

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING APRIL 4, 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 April 4, 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, Interim City Administrator Gunn, Finance Director Lindberg, Library Director Schinker, Recreation Director Stopak, Fire Chief Schuster, Police Chief Lausten, Community Development Director Birch, City Engineer Kottmann, Public Buildings and Grounds Director Archibald, Public Works Director Soucie, Street Foreman Goldman, and City Clerk Ramirez.

A notice of the meeting was given in advance thereof by publication in the Times on March 23, 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.

PROCLAMATION – NATIONAL LIBRARY WEEK

Mayor Kindig presented a proclamation declaring April 2nd through April 8th, 2006 as National Library Week in La Vista to Rose Schinker, the Director of the La Vista Public Library.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE MARCH 21, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE MARCH 15, 2006 PARK & RECREATION ADVISORY COMMITTEE MEETING
4. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda as presented. Seconded by Councilmember Sheehan. Councilmember Gowan 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. Motion carried.

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| ANDERSON, PETER, Contract Services | 34.00 |
| AQUILA, Utilities | 6,413.09 |
| ARAMARK, Contract Services | 149.73 |
| ASSOCIATED FIRE PROTECTION, Extinguisher Insp. | 38.00 |
| BAKER & TAYLOR BOOKS, Books | 365.66 |
| BEACON BUILDING SERVICES, Contract Services | 5,675.00 |
| BENNINGTON IMPLEMENT, Vehicle Maint. | 3,559.96 |
| BEST CARE EMPLOYEE ASST PROGRM, Training | 920.00 |
| BIRCH, ANN, Auto Allowance | 50.00 |
| BLACKSTONE AUDIO, Books | 478.40 |
| BLAND, CHRIS, Contract Services | 85.00 |
| BOB'S RADIATOR REPAIR, Vehicle Maint. | 49.50 |
| BRIMEYER GROUP, Contract Services | 8,802.13 |
| BUILDERS SUPPLY, Bldg & Grnds | 82.40 |
| BULLET HOLE, Supplies | 280.00 |
| CARSTENSEN, RICH, Supplies | 47.19 |
| CITY OF OMAHA, Contract Services | 534.62 |
| COMP CHOICE, Professional Services | 462.00 |
| COOLEY, PATRICK, Contract Services | 31.25 |
| CORNHUSKER INTL TRUCKS, Vehicle Maint. | 77.04 |
| DENNE, RICK, Travel | 100.00 |
| DISPLAY SALES, Supplies | 112.00 |
| DON'S PIONEER UNIFORMS, Wearing Apparel | 318.73 |
| DULTMEIER SALES & SERVICE, Vehicle Maint. | 14.07 |
| E & A CONSULTING GROUP, Professional Services | 24,987.89 |
| EMS BILLING SERVICES, Rescue Revenue | 950.77 |
| FARQUHAR, MIKE, Auto Allowance | 100.00 |

