTRUCT, INC. FOR GENERAL CONSTRUCTION - \$363,589.41
 - c. PAY REQUEST FROM SHEPPARD'S BUSINESS INTERIORS, INC. FOR FURNITURE - \$22,841.38

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d. PAY REQUEST FROM KRUEGER INTERNATIONAL, INC. FOR FURNITURE - \$15,749.12
e. PAY REQUEST FROM FGM ARCHITECTS ENGINEERS, INC. FOR PROFESSIONAL SERVICES - \$9,337.73
8. PAY REQUEST FROM WATER'S EDGE AQUATIC DESIGN, LLC FOR PROFESSIONAL SERVICES - \$1,335.20

9. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the revised consent agenda as presented. Seconded by Councilmember Gowan. 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

APPLIED INFORMATION MGMT, Contract Services	2,995.00
AQUILA, Utilities	85.72
ARAMARK UNIFORM SERVICES, Contract Services	306.52
ASPHALT & CONCRETE MATERIALS, Bldg & Grnds	38.28
BAKER & TAYLOR BOOKS, Books	1,202.43
BENEFIT GROUP, Rescue Revenue	273.00
BENNINGTON IMPLEMENT, Vehicle Maint.	94.93
BETTER BUSINESS EQUIPMENT, Contract Services	93.12
BLAND, CHRIS, Contract Services	36.00
BRENTWOOD AUTO WASH, Vehicle Maint.	65.00
BROWN TRAFFIC PRODUCTS, St. Maint.	23.00
BUILDERS SUPPLY, Bldg & Grnds	70.33
CARSTENSEN, RICH, Supplies	37.06
CENTER POINT PUBLISHING, Books	38.94
CHESLEY, JOAN, Travel	47.08
CITY OF OMAHA, Harrison St. Project/Contract Services	31,167.32
CITY OF RALSTON, Contract Services	500.43
CJ'S HOME CENTER, Bldg & Grnds, Vehicle Maint., Supplies	707.70
CLEMENGER, PAUL, Contract Services	90.00
COX, Contract Services	179.15
CULINARY SERVICES CATERING, 2006 Banquet	1,000.00
DATA TECHNOLOGIES, Contract Services	7,742.48
DRAKE, JEFF, Refund	55.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	8.25
EDGEWEAR SCREEN PRINTING, Wearing Apparel	770.00
EMS BILLING SERVICES, Rescue Revenue	1,563.34
ENTERPRISE LOCKSMITHS, Bldg & Grnds	67.50
FASTENAL COMPANY, Equip. Maint.	393.79
FERRELLGAS, Utilities	325.65
FILTER CARE, Vehicle Maint.	57.60
FIRMATURE, STEVE, Contract Services	36.00
GASSERT, MIKE, Contract Services	800.00
GCSAA, Dues	300.00
GRAYBAR ELECTRIC, Bldg & Grnds	90.42
GREAT PLAINS ONE-CALL SVC, Contract Services	381.50
HANNEBAUM GRAIN. St. Maint.	2,423.30
HARM'S TRAILER CRETE, St. Maint.	84.00
HELGET GAS PRODUCTS, Squad Supplies	17.50
HILLYARD, Bldg & Grnds	41.00
HOBBY LOBBY, Bldg & Grnds, Equip.	14.96
HOST COFFEE SERVICE, Concessions	19.00
INLAND TRUCK PARTS, Vehicle Maint.	600.51
J Q OFFICE EQUIPMENT, Contract Services	834.85
JO DON'S, Supplies	354.75
KUSTOM SIGNALS, Equip.	241.00
LAKELAND ENGINEERING, Bldg & Grnds	28.44
LEXIS NEXIS MATTHEW BENDER, Books	83.70
LINWELD, Supplies	15.50
M & M PORTABLES, Rentals	68.00
MARSHALL CAVENDISH, Books	139.75
MCCANN PLUMBING SERVICE, Bldg & Grnds	120.34
MELVIN SUDBECK HOMES, Refund	757.60
MENARDS, Bldg & Grnds	229.00
MICHAEL TODD AND COMPANY, St. Maint.	2,702.50

