

**LA VISTA CITY COUNCIL  
MEETING  
August 7, 2007**

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 August 7, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney Cannella, 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, Street Superintendent Goldman, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on July 26, 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 AWARDS – BRENDA GUNN – 10 YEARS AND MARCIA SCHIPPER - 5 YEARS**

Mayor Kindig presented a certificate and pin to Brenda Gunn for 10 years of service to the City. Marcia Schipper was unable to attend the meeting.

**APPOINTMENT OF FIRE DEPARTMENT RECRUIT – TYLER GOWAN**

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Tyler Gowan as a Fire Department recruit. Fire Chief Uhl introduced Gowan and gave an overview of the upcoming year of training. Councilmember Carlisle motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Nays: None. Abstain: Gowan. Absent: None. Motion carried.

**A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. MINUTES OF THE JULY 17, 2007 CITY COUNCIL MEETING**
- 3. MINUTES OF THE JULY 16, 2007 CITY COUNCIL BUDGET WORKSHOP**
- 4. MINUTES OF THE JULY 17, 2007 CITY COUNCIL BUDGET WORKSHOP**
- 5. MINUTES OF THE JULY 18, 2007 CITY COUNCIL BUDGET WORKSHOP**
- 6. MINUTES OF THE JULY 19, 2007 PLANNING COMMISSION MEETING**
- 7. MINUTES OF THE APRIL 25, 2007 SAFETY COMMITTEE MEETING**
- 8. NEW FIRE STATION NO. 2**
- a. PAY REQUEST FROM CONSTRUCT, INC. FOR BUILDING CONSTRUCTION – \$56,650.40**
- 9. PAY REQUEST FROM E&A CONSULTING GROUP FOR SOUTHPOR**  
**T WEST PUBLIC IMPROVEMENTS - \$23,678.83**
- 10. PAY REQUEST NO. 2 FROM WESTERN ENGINEERING COMPANY, INC. FOR 84TH**  
**STREET RESURFACING - \$409,874.26**
- 11. FINAL PAY REQUEST FROM KERSTENS & LEE, INC. FOR SOUTHPOR**  
**WEST OUTFALL SEWER NO. 2 - \$24,767.44**
- 12. PAY REQUEST FROM FELSBURG, HOLT & ULLEVIG FOR QUIET ZONE STUDY –**  
**\$705.00**
- 13. PAY REQUEST FROM WATER'S EDGE AQUATIC DESIGN, LLC FOR SWIMMING**  
**POOL CONCEPT PLAN - \$1,168.30**
- 14. APPROVAL OF CLAIMS**