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| FASTENAL COMPANY, St. Maint. | 61.80 |
| FBINAA, Training | 75.00 |
| FEDEX, Supplies | 4.00 |
| FERRELLGAS, Utilities | 358.29 |
| FIREGUARD, Equip. Maint. | 153.70 |
| FOLLETT SOFTWARE, Computer Equip. | 660.00 |
| GALL'S, Wearing Apparel | 719.34 |
| GASSERT, CORTNEY, Contract Services | 31.25 |
| GASSERT, MIKE, Contract Services | 198.00 |
| GCR OMAHA TRUCK TIRE CENTER, Equip. Maint. | 32.50 |
| GLOCK, Training | 200.00 |
| GOLDMAN, JOHN, Telephone | 40.00 |
| GRAINGER, Bldg & Grnds | 70.20 |
| GRAYBAR ELECTRIC, Supplies | 15.69 |
| GROLIER PUBLISHING, CD Rom | 395.00 |
| GUNN, BRENDA, Auto Allowance | 100.00 |
| HARTFORD LIFE-PRIORITY ACCTS, Payroll Withholding | 1,435.30 |
| HOME DEPOT, Bldg & Grnds | 28.48 |
| ICSC, Professional Services | 400.00 |
| INDUSTRIAL SALES, Bldg & Grnds | 20.29 |
| INLAND TRUCK PARTS, Vehicle Maint. | 190.62 |
| J Q OFFICE EQUIPMENT, Supplies/Contract Services | 787.63 |
| J.KUEFFNER PHOTOGRAPHY, Deferred Revenue | 162.50 |
| JACIK, TOM, Travel | 30.01 |
| JONES AUTOMOTIVE, Equip. | 395.26 |
| KINDIG, DOUGLAS, Telephone | 130.00 |
| KIPP BROTHERS, Books | 34.25 |
| KLINKER, MARK, Professional Services | 320.00 |
| KORTUS, LEE, Contract Services | 34.00 |
| KRIZ-DAVIS, Bldg & Grnds | 296.00 |
| LA VISTA COMMUNITY FOUNDATION, Payroll Deductions | 259.00 |
| LINWELD, Wearing Apparel | 739.05 |
| LUKASIEWICZ, BRIAN, Telephone | 40.00 |
| LUPOMECH, CATHY, Travel | 235.85 |
| MAPA, Travel | 98.00 |
| MASTER SIGN, Equip. | 440.00 |
| MEANS, JOSH, Contract Services | 131.25 |
| METAL SUPERMARKETS, St. Maint. | 601.38 |
| METROPOLITAN COMM. COLLEGE, Contract Services | 11,062.69 |
| MUD, Utilities | 131.45 |
| MID AMERICA PAY PHONE, Telephone | 100.00 |
| MID AMERICAN SPECIALTIES, Supplies | 154.40 |
| MIDLAND TELECOM, Equip. Maint. | 211.90 |
| MIDWEST MUDJACKING, St. Maint. | 500.00 |
| MIDWEST TURF & IRRIGATION, Bldg & Grnds | 214.98 |
| MILLARD SOCIAL HALL, Banquet | 2,803.00 |
| MOBILE COMMUNICATIONS, Radio Maint. | 180.04 |
| MONARCH OIL, St. Maint. | 192.50 |
| NATIONAL ARBOR DAY FOUNDATION, Dues | 15.00 |
| NATIONAL ENTERTAINMENT, Supplies | 667.62 |
| NE HHS REGULATION/LICENSURE, Permit | 40.00 |
| NE APA CHAPTER, Training | 50.00 |
| NE RENTS, Vehicle Maint. | 40.50 |
| NE STATE VOLUNTEER, Training | 300.00 |
| NERPA THIRD ANNL AQUATIC CONF., Training | 30.00 |
| NEXTEL, Telephone | 614.60 |
| OFFICE DEPOT, Supplies | 963.66 |
| OMNIUM WORLDWIDE, Payroll Withholdings | 211.40 |
| ORIZON CPAS LLC, Professional Services | 11,711.86 |
| PAPILLION LA VISTA SCHOOL DIST, Career Fair | 30.00 |
| PARAMOUNT LINEN & UNIFORM, Cleaning Service | 281.24 |
| PAYLESS, Supplies | 29.64 |
| PITNEY BOWES, Meter Lease | 504.00 |
| PLATTE VALLEY EQUIPMENT, Equip. | 11,493.78 |
| POHLAD, JULIE, Professional Services | 250.00 |
| POKORNY, KEVIN, Travel | 72.00 |
| PRECISION INDUSTRIES, St. Maint/Vehicle Maint. | 122.38 |
| PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits | 167.25 |

