

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING MARCH 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 March 21, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, Interim City Administrator Gunn, Finance Director Lindberg, 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, Librarian Joni Wilder, and City Clerk Ramirez.

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

SERVICE AWARD – TODD ARMBRUST

Todd Armbrust was unable to attend and his certificate and pin will be presented at a later date.

Prior to the approval of the Consent Agenda, City Clerk Ramirez informed the Mayor and Council of the following: a pay request from Construct, Inc. for services related to the construction of Fire Station No. 2 in the amount of \$72,909.50 was being added to the consent agenda; a change was made to the March 4, 2006 minutes by City Attorney McKeon and a corrected copy was distributed to Council; agenda items H. and I. were listed on the agenda as resolutions and should have been listed as ordinances; and the audit report for agenda item M. was not included in the packet but was distributed to Council in their mailboxes on Monday.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE MARCH 4, 2006 CITY COUNCIL WORKSHOP MEETING
3. MINUTES OF THE MARCH 7, 2006 CITY COUNCIL MEETING
4. MINUTES OF THE FEBRUARY 23, 2006 BOARD OF ADJUSTMENT MEETING
5. MINUTES OF THE FEBRUARY 16, 2006 PLANNING COMMISSION MEETING
6. MINUTES OF THE MARCH 13, 2006 CITIZEN ADVISORY REVIEW COMMITTEE MEETING
7. PAY REQUEST FROM E & A CONSULTING GROUP FOR PROFESSIONAL SERVICES – SOUTHPORT WEST IMPROVEMENTS - \$24,987.89
8. PAY REQUEST FROM THE BRIMEYER GROUP FOR PROFESSIONAL SERVICES – CITY ADMINISTRATOR SEARCH - \$8,802.13
9. PAY REQUEST FROM CONSTRUCT, INC. – FIRE STATION NO. 2 - \$72,909.50
10. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda as presented with the changes noted by Ramirez. 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. Motion carried.

A & D TECHNICAL, Supplies	21.36
A ADVERTISING, Supplies	442.00
A.S.P. ENTERPRISES, Bldg. & Grnds	126.20
ACTION BATTERIES, Equip.	604.45
AKSARBEN HEATING, Bldg. & Grnds	85.00
ANDERSON FORD, Vehicle Maint.	185.46
AQUILA, Utilities	258.19
ARAMARK, Contract Services	177.25
BAKER & TAYLOR BOOKS, Books	1,090.64
BEST CARE EMP ASST PROGRAM, Contract Services	1,845.00
BETTER BUSINESS EQUIP., Contract Services	131.95
BRENTWOOD AUTO WASH, Vehicle Maint.	95.00
BRODART CO., Supplies	19.76

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BUILDERS SUPPLY, Bldg & Grnds	673.97
CARDMEMBER SERVICE, Training/Travel/Dues/Supplies	11,461.58
CENTER POINT PUBLISHING, Books	38.94
CHILD'S WORLD, Books	562.60
CITY OF OMAHA, Contract Services	29,262.65
CITY OF RALSTON, Contract Services	746.30
CJ'S, Bldg & Grnds	377.39
COCA-COLA, Concessions	186.85
CONNEY SAFETY PROD., Supplies	739.46
COURTESY CLEANERS, Uniforms	243.85
COX, Contract Services	769.50
CZARNICK, MICHAEL, Supplies	24.29
DON'S PIONEER, Wearing Apparel	768.10
DULTMEIER SALES, Vehicle Maint.	64.09
E & A CONSULTING, Professional Services	16,940.13
EASTERN NE 4-H CENTER, Training	40.00
ENSLOW PUBLISHERS, Books	56.85
FERRELLGAS, Utilities	862.22
FILTER CARE, Vehicle Maint.	33.65
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	43.30
FIREGUARD, Equip.	258.20
FITZGERALD SCHORR BARMETTLER, Professional Services	26,659.90
FORT DEARBORN LIFE INS., Employee Benefits	1,120.00
GAMETIME, Bldg & Grnds	1,078.27
GRAPHIC SCREEN PRINTING, Wearing Apparel	64.00
GRAYBAR ELECTRIC, Bldg & Grnds	30.34
GREAT PLAINS ONE-CALL SVC, Contract Services	191.54
GROLIER PUBLISHING, Books	97.50
HANEY SHOE STORE, Wearing Apparel	120.00
HANNEBAUM GRAIN, Street Maint.	813.39
HARLEY DAVIDSON, Supplies	61.30
HEIMES CORP., Street Maint.	176.00
HELGET GAS, Supplies	30.50
HEWLETT PACKARD, Contract Services	2,658.00
HOTEL AT GATEWAY CENTER, Travel	331.52
HUNTEL COMMUNICATIONS, Contract Services	411.50
HY-VEE, Supplies	104.97
INLAND TRUCK, Vehicle Maint.	808.73
J Q OFFICE EQUIP., Contract Services	67.60
JOHNSTONE SUPPLY, Supplies	129.99
KAR SIM KENNEL, Fees	27.00
KELLY'S AWARDS, Supplies	46.00
KINSEY, JEREMY, Travel	210.74
KOKOMO ANIMAL HOSPITAL, K-9 Checkup	265.25
KROGER, Supplies	40.20
LA VISTA CHAMBER OF COMMERCE, Travel	175.00
LA VISTA PHARMACY, Supplies	81.34
LANGLEY ANIMAL HOSPITAL, K-9 Fees	105.00
LAWLESS, Concessions	519.75
LERNER PUBLISHING GROUP, Books	161.30
LIFE ASSIST, Supplies	512.31
LINDBERG, SHEILA, Travel	597.69
LINWELD, Street Maint.	172.90
LOGAN CONTRACTORS, Bldg & Grnds	73.44
MASTER SIGN, Supplies	440.00
MBC CONSTRUCTION, Professional Services	2,727.16
MENARDS, Bldg & Grnds	207.54
METAL SUPERMARKETS, Vehicle Maint.	84.01
MICHAEL TODD, Vehicle Maint.	578.02
MILLER BRANDS, Concessions	167.50
MILLER PRESS, Printing	115.00
MOBILE COMMUNICATIONS, Contract Services	426.00
MUD, Utilities	186.26
NATIONAL SAFETY COUNCIL, Books	430.42
NE DEPT OF LABOR-WORKFORCE, Bldg & Grnds	75.00
NE DISTRIBUTING CO., Concessions	167.50
NTOA TRAINING PROGRAM, Dues	40.00
OFFICE DEPOT, Supplies	395.68

