

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING December 19, 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 December 19, 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, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, District Fire Chief Viers, Library Director Schinker, Finance Director Lindberg, Police Chief Lausten, Recreation Director Stopak, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on December 7, 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.

### APPOINTMENTS

BOARD OF ADJUSTMENTS – REAPPOINT RANDY JORDAN – 3 YEAR TERM- BOARD OF HEALTH – DOUGLAS KINDIG, BRENDA CARLISLE, KIRK SCHUSTER AND ROBERT LAUSTEN – 1 YEAR TERM  
CIVIL SERVICE COMMISSION – REAPPOINT LARRY FILBRANDT – 5 YEAR TERM  
LIBRARY ADVISORY BOARD – REAPPOINT CAROL WESTLUND – 2 YEAR TERM- PARKS AND RECREATION ADVISORY BOARD – REAPPOINT GREG JOHNSON AND GEORGE FORST III – 2 YEAR TERM  
PERSONNEL BOARD – REAPPOINT GINA FREIMUTH – 6 YEAR TERM  
PLANNING COMMISSION – REAPPOINT PHYLLIS RIZZO, COLLEEN HORIHAN, AND JOHN GAHAN – 3 YEAR TERMS

Mayor Kindig stated that with the approval of Council he would like to make appointments to various Boards and Commissions as outlined on the agenda. Councilmember Carlisle motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE DECEMBER 5, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE DECEMBER 5, 2006 CITY COUNCIL ORGANIZATIONAL MEETING
4. MINUTES OF THE NOVEMBER 29, 2006 SAFETY COMMITTEE MEETING
5. PAY REQUEST FROM CITY OF OMAHA FOR DESIGN WORK - HARRISON STREET IMPROVEMENTS FROM 47<sup>TH</sup> TO 71<sup>ST</sup> STREET - \$1,496.82
  6. NEW FIRE STATION NO. 2
    - a. PAY REQUEST NO. 10 FROM CONSTRUCT, INC. FOR BUILDING CONSTRUCTION - \$181,386.38
    - b. PAY REQUESTS FROM JNFS ENGINEERING COMPANY FOR TOWER(2 INVOICES) - \$2,816.60
    - c. PAY REQUEST FROM AVI SYSTEMS FOR AUDIO/VISUAL EQUIPMENT - \$2,132.78
    - d. PAY REQUEST FROM HUNTEL COMMUNICATIONS FOR WIRELESS - \$8,538.66
  7. PAY REQUEST FROM SARPY COUNTY EDC FOR DUES - 2007 - \$7,500.00
    8. SOUTHPORT WEST IMPROVEMENTS
      - a. PAY REQUEST FROM THIELE GEOTECH, INC. TESTING SERVICES (3 INVOICES) - \$1,899.50
      - b. CHANGE ORDER NO. 1 – VIERREGGER ELECTRIC CO. – TRAFFIC SIGNALS SECTION 1 – ADD \$14,603.21.
    9. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the revised consent agenda as presented. Seconded by Councilmember Carlisle. Councilmember Sell 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