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| PROJECT HARMONY, Contract Services | 110.00 |
| PUSH PEDAL PULL, Bldg & Grnds | 693.06 |
| QUILL CORPORATION, Supplies | 45.25 |
| QWEST, Telephone | 2,239.44 |
| RADAR SHOP, Maint. | 80.00 |
| RAMIREZ, RITA, Travel/Vehicle Maint. | 170.30 |
| RAY ALLEN MANUFACTURING, K-9 Supplies | 741.45 |
| READY MIXED CONCRETE, K-9 Supplies | 162.36 |
| RELIABLE, Supplies | 220.42 |
| ROSE EQUIPMENT, Vehicle Maint. | 177.66 |
| SAFETY-KLEEN, Contract Services | 262.65 |
| SARPY COUNTY COURTHOUSE, Contract Services | 2,640.05 |
| SCHINKER, ROSE, Auto Allowance | 40.00 |
| SCHREINER, KELLY, Auto Allowance | 100.00 |
| SEARLE PETROLEUM, Auto Allowance | 273.95 |
| SEAT COVER CENTER, Vehicle Maint. | 85.00 |
| SHERWIN-WILLIAMS, Bldg & Grnds | 130.91 |
| SLEEP INN, Travel | 176.76 |
| SOUCIE, JOSEPH, Telephone | 30.00 |
| STANDARD DIGITAL IMAGING, Supplies | 10.40 |
| STAPLES, Supplies | 229.71 |
| STEVENS, MARK, Auto Allowance | 100.00 |
| SUBURBAN NEWSPAPERS, Books | 40.00 |
| TED'S MOWER SALES & SERVICE, Supplies | 50.38 |
| THERMO KING CHRISTENSEN, Vehicle Maint. | 226.64 |
| TOOL HOSPITAL, Equip. | 127.26 |
| U S ASPHALT, St. Maint./Bldg & Grnds | 477.43 |
| ULRICH, JAKE, Contract Services | 131.25 |
| UPS, Postage | 69.96 |
| UNIVERSITY OF NE LINCOLN, Training | 15.00 |
| UTILITY EQUIPMENT COMPANY, Equip | 175.00 |
| VAN HAUTE, NATE, Contract Services | 200.00 |
| VAN HAUTE, VINCE, Contract Services | 120.00 |
| VERIZON WIRELESS, Telephone | 69.35 |
| WAL-MART, Vehicle Maint./Equip./Supplies | 642.44 |
| WF TINGEY AND ASSOCIATES, Books | 495.00 |
| WHITE, BRIAN, Contract Services | 20.00 |
| WILDER, JONI, Auto Allowance | 30.00 |

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten referenced the storm damage that occurred on March 30, 2006, and was outlined for Council in a written report presented previously. He stated that Police, Fire, and Public Works personnel were out immediately after the storm assessing damage.

Lausten also commented on the Incident Command Course that was held last week at the Bellevue Fire Training Center. This training was conducted by the Department of Homeland Security and emphasized the need to have a plan in place for the La Vista and surrounding cities.

Lausten reported that enforcement has been stepped up in the residential areas adjacent to 72nd & Giles Road where road improvements are currently underway in conjunction with the Market Point development. Traffic has been accessing the residential streets to avoid the intersection and the Police Department will continue enforcement efforts to insure that drivers are obeying all traffic laws.

Lausten gave Council an update on the new Nebraska state law that will allow an individual to carry a concealed weapon. La Vista currently has a law on the books that prohibits concealed weapons. Research is on-going to determine whether cities can pass laws or enforce current laws that prohibit concealed carry. The new state law will take effect in January.

Fire Chief Schuster reported that the NRD had donated a house located at 61st & Harrison Street for a training exercise. The training burn will take place on Saturday and Sunday, April 8th and 9th, in conjunction with the Ralston Fire Department.

Public Works Director Soucie thanked the Police Department for their efforts in bringing the WMD Incident Command Training to the metro area. This allowed all of the Public Works supervisory staff to participate in the three day event, which would not have been possible if the training had not been available locally.

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Soucie reported that initially the road improvements at 72nd & Giles Road were designed to leave a portion of Giles Road open at all times between 72nd Street and 69th Street. The decision was made, however, to shut down Giles Road completely at this location to reduce the amount of time necessary to complete the renovation. He also reported that additional stop signs and road signs have been installed at 72nd Street and Giles Road, along with the increased traffic enforcement efforts, to help ease congestion.

Soucie also reported that the start date for the 96th Street construction was changed from April 10th, 2006 to April 17th, 2006.

Recreation Director Stopak informed Council that some damage had occurred at the soccer field during the March 30, 2006 storm. The field is currently closed and the City is waiting for OPPD to complete repairs on electrical lines that were damaged.

Stopak reminded Council that La Vista would be presented with the Tree City USA Award this Friday, April 7, 2006 in Nebraska City and that the Annual Easter Egg Hunt would begin at 10:00 a.m. on April 15, 2006 in Central Park.