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OMB POLICE SUPPLY, Supplies	116.99
OMNIGRAPHICS, Books	57.78
OMNIUM WORLDWIDE, Payroll Withholding	211.40
ON YOUR MARKS, Professional Services	775.00
OPPD, Utilities	24,466.10
OWH, Subscriptions	182.00
PAPILLION SANITATION, Contract Services	180.37
PARAMOUNT LINEN, Cleaning Service	274.32
PAYLESS, Supplies	125.94
PENWORTHY, Books	936.05
PEPSI COLA, Concessions	460.24
PORTABLE COMPUTER SYS., Equip.	3,600.00
PRECISION INDUSTRIES, Vehicle & St. Maint.	243.62
QUILL, Supplies	83.98
QWEST, Phones	81.83
RALSTON AUTOMOTIVE, Vehicle Maint.	556.47
REGAL AWARDS, Supplies	768.00
RESEARCH TECHNOLOGY, Supplies	165.95
ROSE EQUIP., Vehicle Maint.	767.69
ROURKE PUBLISHING, Books	562.60
SAFE KIDS WORLDWIDE, Training	60.00
SAFETY-KLEEN, Contract Services	340.27
SARPY CO. CHAMBER OF COMM., Travel	180.00
SARPY CO. E.D.C., Travel	300.00
SEARLE PETROLEUM, Vehicle Maint.	117.29
SID BOEDEKER SAFETY SHOE, Wearing Apparel	123.99
SID DILLON, Vehicle	12,443.00
SIMPLEX GRINNELL, Bldg & Grnds/Vehicle Maint.	1,300.50
SKILLPATH SEMINARS, Training	149.00
SNITILY CARR, Contract Services	550.00
STATE FIRE MARSHALL, Training	50.00
SUBURBAN NEWSPAPERS, Dues/Legal Advertising	683.47
TAB HOLDING CO., Professional Services	6,979.00
TAPE STOCK ONLINE, Supplies	199.96
TED'S MOWER, Equip.	152.23
THIELE GEOTECH, Professional Services	2,388.00
THOMPSON DREESSEN & DORNER, Professional Services	34,826.96
THREE RING ENTERPRISES, Vehicle Maint.	929.05
TOOL HOSPITAL, Equip.	90.65
TRACTOR SUPPLY, Bldg & Grnds	1,480.84
TRAFFIC SENSOR CORP., St. Maint.	187.50
UNIVERSITY OF NE LINCOLN, Training	240.00
UPS, Postage	16.14
US TREASURY/DEPT OF THE ARMY, Postage	85.82
VERIPACK.COM, Supplies	297.87
VITAL SUPPORT SYSTEMS, Contract Services	5,738.50
VOHNE LICHE KENNELS, K-9	6,000.00
WASTE MANAGEMENT, Contract Services	949.72
WATER'S EDGE AQUATIC DESIGN, Professional Services	870.00
WHITE CAP CONSTRUCTION, Supplies	41.83
YORK, JOHN, Travel	188.77

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Interim City Administrator Gunn confirmed that Councilmembers were available during the week of July 10 for budget workshops and proposed Tuesday, July 11 and Wednesday, July 12 as workshop meeting dates. Thursday, July 13 would be the alternate date, if necessary. Council agreed to these dates.