December 19, 2006

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

ACTION BATTERIES, Vehicle Supplies	26.49
AIR POWER OF NEBRASKA, Bldg & Grnds	311.00
AKSARBEN HEATING/ARS, Bldg & Grnds, Equip.	1,913.50
ANDERSON, CINDY, Books	10.95
AQUILA, Utilities	5,042.93
ARAMARK UNIFORM, Contract Services	130.35
ASHBY, SHARON, Rescue Revenue	10.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	56.94
BAKER & TAYLOR BOOKS, Books	901.62
BENNETT REFRIGERATION, Equip. Maint.	131.48
BENNINGTON IMPLEMENT, Vehicle Maint.	1,121.30
BETTER BUSINESS EQUIPMENT, Contract Services	93.12
BOBCAT OF OMAHA, Vehicle Maint.	58.66
BRENTWOOD AUTO WASH, Vehicle Maint.	110.00
CARDMEMBER SERVICE-ELAN, Travel/Bldg & Grnds/Training	1,924.40
CENTER POINT PUBLISHING, Books	78.48
CITY OF OMAHA, Contract Services	26,420.11
CITY OF RALSTON, Contract Services	688.59
CJ'S HOME CENTER, Vehicle Maint./Bldg & Grnds/Supplies	728.97
COLORADO CHAPTER ICC, Training	585.00
COMP CHOICE, Professional Services	164.50
CORBIT, JEFF, Auto Allowance	100.00
COX, Contract Services	184.10
DAVIDSON TITLE, Books	68.80
DEMCO, Supplies	748.17
DIAMOND VOGEL PAINTS, Bldg & Grnds	235.25
DMI VIDEOS, Media	157.22
DON'S PIONEER UNIFORMS, Wearing Apparel	30.00
DOUGLAS COUNTY SHERIFF'S OFC, Contract Services	150.00
EMS BILLING SERVICES, Rescue Revenue	1,366.09
EQUIPMENT RENTAL, Rental	100.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Bldg & Grnds	131.29
FERRELLGAS, Utilities	941.69
FILTER CARE, Vehicle Maint.	55.55
FITZGERALD SCHORR BARMETTLER, Professional Services	17,197.07
FLEETPRIDE, Vehicle Maint.	332.76
FREMONT NATIONAL BANK & TRUST, Fees	2,572.15
GATEWAY COMPUTERS, Contract Services	4,234.00
GAYLORD BROS, Supplies	29.65
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	611.14
GENWORTH FINANCIAL, Employee Benefits	6,486.83
GRAYBAR ELECTRIC, Bldg & Grnds	334.96
GREAT PLAINS ONE-CALL SVC, Contract Services	281.29
H & H CHEVROLET, Vehicle Maint.	86.23
HANEY SHOE STORE, Wearing Apparel	234.95
HANSEN'S TRUCK SALVAGE, Vehicle Maint.	50.00
HAYES ENVIRONMENTAL, Thompson Creek Project	1,080.00
HEIMES CORPORATION, Street Maint.	16.00
HEWLETT PACKARD, Equipment	3,553.00
HY-VEE, Supplies	47.58
ICSC-INTL COUNCIL OF SHPG CTRS, Dues	200.00
IIMC, Dues	115.00
INDUSTRIAL SALES, Bldg & Grnds	86.67
INSIGHT TECHNOLOGY, Contract Services	4,215.99
IOWA PRISON INDUSTRIES, Street Maint.	5,005.45
J Q OFFICE EQUIPMENT, Equip/Contract Services	514.52
J.KUEFFNER PHOTOGRAPHY, Contract Services	184.50
JOHNSTONE SUPPLY, Bldg & Grnds	107.36
JONES AUTOMOTIVE, Vehicle Maint.	296.86
KAPCO-KENT ADHESIVE, Supplies	54.44
KIMBALL MIDWEST, Vehicle Supplies	100.06
KINDIG, DOUGLAS, Supplies	93.73
KROGER-DILLON, Supplies	103.03
LEXIS NEXIS MATTHEW BENDER, Books	486.80
LINWELD, Supplies	15.00
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	813.95

# MINUTE RECORD

December 19, 2006

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

LUMENOS, Rescue Revenue	400.00
MEDTRONIC PHYSIO-CONTROL, Supplies	263.10
MENARDS, Bldg & Grnds	35.78
METAL SUPERMARKETS, Bldg & Grnds	73.86
MICHAEL TODD AND COMPANY, Street Maint.	815.57
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	15.00
MIDWEST SERVICE AND SALES, Street Maint.	662.78
MILLER PRESS, Printing	140.00
MONARCH OIL, Vehicle Maint.	150.00
MUD, Utilities	210.17
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	45.00
MUNICIPAL PIPE TOOL, Vehicle Maint.	157.67
NEBRASKA NOTARY ASSOCIATION, Dues	180.15
NEBRASKA STATE FIRE MARSHALL, Professional Services	360.00
NEBRASKA TURF PRODUCTS, Supplies	196.50
NERPA, Training	25.00
NEUMAN EQUIPMENT, Bldg & Grnds	429.31
OABR PRINT SHOP, Printing	123.15
OCCUVAX, Contract Services	860.00
OFFICE DEPOT, Supplies	488.03
OMAHA WORLD HERALD, Subscription	72.80
OPPD, Utilities	28,043.35
OVERHEAD DOOR, Bldg & Grnds	204.80
PAPILLION SANITATION, Contract Services	151.85
PAPILLION TIRE, Vehicle Maint.	70.65
PAPIO VALLEY NURSERY, Maintenance	450.00
PAPIO-MO RVR NATURAL RESOURCES, Contract Services	5,000.00
PARAMOUNT LINEN & UNIFORM, Cleaning	462.99
PAUL CONWAY SHIELDS, Wearing Apparel	319.50
PAYLESS OFFICE PRODUCTS, Supplies	93.43
PITNEY BOWES, Supplies	63.48
POWER PLAN, Vehicle Maint.	436.16
PRECISION INDUSTRIES, Bldg & Grnds/Vehicle Maint.	237.49
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	84.00
PRUITT, Vehicle Maint.	28.09
QWEST, Telephone	228.50
R & R VENDING, Bldg & Grnds	50.00
RANDOM HOUSE, Media	87.55
RAPPOLD, KYLE, Contract Services	31.25
RITA RAMIREZ, Travel/Vehicle Maint/Bldg & Grnds	79.68
ROAD BUILDERS MACHINERY, Vehicle Maint.	174.64
ROSE EQUIPMENT, Vehicle Maint.	454.44
SAM'S CLUB, Supplies	215.56
SAPP BROS PETROLEUM, Vehicle Supplies	692.50
SARPY COUNTY REGISTER OF DEEDS, Professional Services	21.00
SCHOLASTIC BOOK FAIRS, Books	198.64
SMITH, MELANIE, Auto Allowance	100.00
STANDARD DIGITAL IMAGING, Squad Supplies	21.80
STAPLES BUSINESS ADVANTAGE, Supplies	190.08
SUBURBAN NEWSPAPERS, Legal Advertising	816.83
THOMPSON DREESSEN & DORNER, Professional Services	30,150.51
THREE RING ENTERPRISES, Vehlce Maint.	2,190.43
TURFWERKS, Vehicle Maint.	56.78
U S ASPHALT, Street Maint.	51.12
UNITED SEEDS, Bldg & Grnds	1,960.00
UTILITY EQUIPMENT, Vehicle Maint.	15.22
VIERS, STEVE, Auto Allowance	100.00
WASTE MANAGEMENT, Contract Services	2,366.15
WEIGHTVEST.COM, Equip.	412.90
YANKEE HILL BRICK & TILE, Bldg & Grnds	48.76