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MIDWEST MUDJACKING, St. Maint.	600.00
MIDWEST SERVICE AND SALES, St. Maint.	1,546.00
MISCHO, MELISSA, Contract Services	20.00
MOORE WALLACE NORTH AMER, Printing	505.40
MOORE, WAYNE, Contract Services	36.00
NE IOWA SUPPLY, Vehicle Supplies	14,422.71
NE LIBRARY COMMISSION, Supplies	34.60
NEBRASKALAND CONF BLDG OFFCL, Training	70.00
NOBBIES, Equip.	26.45
OABR PRINT SHOP, Printing	3,172.69
OFFICE DEPOT, Supplies	331.06
OPPD, Utilities	27,954.33
OMAHA SLINGS, Bldg & Grnds	208.34
PAPILLION SANITATION, Contract Services	151.85
PARAMOUNT LINEN & UNIFORM, Cleaning	292.02
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	38.24
QUICK, TERRILYN, Travel	196.00
RAINBOW RACING SYSTEMS, Supplies	72.00
RAMIREZ, JOHN, Contract Services	18.00
RAMIREZ, RITA, Vehicle Maint./Travel/Supplies	193.85
RANDOM HOUSE, Books	528.70
REDFIELD & COMPANY, Supplies	209.79
ROSE EQUIPMENT, Vehicle Maint.	338.00
SAPP BROS PETROLEUM, Vehicle Supplies	399.49
SARPY COUNTY LANDFILL, Bldg & Grnds	79.31
SARPY COUNTY TREASURER, Contract Services	24,473.25
SMITH, GREGORY, Contract Services	144.00
SQUAD-FITTERS. Wearing Apparel	389.80
SRIXON SPORTS USA, Supplies	517.59
STAPLES BUSINESS ADVANTAGE, Supplies	161.91
TED'S MOWER SALES & SERVICE, Equip/Vehicle Maint.	403.72
THORNBURG, JEFF, Contract Services	31.25
THREE RING ENTERPRISES, Vehicle Maint.	1,111.60
TROE, ANN, Printing	865.00
U S ASPHALT COMPANY, Street Maint.	152.14
UPS, Contract Services	21.96
VIERS, STEVE, Car Allowance	100.00
WASTE MANAGEMENT, Contract Services	1,150.14

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Public Works Director Soucie addressed Council to inform them that Street Superintendent Goldman and he had recently attended the APWA fall conference in Kearney and thanked Council for the opportunity to attend. He stated that Goldman was named the 2006 outstanding member and was elected Vice President of the Nebraska APWA.

Soucie informed Council that the improvements made in the pump house at the golf course have resulted in a cost savings to the City of approximately \$1,300 in electrical rates and there was not one pressure break during the summer, which has been an on-going issue in the past.

Soucie updated Council on road improvements. He stated Cornhusker Road from 101st Street to Giles Road is now complete as the utility crossings and turn lanes are finished. There was a recent accident from the contractor which resulted in some traffic signal outages, which is being addressed and should be completed within the next week.

Soucie informed Council that a signage change at Market Pointe addressed some of the recent traffic issues with regard to vehicles leaving the premises on the north end and making left hand turns onto Giles Road. A new problem has been created on 69th Street, however, as drivers are now going right out of Wal Mart as directed, but traveling east only as far as 69th Street, making left turns into the Ardmore subdivision, and then making U-turns around the island to return to Giles Road westbound. The latest proposal is to make the intersection on the north side of Wal Mart an entrance only. The concern that arises with the option of putting a full median into place at this location is that the Ardmore residents coming out on La Vista Drive could not make a left turn onto Giles Road.

