

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 17, 2007

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on July 17, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, 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 July 5, 2007. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

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

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

SERVICE AWARD – MICHALA IVEY – 5 YEARS

Mayor Kindig presented a certificate and pin to Michala Ivey for 5 years of service to the City.

PROCLAMATIONS – INTERNATIONAL CLOWN WEEK, NATIONAL NIGHT

Mayor Kindig presented a proclamation for National Night Out on August 7, 2007 to Police Chief Lausten and Fire Chief Uhl. Mayor Kindig presented the International Clown Week proclamation to 3 representatives of the Omaha Wild Clown-Dum Alley #147. Balloons were presented from the clowns to the Mayor and others in attendance.

APPOINTMENT TO LIBRARY ADVISORY BOARD – VALERIE RUSSELL – 2 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Valerie Russell to the Library Advisory Board for a 2 year term. Councilmember Sell motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JULY 3, 2007 CITY COUNCIL MEETING
3. MINUTES OF THE MAY 10, 2007 LIBRARY ADVISORY BOARD
4. MINUTES OF THE JUNE 20, 2007 PARK & RECREATION ADVISORY COMMITTEE MEETING
5. PAY REQUEST FROM THIELE GEOTECH FOR CONCRETE TESTING - SOUTHPORT WEST TRAFFIC SIGNALS SECTION 1 - \$455.00
6. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda as presented. Seconded by Councilmember Carlisle. 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. Absent: None. Motion carried.

ACTION BATTERIES, Electric Cart	599.60
ALAMAR UNIFORMS, Wearing Apparel	79.99
ALL FLAGS, Professional Services	562.51
AMERICAN PLANNING ASSOCIATION, Dues	695.00
AMSAN, Supplies	218.15
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	138.69
AQUA-CHEM, Supplies	275.25
AQUILA, Utilities	77.31
ARAMARK UNIFORM SERVICE, Contract Services	198.92

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ASAP SOFTWARE, Contract Services	309.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	451.71
ASSOCIATED FIRE PROTECTION, Contract Services/Bldg & Grnds	435.00
BAKER & TAYLOR BOOKS, Books	328.39
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,927.50
BEACON ATHLETICS, Training	109.00
BENNINGTON IMPLEMENT, Vehicle Maint.	3,707.48
BRENTWOOD AUTO WASH, Vehicle Maint.	140.00
BRODART, Books	368.04
BUETHE, PAM, Travel/Supplies/Professional Services	300.31
BUILDERS SUPPLY, Street Maint.	62.12
CARDMEMBER SERVICE, Travel/Books/Supplies/Training	5,435.49
CENTER POINT PUBLISHING, Books	78.48
CIVIC PLUS, Contract Services	10,100.00
CJ'S HOME CENTER, Bldg & Grnds/Vehicle Maint.	797.44
COMP CHOICE, Professional Services	1,498.00
CONTROL MASTERS, Bldg & Grnds	45.60
COUNCIL OF STATE GOVERNMENTS, Books	112.50
COX, Contract Services	140.15
CUES, Vehicle Maint.	165.35
D & D COMMUNICATIONS, Bldg & Grnds	45.00
DIAMOND VOGEL PAINTS, Street Maint.	148.05
DOUGLAS COUNTY SHERIFF'S OFC, Contract Services	50.00
ED M. FELD EQUIPMENT, Equipment	436.00
ED ROEHR SAFETY PRODUCTS, Equipment	1,226.31
EMS BILLING SERVICES, Rescue Revenue	1,675.15
ENTERPRISE LOCKSMITHS, Bldg & Grnds	102.50
FASTENAL COMPANY, Vehicle Maint.	24.69
FEDEX KINKO'S, Printing	47.00
FELSBURG HOLT & ULLEVIG, Southport	750.00
FILTER CARE, Vehicle Maint.	118.45
FIRMATURE, STEVE, Contract Services	36.00
FITZGERALD SCHORR BARMETTLER, Professional Services	10,742.81
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,163.50
GENWORTH, Payroll Withholdings/Employee Benefits	9,199.37
GRAYBAR ELECTRIC, Bldg & Grnds	173.28
GREAT PLAINS ONE-CALL SVC, Contract Services	417.82
H & H CHEVROLET, Vehicle Maint.	347.98
HANEY SHOE STORE, Wearing Apparel	240.00
HARBOR FREIGHT TOOLS, Bldg & Grnds	30.96
HARLEY DAVIDSON, Vehicle Maint.	6.48
HARM'S TRAILER CRETE, Street Maint.	124.00
HENRY, MARK, Contract Services	54.00
HOLIDAY INN, Travel	130.00
HOME DEPOT, Supplies/Bldg & Grnds	59.90
HUNTEL, Contract Services	117.50
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	87.45
HY-VEE, Flowers	56.30
I.D. EDGE, Supplies	133.16
INDUSTRIAL SALES COMPANY, Bldg & Grnds	274.49
INFO USA, CD Rom	1,100.00
INLAND TRUCK PARTS, Vehicle Maint.	77.21
J Q OFFICE EQUIPMENT, Contract Services	262.45
JOHNSON HARDWARE, Bldg & Grnds	37.14
KERSTENS & LEE, Southport	55,726.06
KREIS, KELLIE, Refund	20.00
KRIHA FLUID POWER, Vehicle Maint.	5.80
KROGER, Supplies	75.52
KUSTOM SIGNALS, Supplies	111.00
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	7,275.00
LEAGUE OF NEBRASKA MUNICIPAL-, Dues	424.00
LINWELD, Supplies/Street Maint.	159.20
LOGAN CONTRACTORS SUPPLY, Street Maint.	40.78
LOU'S SPORTING GOODS, Supplies	151.44
LUEBBERT, RAY, Travel	264.00
LYMAN-RICHEY SAND & GRAVEL, Maintenance	185.51
METRO AREA TRANSIT, Senior Van/Contract Services	10,837.74
MIDWEST TURF & IRRIGATION, Bldg & Grnds	183.36
MOORE, WAYNE, Contract Services	54.00
MORRELL WATER SERVICES, Equip. Maint.	3,652.00
MULHALL'S, Bldg & Grnds	509.50

