

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING June 2, 2009

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 June 2, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on May 21, 2009. 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 at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

Mayor Kindig made an announcement regarding the new agenda policy statement providing for expanded opportunity for public comment on agenda items.

SERVICE AWARD – KYLE RAPPOLD – 5 YEARS; BRADY SMALL – 10 YEARS; SCOTT STOPAK – 15 YEARS; KEVIN POKORNY – 20 YEARS

Mayor Kindig presented service awards to Kyle Rappold for 5 years of service to the City; Brady Small for 10 years; Scott Stopak for 15 years; and Kevin Pokorny for 20 years.

APPOINTMENT OF FIRE DEPARTMENT RECRUITS – JONATHAN ANTHONY, KYLE CORNWELL, ADAM ELBERT, MICHAEL HOPKINS, CHRISTIAN KUBAT, STEVEN MORRIS, KRISTIN OLIVE, JASON PENKE, AARON PETH, PATRICK ROBERTS, ERIC STARLIN, KELLY VOGEL, LUKE WALSH, MELISSA WEBBER, JOHN WYNN, JR.

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department recruits: Jonathan Anthony, Kyle Cornwell, Adam Elbert, Michael Hopkins, Christian Kubat, Steven Morris, Kristin Olive, Jason Penke, Aaron Peth, Patrick Roberts, Eric Starlin, Kelly Vogel, Luke Walsh, Melissa Webber, and John Wynn, Jr. Fire Chief Uhl introduced the new recruits to the Council. Councilmember Sheehan motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM MAY 19, 2009**
- 3. PAY REQUEST NO. 2 FROM EDAW – 84TH STREET REDEVELOPMENT
VISION - \$24,999.24**
- 4. APPROVAL OF CLAIMS**

Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Carlisle. Councilmember Crawford reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A.S.P. ENTERPRISES, Training	80.00
ACTION BATTERIES, Vehicle Supplies	1,043.23
ALAMAR UNIFORMS, Wearing Apparel	119.98
ALKAR BILLIARDS, Equip	170.72
ALL SEASONS POOL AND SPA, Bldg & Grnds	2,365.00
AMERICAN RED CROSS, Supplies	51.95
APPLE, Equipment	6,281.00