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez reminded the Council that she needs to know if there are any of the three dates for the Strategic Planning that would work the best. Consensus was that February 24, 2007 would work for the Council members.

# MINUTE RECORD

December 19, 2006

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

Police Chief Lausten reported on an incident of road rage that occurred Friday evening on 76<sup>th</sup> Street between Teal and Terry Streets. The suspect was apprehended by the Big Lots store and some of the neighborhood had been alerted as there was a possible weapon involved which turned out to be a CO2 gun. There will be extra officers out over the Holidays patrolling for DUI suspects with the grant money received.

Public Works Director Soucie informed Council that a Grant was awarded to the City, to fund the Keystone Trail project, in the amount of \$246,347 so that project will begin in 2007. The 96<sup>th</sup> Street project from Portal Road to Lincoln Road will be completed by the end of December 2006 and the Lincoln Road to Hwy 370 will be done in the spring of 2007. The City continues to work with Papillion regarding the traffic problems a Market Pointe.

## **B. ORDINANCE – AMEND THE COMPENSATION ORDINANCE**

Councilmember Carlisle introduced Ordinance No. 1016 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. Discussion was held regarding the appropriate wording in Section 12 to clarify that long term disability insurance would be provided for regular full time City employees; not their families. Assistant City Administrator Ramirez confirmed that this was the intention, as stated in the proposed revision of the City's personnel policy and procedures manual. The consensus was that the proposed ordinance be revised to correspond with the revised personnel policy and procedures manual regarding disability insurance. The Councilmembers making and seconding the motion for final passage concurred with this revision. The Mayor then stated the question, "Shall Ordinance No. 1016 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 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.

## **C. RESOLUTION – AMEND PERSONNEL POLICY AND PROCEDURES MANUAL**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-175: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 8, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL TO ADD LONG TERM DISABILITY COVERAGE:

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes and additions to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, Subsection 8.4 is being proposed for change in the manual to incorporate the addition of Long term disability coverage; and

WHEREAS, it is the desire of the City Council to amend Section 8, of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection; and

WHEREAS, it is the desire of the City Council to direct such change in benefit plan documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change submitted at the City Council meeting to Section 8 regarding employee long term disability coverage, subject to review as to form by the City Attorney.

# MINUTE RECORD

December 19, 2006

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

Seconded by Councilmember Sell. Mayor Kindig stated that the new section 8.4 submitted for approval is in form and content presented at this meeting. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## D. APPLICATIONS FOR PRELIMINARY AND FINAL PUD PLAN AND REPLAT – SOUTHPORT EAST REPLAT SIX, LOTS 1-10(EASTPORT PARKWAY & GILES ROAD)

### 1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Applications for Preliminary and Final PUD Plan and Replat - Southport East Replat Six, Lots 1-10 (Eastport Parkway & Giles Road).

City staff requested a continuation of the public hearing to the January 16, 2007 City Council Meeting.

Councilmember Sheehan made a motion to continue the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. Absent: None. Motion carried.