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NE LAW ENFORCEMENT, Travel/Training	410.00
NEBRASKA AIR FILTER, Bldg & Grnds	111.60
NEBRASKA TURF PRODUCTS, Supplies	195.00
NEBRASKALAND CONF BLDG OFFCL, Training	90.00
NEUMAN EQUIPMENT, Vehicle Maint.	38.00
OFFICE DEPOT, Supplies	303.39
OMAHA COMPOUND, Bldg & Grnds	11.26
OMAHA WINNELSON, Bldg & Grnds	115.70
OPPD, Utilities	33,703.75
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	320.58
PAYLESS, Supplies	21.17
PEPSI COLA, Concessions	530.00
POWER PLAN, Vehicle Maint.	65.69
PRECISION INDUSTRIES, Vehicle Maint.	82.53
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PSI PLASTIC GRAPHICS, Supplies	492.44
QUALITY BRANDS, Concessions	261.70
QWEST, Telephone	81.81
RAINBOW GLASS & SUPPLY, Bldg & Grnds	25.00
RAMIREZ, RITA, Travel	89.76
READY MIXED CONCRETE, Street Maint.	4,639.05
SAM'S CLUB, Concessions, Supplies	1,851.08
SARPY COUNTY CHAMBER OF, Travel	135.00
SARPY COUNTY LANDFILL, Bldg & Grnds	86.56
SCHILDHAUER, BARB, Books	41.95
STAPLES, Supplies	69.47
SUBURBAN NEWSPAPERS, Legal Advertising	806.39
TED'S MOWER SALES & SERVICE, Equipment	23.70
THOMPSON DREESSEN & DORNER, Professional Services	13,393.52
THREE RING ENTERPRISES, Vehicle Maint./Bldg & Grnds	880.00
TREADWAY GRAPHICS, Supplies	256.60
TURF SUPPLY COMPANY, Supplies	1,485.00
UAP DISTRIBUTION, Supplies	744.44
UNITED HEALTHCARE, Rescue Revenue	410.00
UNITED WAY OF THE MIDLANDS, Payroll Withholdings	60.00
UNIVERSITY OF NE LINCOLN, Training	15.00
UPS, Postage	10.89
UPSTART, Summer Reading Program	34.50
WASTE MANAGEMENT, Contract Services	893.14
WESTERN ENGINEERING, 84th Street	86,357.47
WULF, ANGELA, Repair	29.95
ZEE MEDICAL, Supplies	255.05
ZIMCO SUPPLY, Supplies	427.50
ZOCKLEIN & ASSOCIATES, Training	299.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Public Works Director Soucie reported to Council on the completion of the 84th street resurfacing project. He stated that some striping needs to be finished on side streets.