Police Chief Lausten informed Council of the resignation of Addie Harlow, administrative secretary, effective March 24, 2006. Lausten stated that the mobile data computers, obtained through a grant from the Crime Commission, were installed in police cruisers recently. The Department is working out a few minor issues, but the units are up and running, giving officers instant access to data and allowing for the electronic issuance of citations.

Public Works Director Joe Soucie stated the snowstorm prevented the equipment display that had been planned prior to the Council meeting this evening and that it would be rescheduled. He

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also stated that he will be attending a meeting later this week regarding the interlocal agreement for the Market Pointe development.

B. PROPOSED OFF-STREET PARKING FACILITY – SOUTHPORT WEST

1. LAND ACQUISITION

a. PUBLIC HEARING

At 7:08 p.m. Mayor Kindig stated the floor was now open for a public hearing on the land acquisition for a proposed off-street parking facility in Southport West.

City Engineer Kottmann addressed the Council and presented a map of the 11.59 acre site being considered for purchase by the City in the Southport West subdivision to facilitate off-street parking. Council had no questions and at 7:09 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

b. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-033: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF A SITE FOR A VEHICLE OFF-STREET PARKING FACILITY, LOT 2, SOUTHPORT WEST REPLAT ONE, CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; TO MAKE CERTAIN FINDINGS REGARDING THE PURCHASE; TO APPROVE A PURCHASE AGREEMENT FOR THE SITE; TO AUTHORIZE THE EXECUTION OF THE PURCHASE AGREEMENT; AND TO AUTHORIZE FURTHER ACTION RELATED TO SAID PURCHASE.

WHEREAS, the owner of the Site identified for a proposed vehicle off-street parking facility, Lot 2, Southport West Replat One, City of La Vista, Sarpy County, Nebraska (consisting of approximately 11.59 acres) located in the Southport West subdivision, desires to sell the Site to the City, and the City desires to purchase the Site from the owner.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) A purchase agreement for the Site has been presented to the City by the owner of the Site in the form and content attached hereto as Exhibit A and incorporated herein by this reference ("Purchase Agreement"); and
- (ii) The Purchase Agreement provides for a purchase price of \$9.25 per square foot (\$4,669,958 for 11.59 acres), in addition to other terms and conditions; and
- (iii) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (iv) The City published notice of public hearing on the proposed purchase of the Site, to be held during the regular City Council meeting on March 21, 2006; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (v) Neb. Rev. Stat. Section 13-403 requires that the City, before purchasing, lease-purchasing or otherwise acquiring for consideration real property having an estimated value of \$100,000 or more, obtain an appraisal of the property from a certified real estate appraiser; and
- (vi) The City obtained an appraisal of the Site from a certified real estate appraiser, which appraisal established the Site's fair market value at an amount equal to or greater than the price stated in the Purchase Agreement attached hereto and referred to in (ii) above, and which appraisal is hereby accepted.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the Purchase Agreement and authorize and approve the purchase of the Site for the amount and on such other terms and conditions set forth in said Purchase Agreement.

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

2. BOND ISSUANCE **a. ORDINANCE**

Councilmember Carlisle introduced Ordinance No. 983 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION OFF-STREET PARKING BONDS, SERIES 2006, OF THE CITY OF LA VISTA, IN THE PRINCIPAL AMOUNT OF SEVEN MILLION NINE HUNDRED FORTY THOUSAND DOLLARS (\$7,940,000) TO PAY THE COSTS OF OFF-STREET PARKING FACILITIES IN VEHICLE OFF-STREET PARKING DISTRICT NO. 1 OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; PROVIDING FOR CERTAIN COVENANTS ON THE PART OF THE CITY WITH RESPECT TO SUCH BONDS; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Councilmember McLaughlin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 983 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: 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.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – PHASE I **a. RESOLUTION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-034: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING SPECIFICATIONS AND AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PHASE I CONSTRUCTION OF AN OFF-STREET PARKING FACILITY TO BE LOCATED ON LOT 2, SOUTHPORT WEST REPLAT ONE, CITY OF LA VISTA, SARPY COUNTY, NEBRASKA.

WHEREAS, The Mayor and Council find and determine that it is necessary and advisable for the City to acquire and construct off-street parking facilities in Southport West Subdivision pursuant to Neb. Rev. Stat. Sections 19-3301 to 19-3327, R.R.S. Neb. 1997, as amended, ("Act") to encourage the development of commercial retail facilities in a portion of the City immediately adjacent to Interstate 80 in order to provide for better retail services to the City and its inhabitants and to enhance the possibility for additional tax revenues for supporting the costs of public services; and

WHEREAS, the City Engineer Thompson, Dreessen & Dorner has developed specifications for said off-street parking facility, Phase I, to be located on Lot 2, Southport West Replat One, City of La Vista, Sarpy County, Nebraska, which specifications are presented at this meeting ("Specifications").