Councilmember Gowan asked when the street work at approximately 85th and Park View Blvd would be completed. Soucie responded this street work was being conducted in conjunction with the addition to the church at that location. Due to some issues with the sewer and water lines,

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the street was closed off longer than anticipated, but should be completely open again in the next few days.

Community Development Director Birch informed Council of the resignation of City Planner David Potter, effective December 8, 2006. David has accepted a position with the firm of Johnson, Erickson, and O'Brien (JEO). Mayor Kindig thanked Potter for his work with the City.

Recreation Director Stopak addressed Council to inform them that the Community Center would close at 5:00 p.m. on Wednesday, November 22nd, remain closed November 23rd and 24th, and be open regular hours on Saturday and Sunday, in conjunction with the Thanksgiving holiday.

Stopak reminded Council of the tree lighting event on Monday, November 27, 2006 from 6:00 – 8:00 p.m. The event will include entertainment, a visit from Santa and his elves, with cookies and hot cocoa at the Community Center. Stopak stated that volunteers are still needed and anyone interested should contact him.

Stopak referenced information provided to Council regarding the number of rounds of golf and fees collected. This information will be provided to Council on a monthly basis. Councilmember Sheehan asked if operating costs would be included. City Administrator Gunn stated that additional information could be added to the report. Councilmember Gowan reminded all in attendance that golf revenue is weather dependent and stated weather conditions should be included in statistics. City Administrator Gunn stated that staff is looking into breaking down the statistics even more and would research tracking all requested information. Mayor Kindig asked Stopak if Golf Course Manager Dinan would be able to spend time on recruitment of leagues during the winter months. Stopak responded that time has been set aside for him for that specific purpose.

B. ORDINANCE - RIGHT OF WAY VACATION - 120TH STREET (NORTH OF GILES RD)

Councilmember Gowan introduced Ordinance No. 1015 entitled: AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 995 TO REVISE EASEMENTS AND RIGHTS RETAINED WITH RESPECT TO A PART OF 120TH STREET RIGHT-OF-WAY TO BE SOLD AND CONVEYED THAT IS LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 18; AND ALSO THE SW 1/4 OF SECTION 17; ALL LOCATED IN TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; TO REPEAL SECTION 2 OF ORDINANCE NO. 995 AS PREVIOUSLY ENACTED; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell 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, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. 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 Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1015 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. 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.

C. RESOLUTION - TRAIL & PARK IMPROVEMENTS - CIMARRON WOODS (96TH & HARRISON)

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-164: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, RATIFYING AND CONFIRMING THE ACTION OF OCTOBER 17, 2006 AUTHORIZING APPROVAL OF THE PLANS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTS FOR CIMARRON WOODS TRAIL AND PARK IMPROVEMENTS, PHASE 1 AND AUTHORIZING EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary and Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the development of lands locally known as Cimarron Woods within the zoning jurisdiction of the City ("Subdivision Agreement") on April 7, 2004; and

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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, Inc., 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, Lamp, Rynearson & Associates, Inc., as acting City Engineer, and city staff have been presented the plans for review and recommend approval subject to resolution of the following items:

1. Final colors for rubber surface, benches, picnic shelters, play structures, trash cans etc. must be submitted to the City for final approval.
2. A lighting plan for the parking lot and picnic shelter must be provided and approved by the City.
3. Administrative fees must be paid.

WHEREAS, the resolution was initially approved at the meeting of the Mayor and City Council on October 17, 2006, and due to an inadvertent omission of publication the Mayor and City Council desire to ratify and confirm such action.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby ratify and confirm Resolution No. 06-150 approving the plans, specifications and construction documents for Cimarron Woods Trail and Park Improvements Phase I, copies of which have been filed with the City Clerk, subject to resolution of the items identified 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 CYC Construction, Inc./Remcon, Inc., Omaha, Nebraska in the amount of \$792,507.45.