Library Director Schinker thanked the Council for the opportunity to attend the National Library Conference. She also informed Council that the Library is involved with a Human Rights Video project entitled The Lost Boys of Sudan and have received a \$300.00 grant.

B. CITIZEN ADVISORY REVIEW COMMITTEE

1. PUBLIC HEARING

At 7:17 p.m. Mayor Kindig stated the floor was now open for a public hearing regarding the Citizen Advisory Review Committee's Biannual Report.

There were no comments from the floor. CAR Committee Chairman Lynda Shafer was unable to attend the meeting. No one from the public appeared or commented at the public hearing.

At 7:18 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. Motion carried.

C. ORDINANCE - AMEND MASTER FEE ORDINANCE

Councilmember Carlisle introduced Ordinance No. 987 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 958, 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.

Councilmember McLaughlin 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 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 Sheehan. The Mayor then stated the question was, "Shall Ordinance No. 987 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 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

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D. RESOLUTION – PROPOSED ANNEXATION OF SID 198 (VAL VERDE) AND SID 200 (SOUTHWIND), TAXS LOT 6B, & PART OF THE HARRISON STREET ROW

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-047: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA STATING THAT THE CITY OF LA VISTA IS CONSIDERING THE ANNEXATION OF SID NO.198, VAL VERDE, AND SID NO. 200, SOUTHWIND, VILLAS AT SOUTHWIND, SOUTHWIND TWO AND WINDSTONE, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF THE HARRISON STREET RIGHT-OF-WAY FROM 69TH STREET EAST TO 96TH STREET; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED, AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, the City of La Vista desires to annex certain land, and

WHEREAS, the Nebraska Revised Statutes, Section 16-117 requires the City Council to adopt a resolution stating that the City is considering the annexation of land and a plan for extension of City services to said land.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of La Vista, Nebraska as follows:

1. The City of La Vista is considering the annexation of SID No. 198, Val Verde, and SID No. 200, Southwind, Villas at Southwind, Southwind Two and Windstone, subdivisions as surveyed, platted and recorded in Sarpy County, Nebraska, and certain adjacent land; and Tax Lot 6B, located in the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 15, T14N, R12E of the 6TH P.M. Sarpy County, Nebraska; and portions of the Harrison Street right-of-way from 69TH Street east to 96TH Street, more particularly described as follows:

LOTS 1 THROUGH 254, AND OUTLOTS A, B AND C, VAL VERDE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID VAL VERDE;

TOGETHER WITH

LOTS 1 THROUGH 12 AND OUTLOT A, VAL VERDE REPLAT 1, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

PART OF 96TH STREET RIGHT-OF-WAY AND PART OF GILES ROAD RIGHT-OF-WAY ADJOINING SAID VAL VERDE;

TOGETHER WITH

TAX LOT 6B IN THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH

RAILROAD RIGHT-OF-WAY IN THE NW $\frac{1}{4}$ OF THE NW $\frac{1}{4}$ OF SAID SECTION 15;

TOGETHER WITH

LOTS 1 THROUGH 162 AND OUTLOT A, SOUTHWIND TWO, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID SOUTHWIND TWO;

TOGETHER WITH

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TOGETHER WITH

LOTS 1 THROUGH 181 AND OUTLOTS 1 THROUGH 11, SOUTHWIND, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID SOUTHWIND;

TOGETHER WITH

LOT 1, SOUTHWIND REPLAT 2, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

LOTS 1 THROUGH 59 AND OUTLOT 1, WINDSTONE, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID WINDSTONE;

TOGETHER WITH

LOTS 1 THROUGH 44, VILLAS AT SOUTHWIND, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID VILLAS AT SOUTHWIND;

TOGETHER WITH

96TH STREET RIGHT-OF-WAY IN THE SW 1/4 OF SAID SECTION 15 LYING NORTH OF GILES ROAD AND ADJOINING SAID SOUTHWIND, SAID WINDSTONE AND SAID SOUTHWIND REPLAT 2;