NOW, THEREFORE BE IT RESOLVED, that the City of La Vista hereby approves the Specifications and authorizes the advertisement of bids for the Phase I construction of an off-street parking facility to be located on Lot 2, Southport West Replat One, City of La Vista, Sarpy County, Nebraska, in accordance with said specifications. Copies of said Specifications may be obtained from the City Engineer and said bids are to be opened and publicly read aloud at the office of the Engineer, Thompson, Dreessen & Dorner, 10836 Old Mill Road, Omaha, NE 68154-2685, on April 10, 2006. The following schedule is hereby approved.

Advertise for Bids — March 23, 2006 and March 30, 2006

Open Bids — April 10, 2006

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Award Bid —

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Seconded by Councilmember Quick. City Engineer Kottmann stated this phase of the project included the grading and paving and that the landscaping and water feature would be bid at a later date. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried

C. CONDITIONAL USE PERMIT – INDOOR RECREATION FACILITY – LOT 5, I-80

INDUSTRIAL PARK

1. PUBLIC HEARING

At 7:15 p.m. Mayor Kindig stated the floor was now open for a public hearing on an application for a conditional use permit to operate an Indoor Recreational Facility on Lot 5, I-80 Industrial Park.

A resident whose property is adjacent to this location addressed Council. She had several questions regarding the operation of the proposed facility such as whether it would be applying for a liquor license, hours of operation, the configuration of the building, parking, etc.

Bill Stazone addressed the Council indicating he was representing the applicant. He gave an overview of the proposed project indicating that a portion of an existing warehouse facility is being proposed to be utilized for volleyball practices and competitions by area teams.

Councilmember Sell asked if all of the conditions outlined had been satisfied. Community Development Director Birch stated that all of the conditions that the City requires to be met are included in the conditional use permit and agreed to by the applicant upon execution. The permit to operate would not be valid if any of the conditions are violated.

There were no further comments and at 7:21 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR THE COURTS, L.L.C. TO OPERATE AN INDOOR RECREATIONAL FACILITY (VOLLEYBALL) ON LOT 5, I-80 INDUSTRIAL PARK.

WHEREAS, The Courts, L.L.C., on behalf of Lavigne Enterprises has applied for a conditional use permit for the purpose of operating an indoor recreational facility (volleyball courts and related uses) on Lot 5, I-80 Industrial Park, located at 8930 S. 137th Circle; 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. Based on submitted information, the conditional use permit should contain a condition limiting the facility to: 1) only youth play and practice prior to 6 p.m. Monday through Friday; 2) striping of additional and/or separate parking areas to be designated by the property owner for individual users of the building if deemed necessary by the City; and 3) a condition specifying that parking on 137th Circle is not allowed.
2. The applicant has provided a traffic impact study that is sufficient to address the criteria in Sections 6.05.05 and 6.05.10 of the Zoning Ordinance. The intersection of 137th Circle and Giles is expected to continue to operate satisfactorily without geometric improvements and a traffic signal is not warranted.
3. The proposed hours of operation are generally until 10 p.m. every night of the week but occasionally may extend to midnight. The applicant has identified a mature vegetative buffer between this site and the single-family residences adjacent to the west side of the property that will help minimize the potential

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noise impact. The conditional use permit should prescribe additional coniferous plantings to increase the buffer if warranted by the city.

4. The application states that no alcoholic beverages will be served in this operation.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for The Courts, L.L.C. to operate an indoor recreational facility (volleyball courts and related uses) on Lot 5, I-80 Industrial Park, subject to the four conditions listed in the last recital above.

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

D. CONDITIONAL USE PERMIT – HOTEL – LOT 1, SOUTHPORT EAST REPLAT TWO

1. PUBLIC HEARING

At 7:22 p.m. Mayor Kindig stated the floor was now open for a public hearing on the application for a conditional use permit for the construction of a hotel on Lot 1, Southport East Replat Two.

Lee Madden addressed the Council indicating he was representing the owners of the property, the North Central Group, and would be glad to answer any questions regarding the project.

There were no questions from Council and at 7:23 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR THE NORTH CENTRAL GROUP TO OPERATE A HOTEL (HAMPTON INN & SUITES) ON LOT 1, SOUTHPORT EAST REPLAT TWO.

WHEREAS, The North Central Group has applied for a conditional use permit for the purpose of operating a hotel (Hampton Inn & Suites) on Lot 1, Southport East Replat Two, located southeast of 126th Street and Southport Parkway; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The traffic impact studies done in 2000 and 2001 anticipated 322,000 square feet of retail activity on this portion of Southport East. The proposed use will generate significantly fewer trips per day for the nearly three acres of land on which it is to be located as compared to the traffic from retail use on the same size parcel of land. Therefore, further traffic studies are not warranted at this time.
2. The applicant will need to complete the FAA permit process prior to obtaining building permits.
3. The site plans and exhibits to the conditional use permit need to be made consistent with the P.U.D. site plans and the approved right-in/right-out access plan prior to execution of the conditional use permit.
4. All signage shall comply with the La Vista sign regulations and the adopted Southport East design guidelines.
5. Prior to the issuance of a building permit, the applicant shall pay the sewer connection fee.
6. Prior to the issuance of a building permit, the Fire Department should review the fire hydrant location(s) for adequacy to serve the facility.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for The North Central Group to operate a hotel (Hampton

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Inn & Suites) on Lot 1, Southport East Replat Two, subject to the eight conditions listed in the last recital above.

