

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING February 16, 2010

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 February 16, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on February 4, 2010. 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 regarding the agenda policy statement providing for expanded opportunity for public comment on the agenda items.

### APPROVAL OF APPOINTMENT – FIRE DEPARTMENT OFFICER – TROY LITTLE

Mayor Kindig stated that with the approval of Council he would like to appoint Troy Little to the position of La Vista Fire Lieutenant. Councilmember Carlisle 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 FEBRUARY 2, 2010
3. APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC. MINUTES FROM FEBRUARY 1, 2010
4. MONTHLY FINANCIAL REPORT – JANUARY 2010
5. REQUEST FROM CREIGHTON CENTER FOR PROFESSIONAL DEVELOPMENT – LEADERSHIP PROGRAM - \$13,900.00
6. APPROVAL OF CLAIMS

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

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|--|--------|
| ABANTE MARKETING, Supplies                           | 365.63 |
| ACI-NEBRASKA CHAPTER, Dues                           | 60.00  |
| ACTION BATTERIES, Vehicle Supplies                   | 90.95  |
| AKSARBEN GARAGE DOOR, Bldg & Grnds                   | 452.00 |
| ALAMAR UNIFORMS, Wearing Apparel                     | 305.94 |
| ALL MAKES OFFICE EQUIPMENT, Repair                   | 154.00 |
| ANN TROE, Printing                                   | 760.00 |
| ARAMARK UNIFORM, Contract Services                   | 384.95 |
| ASPEN EQUIPMENT, Vehicle Maint.                      | 55.41  |
| ASPHALT & CONCRETE MATERIALS, Street Maint.          | 223.26 |
| BAIRD HOLM LLP, Training                             | 99.00  |
| BAKER & TAYLOR BOOKS, Books                          | 773.82 |
| BALDWIN, GREG, Banquet                               | 250.00 |
| BCDM-BERINGER CIACCIO DENNELL                        | 766.25 |
| BCDM-BERINGER CIACCIO DENNELL, Professional Services | 50.00  |
| BENNINGTON EQUIPMENT, Vehicle Maint.                 | 253.35 |
| BENSON RECORDS, Contract Services                    | 54.30  |
| BETTER BUSINESS EQUIPMENT, Rental                    | 43.93  |