TOGETHER WITH

96TH STREET RIGHT-OF-WAY LYING IN THE NE 1/4 AND THE SE 1/4 OF SECTION 16, T14N, R12E OF THE 6TH P.M., IN SAID SARPY COUNTY LYING NORTH OF GILES ROAD AND EAST OF CIMARRON WOODS, MAYFAIR, MAYFAIR REPLAT 1 AND MAYFAIR 2ND ADDITION REPLAT 1, ALL SUBDIVISIONS IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE 1/4 OF THE NW 1/4 OF SECTION 15, T14N, R12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA, ADJOINING APPLE GROVE, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NW 1/4 OF THE NE 1/4 OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, ADJOINING PARKVIEW HEIGHTS 2ND ADDITION, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE 1/4 OF THE NE 1/4 OF SECTION 15, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND IN THE NW 1/4 OF THE NW 1/4 OF SECTION 14, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, attached to this resolution as Exhibit A and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk, located at 8116 Park View Boulevard, La Vista, Nebraska.
3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 25th day of April, 2006, at the hour of 7:00 p.m. in the Council Chambers of the City of La Vista located at 8116 Park View Boulevard, La Vista, Nebraska.

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4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.
5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
6. That a copy of this Resolution be forwarded to the Planning Commission for recommendation following its passage.

Seconded by Councilmember Ellerbeck.

Councilmember Sheehan stated that he was initially in favor of the annexation of these two subdivisions, however the City's financial obligations have changed significantly with the annexation of Southport and he would not be comfortable taking on additional debt at this point in time.

Councilmember Ellerbeck stated he agreed with Sheehan and also would not be comfortable proceeding with the annexation at this time.

Councilmember Quick asked if not now, then when did the other Councilmembers feel would be a good time to annex.

Councilmember Sheehan stated that once some of the Southport businesses are up and running, the City could take another look at the numbers. He reiterated that the City has recently taken on a great deal of debt and additional annexations would add to that. He stated that another year of looking at tax revenues would make him more comfortable rather than annexing now.

Mayor Kindig indicated the City has been anxious to take in the Val Verde and Southwind subdivisions, and when talk of a possible annexation began last year the City did not know Cabela's would be coming to Southport. As a result of the Cabela's announcement, the City had to annex this area sooner than anticipated. That decision was, in the long term, in the best interest of La Vista. It does, however, put the City into a different debt situation and makes waiting on annexation of the two subdivisions a more prudent decision.

Councilmember Gowan agreed that the Southport annexation was something Council had to do for the long term good of the city. He also stated that he supported the sentiment expressed by Mayor Kindig and Councilmember Sheehan that the proposed annexation of Southwind and Val Verde was something the City could not take on right now.

Mayor Kindig stated that although there was not a public hearing for this item on the agenda, a number of residents were in attendance and if representatives wished to address the Council he would take their comments.

Ralph Healy, a Val Verde resident and SID Board member, addressed the Council. He indicated that the previous City Administrator told the Val Verde Homeowners Association that it was in the budget for this area to be annexed in the next fiscal year. He also pointed out that the City had indicated they would not annex Val Verde until the park was developed and the SID had submitted plans that went above the requirements of the City for the park. He also stated that the SID had changed the mill levy back to \$0.85 in anticipation of being annexed. Healy stated his disappointment that the City's desire to attract business leave potential residents outside of the City limits and unable to access City services.

Jeremy Kinsey, a member of the Val Verde Homeowners Association Board, addressed the Council. He read from a prepared statement and also expressed disappointment in the City's decision to delay annexation. He reiterated the statement that the Homeowners Association was told the Val Verde area was targeted for annexation and that a contract had been issued for the park construction. Kinsey stated the subdivision is nearly 100% developed and indicated he felt the SID had upheld its end of the bargain.

Councilmembers voting aye: Carlisle, McLaughlin and Ellerbeck. Nays: Sell, Ronan, Sheehan, Quick and Gowan. Motion failed.

E. RESOLUTION – PARK SIGNAGE DESIGN

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-048: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE DESIGN PROPOSAL FOR SIGNAGE USED IN CITY PARKS.

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WHEREAS, the City operates and maintains a number of parks throughout the City; and

WHEREAS, the City's Park & Recreation Master Plan calls for the development and implementation of uniform park signage for identification, direction and information; and

WHEREAS, a staff committee comprised of representatives from Administration, Public Works, Community Development and Recreation have developed a design proposal for City Park signage; and

WHEREAS, the La Vista Park & Recreation Advisory Board has reviewed and approved the signage design proposal as presented.