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

E. CONDITIONAL USE PERMIT – CHURCH (BEAUTIFUL SAVIOR LUTHERAN) – LOT 133, MAYFAIR REPLAT ONE

1. PUBLIC HEARING

At 7:24 p.m. Mayor Kindig stated the floor was now open for a public hearing on application for a conditional use permit for the construction of Beautiful Savior Lutheran Church on Lot 133, Mayfair Replat One.

Bernice Pfeefer of 7806 So. 98th Street addressed the Council. She indicated that questions regarding egress from the church site had been discussed at a neighborhood meeting. Concern was expressed about large volumes of traffic leaving the church property and the egress being located directly across from her driveway.

Jed Mouton, one of the architects on the project, addressed the Council. He stated that the final design had moved this egress so it was not in direct alignment with any residential driveway, but was actually aligned with the property line between two homes.

Ms. Pfeefer stated she also had a concern about the street being narrow and the congestions that would be created when residents' cars are parked along the street and the church traffic is exiting onto the street in large volumes.

City Engineer Kottmann stated the streets in this area are 25 feet wide, which is standard for residential neighborhoods. He stated that parking restrictions would be needed on some sections of Melissa Street and once the impact of the church traffic is known, there could be a need to restrict parking in other areas, as well.

Councilmember Sheehan asked about the height of a proposed addition that is shown on the plans. Mr. Mouton indicated that one level of the building actually sits below grade so the church is really not three levels high. He indicated they meet all of the requirements of the zoning and land use for the area and the property will be well buffered.

There were no further comments and at 7:33 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-037: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR BEAUTIFUL SAVIOR LUTHERAN CHURCH TO OPERATE A CHURCH ON LOT 133, MAYFAIR REPLAT ONE.

WHEREAS, Beautiful Savior Lutheran Church has applied for a conditional use permit for the purpose of operating a church on Lot 133, Mayfair Replat One, located southwest of 96th and Melissa Streets; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The storm sewer capacity will need to be verified at the time of building permit review and the on-site storm sewer system designed to match the capacity of the existing public storm sewer.
2. Prior to the issuance of a certificate of occupancy, parking restrictions will be needed on both sides of Melissa Street from approximately 150 feet west of 97th Avenue to 96th Street, if not already in place. This will provide for visibility of traffic turning into the proposed church entrance.
3. All signage shall comply with the La Vista sign regulations.

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4. Prior to the issuance of a building permit, the applicant shall pay the tract sewer connection fee.
5. Prior to the issuance of a building permit, the Fire Department should review the fire hydrant location(s) for adequacy to serve the facility.
6. Prior to use of the daycare, the operators shall obtain the required state permits and meet all city requirements. All proposed fencing shall require city approval and compliance with the design guidelines.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Beautiful Savior Lutheran Church to operate a church on Lot 133, Mayfair Replat One, subject to the eight conditions listed in the last recital above.

Seconded by Councilmember Quick. Councilmember Gowan asked about the start date and was informed work would begin in April. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

F. UPDATE COMPREHENSIVE PLAN (CHAPTERS 3 & 6)

1. PUBLIC HEARING

At 7:34 p.m. Mayor Kindig stated the floor was now open for a public hearing on a proposed update to the Comprehensive Plan (Chapters 3 & 6).

Interim City Administrator Gunn stated staff felt that the demographics section of the Comp Plan was out of date with the 2000 census and needed to be updated. JEO Consulting prepared the City's existing plan and they were contacted to update the demographics section. Keith Marvin of JEO addressed the Council indicating he would be glad to answer any questions. He pointed out that an interesting fact about La Vista's demographics is that the City has the highest median rent in the area, but the lowest vacancy rate.

There were no further comments and at 7:35 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-038: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO APPROVE THE UPDATE TO CHAPTER THREE (POPULATION AND ECONOMIC CHARACTERISTICS) AND CHAPTER SIX (HOUSING PROFILE AND PLAN) OF THE CITY'S COMPREHENSIVE PLAN.

WHEREAS, the availability of the 2000 Census data and new growth have made it necessary to update the demographic profile of the Comprehensive Plan; and

WHEREAS, JEO Consulting Group, Inc. has prepared a Demographic Profile Update as a result of studies and analysis, and has recommended adoption of the attached Community Assessment: Conditions and Trend Analysis; and

WHEREAS, the Planning Commission held a public hearing on February 16, 2006, and recommended approval to the City Council of the 2006 Demographic Profile Update as drafted as it reflects current population statistics and trends for La Vista, with a correction to the bar charts on pages 6 and 7.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the update to Chapters Three (Population and Economic Characteristics) and Chapter Six (Housing Profile and Plan) of the City's Comprehensive Plan as attached.