Councilmember Carlisle made a motion to approve the consent agenda as presented. Seconded by Councilmember Ellerbeck. Councilmember Gowan reviewed the claims for this period and reported that he found everything to be in order. Councilmember Sheehan questioned the payment to Water's Edge. City Administrator Gunn replied that this was the final payment for the pool concept plan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Vehicle Supplies	861.40
ADT SECURITY SERVICES, Contract Services	216.27
ALEX, MARY, Travel/Deferred Revenue	861.76
AMSAN, Supplies	446.76
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	38.04
AQUA-CHEM, Supplies	185.25
AQUILA, Utilities	1,443.12
ARAMARK UNIFORM, Contract Services	286.34
ASPHALT & CONCRETE MATERIALS, Street Maint.	489.06
BAKER & TAYLOR BOOKS, Books	1,907.04
BARNHARDT, JACQUELINE, Summer Reading Program	115.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	380.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	692.41
BENSON RECORDS MANAGEMENT, Contract Services	50.30
BENSON, ISAAC, Contract Services	350.00
BIRCH, ANN, Auto Allowance	50.00
BLEACH, LARRY, Contract Services	30.00
BOARD OF EXAMINERS-CTY HWY, Dues	50.00
BRODART, Books	223.28
BUCKLEY, BOB, Refund	110.00
BUETHE, PAM, Auto Allowance/Vehicle Maint./Travel	192.11
BURT, STACIA, Refund	20.00
CARL JARL LOCKSMITHS, Keys	33.30
CARPENTER, PHILLIP, Refund	17.95
CAVE, TOM, Contract Services	18.00
CENTER POINT PUBLISHING, Books	78.48
CENTRAL COMM COLLEGE-GR ISLAND, Training	75.00
CIACCIO ROOFING, Re-Roofing	28,720.00
CITY OF RALSTON, Contract Services	2,065.44
CLARK, WILLIAM, Contract Services	36.00
CLUB CONVENTION CENTER, Deposit	600.00
COMP CHOICE, Professional Services	1,365.00
CORBIT, JEFF, Auto Allowance	100.00
CORPORATE CYCLING CHALLENGE, Fees	72.00
COX COMMUNICATIONS, Contract Services	43.95
DANKO EMERGENCY EQUIPMENT, Vehicle Maint.	234.12
DATA TECHNOLOGIES, Contract Services	14.00
DE LAGE LANDEN FINANCIAL, Contract Services	314.00
DIAMOND VOGEL PAINTS, Street Maint.	148.05
DIAMONDS GROUNDSKEEPER, Equipment	140.00
DISPLAY SALES, Bldg & Grnds	316.50
DON'S PIONEER UNIFORMS, Wearing Apparel	436.49
DULTMEIER SALES & SERVICE, Equipment	42.42
ED M. FELD EQUIPMENT, Wearing Apparel	286.00
EDGEWEAR SCREEN PRINTING, Supplies	454.50
ERICKSON, RANDALL, Auto Allowance	100.00
ET & T DISTRIBUTORS, Furniture	2,160.76
EXCEL PHYSICAL THERAPY, Professional Services	50.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Supplies/Bldg & Grnds	71.37
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	30.40
FIREGUARD, Maintenance	221.33
FISHER EQUIPMENT, Street Maint.	474.97
FITZGERALD SCHORR BARMETTLER, Professional Services	13,531.84
GALL'S, Wearing Apparel	288.98
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	656.83
GLENWOOD PONY LEAGUE, Tournament	500.00
GOLDMAN, JOHN, Telephone	40.00
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	2.98
HANEY SHOE STORE, Wearing Apparel	477.85
HD SUPPLY WHITE CAP CONSTR., Street Maint.	149.00
HEIMES, Street Maint.	327.52
HELGET GAS, Squad Supplies	102.00
HENRY, MARK, Contract Services	36.00
HIGHSMITH, Supplies	298.60
HONEYMAN RENT-ALL, Tent	136.25

HOTSY EQUIPMENT, Vehicle Maint.	642.80
HUNTEL, Equipment	123.60
HY-VEE, Supplies	137.63
INDUSTRIAL SALES COMPANY, Bldg & Grnds/Street Signs	500.60
INTERNATIONAL CODE COUNCIL, Dues/Books	164.50
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies	566.82
JOHNSON HARDWARE, Bldg & Grnds-	7.14
KINDIG, DOUGLAS, Telephone/Auto Allowance	180.00
KLINKER, MARK, Professional Services	200.00
KRIHA FLUID POWER, Vehicle Maint.	5.64
KROGER, Supplies	43.04
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	257.00
LA VISTA KENO, Refund	255.00
LAMP RYNEARSON/ASSOCIATES, Professional Services	237.88
LANDS' END. City Picnic	446.95
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEE VERNON STUDIO, Equipment	300.00
LIFE ASSIST, Squad Supplies	495.81
LINWELD, Supplies	118.19
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	497.10
LOU'S SPORTING GOODS, Equipment	201.75
LUKASIEWICZ, BRIAN, Telephone	40.00
M & M PORTABLES, Bldg & Grnds/Rentals	598.00
MARTIN MARIETTA, Bldg & Grnds	130.02
MAX DAVIS PRODUCTIONS, Books	14.99
MCFADDEN, PAUL, Books	7.95
MELVIN SUDBECK HOMES, Refund	947.00
METROPOLITAN COMMUNITY COLLEGE, Utilities/Contract Services	9,849.16
MID AMERICA PAY PHONES, Telephone	150.00
MID CON SYSTEMS, Equipment	322.79
MID-AMERICA COCA-COLA BOTTLING, Concessions	195.00
MIDLANDS COMMUNITY HOSPITAL, Dues	150.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	122.18
MIDWEST LABORATORIES, Contract Services	32.00
MILLER BRANDS, Concessions	164.50
MILLER PRESS, Printing	280.00
MONARCH OIL, Street Maint.	438.00
MOORE, WAYNE, Contract Services	18.00
MUD, Utilities	7,041.80
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	58.53
NE DEPT OF REVENUE-LOTT/5, Lottery Tax	65,588.74
NE MIDGET FOOTBALL LEAGUE, Fees	2,250.00
NE NATIONAL BANK, Cart Lease	660.00
NE REGIONAL LIBR SYSTEM, Training	200.00
NE U C FUND, Insurance	3,372.00
NEXTEL, Telephone	1,059.00
NOBBIES, City Picnic	38.42
OFFICE DEPOT, Supplies	851.12
OMAHA COMPOUND, Bldg & Grnds/Equipment	239.11
OMAHA SLINGS, Bldg & Grnds	134.14
ON YOUR MARKS, Printing	377.25
PAPILLION SANITATION, Contract Services	214.60
PAPILLION TIRE, Vehicle Maint.	70.65
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	480.87
PAYLESS, Supplies	21.17
PEPSI COLA, Concessions	447.00
PHILLIPS, LAURA, Refund	25.00
PREMIER-MIDWEST BEVERAGE, Concessions	102.30
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROPERTY SERVICES, Bldg & Grnds	313.00
QUALITY BRANDS, Concessions	282.75
QUILL CORPORATION, Supplies	71.98
QWEST, Telephone	2,386.14
RACOM CORPORATION, Equipment	28.10
READY MIXED CONCRETE, Street Maint.	1,580.06
RECREATION SUPPLY, Bldg & Grnds	103.02
REED, MITCH, Contract Services	100.00

