

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING July 18, 2006

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on July 18, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: City Administrator Gunn. Also in attendance were City Attorney McKeon, City Clerk Ramirez, Finance Director Lindberg, Library Director Schinker, Recreation Director Stopak, Fire Chief Schuster, Police Chief Lausten, City Engineer Kottmann, Building and Grounds Director Archibald, Public Works Director Soucie, and Deputy City Clerk Lupomech.

A notice of the meeting was given in advance thereof by publication in the Times on July 6, 2006. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

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

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

### PRESENTATION OF BADGES TO NEW MEMBERS OF FIRE DEPARTMENT – WARREN BERTSCH, DAN BURAS, PAT ECCLES, MIKE SHANEYFELT, JOEL TYNER AND JOE WIEBOLD

Mayor Kindig and Fire Chief Schuster presented badges to the new members of the La Vista Volunteer Fire Department. Family members pinned on the badges during the presentation. Mayor Kindig commended the new members on their dedication and stated the new members had gone through a year of training prior to becoming official members of the Fire Department.

### PROCLAMATION – NATIONAL NIGHT OUT

Mayor Kindig presented a proclamation for National Night Out on August 1, 2006 to Police Chief Lausten.

### CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JULY 5, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE JUNE 28, 2006 SAFETY COMMITTEE MEETING
4. PAY REQUEST FROM E & A CONSULTING FOR PROFESSIONAL SERVICES –  
SOUTHPORT WEST IMPROVEMENTS - \$20,786.05
5. PAY REQUEST FROM FGM ARCHITECTS FOR PROFESSIONAL SERVICES – FIRE  
STATION NO. 2 AND FURNITURE, FIXTURES & EQUIPMENT FOR FIRE STATION NO. 2 (2  
INVOICES) - \$16,314.42
6. PAY REQUEST FROM CONSTRUCT, INC. FOR FIRE STATION NO. 2 - \$436,311.46
7. PAY REQUEST FROM ANDRUS ENTERPRISES FOR PARKING DISTRICT NO. 1 GROUP  
A - \$224,887.83
8. PAY REQUEST FROM THOMPSON DREESSEN & DORNER FOR PROFESSIONAL  
SERVICES – PARKING DISTRICT NO. 1, PHASE I - \$21,110.83
9. FINAL AUDIT AND OTHER PROFESSIONAL FEES FOR SID 253 SOUTHPORT WEST
  - a. RIEGE'S RECORDS - \$60.00
  - b. LUTZ & COMPANY (2 INVOICES) - \$3,550.00
10. FINAL AUDIT AND OTHER PROFESSIONAL FEES FOR SID 218 SOUTHPORT EAST
  - a. RIEGE'S RECORDS - \$75.00
  - b. LUTZ & COMPANY (2 INVOICES) - \$4,800.00
11. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda as presented. Seconded by Councilmember McLaughlin. 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.