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

G. APPLICATION FOR CDBG REUSE FUNDING – ORIENTAL TRADING COMPANY

1. PUBLIC HEARING

At 7:36 p.m. Mayor Kindig stated the floor was now open for a public hearing on an application for CDBG Reuse Funding from Oriental Trading Company.

Jake Hansen, representing the Metropolitan Area Planning Agency (MAPA), addressed the Council. He reviewed the application for the City and was present to answer questions. Interim City Administrator Gunn asked Hansen to explain how the reuse fund might be replenished at some point. Hansen stated the money in the reuse fund was originally received from the Nebraska Department of Economic Development for the Smokin' Gun Meats project, which was ultimately unsuccessful. Both the City of La Vista and Sarpy County have money in reuse funds from this project. The Oriental Trading Company application will deplete La Vista's reuse fund and take a portion of Sarpy County's fund, as well. If another project would come along in Sarpy County the State would ask for any balance in reuse funds in La Vista, Bellevue and Sarpy County. If all of the funds were depleted, they could go back to the State for new CDBG funds.

There were no further comments and at 7:39 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-039: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH SARPY COUNTY AND ORIENTAL TRADING COMPANY AND OTHER CONTRACT DOCUMENTS NECESSARY TO APPROVE THE EXPENDITURE OF \$207,000 IN CDBG RECOVERED PROGRAM INCOME REUSE FUNDS FROM THE CITY OF LA VISTA, NEBRASKA.

WHEREAS, Oriental Trading Company has submitted an application to Sarpy County and the City of La Vista for \$500,000 in CDBG Recovered Program Income funds; and

WHEREAS, the City of La Vista adopted a CDBG Recovered Program Income – Reuse Plan for Economic Development on May 18, 2004, for such purpose; and

WHEREAS, according to the Reuse Plan the application was submitted to the review committee which consists of the executive board of the Sarpy County Economic Development Corporation (SCEDC); and

WHEREAS, the SCEDC executive board reviewed the application and program requirements and has unanimously voted to recommend approval of the request; and

WHEREAS, the City of La Vista has \$207,000 in the CDBG Reuse Funds account and had conditionally committed funds for this project based upon the creation of 100 new FTE positions.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the execution of a Memorandum of Understanding with Sarpy County and Oriental Trading Company and other contract documents necessary to approve the expenditure of \$207,000 in CDBG Recovered Program Income Reuse funds from the City of La Vista, Nebraska.

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

H. STREET RENAMING – A SECTION OF GILES ROAD TO WEST GILES ROAD

1. PUBLIC HEARING

At 7:40 p.m. Mayor Kindig stated the floor was now open for a public hearing on a proposal to rename a section of Giles Road to West Giles Road.

Public Works Director Soucie addressed Council and pointed out the two proposed street renaming changes on a map. He stated the changes are being recommended to eliminate confusion at intersections in the area. Soucie also reported that the State of Nebraska has proposed that 126th Street designation be eliminated completely between Giles Road and Harrison Street. A portion of this is in Sarpy County's jurisdiction, however, and they will have to

initiate the change for their portion of the roadway. Councilmember Sheehan expressed concern about Giles Road changing from an east/west roadway to a north/south roadway. Soucie stated there would be no addressing done off of that section of the roadway. Discussion was also held regarding the exit signs on the Interstate. Soucie indicated he has already talked to the State about this process.

There were no further comments and at 7:50 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried

2. ORDINANCE

Councilmember McLaughlin introduced Ordinance No. 984 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO CHANGE THE NAME OF A SECTION OF GILES ROAD FROM THE INTERSECTION OF GILES ROAD, 126TH STREET AND EASTPORT PARKWAY, WEST TO THE CORPORATE LIMITS AT APPROXIMATELY THE BNSF RAIL ROAD CROSSING, TO WEST GILES ROAD; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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. Nays: 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 Sell. The Mayor then stated the question was, "Shall Ordinance No. 984 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: 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.

I. STREET RENAMING – A SECTION OF 126TH STREET TO GILES ROAD

1. PUBLIC HEARING

At 7:51 p.m. Mayor Kindig stated the floor was now open for a public hearing on a proposal to rename a section of 126TH Street to Giles Road.

There were no comments and at 7:51 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried

2. ORDINANCE

Councilmember McLaughlin introduced Ordinance No. 985 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO CHANGE THE NAME OF A SECTION OF 126TH STREET FROM INTERSTATE 80 TO THE INTERSECTION OF 126TH STREET, GILES ROAD AND EASTPORT PARKWAY, TO GILES ROAD; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember McLaughlin 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. Nays: 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. The Mayor then stated the question was, "Shall Ordinance No. 985 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: 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.