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. District's warrant in the amount of \$15,050.15 in payment of applicable administrative fee.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried

D. TOWER DEVELOPMENT PERMIT - COMMUNICATION TOWER, 10727 CHANDLER, FIRE STATION

1. PUBLIC HEARING

At 7:19 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Tower Development Permit - Communication Tower, 10727 Chandler, Fire Station.

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

At 7:20 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 06-165: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A TOWER DEVELOPMENT PERMIT FOR THE CITY OF LA VISTA TO OPERATE A COMMUNICATIONS TOWER AT 10727 CHANDLER ROAD ON LOT

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246A, VAL VISTA, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 108TH STREET AND CHANDLER ROAD.

WHEREAS, Pat Archibald, on behalf of the City, has applied for a Tower Development Permit to operate a communication tower at 10727 Chandler Road on Lot 246A, Val Vista, in the vicinity of the southeast corner of 108th Street and Chandler Road; and

WHEREAS, on October 19, 2006, the La Vista Planning Commission held a public hearing and recommended approval subject to the items identified by staff; and

WHEREAS, on November 21, 2006, the Mayor and City Council of the City of La Vista held a public hearing and are agreeable to the issuance of a Tower Development Permit for such purposes, subject to certain conditions and agreements specified in the Tower Development Permit and the items as identified by staff.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Tower Development Permit for the City to operate a communication tower at 10727 Chandler Road, satisfactory in form to the City Attorney, and subject to the following conditions as identified by staff:

1. The tower shall not exceed 60 feet in height;
2. Information from the FAA that the tower is not required to be regulated by the FAA; and
3. The tower shall be subject to building permit requirements and certification by a qualified engineer following completion of construction and prior to being placed into service.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried

E. RESOLUTIONS - INSURANCE COVERAGES - MEDICAL, DENTAL, LIFE AND LTD

1. RESOLUTION – INSURANCE COVERAGE - MEDICAL

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-166: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE RECOMMENDATION OF THE CITY'S EMPLOYEE BENEFIT BROKER AND AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO IMPLEMENT THE RECOMMENDED MEDICAL INSURANCE COVERAGE.

WHEREAS, by Resolution No. 97-0153, the Mayor and City Council designated Wendi Peterson, Dessonville, Boler, Wood, Murray & Stalp as the City's employee benefit broker; and

WHEREAS, the City's medical insurance coverage for full-time employees renews January 1st annually and the current provider, United Health Care, has notified the City of a pending increase in coverage costs of 14%; and

WHEREAS, the City's employee benefit broker has solicited proposals for medical coverage and related costs; and

WHEREAS, the City Administrator has received and reviewed proposals and recommends the City approve the Blue Cross Blue Shield of Nebraska plan which will result in a savings of approximately 18.5% over the UHC renewal rates and be effective January 1, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor and City Administrator to execute the necessary documents with Blue Cross Blue Shield of Nebraska for medical insurance coverage for full-time employees effective January 1, 2007 for a monthly single premium of \$334.58, a monthly employee/spouse premium of \$685.89, a month employee/child(ren) premium of \$585.52, and a monthly family premium of \$970.28.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

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2. RESOLUTION – INSURANCE - DENTAL AND LIFE

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-167: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE RECOMMENDATION OF THE CITY'S EMPLOYEE BENEFIT BROKER AND AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO IMPLEMENT THE RECOMMENDED DENTAL AND LIFE INSURANCE COVERAGES.

WHEREAS, by Resolution No. 97-0153, the Mayor and City Council designated Wendi Peterson, Dessonville, Boler, Wood, Murray & Stalp as the City's employee benefit broker; and

WHEREAS, the City's dental and life insurance coverage for full-time employees renews January 1st annually and the current dental insurance provider, Met Life, has notified the City of a pending increase in coverage costs of 5%; and

WHEREAS, the City's employee benefit broker has solicited proposals for dental and life insurance coverage and related costs; and