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AQUA-CHEM, Supplies	378.00
ARAMARK UNIFORM SERVICES, Contract Services	238.24
ART FAC GRAPHICS, Vehicle Maint.	698.65
ASPHALT & CONCRETE MATERIALS, Street Maint.	80.52
ASSOCIATED FIRE PROTECTION, Maintenance	85.00
BAKER & TAYLOR BOOKS, Books	688.09
BEACON BUILDING SERVICES, Contract Services	6,437.00
BENNETT REFRIGERATION, Bldg & Grnds	170.00
BENNINGTON EQUIPMENT, Vehicle Maint.	822.03
BETTER BUSINESS EQUIPMENT, Rental	44.58
BLACK HILLS ENERGY, Utilities	21.77
BOLEY, ANN, Auto Allowance	100.00
BROWNING, EILEEN, Supplies	978.00
BUETHE, PAM, Travel	165.25
CALENTINE, JEFFREY, Phone	30.00
CALLAWAY GOLF, Supplies	662.82
CENTER POINT PUBLISHING, Books	261.21
CITY OF BELLEVUE, Training	600.00
COLOMBO/PHELPS CO, Concessions	113.82
COMP CHOICE, Professional Services	1,291.50
COPQUEST, Equipment	385.70
CREIGHTON EMS EDUCATION, Training	2,344.00
CUMMINS CENTRAL POWER, Contract Services	505.76
D & D COMMUNICATIONS, Maintenance	245.67
DAVIDSON TITLE, Books	162.70
DEETER FOUNDRY, Bldg & Grnds/Maint.	450.00
DIAMOND VOGEL PAINTS, Traffic Signs	267.50
DILLON BROS HARLEY DAVIDSON, Vehicle Maint.	221.95
DULTMEIER SALES & SERVICE, Vehicle Maint.	67.16
EASTERN LIBRARY SYSTEM, Training	20.00
ECCLES, PAT, Travel/Auto Allowance	782.00
ED M. FELD EQUIPMENT, Equipment	515.00
EDAW, 84th Street Vision	11,995.20
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,086.00
ELECTRIC FIXTURE & SUPPLY, Bldg & Grnds	103.73
ELLIOTT EQUIPMENT, Vehicle Maint.	1,360.40
ENNIS PAINT, Traffic Signs	882.30
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL, Bldg & Grnds	13.75
FEDEX, Postage	25.21
FIREGUARD, Equip.	192.51
FITZGERALD SCHORR BARMETTLER, Professional Services	9,873.20
FROEHLICH, RORY, Auto Allowance	100.00
GALE, Books	53.90
GOLDMAN, JOHN, Phone	85.00
GRAPHIC IMAGINATION, Supplies	33.87
GRAYBAR ELECTRIC, Bldg & Grnds	191.76
GREAT PLAINS ONE-CALL SVC, Contract Services	404.69
GREAT PLAINS UNIFORMS, Wearing Apparel	1,850.90
GREENKEEPER, Maint.	292.50
GUNN, BRENDA, Travel/Phone	102.75
HAMILTON COLOR LAB, Professional Services	293.09
HANEY SHOE STORE, Wearing Apparel	224.95
HELGET GAS, Squad Supplies	95.50
HOPE HEALTH/IHAC, Dues	32.16
HP EXPRESS SERVICES, Contract Services	1,832.00
HUNTEL, Contract Services	1,131.50
HURST, JEAN, Training	703.80
HY-VEE, Supplies	150.32
INDUSTRIAL SALES, Bldg & Grnds	445.29
INFO USA, CD Rom	1,270.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	770.02
JIM MORGAN'S BOOKS, Books	163.75
JOHN DEERE LANDSCAPES, Supplies	390.80
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	125.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00

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LEXIS NEXIS MATTHEW BENDER, Books	217.10
LIFE ASSIST, Squad Supplies	929.06
LIFEGUARD STORE, Supplies	46.75
LINDBERG, SHEILA, Travel	441.00
LINWELD, Wearing Apparel	48.28
LOGAN CONTRACTORS, Sidewalk Maint./Equip.	404.95
LOVELAND LAWNS, Street Maint.	13.95
LUKASIEWICZ, BRIAN, Phone	50.00
M. B. WILDER, Vehicle Maint.	40.00
MAPA, Travel	60.00
METRO AREA TRANSIT, April Fees	605.00
MID AMERICA PAY PHONES, Phone	100.00
MIDWEST TAPE, Media	15.24
MILLER BRANDS, Concessions	292.70
MNJ TECHNOLOGIES DIRECT, Contract Services	1,124.55
MUD, Utilities	888.90
NACR, Contract Services	4,890.90
NATIONAL PAPER, Supplies	195.82
NE DEPT HEALTH/HUMAN SERVICES, Repair	100.00
NEBRASKA NATIONAL BANK, Cart Lease	660.00
NEBRASKA TURF PRODUCTS, Supplies	241.95
NEUMAN EQUIPMENT, Bldg & Grnds/Vehicle Maint.	63.60
NEXTEL, Phone	690.12
NUTS AND BOLTS, Vehicle Maint.	3.00
OABR, Printing	653.03
OFFICE DEPOT, Supplies	976.17
OMAHA WORLD HERALD, Legal Advertising	749.80
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	28.98
ON YOUR MARKS, Professional Services	987.49
ORIZON CPAS, Professional Services	4,753.25
PAPILLION TIRE, Vehicle Maint.	495.47
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	362.46
PAYLESS, Supplies	162.15
PEPSI, Concessions	430.70
PITNEY BOWES, Supplies/Postage	221.00
PORT-A-JOHNS, Bldg & Grnds	70.00
PRECISION INDUSTRIES, Vehicle Maint.	46.32
PREMIER-MIDWEST BEVERAGE, Concessions	283.00
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	216.00
QUALITY BRANDS, Concessions	893.20
QWEST, Phone	1,050.83
R BRUHN PHOTOGRAPHY & DESIGN, Professional Services	400.00
RAMIREZ, RITA, Phone	43.00
REDSHAW PAINT SUPPLY, Vehicle Maint.	204.21
SARPY COUNTY CHAMBER, Travel	15.00
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SCHOLASTIC BOOK FAIRS, Summer Reading	63.46
SCHOLASTIC LIBRARY PUBLISHING, CD Rom	458.00
SENTRY ARMOR SYSTEMS, Wearing Apparel	1,757.31
SMITH, MELANIE, Travel	1,035.37
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	102.99
STATE FIRE MARSHALL, Training	250.00
STERIL MANUFACTURING, Repair	100.00
SUBURBAN NEWSPAPERS, Legal Advertising	555.11
SUPERIOR SPA & POOL, Bldg & Grnds	141.96
TED'S MOWER SALES & SERVICE, Equip.	48.21
TRANE, Bldg & Grnds	14.42
TRI-TECH, Supplies	259.49
TURFWERKS, Vehicle Maint.	118.51
UPSTART, Summer Reading	27.00
VERIZON, Phones	267.14
WAL-MART, Wearing Apparel/Supplies/Concessions/ Equip.	2,635.40
WASTE MANAGEMENT, Contract Services	2,642.22
YORK, JOHN, Wearing Apparel	54.57
YOST, JOHN, Contract Services	31.00
ZEE MEDICAL SERVICE, Supplies	136.60