MINUTE RECORD

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

J. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – 72ND & GILES ROAD (MARKET POINTE)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-040: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SANITARY AND IMPROVEMENT DISTRICT NO. 259 OF SARPY COUNTY, NEBRASKA AND THE CITY OF PAPIILLION CONCERNING THE MARKET POINTE DEVELOPMENT AT 72ND AND GILES ROAD, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the District is undertaking the development of the Market Pointe subdivision generally located at 72nd and Giles road; and

WHEREAS, the development of said subdivision requires roadway and other improvements within or adjacent to the public right-of-ways known as Giles Road, Harrison Street, 66th Street and 72nd Street, portions of which are located within the respective jurisdictions of Papillion and La Vista.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Sanitary and Improvement District No. 259 of Sarpy County, Nebraska and the City of Papillion concerning the Market Pointe development at 72nd and Giles Road, is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember McLaughlin. Councilmember Sheehan inquired about the type of traffic barriers that will be used during the road improvements. Public Works Director Soucie stated they will use barrels, barricades, etc., basically, whatever the particular work they are doing requires. Soucie also stated that a pre-construction meeting for this project had been scheduled for today, but was canceled due to the snow. That meeting will be held later in the week. Interim City Administrator Gunn stated a letter is being prepared for the residents in this area to let them know about the upcoming road closures, etc. Sheehan asked to see a copy of the letter prior to sending it out. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

K. AMEND COMPENSATION ORDINANCE

Councilmember McLaughlin introduced Ordinance No. 986 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 McLaughlin 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. Nays: 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. 986 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: 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.

L. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT WITH TERRACON CONSULTING – FIRE STATION #2

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-041: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDED A CONTRACT TO TERRACON CONSULTING ENGINEERS & SCIENTISTS., OMAHA, NEBRASKA FOR SPECIAL INSPECTION SERVICES DURING THE CONSTRUCTION OF LA VISTA FIRE STATION #2 IN AN AMOUNT NOT TO EXCEED \$11,102.00.

WHEREAS, on December 7, 2004, the City Council passed Ordinance No. 945, authorizing and approving the development, construction, acquisition, equipping and financing of a new fire station; and

WHEREAS, the City will acquire the facility through a lease purchase agreement from the La Vista Facilities Corporation; and

WHEREAS, Resolution 05-122, as approved by the City of La Vista, approved plans and specifications for the construction of a new fire station and authorized public bidding for construction of the same; and

WHEREAS, bids were received, opened and publicly read aloud on November 30, 2005; and a contract was awarded to ConStruct, Inc., Omaha Nebraska; and

WHEREAS, general conditions of the construction contract call for specialized inspections if the City determines that portions of the work require additional testing and inspection not included in the general construction contract; and

WHEREAS, the City has concluded that additional testing and inspections are required;

NOW, THEREFORE, BE IT RESOLVED, that the mayor and city council do hereby award a contract for specialized inspection services to Terracon Consulting Engineers & Scientists., Omaha, Nebraska for special inspection services during the construction of La Vista Fire Station #2 in an amount not to exceed \$11,102.00.

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

M. RESOLUTION – FY 2004/2005 AUDIT REPORT – GRAEVE GARRELTS DENHAM & BRUCE, LLC

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-042: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2004 - 2005 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF GRAEVE GARRELTS DENHAM & BRUCE, LLC, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of GRAEVE GARRELTS DENHAM & BRUCE, LLC, Omaha, Nebraska, to complete an audit of the City's fiscal year 2004-2005 municipal operations; and

WHEREAS, GRAEVE GARRELTS DENHAM & BRUCE, LLC has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2004-2005 municipal audit is hereby accepted and approved.

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

N. RESOLUTION – FIRE PROTECTION DISTRICT MERGER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-043: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE MILLARD SUBURBAN FIRE PROTECTION DISTRICT FOR PARTIAL MERGER AND CHANGE OF BOUNDARIES AND APPROVING THE APPORTIONMENT OF DEBT.

WHEREAS, by reason of annexations the City of La Vista has annexed a part of the territory within a fire protection district and Neb. Rev. Stat. §31-766 requires that by mutual agreement an equitable distribution of the assets, liabilities, maintenance and other obligations shall be determined and submitted to the district court for approval of such merger and change in boundaries of the fire protection district; and

WHEREAS, the City Attorney has prepared an agreement to merge and change the boundaries as well as establish the apportionment of debt.

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the Mayor to execute an agreement with the Millard Suburban Fire Protection District for partial merger and change of boundaries to reflect the September 20, 2005 annexation of Southport East and West, which was included in the Millard Suburban Fire Protection District.

BE IT FURTHER RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the payment of La Vista's pro rate portion of the Suburban Fire Protection District's Bond Liability in an amount not to exceed \$3,492.13.