Soucie informed Council the City has received a mini grant of \$750 from the Sarpy/Cass County Health Department and has tentatively scheduled a tire recycling event for August 25, 2007.

Soucie informed Council that the Giles Road interstate signs have been change. He stated that I-80 locator signs have been requested from the State to install in the Southport area.

Soucie informed Council that since sign improvements on Giles Road, from 66th Street to 72nd Street, were completed; there has been no improvement in traffic compliance.

Library Director Iwan thanked the Council for allowing her to attend the National Library Conference in Washington D.C. The City received 20-25 free books. Iwan stated there were good ideas on teen activities. She stated that the conference was good, though the organization of the event was poor. Iwan thanked Valerie Russell for becoming a member of the Library Advisory Board.

PRESENTATION OF BADGES TO FIRE DEPARTMENT PERSONNEL – MIKE BOLEY, ROY FROELICH, JOSH GRIESEMER, KYLE JONES, AND BRAD QUEDENSLEY

Fire Chief Uhl introduced and presented badges to the following new full members of the La Vista Volunteer Fire and Rescue Department: Mike Boley, Roy Froehlich, Josh Griesemer, Kyle Jones, and Brad Quedensley

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**B. APPLICATION FOR REPLAT, FINAL PUD PLAN & AMENDMENT TO PUD ORDINANCE –
LOTS 1-4, SOUTHPORT EAST REPLAT NINE (SOUTHPORT PKWY. & EASTPORT PKWY.)
1. PUBLIC HEARING (CONTINUED FROM 6/19/07 MEETING) REQUEST TO CONTINUE**

Councilmember Sheehan made a motion to continue the public hearing for the Application for Replat, Final PUD Plan & Amendment to PUD Ordinance – Lots 1-4, Southport East Replat Nine (Southport Pkwy & Eastport Pkwy) until the August 7, 2007 meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

C. RESOLUTION – PURCHASE OF FIREFIGHTER BUNKER GEAR

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-069: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$8,500.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear for the Fire Department; and

WHEREAS, funds are provided in the FY 06/07 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; 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 authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$8,500.00.

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

D. RESOLUTION – AWARD OF CONTRACT – EASTERN NEBRASKA OFFICE ON AGING

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-070: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM.

WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of the Eastern Nebraska Office on Aging (ENOA); and

WHEREAS, the Mayor and City Council believe it is desirable to continue to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program.

Seconded by Councilmember Sell. Councilmember Sheehan asked if the Community Center could stay over the required 10 adults stated in the contract. Recreation Director Stopak stated that there has been no problem staying above that number. The City is trying to go to serving meals 5 days per week, but funding to ENOA is restricted. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. RESOLUTION – AMEND PERSONNEL POLICY AND PROCEDURES MANUAL

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 07-071: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 3, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING MEMBERSHIP IN THE VOLUNTEER FIRE DEPARTMENT.

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

WHEREAS, Subsection 3.7 is being proposed for change in the manual to delete the words "or membership in the Volunteer Fire Department".

WHEREAS, it is the desire of the City Council to amend Section 3, of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change submitted at the City Council meeting to Section 3 regarding membership in the La Vista Volunteer Fire Department.

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

F. RESOLUTION - APPROVE EXECUTION AND DELIVERY OF DESIGNATION OF FINAL RATES AND MATURITY SCHEDULE FOR ECONOMIC DEVELOPMENT FUND BONDS, SERIES 2007, IN THE STATED PRINCIPAL AMOUNT OF \$20,695,000 AND WITH A MAXIMUM INTEREST RATE OF 7.73%

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-072: A RESOLUTION OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION AND DELIVERY OF THE DESIGNATION OF FINAL RATES AND MATURITY SCHEDULE FOR THE ECONOMIC DEVELOPMENT FUND BONDS, SERIES 2007, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF \$20,695,000, INCLUDING FINAL INTEREST RATES VARYING FROM THOSE SET IN RESOLUTION 07-064.