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REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn stated that the ribbon cutting for the Marriott Courtyard is June 10th at 4:00. Budget Workshops in July on the 13th and 14th and the 15th if needed.

Finance Director Lindberg asked council to return their budget workshop notebooks so they can be reused this year.

Public Works Director Soucie informed Council that the Eastport Parkway Street Lighting project was about ¾ done in April when OPPD ran out of materials. As soon as the remainder of the light poles arrive they will complete this project. Good news back from the Federal Highway Administration on the stimulus funding that the City will be allowed to use for the preliminary engineering that we have done over the past several months; so the City will be moving forward with the Giles Road Retrofit project and also the warning signal project by the District 2 fire station. Grant money has been awarded by the NRD to the City. We received a \$7,000 grant which will be used to finish the park master plans for each individual park. We also received a \$10,000 grant from the stormwater portion and it will be used toward placement of a storm septic in the storm sewer pipe that runs to the golf course parking lot and into the upper lake. This will separate the trash and silt and allow Public Works to clean it out with the vac truck. There is also some state water grant money that will help to pay for this project and we are waiting on word of grant money from the DEQ as this entire project will cost approximately \$81,000.

Community Development Director Birch introduced Rod Zeches, a new intern for the City, who is working on a Masters Degree from Peru State and working for hours of credit only to complete his degree. He will be with us through July.

Recreation Director Stopak thanked the Fire Department, the Police Department, Public Works Department, and the Recreation Department for their assistance in preparation for the Slumpbuster tournament, which begins on June 11th at the Sports Complex. Their big kickoff event will be the evening of the 11th. Due to the economic crunch the tournament will not be televised this year. The tournament will continue for 2 weeks. There were thousands of attendees last year.

Library Director Iwan informed Council the Summer Registration kickoff begins tomorrow from 2:00 p.m. – 4:00 p.m. Thursday from 2:00 p.m. – 3:00 p.m. will be the teen kickoff. The program has been extended into August due to popular demand.

B. APPLICATION FOR PRELIMINARY PLANNED UNIT DEVELOPMENT, LOT 380, CIMARRON WOODS

1. PUBLIC HEARING

Mayor Kindig informed the audience of the procedure which will be followed regarding the public hearing as follows: Staff will introduce this item. The Mayor will then open the public hearing. The applicant will present their request. The Mayor will then ask for public comment from those who wish to speak for and/or against the request. The applicant will then have an opportunity for rebuttal. The Council will then vote to close the public hearing at which time the council will discuss this agenda item and take action.