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AMERICAN FENCE, Pool, Bldg & Grnds	185.97
AMERICAN MARKING, Bldg & Grnds	199.29
AMERICAN PLANNING, Dues	695.00
ANDERSON FORD, Vehicle Maint.	316.11
ANDERSON INDUSTRIAL ENGINES, Vehicle Maint.	60.50
AQUA-CHEM, Supplies	136.50
AQUILA, Utilities,	69.95
ARAMARK UNIFORM, Contract Services	144.33
ASPHALT & CONCRETE MATERIALS, Street Maint.	371.33
ASSOCIATED FIRE PROTECTION, Contract Services	321.00
AUTO GLASS CENTER, Vehicle Maint.	19.72
BAKER & TAYLOR BOOKS, Books	956.46
BENNINGTON IMPLEMENT, Vehicle Maint.	55.69
BETTER BUSINESS EQUIPMENT, Contract Services	93.12
BRADFORD, CARLOS, Contract Services	18.00
BRENTWOOD AUTO WASH, Vehicle Maint.	114.00
BUILDERS SUPPLY, Bldg & Grnds	154.50
CARDMEMBER, Travel, Prof. Services, Contract Services, Training	9,409.67
CARPENTER UNIFORM & PROMOTIONS, Wearing Apparel	407.52
CATERPILLAR CLAAS AMERICA, Southport	12,398.85
CHIEF SCHOOL BUS SERVICE, Travel	139.50
CITY OF RALSTON, Contract Services	3,187.23
CJ'S HOME CENTER, Bldg & Grnds	1,114.38
COCA-COLA, Concessions	223.40
CONTROL MASTERS, Bldg & Grnds	62.00
CORNHUSKER INTL, Vehicle Maint.	61.87
COX, Contract Services	61.08
CRANE, RAY, Travel	308.00
DEMCO, Supplies	175.46
DOBESH, MISTY, Recreation Refund	45.00
DOUGLAS COUNTY SHERIFF, Contract Services	50.00
DULTMEIER SALES & SERVICE, Bldg & Grnds	22.74
EDGEWEAR SCREEN PRINTING, Supplies	437.50
ELECTRONIC ENGINEERING, Vehicle Maint.	422.93
EMS BILLING SERVICES, Rescue Revenue	1,279.17
FAIRWAY GOLF, Supplies	320.00
FILTER CARE, Vehicle Maint.	18.90
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	27.30
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,150.00
GOOCH, LINDA, Supplies	81.56
GREAT PLAINS ONE-CALL SVC, Contract Services	592.70
HEIMES CORPORATION, Street Maint.	16.00
HEMMINGER, LYNN, Recreation Fees	51.50
HOBBY LOBBY STORES, Supplies	2.66
HOME DEPOT, Bldg & Grnds	165.79
HUNTEL COMMUNICATIONS, Contract Services	112.50
INDUSTRIAL SALES COMPANY, Bldg & Grnds	388.96
J Q OFFICE EQUIPMENT, Contract Services	376.50
JOHNSTONE SUPPLY, Bldg & Grnds	19.48
LAWLESS DISTRIBUTING, Concessions	373.80
LINDBERG, SHEILA, Travel	178.00
LOGAN CONTRACTORS, Street Maint.	176.10
LOU'S SPORTING GOODS, Supplies	57.90
LOVELAND LAWNS, Bldg & Grnds	560.00
LYMAN-RICHEY SAND & GRAVEL, Bldg & Grnds	181.53
MARTIN MARIETTA AGGREGATES, Bldg & Grnds	84.27
MEDICAID-NE DEPT OF SOC SVCS, Rescue Revenue	4.72
MID AMERICA MOTORPLEX, Training	375.00
MID CON SYSTEMS INCORPORATED, Vehicle Maint	117.35
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	38.76
MILLER PRESS, Printing	350.00
MONARCH OIL, Street Maint.	195.00
MSC INDUSTRIAL SUPPLY, Vehicle Maint.	113.77
MUD, Utilities	940.97
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	525.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	26,747.17
NELSON & ROCK CONTRACTING, Thompson Creek	74,769.91