August 7, 2007

ROCKBROOK CAMERA & VIDEO, Supplies	39.95
RUHGE, RANDY, Travel	98.00
SAFETY-KLEEN, Contract Services	363.91
SAPP BROS PETROLEUM, Vehicle Supplies	971.65
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SARPY COUNTY TREASURER, Contract Services	12,075.00
SCHUSTER, KEVIN, Contract Services	385.00
SID 195 - MAYFAIR, 2nd Qtr Sewer Connection	1,320.00
SID 200 - SOUTHWIND, 2nd Qtr Sewer Connection	660.00
SMITH, MELANIE, Auto Allowance	100.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,320.00
SOUCIE, JOSEPH, Telephone	30.00
SPRINT, Telephone	107.72
STAPLES, Supplies	315.19
STATE TROOPERS ASSN, Training	130.00
STERIL MANUFACTURING, Repair	75.00
STETSON BUILDING PRODUCTS, Street Maint.	901.20
STEVENS, MARK, Travel	44.00
SUPERIOR LAMP, Bldg & Grnds	128.95
SUTPHEN, Vehicle Maint.	1,000.00
TARGET BANK, City Picnic	162.05
TED'S MOWER SALES & SERVICE, Repair	314.66
THIELE GEOTECH, Traffic Signals	455.00
THOMPSON DREESSEN & DORNER, Professional Services	27,541.36
THOMSON GALE, Books	44.93
TRUGREEN-CHEMLAWN, Contract Services	3,505.95
TURFWERKS, Bldg & Grnds/Vehicle Maint.	146.92
UAP DISTRIBUTION, Supplies	419.00
UNITED SEEDS, Maintenance	75.00
US POSTAL SERVICE, Postage	900.51
VERIZON, Telephone	65.86
VIERREGGER ELECTRIC, Street Maint./Bldg & Grnds	365.50
VIERS, STEVE, Auto Allowance	100.00
VITALSIGNS, Printing	320.00
WAL-MART, Supplies/Equipment	548.56
WASTE MANAGEMENT, Contract Services	538.45
WILDER, JONI, Auto Allowance	33.00
WINGATE INNS, Travel	702.00

#### **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

City Clerk Buethe reported that Mayor Kindig attended a presentation Saturday at the Sarpy County Fair for the 150th Birthday Celebration of Sarpy County. At this event, they auctioned off 4 more of the designed benches. A total of 43 benches were sold during this year. Each group that purchased a bench was recognized and presented with a picture of their bench, which was shown to Council.