WHEREAS, the City Administrator has received and reviewed proposals and recommends the City approve the Genworth plan for dental and life coverage which will result in a savings of approximately 17% over the Met Life renewal rates for dental coverage and a savings of 65% over the current Met Life rates for life insurance coverage effective January 1, 2007; and

WHEREAS, the Genworth life insurance rate quote is good for a two-year period while the Met Life rate is a one-year quote.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor and City Administrator to execute the necessary documents with Genworth for dental and life insurance coverage for full time employees effective January 1, 2007 for a monthly single dental premium of \$26.03, a monthly family dental premium of \$85.94, and a life insurance rate of \$.20 per thousand dollars of coverage.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried

3. RESOLUTION – INSURANCE COVERAGE - LTD

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-168: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE RECOMMENDATION OF THE CITY'S EMPLOYEE BENEFIT BROKER AND AUTHORIZING THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE THE DOCUMENTS NECESSARY TO IMPLEMENT THE RECOMMENDED LONG TERM DISABILITY COVERAGE.

WHEREAS, by Resolution No. 97-0153, the Mayor and City Council designated Wendi Peterson, Dessonville, Boler, Wood, Murray & Stalp as the City's employee benefit broker; and

WHEREAS, the City currently offers long term disability insurance coverage for full-time employees as an employee-paid benefit through Hartford and approximately 50% of the eligible employees are currently participating in this program; and

WHEREAS, the City's employee benefit broker has solicited proposals for long term disability coverage and related costs; and

WHEREAS, the City Administrator has received and reviewed proposals and has determined that the City could provide long term disability coverage for all eligible employees at less cost than what the employees currently enrolled in the employee-paid program are paying; and

WHEREAS, based on the above, the City Administrator recommends the City approve the Genworth plan for employer-paid long term disability coverage effective January 1, 2007; and

WHEREAS, the Genworth long term disability rate quote is good for a two-year period while the Hartford rate is a one-year quote.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor and City Administrator to execute the necessary documents

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with Genworth for employer-paid long term disability insurance coverage for full time employees effective January 1, 2007 at a rate of \$.30 per \$100 of income.

Councilmember Sheehan asked the length of time long term disability would apply to an individual. Wendy Peterson, the City's benefits broker, addressed Council to inform them LTD covers up to age 65, and provides coverage for the employees own occupation for up to 2 years. She stated the insurance company makes the determination on LTD, and with coordination with the Social Security Administration determine payment amounts. Peterson informed Council an individual will receive 60% of their salary, with a maximum monthly amount of \$5,000.00, or if pay fluctuated, a partial amount may apply. She informed Council the amount does not change based on age.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried

F. RESOLUTION - COUNCIL POLICY STATEMENT AMENDMENT

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-169: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create 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 reviewed and revisions recommended by the Assistant City Administrator to the City Administrator.

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

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried

G. RESOLUTION - NEW STANDARD OPERATION POLICY - EMERGENCY RESPONSE PROCEDURES FOR CITY HALL/COMMUNITY CENTER

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-170: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A NEW STANDARD OPERATION POLICY REGARDING EMERGENCY RESPONSE PROCEDURES.

WHEREAS, the City Council has determined that it is necessary and desirable to create Standard Operation Policies 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 new Standard Operation Policy has been prepared regarding emergency response procedures for the City Hall/Community Center facility.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Standard Operation Policy presented regarding emergency response procedures for the City Hall/Community Center facility, and do further hereby direct the distribution of said Standard Operation Policy to the appropriate City Departments.