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

O. RESOLUTION – AUTHORIZATION TO PURCHASE WIDE AREA MOWER

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-044: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A 2006 JOHN DEERE 1600 TURBO WIDE AREA MOWER FOR THE SPORTS COMPLEX FROM BENNINGTON EQUIPMENT INC., ELKHORN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$37,273.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a wide area mower for the Sports Complex is necessary; and

WHEREAS, the FY 2005/06 Sports Complex budget did include funds for the purchase of said wide area mower, and

WHEREAS, the City Council authorized the solicitation of bids for said wide area mower on February 21, 2006 with the passage of Resolution No. 06-028, and

WHEREAS, after review of the bids it has been determined that Bennington Equipment Inc. has submitted the most responsible bid, 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 a 2006 John Deere 1600 Turbo Wide Area Mower for the Sports Complex from Bennington Equipment Inc., Elkhorn, Nebraska, in an amount not to exceed \$37,273.00.

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

P. RESOLUTION – AUTHORIZATION TO BID – FIRE APPARATUS (PUMPER AND AERIAL TRUCK)

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF A 2006 CUSTOM PUMPER TRUCK AND A 2006 CUSTOM 75' AERIAL TRUCK FOR THE FIRE DEPARTMENT.

WHEREAS, the City Council has determined that a need exists for the purchase of a Custom Pumper Truck and a Custom 75' Aerial Truck for the Fire Department; and

WHEREAS, the FY 2006/07 Construction/Capitol Fund Budget will provide funding for the purchase of a pumper truck and an aerial truck; and

WHEREAS, the Fire Chief has prepared specifications for said trucks.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a 2006 Custom Pumper Truck and a 2006 Custom 75' Aerial Truck for the Fire Department in accordance with specifications prepared by the Fire Chief, and said bids are to be opened and publicly read aloud at 3:30 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, on April 13, 2006.

Advertise for Bids – March 23, 2006

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

Open Bids – April 13, 2006

Award Bid – May 16, 2006

Seconded by Councilmember Quick. Councilmember Sheehan inquired as to the height of the current aerial truck. Fire Chief Schuster stated the current aerial truck has a reach of 100'. He stated the existing aerial truck will be moved to District #2 to facilitate quicker and easier access to the taller buildings located in the western part of the City, while the new 75' aerial will be housed in the existing station and used in the eastern part of the City where there are less multi-story buildings and the streets are narrower. He also stated that all of the neighboring communities in the mutual aid district have aerial trucks available should La Vista need multiple units with a higher reach. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

Q. RESOLUTION – SUPPORT OF PAPILLION – LA VISTA SCHOOL DISTRICT REGARDING BOUNDARIES

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-046: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, SUPPORTING THE PAPILLION-LA VISTA SCHOOL DISTRICT IN ITS EFFORT TO MAINTAIN CURRENT SCHOOL DISTRICT BOUNDARIES.

WHEREAS, the City of La Vista is currently within the boundaries of the Papillion-La Vista School District; and

WHEREAS, the Papillion-La Vista School District entered into an agreement with the Bellevue School District in 1983 to establish permanent boundaries between the two school districts; and

WHEREAS, the Bellevue School District is currently seeking to take over a portion of the Papillion-La Vista School District that includes two elementary schools; and

WHEREAS, the taxpayers of the City of La Vista could be adversely effected by the loss of this area to the Bellevue School District.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby declare their support of the Papillion-La Vista School District's efforts to uphold the 1983 boundary agreement and maintain the existing boundary between the two school districts.

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

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

R. EXECUTIVE SESSION – LAND ACQUISITION, PERSONNEL, LITIGATION, CONTRACT NEGOTIATIONS AND NEGOTIATING STRATEGIES

At 8:04 p.m. Councilmember Gowan made a motion to go into executive session to discuss land acquisition, personnel, litigation, contract negotiations and negotiating strategies. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

At 8:55 p.m. the Council came out of executive session. Councilmember McLaughlin 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.

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

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Ronan stated he would be having knee surgery tomorrow, but should be back to work by Monday, March 27, 2006.

Councilmember Carlisle stated she would be out of town from April 10, 2006 to April 14, 2006.

Mayor Kindig thanked Councilmembers for their attendance at various functions on his behalf.

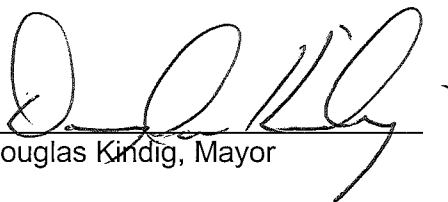
Mayor Kindig asked about the date of the Easter Egg Hunt. Recreation Director Stopak stated the annual Easter Egg Hunt is scheduled for April 15, 2006 beginning at 10:00 a.m.

ADJOURNMENT

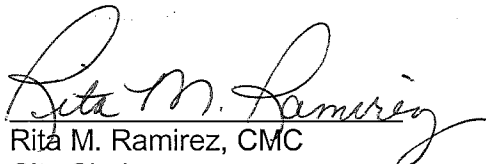
At 9:00 p.m. Councilmember Sheehan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF APRIL 2006.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Rita M. Ramirez, CMC
City Clerk

K:\APPS\CITYHALL\06 COUNCIL MINUTES\March21