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NOGG CHEMICAL & PAPER, Supplies	251.45
NUTS AND BOLTS, Street Maint. Bldg & Grnds	231.00
OFFICE DEPOT, Supplies	343.51
OMAHA COMPOUND COMPANY, Supplies	88.59
OMAHA DEVELOPMENT FOUNDATION, Southport	7,650.90
OPPD, Utilities	29,109.50
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	278.63
PAYLESS, Supplies	76.80
PEPSI COLA, Concessions	448.49
PINK INVESTMENTS, Southport	105,635.25
PINK, GARY AND DEBORAH, Southport	17,778.60
PRECISION INDUSTRIES, Vehicle Maint.	61.24
QWEST, Telephone	80.78
READY MIXED CONCRETE, Street Maint.	593.73
RITA RAMIREZ, Vehicle Maint. Bldg & Grnds	187.39
SAM'S CLUB, Concessions, Bldg & Grnds	1,315.89
SARPY COUNTY LANDFILL, Clean-Up	49.13
SARPY COUNTY TREASURER, Contract Services	11,500.00
SCENE OF THE ACCIDENT, Training	590.00
SCHUSTER, KEVIN, Contract Services	240.00
SIMPLEX GRINNELL LP, Contract Services	126.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,080.00
SUBURBAN NEWSPAPERS, Legal Advertising	778.60
TAB HOLDING, Southport	69,463.36
THOMPSON DREESSEN & DORNER, Profession Services	37,125.01
THOMSON GALE, Books	91.36
THREE RING ENTERPRISES, Vehicle Maint.	1,718.81
TRACTOR SUPPLY COMPANY, Supplies	41.44
TRICARE, Rescue Revenue	4.72
TRUGREEN-CHEMLAWN, Contract Services	3,899.46
U S NETTING, Equipment	259.79
UPS, Postage	21.75
VEST ELECTRIC, Bldg & Grnds	75.00
VITAL SUPPORT SYSTEMS, Contract Services	807.87
WASTE MANAGEMENT, Contract Services, Bldg & Grnds	1,303.89
WHITTAKER, VICKI, Photographs	200.00
WICK'S STERLING TRUCKS, Vehicle Maint.	80.92
WITMER ASSOCIATES, Sports Equip.	2,901.63

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Ramirez reviewed an instruction sheet with the Mayor and Council concerning the new State Statute on the Open Meetings Act. The procedures in the instructions will be used in all future meetings of the City Council.

Public Works Director Soucie addressed the Council to present updates on road construction. He informed Council that the intersection of 96<sup>th</sup> Street and Cornhusker Road will close on July 24, 2006. The only access to the Public Works Building will be from Giles Road at 108<sup>th</sup> Street. Soucie stated that although the closure time is scheduled to be 100 days, the project is ahead of schedule and the actual closure time may be less.

Soucie informed Council of the NRD meeting on July 20, 2006 from 6:00 p.m. to 9:00 p.m. He gave a synopsis of the meeting agenda which included booths, presentations, and a question and answer session.

Soucie reported minimal damage from the July 13, 2006 thunderstorm. He stated that although reports were received that the roof had blown off of La Vista Junior High School, it was only the materials for a re-roofing project at that location. He stated a tree branch on 77<sup>th</sup> Avenue did cause blockage on the road, which the Public Works Department cleaned up immediately.

Mayor Kindig asked about a streetlight that he observed was knocked over in the Cimarron Woods Subdivision. Soucie stated he was unaware of the issue and would follow up.

Library Director Schinker addressed the Council to report on the July 15, 2006 showing of the DVD "Lost Boys of Sudan". She reported the Library had received a grant for the showing and had a guest speaker from Sudan, who addressed the attendees for approximately 30 minutes. The showing of the DVD and presentation will be repeated again in approximately three months.

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Schinker informed the Council that on Wednesday, July 26, 2006, the University of Nebraska – Lincoln Extension will be conducting a session on a new game regarding pest control management. The La Vista Library will be a BETA testing sight for the game. Input is being sought from youth ages 9 – 13 to help fine tune their product.

## **B. APPLICATION FOR ZONING TEXT AMENDMENTS – PERMITTED TEMPORARY USES IN C-1, C-2 AND C-3 ZONING DISTRICTS**

### **1. PUBLIC HEARING**

At 7:14 p.m. Mayor Kindig stated the floor was now open for a public hearing on an application for Zoning Text Amendments – Permitted Temporary uses in C-1, C-2, and C-3 Zoning Districts.

There was no additional information from City staff. There were no questions or comments from the public.

At 7:15 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. ORDINANCE**

Councilmember Carlisle introduced Ordinance No. 998 entitled: AN ORDINANCE TO AMEND SECTIONS 5.10.05, 5.11.04, AND 5.12.04 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.10.05, 5.11.04, AND 5.12.04 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 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, 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 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. 998 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

## **C. ORDINANCE - AMEND MUNICIPAL CODE, CHAPTER 119, REGULATE METHOD OF TOBACCO PRODUCT SALES**

Councilmember Carlisle introduced Ordinance No. 999 entitled: AN ORDINANCE TO ADD CHAPTER 119 TO THE LA VISTA MUNICIPAL CODE PRESCRIBING REGULATIONS FOR THE SALE OF TOBACCO PRODUCTS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

City Clerk Ramirez pointed out a language change to the original Ordinance recommended by the City Attorney.