Councilmember Carlisle asked if there were similar policies for other City facilities. City Administrator Gunn responded this plan was developed to hopefully serve as a model for all facilities, with a goal of making all employees aware of how to respond. Councilmember Sheehan asked if there was a plan to take a head count of employees. Assistant City Administrator Ramirez stated the procedure does not provide for a specific employee to complete this task. The plan was developed to eliminate a required individual for a specific task and to make all employees aware of what to do and be comfortable on how to react. Sheehan stated it

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was important to have everyone accounted for. Ramirez stated the plan had a specific place for every employee to meet during an evacuation. She stated drills would be exercised to adjust the plan. Councilmember Sell asked if the City uses a visitor sign in log. Ramirez responded that the City uses a log for all deliveries, but not for visitors at this time, and will look into the possibility of the additional log. Councilmember Sheehan asked if the Safety Committee had reviewed the plan. Ramirez stated the final plan was not reviewed by the Safety Committee. Sheehan stated that the Safety Committee should review to give front line employees a larger say in the plan. City Administrator stated the plan started with the Safety Committee. She stated the plan is a good model, and adjustments will be made based on need.

Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried

H. RESOLUTION - QUIET ZONE STUDY PROPOSAL (SOUTHPORT WEST)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-171: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FELSBURG, HOLT & ULLEVIG, FOR THE DEVELOPMENT OF A QUIET ZONE STUDY IN THE AREA OF SOUTHPORT WEST IN AN AMOUNT NOT TO EXCEED \$9,500.

WHEREAS, Southport West Partners, LLC, developers associated with the Southport West development have expressed concern regarding the excessive noise created by train whistles as they cross three areas adjacent to the Southport West subdivision; and

WHEREAS, Southport West Partners, LLC has requested that the City consider the establishment of a "Quiet Zone"; and

WHEREAS, the development of a Quiet Zone Study is required to determine which supplemental or modified supplemental safety measures can be used to compensate for the absence of the train horn; and

WHEREAS, the annexation of S.I.D. 253 by the City of La Vista was effective on October 5, 2005 and as a result of said annexation, all public improvements are the responsibility of the City of La Vista;

WHEREAS, Felsburg, Holt & Ullevig have significant experience in dealing with railroad crossing issues and have submitted a proposal to provide professional services associated with the development of a Quiet Zone Study proposal; and

WHEREAS, Southport West Partners, LLC have agreed to fund half of the cost for said professional services.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute a professional services agreement with Felsburg, Holt & Ullevig, Omaha, Nebraska, for professional services associated with the development of a Quiet Zone Study in an amount not to exceed \$9,500.

Councilmember Gowan asked what the plan was to proceed once the resolution had been approved. City Administrator Gunn responded the study will revolve around the area of Southport West. There are three railroad crossings to review. She stated there are a number of options available to reduce the noise of train horns with the implementation of a quiet zone in cooperation with the railroad, by using other precautions, to encourage business development.

Kyle Anderson, a representative of Felsburg, Holt & Ullevig, addressed Council to provide information regarding how the study would proceed. Supplemental safety measures that could be installed to eliminate the need for trains to blow their whistles will be investigated. Anderson's firm would provide guidance to the City on the steps necessary in the process to comply with the federal railroad administration requirements, as well. The firm coordinates with the railroad to identify solutions and costs of solutions. The goal is to have the quiet zone established by spring of 2008 to coincide with the opening of the hotels currently under construction. The firm's goal is to provide available options to the City within 90 days. He stated there are 5 primary supplemental safety measures which include; permanent closure of a crossing; temporary closure of a crossing; raised medians, which is the most economical for these locations; conversions to one-way streets; and installation of wayside horns mounted at crossings. Councilmember Gowan asked the responsibility of the railroad after the quiet zone is established. Anderson responded

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that 21 days after safety measures are in place, the railroad is instructed to no longer blow a train whistle except in an emergency.

Councilmember Carlisle asked about the speed of the railroad through the City. Anderson responded that courts have shown that railroads are interstate travel and municipalities do not have authority to reduce the speed of trains through a city.

Councilmember Sell asked who would fund the possible changes. City Administrator Gunn stated funding could be part City and part developer. At this point the City is looking at the possible options. Gunn stated the noise could be a problem for the development if the issue is not addressed.

Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sell. The following were absent: McLaughlin. Motion carried.