Community Development Director Birch introduced the application for the preliminary planned unit development on Lot 380 in Cimarron Woods. She stated that this is for approval of the preliminary planned unit development (PUD) which is essentially a site plan approval. The application is by Pedcor Investments LLC. This site is approximately 26 acres on Lot 380 in Cimarron Woods. The property is currently zoned R-3 PUD-1(High density residential) with a Gateway Corridor Overlay District. The original Cimarron Plat, PUD plan, and subdivision agreement approved in 2003 identified this lot for multi-family development and included a site plan showing 418 units. The application as submitted is titled Cimarron Terrace and consists of 84 units in Phase I, 192 units in Phase II for a total of 276 units. It also includes 168 garage stalls in addition to surface parking. The previous request heard by the City Council, approximately one year ago, included a total of 354 units and 24 garage stalls in addition to the surface parking. Modifications with the current plan have also been made to the location of the clubhouse, swimming pool, and playground. The request is for preliminary PUD review so if approved it would have to come back for final PUD review and approval of a Conditional Use Permit since multi-family is a conditional use in the R-3 district. Preliminary building design has also been completed however final building design approval is a part of the conditional use permit which would be finalized at the next phase. At the Planning Commission meeting several concerns were raised, one of which was with regard to an existing drainage problem, another was with regard to the public hearing schedule for this revised application. [See City Engineer comments regarding drainage issues below.] Regarding the schedule, the City has an internal set of

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submittal guidelines that are followed for initial submittals. Sometimes it makes sense to modify the schedule for resubmittals such as this when we have done a majority of the review previously. However, key deadlines such as the public hearing notification deadlines that are statutory, are always met. Ms. Birch further explained that some plans were submitted May 12 for building design review. Those actually were revised building designs after they had been initially submitted and received some preliminary comments before being revised and resubmitted. Those plans are under review by the design review architect and will be considered during the final approval phase when the Final PUD and Conditional Use permit come before Planning Commission and Council for consideration. The Planning Commission did recommend approval of this preliminary planned unit development application with some conditions which are stated in the staff report.

City Engineer Kottmann discussed drainage issues. He has reviewed the drainage studies that go back to 2003 at the beginning of Cimarron Woods. Throughout the drainage studies this site has been anticipated as an apartment site and therefore the subdivision drainage system was designed in anticipation of apartment usage on this property. Lot 380 is approximately 8% of the drainage area that is east of 101st avenue. The current subdivision regulations and the subdivision regulations from 2003 when Cimarron Woods was platted required 10 year storm events to be limited to no more than 125% of existing conditions. The initial drainage studies submitted for this project complied with that requirement. The study was reviewed with some revisions requested and there was a significant reduction in the proposed culvert size at the lower end of the apartment project. It was originally shown as a 6x6 box culvert and has been downsized to a 36 or 42 inch culvert, which is significantly smaller. The 10 year peak flow revised calculations were 124% of existing conditions and the 100 year flow was estimated at 89% of existing conditions. Due to neighbor concerns expressed during the review process leading up to the Planning Commission meeting and from his observations on the property he recommended at the Planning Commission meeting that an additional requirement be placed on the project to limit peak flows for all storm events up to 100 year events to existing conditions or less. This would exceed the current subdivision regulations. The applicant has agreed to do this during the planning commission hearing and, last Friday sent a revised drainage study to Kottmann which is under review and appears to comply with the specified requirement. He will continue to review. If any corrections are needed those would be required as part of the approval of the final PUD submittal. There is ample room on the site due to the low density of the project to achieve the required detention to reduce the flows. Once the storm water quality factors are put in there will be even more of a reduction in flow.

At 7:30 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for Preliminary Planned Unit Development, Lot 380, Cimarron Woods.

Larry Jobeun, Mike Smith, and Mark Westergard were present representing Pedcor Investments LLC. Mr. Jobeun addressed Council using a power point presentation. Pedcor was established in 1988 and is headquartered in Carmel Indiana. The company owns 12,000 units in 11 states. Pedcor is a suburban fringe developer. Mr. Jobeun showed and described other Pedcor developments, specifically those involving multi-unit developments near upscale single family housing. Mr. Jobeun gave an overview of the project and compared the first submittal to this submittal. The development on Lot 380 in Cimarron Woods will consist of 276 multi-family units in 14 buildings which will be done in as many as 2 to 3 phases. There will be a total of 168 garages of which 64 garages will be in Phase I and 104 garages in the Phase II. Total density is 10.64 units per acre in comparison with 13.65 units per acre in their previous submittal. This is a 78 unit reduction from original design submitted to the City in 2008. A signal will be installed with the project at 99th Street and Harrison Street. There will be a connection to the trail system. There will also be perimeter fencing, which was approved by the residential side of the neighborhood, on the south side of the project. With the reduced density the first phase will be a stand alone project with two access points. There will be amenities including a 3317 sq. ft. clubhouse which will be professionally staffed, along with a swimming pool and playground. There will be 425 surface parking spaces, along with 168 garages. The plan is to begin development in the fall of 2009, with completion of the project in 2011. Mr. Jobeun believes that all outstanding issues will be addressed before the final PUD. Mark Westergard addressed the drainage issues of the development. He showed the council which basins would be constructed with Phase I and Phase II. The project shows reductions in peak flows. Mr. Jobeun provided handouts to the Mayor and Council, which included his power point presentation.

Mayor Kindig asked if there were any members of the public wishing to speak for this item and stated that they would need to come to the podium, print their name and address and state the same for the record. Each individual will be given 3 minutes to speak and he asked that they not repeat what was previously stated. There were no other proponents present to speak.

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Mayor Kindig asked if there were any members of the public wishing to speak against this item and stated that they may now come forward. He stated that the person with the power point presentation should come up to the podium, print their name and address and state the same for the record and give their presentation. Jennifer Taylor, representing residents of Cimarron Woods and Eileen Williamson, a resident of Cimarron Woods, addressed the Council. Taylor asked to make a few introductory comments on behalf of some of the neighbors and asked the Mayor and Council to take their concerns into consideration. In reference to Mr. Jobeun's presentation, Ms. Taylor acknowledged that the buildings seem nicely constructed and appear to meet Gateway requirements, and that there are ordinances and regulations in place to ensure property is properly maintained. She then voiced concerns of the residents including appearance, maintenance, and the ability of the City to make sure maintenance continues. Taylor stated the neighbors have drafted a letter, which has been signed by 155 of the neighbors. She presented the letter to the Mayor and Council and proceeded to summarize it. The letter requests a preliminary drainage study of Phase I only, though Taylor acknowledged that, based on Mr. Westergard's comments at the meeting, the study might have been completed. She also acknowledged that proposed landscaping is extensive, but asked if there could be some guarantee of the maintenance/replacement of landscaping. The residents want to know what the area will look like in 5 years, and what the recourse is if the owner does not maintain the property. Taylor suggested the City could put forth as a covenant a landscape plan, with maintenance requirements and the recourse for the City if Pedcor breaches it. Finally, the residents are requesting additional setbacks from 25' feet to 30' minimum. Taylor stated the neighbors will reserve additional comments for the public hearing for the final PUD. Williamson [using power point] addressed Council to cite ratings from the internet of tenant satisfaction with respect to other Pedcor properties; state concerns about location near Cimarron Woods single family homes and rebut examples provided in Mr. Jobeun's presentation; concerns about not retaining the existing trees and noting that newly planted trees will not mature for a long time; concerns with the fencing being close to homes; concerns about setbacks; concerns with flooding, showing pictures of flooding near her home last year unrelated to the Pedcor proposed project; concerns with the build out on existing residential lots abutting the property; and concerns about the 3-story buildings and the transition from the single family to these large structures. She also provided examples of design features that might be considered, such as usage of stone accents and unique gables on fronts of buildings.

Mayor Kindig then asked if there were any other members of the public wishing to speak against this item and stated that they would need to come to the podium, print their name and address and state the same for the record. Each individual will be given 3 minutes to speak and he asked that they keep their comments to the subject and not repeat what was previously stated.

Craig Martin, president of the Homeowners Association, addressed Council to state his concern about the cost to maintain the property and the round-about. He would like to see Pedcor agree in the PUD that they would support the Homeowners Association landscape maintenance and the other items that were requested.

Jackie Hill, a resident of Cimarron Woods, addressed Council to state her concerns with the safety of children near the railroad track with the fencing that has been proposed.

Larry Jobeun was given time for rebuttal. He addressed Council with regard to the setbacks and stated that an additional 5' setback would only affect a minimal number of buildings – specifically only two garages and one building – and any perceived issue with these structures will be minimized due to steep grade changes. He explained that landscaping requirements are set in the PUD. Pedcor will do what it is required to do and Pedcor cannot vary from the plan without coming back to the Planning Commission and City Council for approval. The company will have to meet the guidelines required. Jobeun stated this is a 30 million dollar project, which is a significant investment. He stated the landscaping and structures will be maintained. He stated the application includes the removal of trees for the trail system, at the request of the City. He also noted that Pedcor provided notice to the Cimarron Woods and Southwind neighborhood associations and voluntarily held a meeting for homeowners the night before the Planning Commission meeting on the preliminary PUD; and only 17 residents showed up. Pedcor would consider an arrangement in the sharing of maintenance for the landscaping in the boulevard and round-about. Jobeun stated that there is not fencing along the rear yards of many of the homes by the railroad tracks.

At 8:21 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Crawford asked Ms. Williamson about the tenant reviews of other Pedcor properties that she spoke of. She stated there were various factors to rate on and could

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recommend living at a particular property. Of the two ratings she spoke of, one had 3 and one had 30 responses. Reviews are not time specific. Mayor Kindig asked for confirmation of the number of responses. Council member Ellerbeck stated that these are self-reporting websites. Councilmember Ellerbeck stated anyone can report on problems at an apartment now online. Councilmember Gowan stated he was initially skeptical, but is impressed with the revised application and the improved landscape criteria. Gowan stated he has lived in areas where neighbors don't keep up their property, but he is confident that Pedcor will have good maintenance of the property. He noted that the landscaping plan is not perfect, but perfection must happen over time as landscaping matures. Gowan stated he feels it is an overall worthwhile project, but would like to see the wrought iron fence all around the property. Councilmember Ellerbeck states his opinion has not changed from last year, and he is satisfied. Councilmember Crawford stated his concerns with the online survey and with meetings held right before the Planning Commission meeting, as he had the impression that meetings between Pedcor and the neighbors would be ongoing and encourages them to continue to meet. At this time he supports the project. Councilmember Carlisle expressed she feels there are still some issues to be worked out between the neighbors and Pedcor and she is concerned with water runoff. She is okay with the project, but wants to make sure all issues are addressed. Councilmember Sell stated he feels that Pedcor has come a long way since the initial application. He feels the drainage issue needs to be handled in Phase I, that the gateway corridor standards be met, and that Pedcor works with the City and the neighborhood on the landscape maintenance. Sell stated he is open on the setbacks. Councilmember Ronan stated the revised application is better than the original. He has concerns about the setback and feels that needs to be further discussed. Councilmember Quick stated that Pedcor has made good progress. She would like the design to be more extraordinary. Quick wants to make sure landscape maintenance is done. Councilmember Sheehan stated that he has been against the project from the beginning. He doesn't think apartments should be there. He would like to give Pedcor credit for increasing the number of garages and an application that can work on this property. He stated he would vote against the resolution because he does not like this area zoned for apartments. Sheehan also stated the 300 foot area for notifying neighbors should be increased. Administrator Gunn stated that this is the statutory requirement. Sheehan would like the city to look at this. Mayor Kindig stated he would like to see Pedcor work with the City toward a long term maintenance agreement and with tree replacement. He also wants to look at a drainage study to make sure it is correct and verify this development will not add to existing drainage issues. Councilmember Crawford asked if there would be another public hearing. City Administrator Gunn stated a public hearing would be held on the Conditional Use Permit Application and the final PUD. Councilmember Sell asked when issues in the resident's letter would be addressed. City Administrator Gunn stated those issue would be addressed in the Conditional Use Permit Application process.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-052: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD 1) PLAN FOR LOT 380 CIMARRON WOODS, A SUBDIVISION LOCATED IN THE N1/2 OF SECTION 16, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary planned unit development plan for Lot 380, Cimarron Woods; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary planned unit development plan; and