Recreation Director Stopak informed the Mayor and Council that senior program attendance numbers were put in their mailboxes. He stated the golf rounds in July 2007 are 1100 over the number in July 2006. The golf course will begin reduced hours on August 13, 2007.

Library Director Iwan reported on the Summer Reading Program. She informed Council that 291 participants read at least 5 hours each. The total hours read were 40,925.

#### **B. FISCAL YEAR 07/08 MUNICIPAL BUDGET**

##### **1. PUBLIC HEARING**

At 7:08 p.m. Mayor Kindig stated the floor was now open for discussion the Fiscal Year 07/08 Municipal Budget.

At 7:08 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

#### **2. APPROPRIATIONS ORDINANCE – FIRST READING**

Councilmember Carlisle introduced Ordinance No. 1043 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY,

NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Quick made a motion to approve Ordinance No. 1043 on its first reading and pass it on to a second reading. Seconded by Councilmember Gowan. Councilmember McLaughlin stated that he would like to see any revenues received over the budgeted amount up to \$150,000.00 to pay off the golf course bond debt after 3 or 4 years. Councilmember Sheehan stated the money received over the budgeted amount would be held. Mayor Kindig asked if they would continue to hold that money if the investment was earning greater than the interest on the bond. Councilmember McLaughlin said the plan would be to pay off the debt in 4 years and his intent is to earmark this extra money beginning in the current budget toward retirement of the debt. Councilmember McLaughlin would like to have staff prepare a resolution for the August 21<sup>st</sup> meeting with the proposal to earmark money up to \$150,000.00 to be used to pay off the golf course bond and to pay off the debt after 4 years. Councilmember Gowan asked what would happen if the City Administrator requested money from that fund for an unforeseen expense. Councilmember Sheehan stated that the Council would have to decide. Councilmember Gowan stated that he is in opposition to the resolution because he has faith in staff to make solid fiscal decisions and to give Council the information needed to approve these decisions. Mayor Kindig asked for a consensus from council as to whether they want staff to prepare a resolution. The consensus of council was not to prepare a resolution. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. Nays: Sheehan and McLaughlin. Absent: None. Motion carried.

### **3. MASTER FEE ORDINANCE – FIRST READING**

Councilmember Carlisle introduced Ordinance No. 1044 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1024, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle made a motion to approve Ordinance No. 1044 on its first reading and pass it on to a second reading. Seconded by Councilmember Gowan. Councilmember Sheehan asked if the City had received any input from builders. City Administrator Gunn stated the City has not contacted any builders. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **C. RESOLUTION - ANNEXATION - SID NO. 198 (VAL VERDE), SID NO. 200 (SOUTHWIND), TAX LOT 6B NW ¼ 15-14-12 & PART OF THE HARRISON ST. ROW**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-076: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA STATING THAT THE CITY OF LA VISTA IS CONSIDERING THE ANNEXATION OF SID NO.198, VAL VERDE, AND SID NO. 200, SOUTHWIND, VILLAS AT SOUTHWIND, SOUTHWIND TWO AND WINDSTONE, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN THE NW ¼ OF THE NW ¼ OF SECTION 15, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF THE HARRISON STREET RIGHT-OF-WAY FROM 69<sup>TH</sup> STREET EAST TO 96<sup>TH</sup> STREET; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED, AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

August 7, 2007

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

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

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

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

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

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

HARRISON STREET RIGHT-OF-WAY AND 96<sup>TH</sup> STREET RIGHT-OF-WAY IN THE NW  $\frac{1}{4}$  OF SAID SECTION 15 ADJOINING SAID TAX LOT 6B AND SAID SOUTHWIND TWO;

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

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

TOGETHER WITH

96<sup>TH</sup> STREET RIGHT-OF-WAY IN THE SW ¼ OF SAID SECTION 15 LYING NORTH OF GILES ROAD AND ADJOINING SAID SOUTHWIND, SAID WINDSTONE AND SAID SOUTHWIND REPLAT 2;