I. SPECIAL ASSESSMENTS FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 7:43 p.m. Mayor Kindig stated the floor was now open for a public hearing on special assessments for property improvements

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

At 7:44 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-172: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA DEPUTY 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
7011 South 79th Street, Lot 1145, La Vista Subdivision, \$518.90, and
7707 Terry Drive, Lot 1073, La Vista Subdivision, \$443.92
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 Deputy 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, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

J. DISCUSSION - FY 2006 PROPERTY TAX LEVY DISCREPANCY

City Administrator Gunn addressed Council to state the City recently became aware that the property tax levy published was not calculated correctly. The amount of property tax requested by the City was correct, however the levy was not calculated accurately. A recommendation was made at a conference to include the county treasurer's commission of 1%, in the property tax

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request and this was done, however the levy was not adjusted accordingly. The State and County look at the total amount of property tax being requested when the budget was submitted and calculated the levy. By the time the City became aware that the levy was calculated incorrectly, a change was not possible. Councilmember Ronan asked if the error would be noted in the City newsletter. Gunn stated that this would be addressed in the City's next newsletter, however residents would receive their tax bills in the next week or two so it was important to point out the error publicly as soon as it was discovered. Councilmember Sell expressed his concern with the error indicating the City is here to serve the public and these types of mistakes should not happen. Councilmember Gowan stated that although the error doesn't result in a significant tax increase for residents of the City, the error does result in distrust from the people the City serves. He stated these types of mistakes are unacceptable.

Councilmember Sheehan stated all of the Councilmembers had the levy numbers prior to budget approval. He stated a mistake was made, but indicated that in his opinion the elected officials also had an obligation to examine the numbers and should take some responsibility for this error. He indicated that he will be reviewing budget numbers closer in the future.

Mayor Kindig stated he would agree that all of the elected officials have a responsibility for the error. He commended the City staff for informing the Council immediately and for being upfront with the error and trying to correct the mistake, even though it was too late. He stated his confidence this type of error will not happen in the future.

K. DISCUSSION – CLASSIFICATION OF FLAVORED ALCOHOLIC BEVERAGES

Councilmember Sell stated he asked to place this as a discussion item on the Council agenda following Project Extra Mile's request that the Council consider passing a resolution of support regarding a recent reclassification by the Liquor Control Commission. However, since that time a lawsuit has been filed against the Commission and Sell indicated he would agree with the recommendation to table this issue until the lawsuit is resolved.

Diane Riibe, the director of Project Extra Mile, addressed Council to first commend the City's law enforcement department for their work and support of programs to discourage under age drinking and drinking and driving. She indicated that the La Vista Police Department has been a leader in the metro area regarding alcohol enforcement. Riibe asked Council to educate themselves on this particular alcohol issue, which involves children, their health, and their safety. She stated that State Statute indicates products such as Smirnoff Ice, Sky-Blue, etc. – known in the alcohol industry as starter drinks – if distilled, would be taxed and regulated as distilled spirits. The Nebraska Liquor Control Commission recently reclassified these types of beverages as beer. This reclassification results in a large tax savings for the manufacturer and makes the products available in many more outlets. Project Extra Mile is taking the position that the reclassification violates the statute and a lawsuit has been filed. Municipalities and counties have been asked to provide resolutions of support for this position. Ms. Riibe wants Council to know that this is a two prong process. First, the resolution of support is a way for municipalities to speak their mind. The second path is to get the resolutions of support and to take them to present to the Liquor Control Commission to show the sense of communities in the state.

Councilmember Sheehan asked how members of the Liquor Control Commission get their seats. Ms. Riibe stated the Governor appoints the members.

Councilmember Sell stated this also means the state is losing tax dollars. Ms. Riibe states it's estimated at least two million dollars a year in tax revenue for the state is lost, probably significantly higher. Sell stated secondly this allows the alcohol industry to target young people in the state. Ms. Riibe encouraged Council to go to locations where alcohol is sold in the state and look at the products. She states they are labeled to look more like sodas or energy drinks than alcoholic beverages. She thanked Council for listening to her presentation and encouraged them to consider supporting Project Extra Mile in this effort.