Discussion was held regarding the proposed ordinance with Councilmember Quick questioning the need for placing further regulations on businesses that are selling a legal product. Furthermore, she felt that since most all of the businesses in the City were already complying with the requirements of the new ordinance there was not a need to put these regulations into place. Councilmember Sheehan stated the Ordinance would make it mandatory that businesses comply and would assure compliance by any new businesses coming into the City. City Clerk Ramirez stated the goal of the Sarpy County Tobacco Coalition (the organization requesting that the City pass a tobacco product placement ordinance) is to limit the accessibility of tobacco to minors. Councilmember Sell asked about the location of tobacco vending machines. Sheehan asked City Attorney McKeon about the wording of the vendor assisted section of the Ordinance. McKeon

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stated it did not address an unattended vending machine. Ramirez indicated that alternative language regarding vending machine placement was included in the ordinance passed by Bellevue and that she had brought along a copy of that language if Council wanted to consider it. Sheehan asked to hear the alternative language and Ramirez read the applicable section from the Bellevue City Ordinance. Councilmember Sell asked if the wording meant a vending machine would only be allowed in an area where the public was, by law, allowed to drink. Ramirez responded the proposed language did state that tobacco vending machines would be permitted in establishments that had a Nebraska Liquor License, however they would have to be located in the same room where the alcohol was being dispensed. Discussion followed regarding what the interpretation would be for a location where the consumption of alcohol was permitted throughout the facility. Ramirez stated she felt the language proposed clearly stated the room in which the alcohol is dispensed, not consumed. Councilmember Gowan and Sell stated they would approve the Ordinance with this additional language included. Quick stated she was not comfortable approving an ordinance when there are already state laws regulating the issue.

Councilmember Ellerbeck asked if the penalties for violations were unique. City Clerk Ramirez reported that penalties are in accordance to other city violations.

Discussion was held with Police Chief Lausten regarding enforcement procedures. In addition to the Police Department's random compliance checks regarding tobacco sales to minors, the Coalition conducts checks two to three times each year. Placement checks could be done at the same time the sales compliance checks are completed.

It was the consensus of Council to proceed with a vote on the proposed ordinance as amended to include the vending machine language presented by City Clerk Ramirez.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: Quick. 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 amended ordinance which motion was seconded by Councilmember Sheehan. The Mayor then stated the question was, "Shall Ordinance No. 999 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, and Gowan. The following voted nay: Quick and Ellerbeck. 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. CONDITIONAL USE PERMIT – CHURCH, LOT 619 PARK VIEW HEIGHTS 1. PUBLIC HEARING

At 7:34 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Conditional Use Permit for an addition to a church on Lot 619, Park View Heights.

There was no additional information from City staff. There were no questions or comments from the public.

At 7:35 p.m. Councilmember Ellerbeck made a motion to continue the public hearing at the request of staff. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 2. RESOLUTION

A resolution will not be presented for consideration until after the conclusion of the public hearing.

## E. RESOLUTION – BID AWARD – OFFSTREET PARKING DISTRICT NO. 1 GROUP C CONSTRUCTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-103: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA

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AWARDING A CONTRACT TO DOSTALS CONSTRUCTION CO., INC., GRETNNA, NEBRASKA FOR PHASE 1 — GROUP "C" CONSTRUCTION, PARKING DISTRICT NO. 1 IN AN AMOUNT NOT TO EXCEED \$518,735.00

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska did identify in the amended FY 05/06 municipal budget funds for the construction of an off-street parking facility to be located on Lot 2, Southport West Replat One; and