TOGETHER WITH

96<sup>TH</sup> STREET RIGHT-OF-WAY LYING IN THE NE ¼ AND THE SE ¼ OF SECTION 16, T14N, R12E OF THE 6<sup>TH</sup> P.M., IN SAID SARPY COUNTY LYING NORTH OF GILES ROAD AND EAST OF CIMARRON WOODS, MAYFAIR, MAYFAIR REPLAT 1 AND MAYFAIR 2<sup>ND</sup> ADDITION REPLAT 1, ALL SUBDIVISIONS IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE ¼ OF THE NW ¼ OF SECTION 15, T14N, R12E OF THE 6<sup>TH</sup> P.M. SARPY COUNTY, NEBRASKA, ADJOINING APPLE GROVE, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NW ¼ OF THE NE ¼ OF SECTION 15, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, ADJOINING PARKVIEW HEIGHTS 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH

THAT PART OF THE HARRISON STREET RIGHT-OF-WAY IN THE NE ¼ OF THE NE ¼ OF SECTION 15, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, AND IN THE NW ¼ OF THE NW ¼ OF SECTION 14, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, attached to this resolution as Exhibit A and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk, located at 8116 Park View Boulevard, La Vista, Nebraska.
3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 28<sup>th</sup> day of August, 2007, at the hour of 7:00 p.m. in the Council Chambers of the City of La Vista located at 8116 Park View Boulevard, La Vista, Nebraska.
4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.
5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
6. That a copy of this Resolution be forwarded to the Planning Commission for recommendation following its passage.

Seconded by Councilmember McLaughlin. Mayor Kindig stated that if the Council approves this resolution, it is authorizing the staff go ahead with annexation plans. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

**D. 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 7/17/07 MEETING)**

Mayor Kindig stated the floor was still open for discussion on an Application For Replat & Final Pud Plan & Amendment To Pud Ordinance – Lots 1-4, Southport East Replat Nine (Southport Pkwy. & Eastport Pkwy.)

At 7:40 p.m. Councilmember Ellerbeck 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**

August 7, 2007

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-077: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1-4, SOUTHPORT EAST REPLAT NINE, BEING A REPLATTING OF LOTS 1 AND 2, SOUTHPORT EAST REPLAT SIX, A SUBDIVISION LOCATED IN PART OF THE SOUTHEAST  $\frac{1}{4}$  OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> 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 Nine Subdivision; and

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

WHEREAS, on May 17, 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 1-4 Southport East Replat Nine, being a replatting of Lots 1 and 2, Southport East Replat Six, a subdivision located in part of the South  $\frac{1}{4}$  of Section 18, Township 14 North, Range 12 East of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska, generally located southwest of Southport Parkway & 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 other certification that all lot corners will be pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. Approval from the FAA is required prior to the issuance of a building permit on any of the lots.
3. A satisfactory landscape plan is required to be submitted for the revised median landscaping.

BE IT FURTHER RESOLVED that approval is subject to the Developer's execution and delivery to City of the following in form satisfactory to the city attorney and city engineer:

1. Subdivision agreement; and
2. Restrictive covenants.

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

#### **E. RESOLUTION – NINTH AMENDMENT TO SUBDIVISION AGREEMENT – SOUTHPORT EAST REPLAT NINE**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-078: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE NINTH AMENDMENT TO THE SUBDIVISION AGREEMENT FOR SOUTHPORT EAST REPLAT NINE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on August 7, 2007, approve the plat for Lots 1-4, Southport East Replat Nine; and

WHEREAS, the owners have agreed to execute a Subdivision Agreement satisfactory in form to the City Attorney and City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Ninth Amendment to the Subdivision Agreement presented at the August 7, 2007, City Council meeting for Southport East Replat Nine be, and hereby is 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 Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

#### **F. AMENDMENT TO PUD PLAN – SOUTHPORT EAST REPLAT SIX & SOUTHPORT EAST REPLAT NINE (SE OF GILES RD. & SOUTHPORT PKWY)**

##### **1. PUBLIC HEARING**

At 7:43 p.m. Mayor Kindig stated the floor was now open for discussion on an Amendment To Pud Plan – Southport East Replat Six & Southport East Replat Nine (Se Of Giles Rd. & Southport Pkwy).