COMMENTS FROM THE FLOOR

Jenni Jensen, of 7611 Park View Blvd, addressed Council with a concern regarding the City's animal ordinance. She stated she has four dogs, which is a violation of the ordinance, and she has had to go to court over the issue. She reported her pets are confined to her yard and all are licensed. She knows of others who are over the limit that do not license their dogs due to the ordinance. Her citation came as a result of her son staying at her residence, along with his own two dogs. She stated her dogs are a matter of safety.

Mayor Kindig responded that in his six years as an elected official with the City, this matter has been addressed at least four times. The City Council has reviewed the ordinance and has continually expressed their desire to keep the current ordinance in effect. He stated if the number

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is increased, others will ask for more, so some limits must be set. Animal ordinances are created for public health and safety reasons. Not all animal owners are responsible and in residential areas citizens should have a reasonable expectation of comfort and safety. Kindig stated exceptions cannot be made for specific individuals.

Jenni Jensen also expressed her concern regarding a safety issue at Thompson Creek, which is behind her back yard. She feels it is dangerous for children playing in the area since fencing has been taken down. City Administrator Gunn responded that the City would investigate her concerns.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell asked the City to reconsider the request for a park facility in the Val Vista area. Councilmember Quick stated she agrees with Sell, and thought the City was going to look further into it. Councilmember Gowan stated he has talked to several people concerning this issue as the park is in his ward. He feels the City has kept a door open to ideas, but he does not feel the area in question is conducive for a park. He thinks the issue should be revisited but does not want to see this issue put ahead of other projects. City Administrator Gunn stated the Park and Recreation Advisory Committee met with homeowners on the sight during their annual park tour. There are issues to resolve regarding this site such as the trail system that will eventually run through this area and the fact that a mini-park is not in compliance with the Park and Recreation Master Plan. Council could review the request again at budget time and if it was identified as a viable project it could become part of the Capital Improvement process. Councilmember Sheehan stated the option then is to review the issues during budget workshops and prioritize the potential project along with all other submitted. Councilmember Gowan stated in order to add a park, it must meet the guidelines the City has set for all parks in the City. A discussion was held concerning the use of the school facilities, which, according to the homeowner's association, has been limited to specific times and has not met the needs of residents. City Administrator Gunn asked Council if they wanted this issue studied further. After discussion, it was decided Council will continue to look at the issue and discuss it again as part of the FY 08 budget process and during the update of the Park and Recreation master plan.

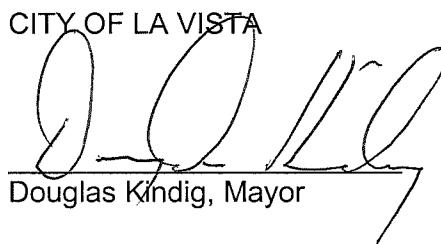
Mayor Kindig reported to Council on his appearance at a Veteran's Day ceremony. Banners for seventeen Nebraska soldiers killed in action were displayed at Heartland of America Park. Kindig encouraged everyone to visit the display.

Mayor Kindig informed Council that Santa will be touring the City on Sunday, November 26, 2006. He stated Santa Claus will make an effort to visit as many neighborhoods as possible during the evening.

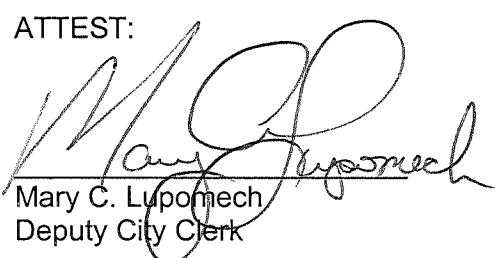
ADJOURNMENT

At 8:30 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF DECEMBER 2006.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:


Mary C. Lupomech
Deputy City Clerk