WHEREAS, on June 20, 2006 the City Council authorized the advertisement of bids for said project in accordance with drawings and specifications prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the one bid received and determined that Dostals Construction Co., Inc. has submitted a compliant bid and is qualified and experienced in this type of work; and

WHEREAS, Section 31.23 (9) of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchase over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Dostals Construction Co., Inc., Gretna, Nebraska for Phase 1 — Group "C" Construction, Parking District No. 1, in an amount not to exceed \$518,735.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

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

## **F. RESOLUTION – BID AWARD - OFFSTREET PARKING DISTRICT NO. 1 GROUP B CONSTRUCTION**

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-104: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO D.F. LANOHA LANDSCAPE NURSERY, INC., OMAHA, NEBRASKA FOR PHASE 1 — GROUP "B" CONSTRUCTION, PARKING DISTRICT NO. 1 IN AN AMOUNT NOT TO EXCEED \$274,500.00

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska did identify in the amended FY 05/06 municipal budget funds for the construction of an off-street parking facility to be located on Lot 2, Southport West Replat One; and

WHEREAS, on June 20, 2006 the City Council authorized the advertisement of bids for said project in accordance with drawings and specifications prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids received and determined that D.F. Lanoha Landscape Nursery, Inc., Omaha, NE is the low compliant bidder; and

WHEREAS, Section 31.23 (9) of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchase over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to D.F. Lanoha Landscape Nursery, Inc., Omaha, Nebraska for Phase 1 — Group "B" Construction, Parking District No. 1, in an amount not to exceed \$274,500, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Mayor Kindig asked what type of guarantee the City would have for landscaping. City Engineer Kottmann addressed Council to explain that there was a two year warranty and landscaping would be replaced as needed during the time period.

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

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## G. RESOLUTION – AUTHORIZATION TO PURCHASE – OFFSTREET PARKING DISTRICT NO. 1 GROUP C CONSTRUCTION - ADVANCE ORDER MATERIALS (BRONZE SCULPTURES)

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-105: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) LIFE-SIZE BRONZE SCULPTURES FROM BRONZEMAN, WESTLAKE VILLAGE, CA FOR GROUP "C" CONSTRUCTION — PARKING DISTRICT NO. 1 IN AN AMOUNT NOT TO EXCEED \$8,450.00.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska did identify in the amended FY 05/06 municipal budget funds for the construction of an off-street parking facility to be located on Lot 2, Southport West Replat One; and

WHEREAS, on June 20, 2006 the City Council authorized the solicitations for proposals for specific items related to the water feature requiring a long lead-time for ordering and manufacturing in accordance with specifications prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the proposals received and determined that Bronzeman, Westlake Village, CA is the low compliant respondent; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of two (2) life-size bronze sculptures from Bronzeman, Westlake Village, CA for Group "C" Construction — Parking District No. 1 in an amount not to exceed \$8,450.00.

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

## H. RESOLUTION – AUTHORIZATION TO PURCHASE – OFFSTREET PARKING DISTRICT NO. 1 GROUP C CONSTRUCTION – ADVANCE ORDER MATERIALS (WATER FEATURE EQUIPMENT)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-106: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ACCESS DOORS, PUMP, AND STRAINER BASKETS REQUIRED FOR THE WATER FEATURE FROM RECREATION SUPPLY CO., INC., BISMARCK, NORTH DAKOTA, FOR GROUP "C" CONSTRUCTION — PARKING DISTRICT NO. 1 IN AN AMOUNT NOT TO EXCEED \$11,531.13.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska did identify in the amended FY 05/06 municipal budget funds for the construction of an off-street parking facility to be located on Lot 2, Southport West Replat One; and

WHEREAS, on June 20, 2006 the City Council authorized the solicitations for proposals for specific items related to the water feature requiring a long lead-time for ordering and manufacturing in accordance with specifications prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the proposals received and determined that Recreation Supply Co., Inc., Bismarck, North Dakota is the low compliant respondent; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of access doors, pump, and strainer baskets required for the water feature from Recreation Supply Co., Inc., Bismarck, North

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Dakota, for Group "C" Construction — Parking District No. 1 in an amount not to exceed \$11,531.13.