## E. CONDITIONAL USE PERMIT – CONVENIENCE STORE WITH LIMITED FUEL SALES AND OTHER USES – LOT 2, SOUTHPORT EAST REPLAT THREE

### 1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Conditional Use Permit – Convenience Store With Limited Fuel Sales And Other Uses – Lot 2, Southport East Replat Three.

Mike Schramek representing Fantasy's Food-N-Fuel was present to answer any questions the Mayor and Council might have concerning this request for a conditional use permit. Councilmember Sheehan asked for clarification as to whether the back of the building will face the interior of the lot. Mr. Schramek stated that it would. Councilmember Gowan inquired as to whether there were any Fantasy's in the metro area set up as this one with the businesses added. Mr. Schramek stated that there are a couple stores that have businesses attached, such as the one at 147<sup>th</sup> and Maple which has a dry cleaners attached, but there are none of this size in the metro area. They hope to attract businesses such as sandwich shops and personal services.

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

At 7:18 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. The following voted nay: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-176: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR FANTASY'S FOOD-N-FUEL TO OPERATE A CONVENIENCE STORE WITH LIMITED FUEL SALES, A COMMERCIAL STRIP SHOPPING CENTER, COFFEE KIOSK AND AUTOMATED TELLER MACHINE ON LOT 2, SOUTHPORT EAST REPLAT THREE.

WHEREAS, John Spaustat, on behalf of Fantasy's Food-N-Fuel, has applied for a conditional use permit for the purpose of locating and operating a convenience store with limited fuel sales, a commercial strip shopping center, coffee kiosk and automated teller machine on Lot 2, Southport East Replat Three; 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. All requirements of the Southport East Design Guidelines shall be met.
2. Development on this site will need to complete the common area ingress/egress drive across Lot 3 providing access from both Port

# MINUTE RECORD

December 19, 2006

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

Grace Blvd. and Southport Parkway. This drive will need to be a minimum of 7-inch Portland cement concrete pavement. This shall be shown on the conditional use site plan.

3. Development on this site will need to install a storm sewer across Lot 3 to reach the existing storm sewer system. This shall be shown on the conditional use site plan.
4. The existing left-turn bay in eastbound Southport Parkway serving the common area drive into the site will need to be lengthened as identified in the traffic impact study previously prepared by the applicant. This shall be made a condition of the conditional use permit.
5. The site lighting plan and photo-metrics that were submitted appear to address the normal parking lot lighting and the lighting associated with the fuel island canopy. The exhibits to the conditional use permit shall include information on the canopy lighting and should identify that sharply cutback, downcast fixtures will be used. The applicant may also need to consider lighting along the common area drive across Lot 3 since this may be relatively dark until development occurs on Lot 3.
6. The review criteria in Section 6.05 include an evaluation of whether the use will include malodorous gas or matter discernable on adjoining property. Gas odors are typical when tanks are being filled in this use. Such circumstances are unavoidable for this type of use.
7. Parking on the site would need to be re-evaluated at the time of any further proposed uses, including such tenant uses as a tavern/lounge, restaurant, etc.
8. The applicant shall 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. Also, the applicant shall comply with FAA requirements due to the location of the site with respect to regulated airspace for the Millard Airport.

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 for Fantasy's Food-N-Fuel to locate and operate a convenience store with limited fuel sales, a commercial strip shopping center, coffee kiosk and automated teller machine on Lot 2, Southport East Replat Three.

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

## F. RESOLUTION – APPROVAL OF INTERLOCAL COOPERATION AGREEMENT – JURISDICTIONAL BOUNDARIES

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-177: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITIES OF LA VISTA AND GRETNNA ESTABLISHING A MUTUALLY AGREED UPON JURISDICTIONAL BOUNDARY WITH RESPECT TO PRESENT AND FUTURE LAND USE PLANNING, ZONING AND ANNEXATION RELATED MATTERS BETWEEN THE CITIES

WHEREAS, the cities of La Vista and Gretna deem it to be to their mutual advantage to cooperate with each other to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of the respective communities; and

WHEREAS, the two cities desire to make more efficient use of their powers to provide services and facilities by cooperating to the mutual advantage of both cities in the elimination of duplication of public costs that result in dual exercise of planning, inspection, permits, enforcement and other aspects of exercise of overlapping authority over the same lands; and

WHEREAS, the respective communities deem it to be in the best interests of both that a resolution and agreement be reached with respect to present and future land use planning, zoning and annexation related matters;

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement between the City of La Vista, Nebraska and the City of Gretna, Nebraska establishing the

# MINUTE RECORD

December 19, 2006

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

jurisdictional boundaries, is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City.

Mayor Kindig stated that the Interlocal agreement submitted for approval is in form and content presented at this meeting.