At 7:44 p.m. Councilmember Mc Laughlin made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## **2. ORDINANCE – AMEND PUD PLAN**

Councilmember McLaughlin introduced Ordinance No. 1045 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE NO. 1019 BY REPEALING THE FINAL PUD DEVELOPMENT PLAN ON FILE IN THE OFFICE OF THE CITY CLERK; ESTABLISHING NEW STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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, 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 Ellerbeck. Councilmember Sheehan asked why paragraph C had policy information removed from the agreement. Community Development Director Birch stated that the information in paragraph C is in the City Code and therefore does not need to be in this document. The Mayor then stated the question was, "Shall Ordinance No.1045 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.

## **G. RESOLUTION - CONSENT AND ACKNOWLEDGEMENT - FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS & RESTRICTIONS (SOUTHPORT EAST)**

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-079: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE THE CONSENT AND ACKNOWLEDGEMENT TO THE AMENDMENT OF DECLARATIONS FOR LOTS 1-10, SOUTHPORT EAST REPLAT SIX.

WHEREAS, Section 9.18 of the Declaration of Easements, Covenants and Restrictions for Lots 1-3, Southport East Replat Two, replatted as Lots 1-10, Southport East Replat Six, requires any modifications to the terms be approved by the City; and

WHEREAS, the City has reviewed the proposed First Amendment to the Declaration of Easements, Covenants and Restrictions and finds no legal impediment to the City's approval of the amendments as proposed.

NOW THEREFORE, BE IT RESOLVED, that the First Amendment to the Declaration of Easements, Covenants and Restrictions for Lots 1-10, Southport East Replat Six as presented at the August 7, 2007 City Council meeting be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute the Consent and Acknowledgement to Amendment of Declarations 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **H. RESOLUTION - INTERLOCAL COOPERATION AGREEMENT - LOT 242, PORTAL RIDGE SUBDIVISION**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-080: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SANITARY AND IMPROVEMENT DISTRICT NO. 276 OF SARPY COUNTY, NEBRASKA CONCERNING THE

August 7, 2007

PURCHASE OF LOT 242, PORTAL RIDGE, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, Sanitary and Improvement District No. 276 is proposing to purchase Lot 242, Portal Ridge, from the developer, Portal Ridge Development, LLC; and

WHEREAS, the purchase of the lot is necessary for the future expansion of the City's Public Works Facility or other public use; and

WHEREAS, the Sanitary and Improvement District is willing to acquire and hold the property pending future annexation by the City.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with Sanitary and Improvement District No. 276 of Sarpy County, Nebraska, concerning the purchase of Lot 242, Portal Ridge, 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

**I. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT FOR SPECIAL SERVICES BUS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-081: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF RALSTON, NEBRASKA REGARDING THE SPECIAL SERVICES BUS.

WHEREAS, the cities of Ralston and La Vista currently provide bus service to the elderly and handicapped residents of their respective cities; and

WHEREAS, said bus service is currently provided via the Ralston/La Vista Special Services Buses which are provided, in part, through State and Federal funding; and

WHEREAS, Ralston and La Vista executed an interlocal agreement in 1990 to jointly share in the cost of providing bus service to the elderly and handicapped residents of the cities and wish to continue to provide this service jointly; and

WHEREAS, the existing interlocal agreement was in need of updating and clarification.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with the City of Ralston, Nebraska regarding the Special Services Bus Program, 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

**J. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT FOR PUBLIC WORKS EQUIPMENT SHARE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-082: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF PAPILLION, NEBRASKA REGARDING THE SHARING OF PUBLIC WORKS EQUIPMENT.