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| BKD LLP, Professional Services                      | 10,500.00 |
| BLACK HILLS ENERGY, Utilities                       | 14,932.57 |
| BOB'S RADIATOR REPAIR, Vehicle Maint.               | 62.00     |
| BRAND, STEVEN, Travel                               | 293.00    |
| BRENTWOOD AUTO WASH, Vehicle Maint.                 | 42.00     |
| BUETHE, PAMELA, Travel/Vehicle Maint/Bldg & Grnds   | 83.82     |
| BUILDERS SUPPLY, Bldg & Grnds                       | 57.60     |
| CARDMEMBER SERVICE, Training/Travel/Postage         | 2,095.57  |
| CIGNA, Rescue Revenue                               | 508.00    |
| CJ'S HOME CENTER, Bldg & Grnds/Vehicle Maint.       | 127.05    |
| COMP CHOICE, Professional Services                  | 262.50    |
| CORNHUSKER INTL TRUCKS, Vehicle Maint.              | 199.12    |
| COX, Phone  | 63.60     |
| CREIGHTON EMS EDUCATION, Training                   | 2,270.00  |
| CZARNICK, MICHAEL, Training                         | 1,500.00  |
| D & D COMMUNICATIONS, Equipment                     | 285.00    |
| DATA TECHNOLOGIES, Contract Services                | 630.00    |
| DAVIS, JAMES, Training                              | 1,500.00  |
| DELL, Contract Services                             | 2,860.28  |
| DOUGLAS COUNTY SHERIFF, Contract Services           | 112.50    |
| DULTMEIER SALES & SERVICE, Vehicle Maint.           | 34.72     |
| EDAW, Planning                                      | 1,670.64  |
| FITZGERALD SCHORR BARMETTLER, Professional Services | 29,364.69 |
| FOSTER, TERRY, Travel                               | 293.00    |
| FUTUREWARE, Contract Services                       | 110.00    |
| G I CLEANER & TAILORS, Uniform Cleaning             | 86.95     |
| GALE, Books   | 94.94     |
| GAYLORD BROS, Supplies                              | 102.48    |
| GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.         | 500.81    |
| GENUINE PARTS, Vehicle Maint.                       | 2,173.67  |
| GOLDMAN, JOHN, Supplies                             | 32.09     |
| GRAYBAR ELECTRIC, Bldg & Grnds                      | 231.60    |
| GREAT PLAINS ONE-CALL SVC, Contract Services        | 62.81     |
| GREAT PLAINS UNIFORMS, Wearing Apparel              | 624.50    |
| H & H CHEVROLET, Vehicle Maint.                     | 25.99     |
| HANEY SHOE STORE, Wearing Apparel                   | 240.00    |
| HEARTLAND PAPER, Supplies                           | 160.00    |
| HERITAGE CRYSTAL CLEAN, Contract Services           | 92.75     |
| HY-VEE, Supplies                                    | 64.29     |
| INDUSTRIAL SALES COMPANY, Training                  | 100.00    |
| INLAND TRUCK PARTS, Vehicle Maint.                  | 82.65     |
| INTERSTATE ALL BATTERY CENTER, Squad Supplies       | 171.60    |
| J Q OFFICE EQUIPMENT, Supplies                      | 258.68    |
| JO DON'S, Equipment                                 | 340.00    |
| JOHNSON, VERN, Refund                               | 30.00     |
| KEY MASTERS, Bldg & Grnds                           | 66.00     |
| KIRKHAM MICHAEL, GIS Conversion                     | 6,600.00  |
| KUTSCHER, ANGELA, Refund                            | 45.00     |
| LAUGHLIN, KATHLEEN, Payroll Withholding             | 809.00    |
| LEAGUE OF NE MUNICIPALITIES, Training               | 260.00    |
| LINWELD, Supplies                                   | 626.30    |
| MALLARD SAND & GRAVEL, Winter Maint.                | 1,687.88  |
| METRO AREA TRANSIT, December Charges                | 705.00    |
| MICHAEL TODD AND COMPANY, Winter Maint.             | 466.00    |
| MIDLANDS TESTING SERVICES, Professional Services    | 115.00    |
| MID-STATES UTILITY TRAILER, Vehicle Supplies        | 347.28    |
| MIDWEST SERVICE AND SALES, Traffic Signs            | 617.49    |
| MILLER PRESS, Printing                              | 915.00    |
| MUD, Utilities                                      | 506.63    |
| NATIONAL PAPER, Supplies                            | 177.24    |
| NE LIQUOR CONTROL, Liquor License Renewal           | 45.00     |
| NEBRASKA CODE OFFICIALS ASSN, Training              | 230.00    |
| NEBRASKA FURNITURE MART, Supplies                   | 341.97    |
| NEFSMA-NE FLOODPLAIN/STORMWTR, Training             | 100.00    |
| NEUMAN EQUIPMENT, Bldg & Grnds/Vehicle Maint.       | 247.00    |
| NMC EXCHANGE, Vehicle Maint./Contract Services      | 3,059.62  |
| NUTS AND BOLTS, Winter Maint./Vehicle Maint.        | 149.36    |

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| OABR PRINT SHOP, Printing                         | 1,676.37  |
| OFFICE DEPOT, Supplies                            | 68.17     |
| OMAHA PIPES AND DRUMS, Supplies                   | 200.00    |
| OMAHA SLINGS, Vehicle Maint.                      | 46.85     |
| OMAHA WORLD HERALD, Legal Advertising             | 862.95    |
| OPPD, Utilities                                   | 42,291.17 |
| OUTDOOR MOVIES, Equipment                         | 16,845.00 |
| PAPILLION SANITATION, Contract Services           | 304.11    |
| PARAMOUNT LINEN & UNIFORM, Uniform Cleaning       | 370.96    |
| PAYLESS, Supplies                                 | 420.58    |
| PERFORMANCE CHRYSLER JEEP, Vehicle Maint.         | 155.25    |
| PFEIFER, VICKI, Contract Services                 | 42.80     |
| PLUTA, DON, Travel                                | 41.00     |
| PRECISION INDUSTRIES, Winter Maint.               | 198.88    |
| PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits   | 222.75    |
| PROTEX CENTRAL, Bldg & Grnds                      | 348.75    |
| QUALITY IRRIGATION, Contract Services             | 269.00    |
| QWEST, Phone                                      | 131.88    |
| RAINBOW GLASS & SUPPLY, Bldg & Grnds              | 96.00     |
| RECORDED BOOKS, Media                             | 438.31    |
| REGAL AWARDS, Supplies                            | 36.59     |
| RUSTY ECK FORD, Vehicle Maint.                    | 37.47     |
| SAM'S CLUB, Supplies                              | 463.07    |
| SAPP BROS, Vehicle Supplies                       | 9,607.28  |
| SARPY COUNTY LANDFILL, Bldg & Grnds               | 120.00    |
| SCARPA, DAN, Travel                               | 41.00     |
| SHELL, BECKY, Refund                              | 30.00     |
| SIRCHIE FINGER PRINT LABS, Supplies               | 44.98     |
| STANDARD IRON WORKS, Bldg & Grnds                 | 158.76    |
| STATE STEEL, Bldg & Grnds                         | 18.94     |
| SUSPENSION SHOP, Vehicle Maint.                   | 791.42    |
| THOMPSON DREESSEN & DORNER, Professional Services | 10,221.39 |
| TITAN MACHINERY, Vehicle Maint.                   | 117.16    |
| TRACTOR SUPPLY CREDIT PLAN, Supplies              | 92.24     |
| UNIVERSITY OF NE LINCOLN, Training                | 100.00    |
| UPS, Postage                                      | 64.62     |
| USPS, Postage                                     | 1,426.57  |
| WASTE MANAGEMENT, Contract Services               | 760.94    |
| WEATHER OR NOT, Professional Services             | 250.00    |
| WICK'S STERLING TRUCKS, Vehicle Maint.            | 447.79    |