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

Section 1. The Mayor and Council of the City of La Vista, Nebraska, hereby find and determine that pursuant to Resolution No. 07-064 (the "Bond Resolution") the City's Economic Development Fund Bonds, Series 2007, (the "Bonds") have been offered for sale and because of changes in interest market conditions, it is necessary and advisable for the Mayor and Council to approve the final rates and maturity schedule varying from the directions set under the Bond Resolution; that the final terms for the Bonds are set forth in the form of Designation of Final Rates and Maturity Schedule (the "Designation") presented at this meeting; that the Designation includes certain undertakings on the part of the City related to the sale and issuance of the Bonds and is in proper form and should be and is hereby approved.

Section 2. The officers of the City (or any one or more of them), including but not limited to the Mayor and the City Treasurer are hereby authorized to execute and deliver the Designation for and on behalf of the City.

Section 3. The terms of the Bond Resolution as modified by the final terms set forth in the Designation are hereby ratified and confirmed. This resolution is hereby determined to be a measure necessary to carry out the contractual obligations of the City relating to the issuance of bonds as provided for in the Master Agreement (as defined in the Bond Resolution) and shall be in force and take effect from and after its adoption, as provided by law.

Seconded by Councilmember Ellerbeck. City Administrator Gunn explained the language of the Resolution, and stated that Dan Smith of D.A. Davidson was in attendance to answer any questions. Councilmember Sheehan inquired as to whether the issue date on these bonds will be the same. Smith said the date will be the same on all of these bond issues. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Sell. Absent: None. Motion carried.

F1. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS WITH FOP AND PW COLLECTIVE BARGAINING UNIT

At 6:30 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest to discuss contract negotiations regarding the Fraternal Order of Police collective bargaining agreement and the Public Works Collective Bargaining Unit. Seconded by Councilmember Gowan. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion. Councilmembers voting aye:

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Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 7:06 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

G. CONDITIONAL USE PERMIT – HOME OCCUPATION (BEAUTY SALON) 9106 GROVE COURT

1. PUBLIC HEARING

At 7:07 p.m. Mayor Kindig stated the floor was now open for discussion on a Conditional Use Permit – Home Occupation (Beauty Salon) 9106 Grove Court.

Community Development Director Birch informed Council that she received a call late this afternoon from a property owner and was informed that the subdivision covenants do not allow a home occupation. Jina and Steve Sedlacek, the owners of the property, were in attendance to answer any questions. Mrs. Sedlacek addressed the council regarding the question of this business being allowed in their covenants. She stated there was no language prohibiting this and, although she knows the city does not enforce covenants, she brought a copy for the council to view if they so desired.

Mayor Kindig asked if anyone else in attendance desired to comment on the proposed Conditional Use Permit. No one came forward. Consequently, at 7:13 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmember Gowan asked if there was a limit of one appointment at a time, and was informed by Mrs. Sedlacek that this was correct and there will be no walk-ins and ample time between appointments in order to eliminate any chance of an overlap. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-073: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT TO JINA SEDLACEK TO LOCATE AND OPERATE A HOME OCCUPATION (BEAUTY SALON) AT 9106 GROVE COURT.

WHEREAS, Jina Sedlacek has applied for a conditional use permit for the purpose of locating and operating a Home Occupation (Beauty Salon) at 9106 Grove Court; 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 conditions identified within Section 7.10 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit for Jina Sedlacek to locate and operate a Home Occupation (Beauty Salon) at 9106 Grove Court.

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

H. APPLICATIONS FOR REPLAT AND ZONING TEXT AMENDMENT, SOUTHPORT EAST REPLAT TEN, LOTS 1 & 2 (PORT GRACE BLVD. & EASTPORT PARKWAY)

1. PUBLIC HEARING

At 7:14 p.m. Mayor Kindig stated the floor was now open for discussion on Applications for replat and Zoning Text Amendment, Southport East Replat Ten, Lots 1 & 2 (Port Grace Blvd. & Eastport Parkway). Brad Underwood, representing the applicant, was present to answer any questions.