NOW, THEREFORE, BE IT RESOLVED, that the design proposal for City Park signage is hereby approved as presented and that all new and replacement signage in City Parks shall conform to the approved design from this date forward.

Seconded by Councilmember Carlisle. Councilmember Gowan inquired about the use of the City logo on the sign. Interim City Administrator Gunn informed the Council the decision was made to keep the sign more generic in case the logo changes at a later date. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

F. RESOLUTION – GOLF CART LEASE

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-049: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE LEASE-TO-OWN OF FOUR ELECTRIC CLUB CAR GOLF CARTS FOR LA VISTA FALLS GOLF COURSE FROM NEBRASKA NATIONAL BANK, KEARNEY, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$15,840.00 OVER 42 MONTHS.

WHEREAS, the City Council has determined that a need exists to purchase additional golf carts for La Vista Falls Golf Course; and

WHEREAS, the City did appropriate funds in the FY 05/06 Golf Fund budget for said lease-to-own; and

WHEREAS, the Finance Director and Golf Course Manager have obtained suitable financing for this lease through Nebraska National Bank, Kearney, Nebraska; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the lease-to-own agreement for four Electric Club Car Golf Carts for La Vista Falls Golf Course from Nebraska National Bank, Kearney, Nebraska, in an amount not to exceed \$15,840.00.

Seconded by Councilmember Quick. Councilmember McLaughlin questioned the reason for the expense. He stated the course is costing the City more every year and expressed concern that we do more to bring in people, yet we have to keep subsidizing. McLaughlin feels the City is throwing good money after bad.

Councilmember Sheehan stated the money for this expenditure was appropriated at budget time and if there was a concern it should have been addressed then. He supported going forward with the lease of additional golf carts.

Mayor Kindig stated that last year the golf course did show an increase in attendance for the first time in several years.

Recreation Director Stopak reported that more outings could be planned, but the course cannot accommodate larger groups due to the lack of carts. He stated the course currently has 14 lease-to-own carts and the proposal to lease four additional would bring the number to 18. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: McLaughlin. Motion carried.

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G. RESOLUTION – AUTHORIZATION TO PURCHASE TANDEM AXLE DUMP TRUCK

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-050: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2007 STERLING LT7500 TANDEM AXLE DUMP TRUCK FROM WICK'S STERLING TRUCKS, INC., OMAHA, NEBRASKA, FOR THE PUBLIC WORKS DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$106,231.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) 2007 Sterling LT7500 Tandem Axle Dump Truck for the Public Works Department is necessary; and

WHEREAS, the FY06 General Fund budget did include funds for the purchase of said truck; and

WHEREAS, Wick's Sterling Truck, Inc., Omaha, Nebraska was awarded the State Bid for Tandem Axle Dump Trucks of the size and model being requested; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2007 Sterling LT7500 Tandem Axle Dump Truck from Wick's Sterling Truck, Inc., Omaha, Nebraska, for the Public Works Department, in an amount not to exceed \$106,231.00.

Seconded by Councilmember Quick. Councilmember Gowan questioned the need for this equipment since the proposed annexation had been delayed. He was informed that this truck was needed due to the Southport annexation and the truck being requested in the next agenda item would not be needed at this time since the Val Verde/Southwind annexation was delayed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

H. RESOLUTION – AUTHORIZATION TO PURCHASE SINGLE AXLE DUMP TRUCK

Resolution No. 06-051 died due to lack of introduction.

I. RESOLUTION – AUTHORIZATION TO PURCHASE SOFTWARE FOR COMMUNITY DEVELOPMENT

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-052: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF BLUEPRINCE 2.0 SOFTWARE FOR THE COMMUNITY DEVELOPMENT DEPARTMENT FROM BUILDERADIUS, INC., ASHEVILLE, NORTH CAROLINA, IN AN AMOUNT NOT TO EXCEED \$17,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of BluePrince 2.0 Software for the Community Development Department is necessary; and

WHEREAS, the FY05/06 General Fund budget as amended does include funds for the purchase of said software; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of BluePrince 2.0 Software for the Community Development Department from BUILDERadius, Inc., Asheville, North Carolina, in an amount not to exceed \$17,000.00.