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

## **I. RESOLUTION – INSTALLATION OF “CAUTION HEARING IMPAIRED CHILD” SIGN**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-107: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE INSTALLATION OF CAUTION SIGNS ON CRABAPPLE STREET.

WHEREAS, a request was received from a resident on Crabapple Street in the Ardmore Subdivision for the installation of caution signs for a hearing impaired child; and

WHEREAS, the Mayor and City Council believe that the installation of signs reading "Caution Hearing Impaired Child" on Crabapple Street will enhance traffic and pedestrian safety in that area; and

WHEREAS, Section 70.072 of the La Vista Municipal Code requires City Council approval prior to the placement of any regulatory traffic sign, or other sign, signal or mechanical devices.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Public Works Director is hereby directed to erect the following traffic warning signs:

"Caution Hearing Impaired Child" on the north side of Crabapple Street – East lot line of 6818 Crabapple Street.

"Caution Hearing Impaired Child" on the south side of Crabapple Street - West lot line of 6841 Crabapple Street.

Councilmember Gowan asked if the family is required to notify the city if they move so the sign can be taken down. Public Works Director Soucie informed Council that families are requested to notify the City if they move, but the Public Works Department also sends out postcards annually to the families to make sure the homeowner has not moved.

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

## **J. RESOLUTION – INSTALLATION OF STOP SIGNS – ARDMORE SUBDIVISION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-108: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE INSTALLATION OF STOPS SIGNS IN THE ARDMORE SUBDIVISION AT VARIOUS LOCATIONS CITED HEREIN.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that the installation of stop signs at the locations cited herein will enhance traffic and pedestrian safety in the Ardmore Subdivision; and

WHEREAS, the Public Works Department, Police Department and City Engineer have reviewed the stop sign installation proposal and recommend its approval; and

WHEREAS, Section 70.072 of the La Vista Municipal Code requires City Council approval prior to the placement of any regulatory traffic sign, signal or mechanical devices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the installation of stop signs in the Briarwood Subdivision at the following locations:

- NW Corner – 70<sup>th</sup> St. & Heartwood Rd.
- SE Corner – La Vista Dr. & Michelle Ave.
- SE Corner – Balsam Court & Valley Rd.
- NE Corner – Crabapple Court & 71<sup>st</sup> St.
- NE Corner – Wildwood Court & 71<sup>st</sup> St.
- SW Corner – Aspen Court & 70<sup>th</sup> Street

# MINUTE RECORD

July 18, 2006

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

<ul style="list-style-type: none"><li>• NW Corner – 70<sup>th</sup> Street &amp; Michelle Ave.</li><li>• SW Corner – 69<sup>th</sup> Street &amp; Michelle Ave.</li><li>• SE Corner – 69<sup>th</sup> Street &amp; Michelle Ave.</li><li>• NW Corner – 69<sup>th</sup> Street &amp; Michelle Ave.</li><li>• NE Corner – 69<sup>th</sup> Street &amp; Michelle Ave.</li><li>• NW Corner – 68<sup>th</sup> Street &amp; Michelle Ave.</li><li>• SE Corner – 67<sup>th</sup> Court &amp; Michelle Ave.</li></ul>	<ul style="list-style-type: none"><li>• NE Corner – 67<sup>th</sup> Ave. Ct. &amp; Hill Crest Ln.</li><li>• NW Corner – 68<sup>th</sup> Court &amp; Hill Crest Ln.</li><li>• NW Corner – 69<sup>th</sup> Street &amp; Crabapple St.</li><li>• NW Corner – 68<sup>th</sup> Ave. Ct. &amp; Crabapple St</li><li>• SW Corner – Crabapple St. &amp; 66<sup>th</sup> Ave.</li><li>• SW Corner – Aspen Street &amp; 66<sup>th</sup> Avenue</li></ul>
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Councilmember Sheehan stated this was a large number of stop signs for Ardmore and he asked about the need for so many. Public Works Director Soucie informed Council that at various times throughout the year residents submit requests for stop signs at various intersections. His department then does a study of the area including traffic counts, accident history, etc. Following the installation of stop signs at a number of "T" intersections in the Briarwood Subdivision recently, it was recommended by the Police Chief that all of the "T" intersections in the City be considered for stop sign installation.