A discussion was held regarding various aspects of the proposed agreement, including paragraph 5, which requires periodic resubmission of the agreement to each successive new city council if legal counsel of either city deems the same to be advisable. It was noted that failure of either city to reaffirm or readopt the agreement in such a case would not effect a termination of it. It was also noted that the form of the agreement was essentially the same as the current interlocal agreement of the Cities of La Vista, Bellevue, and Papillion establishing jurisdictional boundaries, and that the jurisdictional boundaries established by the agreement between the City and Gretna are the same as established by the two cities in a sewer interlocal agreement years ago. It was further noted that past experience shows that these agreements work well for all cities as they plan their future growth and that previous agreements set up in this way have been relied upon and worked well.

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

## **G. RESOLUTION - AUTHORIZE PROGRAM ADMINISTRATOR OF EDP TO CONTRACT FOR SERVICES**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-178: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PROGRAM ADMINISTRATOR OF THE ECONOMIC DEVELOPMENT PROGRAM TO CONTRACT FOR SERVICES.

WHEREAS, the Mayor and City Council adopted Ordinance No. 919 in accordance with Neb. Rev. Stat. Section 18-2701 et seq. ("Local Option Municipal Economic Development Act"), as amended by Ordinance No. 921, and thereby established and codified in § 117.01 et. seq. of the La Vista Municipal Code an economic development program, which program previously was approved by a majority affirmative vote of registered voters voting at a special election of the City held September 30, 2003 ("City Economic Development Program"); and

WHEREAS, pursuant to Section 117.18 of the La Vista Municipal Code, the City Administrator shall be the Program Administrator of the City Economic Development Program ("Program Administrator"); and La Vista Municipal Code Section 117.18(C) allows the Program Administrator, with approval of the Mayor and City Council, to contract with outside entities to assist with administration of the City Economic Development Program; and

WHEREAS, the Mayor and City Council desire to authorize the Program Administrator to contract with outside entities to assist with administration of the City Economic Development Program, including assessment of applications submitted from time to time thereunder;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council hereby authorize the Program Administrator of the City Economic Development Program to contract with one or more outside entities and delegate to it or them such responsibilities, duties or tasks as she determines necessary or appropriate to administer the City Economic Development Program, including assessment of applications submitted from time to time thereunder, with a single contract value not to exceed \$5,000, on such terms and conditions satisfactory to her and in accordance with such other requirements applicable to purchases by the City.

Councilmember Sheehan asked for an example of the type of contract that would come up necessitating this authorization. Assistant City Administrator Ramirez gave the example that a developer might come in with an application for a loan and, since the City is not a commercial lending institution, the program administrator could have a lending institution look at the application to say whether they would loan the money if this application came to the lending institution. Attorney McKeon stated that this is the intent as well as other consulting needed.

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

# MINUTE RECORD

December 19, 2006

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

## SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS 1. PUBLIC HEARING

At 7:24 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Special Assessment for Property Improvements.

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

At 7:25 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. Absent: None. Motion carried.

## 2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-179: 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 Lot 851, 7611 Teal Street, La Vista Subdivision \$123.14 were notified to clean up their property as they were in violation of the City of La Vista's Zoning Ordinance, Section 7.12, or the City would do so and bill them accordingly, and

WHEREAS, the property owner of said address chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owner a bill for said clean up which has 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 property specified above, located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. 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.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick thanked the Council for the trip to Reno. She stated she heard very interesting ideas. Quick informed Council that next year's trip would be earlier in the year and held in New Orleans. There is a scholarship from a playground equipment manufacturer for someone to go next year.

Councilmember Gowan commented on the good presentation the Mayor gave about the City of La Vista at the Sarpy County luncheon this week.

Mayor Kindig thanked all those who were in attendance at the State of the County Breakfast. He appreciated the Council members and the large number of staff that showed up to support the City of La Vista.

# MINUTE RECORD

December 19, 2006

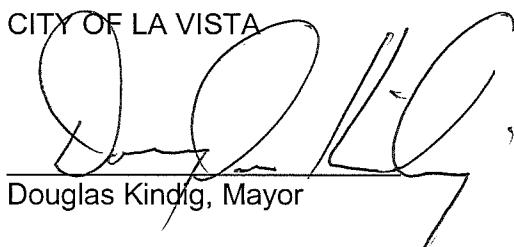
No. 729—REDFIELD & COMPANY, INC., OMAHA

## ADJOURNMENT

At 7:30 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF JANUARY 2007.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC

City Clerk

COUNCIL MINUTES\December 19

K:\APPS\CITYHALL\06