WHEREAS, the cities of Papillion and La Vista currently jointly own several pieces of public works equipment and on various occasions share other pieces of individually owned public works equipment; and

WHEREAS, the cities have agreed that it is in their best interest to continue the practice of sharing public works equipment; and

WHEREAS, the parameters of sharing of said equipment have been outlined in an interlocal agreement.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Cooperation Agreement with the City of Papillion, Nebraska regarding the sharing of Public Works equipment, 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 Carlisle asked if there has always been an interlocal agreement. City Administrator Gunn responded that there has never been a formal agreement to share. Assistant City Administrator Ramirez stated that there had been formal agreements for purchase of a 50/50 split on equipment, but not on sharing of equipment. Councilmember Sheehan asked if we purchased equipment with the intent to share. Councilmember Gowan stated equipment is shared at the Golf Course and it works very well. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

**K. ECONOMIC DEVELOPMENT PROGRAM - JOHN Q. HAMMONS HOTEL/CONFERENCE CENTER**

**1. RESOLUTION - APPROVING CONSTRUCTION AGREEMENT, CONTRACTOR AND INSURANCE**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-083: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PURSUANT TO THE CITY OF LA VISTA ECONOMIC DEVELOPMENT PROGRAM AND MASTER DEVELOPMENT AGREEMENT FOR THE JOHN Q. HAMMONS HOTEL AND CONFERENCE CENTER PROJECT IN SOUTHPORT WEST APPROVING: INSURANCE COVERAGES, SELECTION OF THE CONTRACTOR, AND THE CONSTRUCTION CONTRACT; AND TO AUTHORIZE FURTHER ACTIONS.

WHEREAS, the City of La Vista entered into a Master Development Agreement with John Q. Hammons and certain affiliated parties for the hotel and conference center project in Southport West ("the Project") dated May 1, 2007; and

WHEREAS, the Master Development Agreement sets forth the following conditions to be fulfilled to the satisfaction of the Mayor and City Council:

1. Required insurance coverages obtained;
2. Selection of competent contractor authorized to do business in Nebraska to construct the Project; and
3. Acceptable contract for construction of Project.

WHEREAS, a separate complete set of construction documents is presented at this meeting and incorporated into this Resolution by this reference for the Embassy Suites Hotel and Conference Center, each set of which contains the following titled documents:

1. Guaranteed Maximum Price Construction Agreement;
2. General Conditions of the Contract for Construction; and
3. Supplemental General Conditions of the Contract for Construction

("Construction Contracts"). Also presented at this meeting is a Certificate of Insurance (showing coverages and the City as an additional named insured).

NOW THEREFORE, BE IT RESOLVED that:

1. Insurance coverages described in the Certificate of Insurance presented at this meeting are hereby approved, subject to resolution of the following to the satisfaction of the Program Administrator of the La Vista Economic Development Program: obtaining and maintaining from time to time such other coverages as required by the Master Development Agreement and not provided for in the Certificate of Insurance.
2. Selection of KCC Contractor, Inc. as contractor for construction of the Project is hereby ratified, affirmed and approved, subject to resolution of the items specified in "3" following with respect to the Construction Contracts to the satisfaction of the Program Administrator.
3. The Construction Contracts are hereby ratified, affirmed and approved, subject to resolution of the following to the satisfaction of the Program Administrator:
  - Construction contracts for the Marriott Courtyard hotel satisfactory to the Program Administrator;

August 7, 2007

- Final completion and acceptance of the work; and
- Addition of required non-discrimination provisions for the contractor and sub-contractors.

BE IT FURTHER RESOLVED that the Mayor and City Council authorize the Program Administrator to obtain such further information, assurances, or certifications from John Q. Hammons, KCC Contractor, Inc., and other persons as the Program Administrator determines necessary and appropriate to carry out the actions approved herein or to ensure performance of all the terms and conditions of the Master Development Agreement.

BE IT FURTHER RESOLVED that the actions taken herein shall not constitute satisfaction or waiver of any ongoing or other terms, conditions, or other requirements of the Master Development Agreement, and all such terms, conditions, and requirements shall remain in effect and enforceable.

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

**2. RESOLUTION - APPROVING EASEMENT FOR COURTYARD/CONFERENCE CENTER CONNECTOR**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE AN EASEMENT DOCUMENT TO BE INCLUDED WITH THE DOCUMENTS FOR THE GRANT AND LOAN TO JOHN Q. HAMMONS UNDER THE CITY OF LA VISTA ECONOMIC DEVELOPMENT PROGRAM AND TO AUTHORIZE FURTHER ACTIONS