Seconded by Councilmember Quick. Councilmember Gowan asked why this software was not budgeted for last year, but had been included in the recent budget amendment. Interim City Administrator Gunn responded that last year the software was free and Community Development anticipated being able to receive it without cost. Consequently, money was budgeted for blackberries and other supplemental equipment to enhance the use of the software. They have

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since discovered that the blackberry equipment does not work as well in the field as originally thought and made a request to use that money plus what was included in the amended budget for the purchase of the software (the company is no longer providing it for free.) Gowan questioned whether this purchase was something that could wait until the next budget session. Gunn indicated that due to the number of projects ongoing in the City, she felt it was important to order the software as soon as possible. Councilmember Sheehan asked how long this software had been available, expressing concern that it was a version 2.0. He asked if continual upgrades would be forthcoming. Community Development Director Birch stated that the City of Bellevue has been using it for several years, Papillion started using it last year, and the City of Council Bluffs has used it for two years. She also indicated, as with most software, at some point upgrades will be necessary. Discussion was also held regarding whether the software would require a separate server to facilitate its use. Gunn stated that if other costs associated with the purchase of the software arise, that information would be brought back to Council. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

J. RESOLUTION – AUTHORIZATION TO PURCHASE SLIDE FOR SWIMMING POOL

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-053: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE AND INSTALLATION OF A MIRACLE POOL SLIDE FROM CROUCH RECREATIONAL DESIGN, INC., OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$16,061.46.

WHEREAS, the City Council of the City of La Vista has determined that the purchase and installation of a slide for the Municipal Pool is necessary; and

WHEREAS, the FY amended 2005/06 Pool budget did include funds for the purchase and installation of said pool slide, and

WHEREAS, Miracle Recreational Equipment Company is the only manufacturer of modular play systems for swimming pools and Crouch Recreational Design is the local distributor of Miracle Equipment, and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase and installation of a pool slide at the Municipal Pool from Crouch Recreational Design, Inc., Omaha, Nebraska, in an amount not to exceed \$16,061.46.

Seconded by Councilmember Sell. Discussion was held regarding the installation of the proposed slide. Concern was expressed by Councilmembers Gowan and Sell about the slide emptying into the deep end of the pool and whether small children or children who cannot swim would be tempted to use the slide and put themselves in a dangerous situation in the deep water. Councilmember Sheehan asked if there was a minimum/maximum depth requirement for the slide. Recreation Director Stopak stated there is a minimum depth that the slide must empty into and that the shallow end of the City pool did not meet those requirements. He indicated they are proposing to place the slide in the same location as the diving board that is being removed, stating that with the configuration of the pool this location is really the only alternative. Stopak explained that two additional life guards would be added at peak attendance times to monitor the slide. He also stated that the existing diving board has not had restrictions regarding who could use it and the lifeguards are there to monitor and assist those using the pool.

Councilmember Sell asked if handicapped accessibility concerns revealed in the recent pool study were going to be addressed. Interim City Administrator Gunn stated that would be one of the next items to be addressed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

K. RESOLUTION – AUTHORIZATION TO PURCHASE UMBRELLAS FOR SWIMMING POOL

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-054: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) 20' CLASSIC FUNBRELLA UMBRELLAS FOR THE MUNICIPAL POOL FROM ANCHOR INDUSTRIES INC., EVANSVILLE, INDIANA, IN AN AMOUNT NOT TO EXCEED \$6,398.00.

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WHEREAS, the City Council of the City of La Vista has determined that the purchase of umbrellas for the Municipal Pool is necessary; and

WHEREAS, the FY 2005/06 Pool budget did include funds for the purchase of said umbrellas, and

WHEREAS, two quotes were received and Anchor Industries Inc. submitted the lowest price for purchase and installation of the umbrellas, and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of two (2) pool umbrellas for the Municipal Pool from Anchor Industries Inc., Evansville, Indiana, in an amount not to exceed \$6,398.00.

Seconded by Councilmember Sell. Recreation Director Stopak answered some questions regarding the umbrellas and reported that both the umbrellas and the slide could be moved to a different facility in the future. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

L. DISCUSSION – MUNICIPAL SWIMMING POOL

Interim City Administrator Gunn referred to the aquatics study that was done by Water's Edge and presented to Council several weeks ago. The next steps that the City takes in regard to a pool facility need to be determined and Gunn indicated the citizenry should be involved in this process. She recommended the creation of an ad hoc committee and proposed that the Park and Recreation Advisory Board should be the base of the committee with other additional members to include a City Councilmember(s), and citizens representing various segments of the population such as youth, those who use the pool and those who do not, seniors and those who live in the City's ETJ, among others. Councilmember Sheehan stated that if a Councilmember does serve on the committee he would recommend that they participate in more of an observer role than someone who attempts to chair or run the committee, giving the citizens ample opportunity to express their ideas and concerns. It was the consensus of Council that a committee be formed and Gunn asked for input regarding citizens who might like to serve on the committee.

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

COMMENTS FROM THE FLOOR

Joe Chase, representing Bellino Fireworks, addressed the Council regarding the City's ordinance that prohibits parking on a non-hard surface. He asked the Council to consider a revision to the ordinance that would allow for parking on a non-hard surface in a temporary capacity for a time period not to exceed two weeks. Chase gave examples of how he felt the current ordinance was not being enforced in some situations such as gravel parking areas at local parks and during La Vista Days. Mayor Kindig asked if Council wanted to direct staff to look at a potential change to the ordinance. Interim City Administrator Gunn explained this was part of the zoning ordinance and any proposed revisions would have to go back to the Planning Commission prior to coming before Council for consideration. Councilmember Sheehan asked if this change could be made in time for the fireworks season this year. Gunn indicated that by the time staff did an analysis and prepared a recommendation and it went through the Planning Commission and Council process it would be too late. Councilmember Sell asked if there was any provision available to allow for this during the fireworks season this year, enabling Bellino Fireworks to operate tents for two of the Booster Clubs at the 73rd & Harrison Street location. Gunn stated the report regarding the fireworks applications was on her desk and she was anticipating this would be on the next Council agenda.

Mr. Chase also brought up the fact that they had made application to put hard surface parking on the lots in question, but were told that the concrete parking area without an adjacent building is not a permitted use in C-2 zoning.

The consensus of Council was to have staff review the ordinance and bring back a recommendation when time permits, understanding that a change cannot be facilitated in time for

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the upcoming fireworks season. Other options, if any, can be discussed when the fireworks applications are considered at the next Council meeting.

Don Bellino also addressed the Council indicating that last year the Council granted permission for them to sell fireworks at the 73rd & Harrison Street location, but told them they would have to provide hard surface parking by next year. He stated they have made an attempt to do this and have now been told that the parking is not a permitted use.

M. EXECUTIVE SESSION – PERSONNEL, LITIGATION, LAND ACQUISITION, CONTRACT NEGOTIATIONS AND NEGOTIATING STRATEGY

At 8:26 p.m. Councilmember McLaughlin made a motion to go into executive session to discuss land acquisition, personnel, litigation, contract negotiations and negotiating strategies. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

At 9:35 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Ronan informed Council that several local La Vista businesses had donated to a post prom event in which he and his wife were involved and he wanted to express his thanks publicly for their contributions.

Councilmember Ellerbeck commented on the Citizen's Police Academy that is currently underway. He indicated that he has enjoyed the experience thus far and was very impressed with the Fire Department's portion of the program, stating he feels this was a good addition to the program.

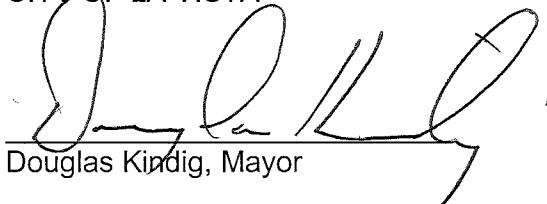
Councilmember Ellerbeck also noted for the record that his intention was to vote against the annexation of SID 198 and SID 200 earlier in the meeting, even though he did cast an "Aye" vote on the resolution. The staff recommendation was against the annexation at this time and he mistakenly thought the vote in favor of the resolution was confirming staff's recommendation.

ADJOURNMENT

At 9:40 p.m. Councilmember Carlisle 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. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2006.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Rita M. Ramirez, CMC
City Clerk