Councilmember Sheehan stated he was concerned that if there is a stop sign on every corner the public might ignore them. Councilmember Ronan reported that people in his neighborhood did ignore the signs when they were initially installed, but after about one week, vehicles began stopping. Councilmember Sheehan reiterated that he thought it seemed like a lot of additional stop signs. Public Works Director Soucie stated that if people are following traffic rules, they should be stopping anyway.

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

## **K. EXECUTIVE SESSION – KENO CONTRACT NEGOTIATIONS**

The Mayor stated that a need to meet in Executive Session was not necessary.

## **COMMENTS FROM THE FLOOR**

Terrie Russell, a La Vista resident, addressed the Council regarding a yellow tag she had received from the Code Enforcement Officer regarding violations on her property. She expressed concern about the manner in which the yellow tag was left at her house, difficulty in getting a copy of the ordinance(s) she was accused of violating when she came to City Hall, and the fact that she did not feel the City was enforcing the codes in a uniform manner. Mayor Kindig told Mrs. Russell he would have staff review her concerns and get back in touch with her.

Mike McCormick, a resident of La Vista's ETJ, addressed the Council. He spoke to Council at their last meeting indicating his telephone line had been cut several times as a result of the construction projects in his area, some of which are City projects. McCormick indicated the line had been cut yet again and that Qwest had finally come out and run a new line for his residence, however they damaged his lawn and driveway.

Mayor Kindig responded that City staff had contacted contractors working in the area. He asked Public Works Director Soucie for an update. Soucie reported on the research and investigation he has done over the last two weeks. There have been 17 incidents of telephone lines being cut in this area by various contractors since the beginning of May. It is nearly impossible to determine which hits affected McCormick's line, however only one of these cuts was done by a City hired contractor. Soucie stated that if QWest is having an on-going issue with a specific contractor they have the authority to deal with them directly and assess fines as well as charge for repairs. Other than reminding contractors to use the utility locate service and insuring that they comply with regulations regarding dust, noise, etc., the City doesn't have any means to keep this from happening.

Councilmember Sell asked if the Public Service Commission has some jurisdiction on this matter. Mr. McCormick told the Council he was looking for some assistance regarding these on-going problems as he feels he is getting bounced around with no one really being that concerned about the inconvenience his family has had to endure as a result of these construction accidents.

Mayor Kindig told Mr. McCormick the staff has put in a lot of time on this matter. He stated Public Works Director Soucie has gone the extra mile. He said Soucie is working on it and will try to help however he is able. Kindig asked Soucie if he could supply McCormick with contact information for the Environmental Protection Agency and the Public Service Commission.

# MINUTE RECORD

July 18, 2006

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

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan reminded Council of the City blood drive which is being held on Thursday, July 20, 2006.

Councilmember Ellerbeck asked how the DARE pool party had gone. Mayor Kindig responded that it went well. He thanked the Fire and Police Departments for their efforts on this event.

Mayor Kindig reminded Council of National Night Out on Sunday, July 30, 2006. He stated help was needed for cooking and asked anyone interested to contact Mary Alex at City Hall.

## ADJOURNMENT

At 8:14 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

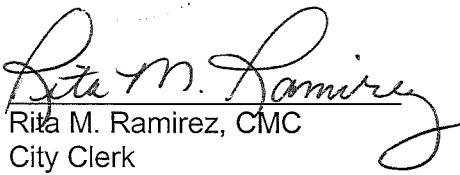
PASSED AND APPROVED THIS 1ST DAY OF AUGUST 2006.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Rita M. Ramirez, CMC  
City Clerk

K:\APPS\CITYHALL\06 COUNCIL MINUTES\JULY 18