WHEREAS, the City of La Vista and John Q. Hammons, individually, John Q. Hammons, Trustee of the Revocable Trust Of John Q. Hammons, Dated December 28, 1989, As Amended And Restated, JQH-La Vista RI Development, LLC, JQH-La Vista CY Development, LLC, JQH-La Vista III Development, LLC, and JQH-La Vista Conference Center Development, LLC (collectively the "JQH Affiliated Parties") entered into a Master Development Agreement for the hotel and conference center project in Southport West ("the Project") dated May 1, 2007 and on file with the City Clerk; and

WHEREAS, as part of the Project, a covered walkway will be constructed connecting the conference center and Marriott Courtyard hotel ("the Covered Walkway");

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of La Vista hereby make the following findings and determinations:

The Agreement for Reciprocal Easements, which addresses the Covered Walkway, is presented at this meeting, incorporated into this Resolution by this reference, and hereby approved by the Mayor and City Council, subject to any additions and modifications as the Program Administrator of the La Vista Economic Development Program determines necessary or appropriate in consultation with the City Attorney.

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

**L. RESOLUTION - CLASS D LIQUOR LICENSE - FANTASY'S, INC. DBA SOUTHPORT FANTASY'S 7828 S. 123RD PLAZA**

**1. PUBLIC HEARING**

At 7:53 p.m. Mayor Kindig stated the floor was now open for discussion on a Class D Liquor License - Fantasy's, Inc. dba Southport Fantasy's 7828 S. 123rd Plaza.

At 7:53 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

**2. RESOLUTION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-085: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION OF FANTASY'S, INC. DBA SOUTHPORT FANTASY'S, LA VISTA, NEBRASKA.

WHEREAS, Fantasy's, Inc. dba Southport Fantasy's, 7828 S. 123rd Plaza, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class D Liquor License application submitted by Fantasy's, Inc. dba Southport Fantasy's.

Seconded by Councilmember Ellerbeck. Councilmember Sheehan asked the opening date for the store. John Spaustat, representing Fantasy's Inc. responded that the business would be opening the first week in October. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

#### **M. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS**

##### **1. PUBLIC HEARING**

At 7:55 p.m. Mayor Kindig stated the floor was now open for discussion on a Special Assessment for Property Improvements.

At 7:55 p.m. Councilmember Ellerbeck 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**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
Lot 153/Southwind \$895.89  
were notified to clean up their property as they were in violation of the City of La Vista's Municipal Code, Section 133.01 and 150.54, or the City would do so and bill them accordingly, and

WHEREAS, the property owner of said address chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owner a bill for said clean up which has not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the property specified above, located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. Councilmember Gowan asked about the presence of cats in a yard. City Administrator Gunn replied that the Nebraska Humane Society can be called if there is an ordinance violation. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

#### **N. JOB DESCRIPTIONS – RECREATION PROGRAM COORDINATOR AND UPDATES**

Councilmember Ellerbeck moved for the adoption of the job description of Recreation Program Coordinator and Updates. Seconded by Councilmember Carlisle. Councilmembers voting aye:

August 7, 2007

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

Councilmember Gowan made a motion to move "Comments from the Floor" up on the agenda ahead of Item O, "Executive Session". Seconded by Councilmember Ellerbeck. 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.

#### **O. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS WITH FOP AND PW COLLECTIVE BARGAINING UNIT**

At 7:58 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 Sell. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 8:17 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Sheehan. 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.

#### **COMMENTS FROM MAYOR AND COUNCIL**

Mayor Kindig reminded Council and Department Heads to RSVP to Mary for the August 23rd Hampton Inn Grand Opening by August 15th.

Mayor Kindig reminded Council to RSVP to Mary for the August 25th Sarpy Community YMCA 2007 Strong Kids Campaign Dinner & Auction by August 8th.

Councilmember Gowan commented on the credit given to the past administrator and Council for being the first in design changes in the Sunday Omaha World Herald Circular "Omaha by Design".

Councilmember Sell asked about inspections on the bridges. Street Superintendent stated that bridges are inspected every two years and that not are built like the one in Minneapolis.

Mayor Kindig stated there will be one elected official attending the League of Cities in New Orleans.

#### **ADJOURNMENT**

At 8:22 p.m. Councilmember Carlisle 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 21ST DAY OF AUGUST 2007.

CITY OF LA VISTA

ATTEST:

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

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