WHEREAS, on May 21, 2009, the La Vista Planning Commission held a public hearing and reviewed the preliminary planned unit development plan and recommended approval subject to resolution of the following items identified by the city engineer and staff:

1. The Preliminary PUD Plan and application refers to the property as being zoned R-1 (PUD). This needs to be revised on the Final PUD Plan to read R-3, PUD-1 zoning.
2. A traffic signal shall be installed at the intersection of 99th and Harrison Streets as part of Phase I development of Lot 380, Cimarron Woods, as per the Cimarron Woods Subdivision Agreement. The traffic signal and all additional improvements recommended by the updated traffic study shall be installed before final building occupancies are allowed in Phase I.
3. A 10-foot wide trail shall be installed in Phase II of the development, as per Exhibit E-1 of the Cimarron Woods Subdivision Agreement. An opening or

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gate needs to be provided in the fence to access the pedestrian trail on the Westside of the property. Preferably, the gate should be at a convenient and accessible location to apartment buildings 7 and 14

4. Revisions requested by the City Engineer, in his letter dated April 30, 2009, shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal. Additionally, peak stormwater run-off for this project shall not exceed the existing conditions of Lot 380 for all storm events, up to a 100-year storm.
5. Revisions and additional information requested by the City's Design Review Architect shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
6. Other revisions stated in the Staff Report shall be addressed prior to Final PUD Plan and Conditional Use Permit submittal.
7. A preliminary assessment of the potential waterway / wetland issues needs to be performed by a qualified environmental consultant prior to approval of the Final PUD plan. All applicable Army Corps of Engineers permits shall also be acquired by the developer prior to approval of the Final PUD plan.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary Planned Unit Development (PUD-1) plan for Lot 380, Cimarron Woods, located in the N1/2 of Section 16, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, generally located southwest of 96th & Harrison Streets be, and hereby is, approved subject to the items listed above.

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

C. RESOLUTION – CONTRACT FOR PROFESSIONAL SERVICES – GIS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-053: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO KIRKHAM MICHAEL & ASSOCIATES, INC., OMAHA, NE, FOR PROFESSIONAL SERVICES TO PROVIDE CONVERSION OF STORM WATER DATA INTO A GEOGRAPHICAL INFORMATION SYSTEM (GIS) IN AN AMOUNT NOT TO EXCEED \$20,000.00.

WHEREAS, the City Council of the City of La Vista has determined that said project is necessary; and

WHEREAS, the FY 2008/09 Storm Water Management Fund provides funding for the proposed project; and

WHEREAS, the project is recognized in the City of La Vista's Storm Water Management Plan that is annually submitted to the Nebraska Department of Environmental Quality; 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that authorization is given to execute a contract with Kirkham Michael & Associates, Inc., Omaha, Nebraska, for professional services to provide conversion of storm water data into a Geographical Information System, in an amount not to exceed \$20,000.00.

Seconded by Councilmember Quick. Public Works Director Soucie informed Council this is Phase III. He gave an overview of the project. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

MINUTE RECORD

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

June 2, 2009

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes.

D. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE

At 8:39 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session and Negotiating Guidance. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 9:01 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Councilmembers to bring in some of their business cards to City Hall.

Mayor Kindig thanked everyone for their help with the golf fundraiser over the weekend. He thanked La Vista Falls Golf Course Services Manager Denny Dinan and his staff for their help and Chief Building Inspector Jeff Calentine and his staff for their help.

At 9:07 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2009.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe
Pamela A. Buethe, CMC
City Clerk