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council the Strategic Planning work session will be held on Tuesday, March 23, 2010 at 5:30 p.m. Gunn stated she attended the legislative session in Lincoln last Thursday with Mayor Kindig. Mayor Kindig led testimony on Legislative Bill 1018 – the advantage act.

City Clerk Buethe informed Council that today at 5:00 p.m. the deadline passed for incumbents to file for office and the non-incumbent deadline is March 1, 2010 at 5:00 p.m.

Assistant City Administrator Ramirez informed Council that over 280 RSVPs have been received for next week's Founders' Day Lunch.

Police Chief Lausten informed Council the D.A.R.E. graduation for La Vista West will be held next Thursday at 9:00 a.m. Three more graduation ceremonies are scheduled for March and April.

Public Works Director Soucie, on behalf of the Public Works Department and himself, thanked Council for the recent employee recognition dinner.

Soucie informed council the traffic signal at Edgewood and Giles Road has a short in the loop detector on the Papillion side of the street.

Soucie stated they had positive results on the ice slicer, with melting at below 0 temperatures.

Community Development Director Birch introduced the new City Planner, Christopher Solberg, to Council. Birch presented the January 2010 building report.

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Building and Grounds Director Archibald thanked Council for the flowers, card and food his family received after the loss of his mother. Archibald stated that Building and Grounds Foreman Siebels and Building and Grounds Maintenance Worker II Keller did a great job covering for him while he was out of the office.

Recreation Director Stopak informed Council that free tax preparation help has been available for the past two week at the Community Center. The year has been the busiest they have ever had, with waits as long as 2 hours. Stopak thanked Mayor, Council, and staff for their help with the Senior Valentine luncheon.

Library Director Barcal stated that Assistant Library Director Linhart is working on the reading programs and a donation of a PDI was received from a Doctor at Clarkson College.

## **B. ZONING TEXT & MAP AMENDMENTS – ADDING 84<sup>TH</sup> STREET TO THE GATEWAY CORRIDOR OVERLAY DISTRICT**

### **1. PUBLIC HEARING**

At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on zoning text & map amendments – adding 84<sup>th</sup> Street to the Gateway Corridor Overlay District.

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

### **2. ORDINANCE – APPROVE AMENDMENTS TO ZONING ORDINANCE**

Councilmember Gowan introduced Ordinance No. 1113 entitled: AN ORDINANCE TO AMEND SECTION 5.17.01, 5.17.03 AND 5.17.04 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17.01, 5.17.03, AND 5.17.04 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan.

Councilmember Ellerbeck asked how this would affect existing apartment complexes. Community Development Director Birch stated that language could be added for partial reconstruction of buildings to match others. Discussion was held and it was determined that some changes would be made to the ordinance and it would be brought back at the next meeting.

Councilmember Carlisle amended the original final passage motion to a motion to approve Ordinance No. 1113 on its first reading and pass it on to a second reading. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **3. ORDINANCE – APPROVE AMENDMENTS TO OFFICIAL ZONING MAP**

Councilmember Quick introduced Ordinance No. 1114 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle made a motion to approve Ordinance No. 1113 on its first reading and pass it on to a second reading. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. AMENDMENTS TO THE SUBDIVISION REGULATIONS AND CHAPTER 154 MUNICIPAL CODE – POST-CONSTRUCTION STORM WATER MANAGEMENT PLANS**

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## **1. PUBLIC HEARING**

At 7:35 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on amendments to the subdivision regulations and Chapter 154 Municipal Code – Post-Construction storm water management plans.

At 7:36 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. ORDINANCE – APPROVE AMENDMENTS TO SUBDIVISION REGULATIONS**

Councilmember Sell introduced Ordinance No. 1115 entitled: AN ORDINANCE TO AMEND SECTIONS 3.03.15, 3.03.20, 4.18, 4.22, AND 5.07 OF ORDINANCE 906 (SUBDIVISION REGULATIONS); TO REPEAL SECTIONS 3.03.15, 3.03.20, 4.18, 4.22, AND 5.07 OF ORDINANCE 906 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No. 1115 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **3. ORDINANCE – APPROVE AMENDMENTS TO MUNICIPAL CODE**

Councilmember Sell introduced Ordinance No. 1116 entitled: AN ORDINANCE TO AMEND SECTIONS 154.01 THROUGH 154.28 AND ADD SECTION 154.29 OF THE LA VISTA MUNICIPAL CODE RELATING TO STORM WATER MANAGEMENT REGULATIONS; TO REPEAL SECTIONS 154.01 THROUGH 154.28 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No. 1116 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### **D. 132ND AND WEST GILES ROAD IMPROVEMENTS**

#### **1. RESOLUTION – APPROVE AMENDMENT NO. 1 – INTERLOCAL COOPERATION AGREEMENT**

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-0018: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT WITH

# MINUTE RECORD

## SARPY COUNTY FOR IMPROVEMENTS TO THE INTERSECTION OF 132<sup>ND</sup> STREET AND WEST GILES ROAD AND ADJACENT LEGS OF 132<sup>ND</sup> STREET AND WEST GILES ROAD AND ADJACENT RAILROAD CROSSINGS

WHEREAS, the city of La Vista and Sarpy County entered into an Interlocal Agreement to improve the intersection of 132<sup>nd</sup> Street and West Giles Road and adjacent legs of West Giles Road and 132<sup>nd</sup> Street and adjacent railroad crossings, which locations are in Sarpy County and the extraterritorial jurisdiction of La Vista; and

WHEREAS, the modifications contained in Amendment No. 1 include the estimated cost of the Circuitry Upgrade; and

WHEREAS, SPW Partners hereby agrees to pay all costs to construct and provide the Circuitry Upgrade, up to, but not in excess of, 110% of the estimated costs; and

WHEREAS, Sarpy County, not La Vista, will enter into an agreement with Burlington Northern Santa Fe Railway for the constant warning circuitry upgrade improvements;

NOW THEREFORE, BE IT RESOLVED, that the First Amendment to the Interlocal Cooperation Agreement with Sarpy County and the city of La Vista, 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 Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – APPROVE PHASE I – RAILROAD CIRCUITRY UPGRADE**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE EXECUTION OF AN AGREEMENT BETWEEN SPW PARTNERS, LLC AND THE CITY OF LA VISTA FOR PHASE I – RAILROAD CIRCUITRY UPGRADE OF THE 132<sup>ND</sup> AND WEST GILES ROAD IMPROVEMENTS

WHEREAS, the city of La Vista and Sarpy County entered into an Interlocal Agreement to improve the intersection of 132<sup>nd</sup> Street and West Giles Road and adjacent legs of West Giles Road and 132<sup>nd</sup> Street and adjacent railroad crossings, which locations are in Sarpy County and the extraterritorial jurisdiction of La Vista; and

WHEREAS, there are three separate components to the improvements to be undertaken pursuant to the Agreement; and

WHEREAS, Phase I does not include any federal funding assistance, but is conditioned upon participation by adjacent landowners and/or developers; and

WHEREAS, The City is responsible for obtaining contribution by local property owners and/or developers in Phase I improvements; and

WHEREAS, SPW Partners desires to contribute to the cost of Phase I improvements; and

WHEREAS, the FY 2009/10 Capital Improvement Program includes funding Phases 1 and 2 of this project;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that the agreement between SPW Partners, LLC and the City of La Vista, 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 Carlisle. Councilmember Gowan asked if there are changes already in progress by the railroad tracks as it appears the trains have slowed down. Public Works Director Soucie stated there have not been any changes yet, but the change he has noticed may be from business stops. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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## 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.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig informed Council he attended the legislative session last Monday to speak on LB 1018. He supported Senator White's bill regarding sewer legislation. He will continue to work on a 911 agreement.

Mayor Kindig stated he will speak at the Chamber of Commerce luncheon on Wednesday.

Councilmember Ellerbeck thanked Community Development Director Birch for her annual building report.

At 7:44 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF MARCH 2010

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09COUNCIL MINUTES\February 16, 2010