Councilmember Sheehan asked what types of buildings were being considered. Mr. Underwood responded that the building would be ½ daycare and ½ would be leased out. Mayor Kindig questioned the installation of fencing. Community Development Director Birch responded that fencing requirements would be addressed with a conditional use permit.

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At 7:17 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. Absent: None. Motion carried

2. RESOLUTION – APPROVE APPLICATION FOR REPLAT

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-074: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1 AND 2, SOUTHPORT EAST REPLAT TEN, BEING A REPLATTING OF LOT 10B, SOUTHPORT EAST, A SUBDIVISION LOCATED IN THE EAST ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST 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 replat for the proposed Southport East Replat Ten Subdivision; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on June 21, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1 and 2, Southport East Replat Ten, being a replatting of Lot 10B, Southport East, a subdivision located in the East ½ of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of Port Grace Blvd. & Eastport Parkway be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. An additional full access point is proposed from Eastport Parkway. Review of the site distance for this access will require a site distance easement to ensure that landscaping or other site improvements do not obstruct this sight line.
3. A note shall be added to the plat as follows: "One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations.
4. No direct vehicular access will be allowed from either lot to Harrison Street.
5. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
6. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
7. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

BE IT FURTHER RESOLVED that a waiver of Section 4.15 of the Subdivision Regulations, regarding Design Standards, Lots, be granted subject to the following:

1. Access to Lot 1 shall be served by an access easement (see Plat note #5); and
2. Both Port Grace Blvd. and Eastport Parkway shall be utilized for vehicular access points via driveway connections between the lots in Replat Ten and Replat Four.

Seconded by Councilmember Quick. Councilmember Sheehan asked if the replat is to accommodate the daycare. Mr. Underwood stated the current split is for the daycare. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

3. ORDINANCE – APPROVE ZONING TEXT AMENDMENT

Councilmember Sell introduced Ordinance No. 1041 entitled: AN ORDINANCE TO AMEND SECTION 5.12.03 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.12.03 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 Gowan seconded the motion to suspend the rules and upon roll call

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vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: Sheehan. 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 Sell. Councilmember Sheehan stated he was not against the opening of a daycare, but was concerned that the amendment would allow for stand alone daycares. He feels the Council should be more restrictive in the future when considering businesses that would fit best in this area. The Mayor then stated the question was, "Shall Ordinance No.1041 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: Sell and Sheehan. 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.

I. APPLICATIONS FOR REZONING AND REPLAT, SOUTHPORT EAST REPLAT, SOUTHPORT EAST REPLAT ELEVEN, LOTS 1-3 AND OUTLOT A (EASTPORT PARKWAY & GILES RD)

1. PUBLIC HEARING

At 7:23 p.m. Mayor Kindig stated the floor was now open for discussion on Applications for Rezoning and Replat, Southport East Replat, Southport East Replat Eleven, Lots 1-3 and Outlot A (Eastport Parkway & Giles Rd.

There was no additional information presented by City staff. Ron Smith was in attendance to answer any questions.

At 7:24 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

2. ORDINANCE – APPROVAL OF REZONING

Councilmember McLaughlin introduced Ordinance No. 1042 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 moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1042 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

3. RESOLUTION – APPROVE APPLICATION FOR REPLAT

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-075: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1-3 AND OUTLOT A, SOUTHPORT EAST REPLAT ELEVEN, BEING A REPLATTING OF LOTS 1-3, SOUTHPORT EAST REPLAT SEVEN, A SUBDIVISION LOCATED IN THE EAST ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST 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 replat for the proposed Southport East Replat Eleven Subdivision; and

MINUTE RECORD

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July 17, 2007

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on June 21, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1-3 and Outlot A, Southport East Replat Eleven, being a replatting of Lots 1-3, Southport East Replat Seven, a subdivision located in the East ½ of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located east of Eastport Parkway & Giles Road be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
3. The plat needs to notate the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six.
4. No direct vehicular access will be allowed to Giles Road.
5. Pedestrian accesses from Eastport Parkway and between the lots shall be integrated into the design of each lot.
6. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
7. A revised drainage plan must be submitted.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor or Council.

ADJOURNMENT

At 7:24 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF AUGUST 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk