

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 17, 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 October 17, 2006. 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, Community Development Director Birch, Assistant Fire Chief Stevens, Finance Director Lindberg, Library Director Schinker, Police Chief Lausten, Recreation Director Stopak, Building and Grounds Director Archibald, City Planner Potter, 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 October 5, 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.

SERVICE AWARD – JOE SOUCIE – 20 YEARS

The Mayor presented a certificate and pin to Public Works Director Joseph Soucie for his 20 years of service to the City.

PROCLAMATION - NATIONAL SAVE FOR RETIREMENT WEEK

The Mayor read a proclamation for National Save for Retirement Week from October 22 – 28, 2006.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE OCTOBER 3, 2006 CITY COUNCIL MEETING
3. PAY REQUEST FROM SARPY COUNTY FOR FY 2007GIS INTERLOCAL AGREEMENT - \$2,500.00
4. SOUTHPORT WEST IMPROVEMENTS
 - a. PAY REQUEST NO. 8 FROM TAB HOLDING COMPANY, INC. FOR 126TH STREET AND GILES ROAD IMPROVEMENTS - SECTION 1 - \$81,816.46
 - b. FINAL PAY REQUEST NO. 3 FROM SOUTHPORT WEST PARTNERS, LLC FOR STREET LIGHTING - SECTION 1 - \$14,518.83
 - c. CHANGE ORDER NO. 3 FOR GROUP "A" CONSTRUCTION FOR PARKING DISTRICT NO. 1 - ANDRUS ENTERPRISES, INC. - \$8,219.00
 - d. FINAL PAY REQUEST FOR GROUP "A" CONSTRUCTION FOR PARKING DISTRICT NO. 1 - ANDRUS ENTERPRISES, INC. - \$109,492.36
 - e. PAY REQUEST FOR GROUP "A" CONSTRUCTION FOR PARKING DISTRICT NO. 1 - THOMPSON, DREESSEN & DORNER, INC. - \$21,202.71
 - f. PAY REQUEST NO. 2 FOR GROUP "B" CONSTRUCTION - IRRIGATION AND LANDSCAPING FOR PARKING DISTRICT NO. 1 - LANOHA NURSERIES, INC. - \$90,975.60
 - g. CHANGE ORDER NO. 1 FOR GROUP "C" CONSTRUCTION FOR PARKING DISTRICT NO. 1 - DOSTALS CONSTRUCTION CO. - \$28,036.00
 - h. PAY REQUEST NO. 2 FOR GROUP "C" CONSTRUCTION - WATER FEATURE FOR PARKING DISTRICT NO. 1 - DOSTALS CONSTRUCTION CO. - \$137,160.00
- i. PAY REQUEST FOR GROUP "C" CONSTRUCTION - WATER FEATURE FOR PARKING DISTRICT NO. 1 - RECREATION SUPPLY COMPANY - \$11,110.00
5. NEW FIRE STATION NO. 2
 - a. PAY REQUEST NO. 8 FROM CONSTRUCT, INC. - \$640,040.23
6. PAY REQUEST FROM WATER'S EDGE FOR PROFESSIONAL SERVICES, POOL STUDY - \$5,058.74
7. PAY REQUEST FROM INTERNATIONAL CODE COUNCIL, INC. FOR EMBASSY SUITES PLAN REVIEWS - \$3,753.00
8. APPROVAL OF CLAIMS

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

ACTION BATTERIES, Vehicle Maint. & Supplies	121.22
AKSARBEN GARAGE DOOR, Bldg & Grnds	105.00
AMERICAN PLANNING ASSOCIATION, Dues	235.00
AMERICAN RED CROSS, Contract Services	42.00
AQUILA, Utilities	70.82
ARAMARK UNIFORM SERVICES, Contract Services	159.29
ASPHALT & CONCRETE MATERIALS, St. Maint.	22.52
BAKER & TAYLOR BOOKS, Books	269.42
BENNINGTON IMPLEMENT, Vehicle Maint.	438.89
BETTER BUSINESS EQUIPMENT, Contract Services	93.12
BIRCH, ANN, Auto Allowance	50.00
BRAND, STEVEN, Travel	39.00
BRENTWOOD AUTO WASH, Vehicle Maint.	468.00
BRONZEMAN, Parking District 1	4,000.00
CARDMEMBER SERVICE-ELAN, Travel, Training, Dues, Postage	4,882.99
CENTER POINT PUBLISHING, Books	38.94
CITY OF OMAHA, Contract Services	31,470.87
CITY OF RALSTON, Contract Services	749.88
CJ'S HOME CENTER, Vehicle Maint., Bldg & Grnds, St. Maint.	378.79
CLASSIC REFRIGERATION, Bldg & Grnds	148.00
COX, Contract Services	140.15
CREIGHTON EMS EDUCATION, Training	1,870.00
DENNE, RICK, Auto Allowance	100.00
DIAMOND VOGEL PAINTS, St. Maint, Bldg & Grnds	800.88
DIAMONDS GROUNDSKEEPER, Vehicle Maint.	102.00
DIVERSIFIED MEDICAL, Squad Supplies	137.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	75.80
EMS BILLING SERVICES, Rescue Revenue	1,315.71
FARQUHAR, MIKE, Auto Allowance	100.00
FILTER CARE, Vehicle Maint.	65.55
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	83.70
FITZGERALD SCHORR BARMETTLER, Professional Services	614.91
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,168.00
FOSTER, TERRY, Travel	22.00
GOLDMAN, JOHN, Travel, Phone	80.00
GREAT AMERICAN LEASING, Contract Services	49.50
GREAT PLAINS ONE-CALL SVC, Contract Services	427.56
GREAT WESTERN BANK, Fees	250.00
GROLIER PUBLISHING, Books	292.50
GUNN, BRENDA, Auto Allowance	300.00
HANEY SHOE STORE, Wearing Apparel	120.00
HEIMES CORPORATION, St. Maint.	98.00
HOME DEPOT, Bldg & Grnds, Supplies	207.74
HOST COFFEE, Concessions	20.60
HUNTEL, Contract Services	112.50
INTERNATIONAL CODE COUNCIL, Professional Services	22,521.00
J Q OFFICE EQUIPMENT, Equip., Contract Services	386.80
JUSTIN THYME CAFÉ, League Dinner	816.00
KILLIAN CONSTRUCTION, Refund	75.00
KINDIG, DOUGLAS, Auto Allowance, Phone	180.00
KLINKER, MARK , Professional Services	200.00
KRIHA FLUID POWER, St. Maint.	165.06
LAMP RYNEARSON/ASSOCIATES, Professional Services	239.53
LAWLESS DISTRIBUTING, Concessions	83.75
LINWELD, Supplies	15.00
LOU'S SPORTING GOODS, Wearing Apparel, Supplies	519.27
LOVELAND LAWNS, Street Resurfacing	387.50
LUKASIEWICZ, BRIAN, Phone	40.00
MAPA, Travel	75.00
MUD, Utilities	20.68
MIDLANDS BUSINESS EQUIPMENT, Supplies	27.08
NE CHAPTER APWA, Training	620.00

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NE DISTRIBUTING, Concessions	33.50
NE GOLF & TURF, Golf Carts	420.00
NE MUNICIPAL CLERKS ASSN, Dues	30.00
NE SOFTBALL ASSN DIST#10, Team Fees	1,540.00
NE STATE FIRE MARSHALL, Fire Station No. 2	50.00
OFFICE DEPOT, Supplies	20.40
OMAHA COMPOUND, Supplies	87.74
OPPD, Utilities	29,755.51
OMNIGRAPHICS, Books	37.55
PARAMOUNT LINEN & UNIFORM, Cleaning	429.33
PEPSI, Concessions	58.25
PLUTA, DON, Travel	39.00
POTTER, DAVID, Travel	160.00
PRECISION INDUSTRIES, Vehicle Maint.	57.06
QWEST, Telephone	127.32
RAMIREZ, RITA, Auto Allowance, Vehicle Maint., Street Maint.	176.51
RECORDED BOOKS, Books	513.18
RUSH, TIMOTHY, Travel	39.00
SAM'S CLUB, Concessions	96.93
SARPY COUNTY COURTHOUSE, Contract Services	2,640.05
SARPY COUNTY TREASURER, Professional & Contract Services	12,973.25
SCARPA, DAN, Travel	22.00
SCHINKER, ROSE, Auto Allowance	45.00
SCHREINER, KELLY, Auto Allowance	100.00
SID 195 - MAYFAIR, Sewer Fees	3,300.00
SID 200 - SOUTHWIND, Sewer Fees	3,960.00
SOUCIE, JOSEPH, Travel, Phone	77.00
STARK, STEVE, Travel	55.55
STEVENS, MARK, Auto Allowance	100.00
SUBURBAN NEWSPAPERS, Legal Advertising	946.27
THERMO KING CHRISTENSEN, Vehicle Maint.	443.89
THIELE GEOTECH, Southport West Testing	1,557.00
THOMPSON DREESSEN & DORNER, Professional Services	19,939.47
THREE RING ENTERPRISES, Vehicle Maint.	727.23
TRACES, Books	125.00
TURFWERKS, Vehicle Maint.	163.40
WILDER, JONI, Auto Allowance	33.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded the Mayor and Council of a special City Council meeting on Monday, October 23, 2006 at 7:00 p.m.; of the La Vista Chamber of Commerce annual dinner on Thursday, October 26, 2006, with RVSP deadline on Friday, October 20, 2006; and the unveiling of the City's parking facility in the Southport West development on Monday, October 30, 2006 at 3:00 p.m. A press release is scheduled and invitations have been sent to those involved in the development.

Police Chief Lausten reported on the traffic situation at La Vista Drive and Giles Road since the opening of the new Walmart. In less than a week the police department has issued over 50 tickets to drivers making illegal left hand turns out of the Walmart parking lot and onto Giles Road westbound. The intersection was designed allow Ardmore residents exiting on La Vista Drive to make a left hand turn and go eastbound on Giles Road and to prohibit left hand turns out of the Walmart lot to go westbound on Giles Road. There is not enough room for traffic to stack westbound between 72nd Street and La Vista Drive. Walmart traffic is also prohibited from going north onto La Vista Drive and through the Ardmore Subdivision. Currently there is a "no left turn" sign posted for drivers leaving Walmart. Lausten suggested that it would help the police department if an additional sign indicating "right turn only" was installed. Public Works Director Soucie stated the original plan called for the "no left turn" sign as well as signage prohibiting northbound cross traffic. The sign prohibiting cross traffic was not installed during construction and Soucie will follow up to correct this situation.

Soucie stated that another potential solution is to fully median this intersection to prevent traffic from going either westbound on Giles or northbound on La Vista Drive, however the intersection was designed in its current configuration specifically because Ardmore residents had expressed concern about being able to make left turns out of the subdivision at this location. Questions were asked regarding the City's jurisdiction at this intersection as the roadway is the dividing line between Papillion and La Vista. City Engineer Kottmann will review the area and make a determination regarding the jurisdiction.

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Lausten updated Council on the Cabela's opening, which will occur prior to next the Council meeting. The Police Department is working with Cabela's regarding a traffic plan for the store's grand opening. A huge traffic volume is expected on all roadways into the store. La Vista and the Sarpy County Sheriff's Department will be working together to handle the traffic plan. Cabela's will reimburse partially for some of the overtime cost, some of the expenses will come out of the City's budget, plus a grant application has been submitted to the Department of Highway Safety. The State Patrol has also been involved and assisted in getting some planned road construction delayed which was scheduled by the Department of Roads. Beginning on November 1, 2006 the Police Department will be utilizing a mobile command post set up at 120th and Giles Road.

Public Works Director Soucie updated Council on several road projects; the intersection of 96th and Cornhusker opened today, westbound Cornhusker was closed at 108th Street, and again west of Public Works at 99th Street and Cornhusker, due to Portal Plaza utility work and to address the plan to add a turn lane to get into Portal Plaza, south of Giles, on 108th Street. There are also a few issues with some of the new traffic signals, which the City is working on.

Soucie reminded Council of the annual Fall Leaf Collection Day on October 28, 2006 from 8:00 a.m. to 3:00 p.m. at the Public Works facility, with access from 96th Street only.

Soucie informed Council that two new pickup trucks have been delivered, are outfitted and ready for snow removal. Only a few final touches, including beacon and logo installation, are needed.

Recreation Director Stopak reported to Council on an issue brought up by Councilmember Carlisle concerning the concession area at the Sports Complex being closed during an event. He stated the closure was due to an oversight, which has been addressed and will no longer be a concern. The City gives Snack Shack flexibility to not open when there is limited activity, but the date in question was an oversight.

Stopak reminded Council of two upcoming special events; the Halloween Walk-Run, on Saturday, October 28, 2006 at 9:00 a.m. at the La Vista Falls Golf Course; and the Halloween Safe Night in conjunction with the La Vista Volunteer Fire Department on Tuesday, October 31, 2006 at the Community Center from 6:00 p.m. – 8:00 p.m. Volunteers are still needed at both events and anyone interested should contact him.

Library Director Schinker addressed Council to introduce Laura England who is the Assistant director for the Key Memorial Library in Fremont. England is doing 30 hours of practicum work at the La Vista Public Library in conjunction with her masters program in Library Science. She is expected to graduate in December.

Schinker informed Council of an ornament craft day on Saturday, October 21, 2006 from 2:00 p.m. to 4:00 p.m. and again on October 28, 2006 during the same hours. She also reported the Library has an IPod on loan from the Eastern Library System for the next three months, with audio books. Finally, Schinker stated that local author Janet Nitsick, from Springfield, will be at the Library on Thursday, October 26, 2006 at 4:00 p.m. to talk about autism and to sign her book "Seasons of the Soul".

B. MOTION TO CHANGE START TIME OF CITY COUNCIL MEETING ON NOVEMBER 7, 2007 TO 6:00 P.M.

Councilmember McLaughlin made a motion to change the start time of the City Council meeting on November 7, 2006 to 6:00 p.m. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. AMEND SECTION 71.111 OF MUNICIPAL CODE – SPEED LIMIT EXCEPTIONS

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig stated the floor was now open for a public hearing on the amendment to section 7.111 of Municipal Code – Speed Limit Exceptions. There was no additional information presented by City staff. There were no questions or comments from the public.

At 7:22 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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2. ORDINANCE

Councilmember Carlisle introduced Ordinance No. 1012 entitled: AN ORDINANCE TO AMEND SECTION 71.111 OF THE LA VISTA MUNICIPAL CODE AS IT PERTAINS TO SPECIFIC EXCEPTIONS TO THE GENERAL SPEED LIMITS WITHIN THE CITY; TO REPEAL SECTION 71.111 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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, 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1012 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 Clerk attested the passage/approval of the same and affixed her signature thereto.

D. RESOLUTION – CONDITIONAL USE PERMIT – INDOOR RECREATION FACILITY, LOT 29, CENTECH BUSINESS PARK

1. PUBLIC HEARING

At 7:23 p.m. Mayor Kindig stated the floor was now open for a public hearing on a Conditional Use Permit application for an indoor recreation facility, Lot 29, Centech Business Park.

There was no additional information presented by City staff. Victor Pelster, on behalf of Walnut Acres, L.L.C. addressed Council to answer any questions. Councilmember Sheehan questioned the number of bays in the building. Pelster responded that the building contains a total of six bays and his business would utilize three of them. A wholesale tile store would be in the remainder of the bays.

At 7:24 p.m. Councilmember McLaughlin 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. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-145: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR WALNUT ACRES, L.L.C. TO OPERATE AN INDOOR RECREATIONAL FACILITY (BOUNCE U) ON LOT 29, CENTECH BUSINESS PARK.

WHEREAS, Victor Pelster, on behalf of Walnut Acres, L.L.C. has applied for a conditional use permit for the purpose of operating an indoor recreational facility (BounceU and related uses) on Lot 29, Centech Business Park, located at 13211 Chandler Road; 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.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the October 17, 2006, City Council meeting for Walnut Acres, L.L.C. to operate an indoor recreational facility (BounceU and related uses) on Lot 29, Centech Business Park 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 may determine necessary to carry out the intent of the City Council.

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

E. RESOLUTION – AWARD CONTRACT FOR PURCHASE OF FIRE APPARATUS (PUMPER TRUCK AND AERIAL TRUCK) – FIRE STATION NO. 2

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-146: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO SUTPHEN CORPORATION, AMLIN, OHIO, FOR THE PURCHASE OF A 2006 CUSTOM PUMPER FIRE TRUCK AND A 2006 CUSTOM 75' AERIAL FIRE TRUCK IN AN AMOUNT NOT TO EXCEED \$1,393,274.20.

WHEREAS, the City Council of the City of La Vista has determined that certain fire apparatus must be purchased for the new Fire Station No. 2; and

WHEREAS, the purchase of said equipment will be funded through the issuance of public safety bonds; and

WHEREAS, on March 21, 2006 the City Council authorized the advertisement of bids for said equipment in accordance with the specifications prepared by the Fire Chief and the Fire Department's Truck Committee; and

WHEREAS, the Fire Chief and the Truck Committee have reviewed the bids and recommends that a contract be awarded to Sutphen Corporation, as the low qualified bidder; 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.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Sutphen Corporation, Amlin, Ohio for the purchase of a 2006 Custom Pumper Fire Truck and a 2006 Custom 75' Aerial Fire Truck in an amount not exceed \$1,393,274.20, 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 Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – INSTALLATION OF “NO PARKING EITHER SIDE” SIGNS; SOUTH 66TH STREET

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-147: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE INSTALLATION OF “NO PARKING EITHER SIDE” SIGNS AT 7346 S. 66TH STREET AND 7355 S. 66TH STREET; GENERALLY LOCATED ON THE EAST AND WEST SIDE OF SOUTH 66TH STREET IN FRONT OF THE SPORTS AND SOCCER COMPLEXES.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that the installation of “No Parking Either Side” signs at 7346 S 66th Street and 7355 S. 66th Street will enhance traffic and pedestrian safety on South 66th Street; and

WHEREAS, the Public Works Department, Police Department and City Engineer have reviewed the no parking 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 signs, signal or mechanical devices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the installation of “No Parking Either Side” signs at 7346 S. 66th Street and 7355 S. 66 Street; generally located on the east and west side of South 66th Street in front of the Sports and Soccer Complexes.

Councilmember Sell asked how the resolution would affect La Vista Days. Public Works Director Soucie informed Council the signs could be temporarily changed during times of special events. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick,

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

G. RESOLUTION – TRAFFIC CONTROL SIGNS – SOUTHPORT EAST AND SOUTHPORT WEST SUBDIVISIONS

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-148: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE INSTALLATION OF TRAFFIC CONTROL SIGNS AT VARIOUS LOCATIONS IN THE SOUTHPORT EAST AND SOUTHPORT WEST SUBDIVISIONS.

WHEREAS, on September 20, 2005, the Mayor City Council of the City of La Vista approved the annexation of Southport East, SID #218 and Southport West, SID # 253; and

WHEREAS, the Mayor and City Council of the City of La Vista have determined that the installation of traffic control signs at various locations in the Southport East and Southport West Subdivisions will enhance traffic and pedestrian safety in that area; and

WHEREAS, the Public Works Department, Police Department and City Engineer have reviewed the traffic control sign 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 signs, signal or mechanical devices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the installation of traffic control signs in the Southport East and Southport West Subdivisions as outlined below:

36" x 36" STOP

NW Corner - Westport Parkway and West Giles Road
NW Corner - Westport Parkway; West Giles Road & 126th Street

30" x 30" STOP

SW Corner - Port Grace Boulevard and Eastport Parkway
NW Corner - Southport Parkway and Port Grace Boulevard
SW Corner - Southport Parkway and Eastport Parkway

"No Parking Either Side of Street"

Both Sides of:

Eastport Parkway* from Giles Road to Harrison Street
Southport Parkway* from Giles Road to Eastport Parkway
Port Grace Boulevard* from Southport Parkway to Eastport Parkway
Southport Parkway* from Giles Road to Westport Parkway
Westport Parkway* from West Giles Road to West Giles Road & 126th St.

*Temporary on-street parking allowances maybe granted for one side of the street during the construction of undeveloped lots.

Councilmember Sheehan questioned the timeline of the installations. Public Works Director Soucie responded that the majority would be up by Wednesday, but they will concentrate on Southport West due to the grand opening of Cabela's. He stated the order has been placed for the remaining signs. Within 7 to 10 days, all signs should be in place.

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

H. RESOLUTION – AWARD CONTRACT – GOLF COURSE DRAINAGE STABILIZATION PROJECT

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-149: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO NELSON & ROCK CONTRACTING, INC., ONAWA, IOWA, FOR THE GOLF COURSE DRAINAGE STABILIZATION IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$120,650.00.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that drainage stabilization improvements are necessary at the Golf Course; and

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WHEREAS, the City has been awarded a grant from the Papio-Missouri River NRD in the amount of \$84,000 for this project; and

WHEREAS, the 2006/2007 Construction Fund Budget contains funding for the remaining portion of the cost of this project; and

WHEREAS, the City Council authorized the advertisement for bids and the City Engineer prepared plans and specifications for said project; and

WHEREAS, proposals have been received and after review by the City Engineer it has been determined that Nelson & Rock Contracting, Inc., Onawa, Iowa, has submitted the low compliant bid; and

WHEREAS, Paragraph 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, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Nelson & Rock Contracting, Inc., Onawa, Iowa, in an amount not to exceed \$120,650.00 for the Golf Course Drainage Stabilization Project and that the Mayor and Deputy City Clerk be and hereby are, authorized to execute said contract.

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

I. RESOLUTION – TRAIL PARK IMPROVEMENTS – CIMARRON WOODS (96TH & HARRISON)

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-150: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING APPROVAL OF THE PLANS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTS FOR CIMARRON WOODS TRAIL AND PARK IMPROVEMENTS, PHASE 1 AND AUTHORIZING EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary and Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the development of lands locally known as Cimarron Woods within the zoning jurisdiction of the City ("Subdivision Agreement") on April 7, 2004; and

WHEREAS, the District has presented to City for approval plans, specifications and construction documents to construct certain improvements; and

WHEREAS, said plans, specifications and construction documents were prepared by E & A Consulting Group, Inc., which firm of engineers has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose; and

WHEREAS, Lamp, Rynearson & Associates, Inc., as acting City Engineer, and city staff have been presented the plans for review and recommend approval subject to resolution of the following items:

1. Final colors for rubber surface, benches, picnic shelters, play structures, trash cans etc. must be submitted to the City for final approval.
2. A lighting plan for the parking lot and picnic shelter must be provided and approved by the City.
3. Administrative fees must be paid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, does hereby approve the plans, specifications and construction documents for Cimarron Woods Trail and Park Improvements Phase I, copies of which have been filed with the City Clerk, subject to resolution of the items identified by the City Engineer.

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BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with CYC Construction, Inc./Remcon, Inc., Omaha, Nebraska in the amount of \$792,507.45.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall deliver to the City Administrator the following, as required by the following paragraphs of the Subdivision Agreement:

1. District's warrant in the amount of \$15,050.15 in payment of applicable administrative fee.

Mayor Kindig questioned the timetable of the project. City Administrator Gunn responded the trail and park improvements are slightly behind schedule as the original plan did not meet the City's approval.

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

J. SPECIAL ASSESSMENTS FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 7:31 p.m. Mayor Kindig stated the floor was now open for a public hearing on special assessments for property improvements. There was no additional information presented by City staff. There were no questions or comments from the public.

At 7:31 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. 06-151: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA DEPUTY 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 58, Brook Valley Business Park (1.5 AC), \$530.56 were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, 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 Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

K. SPECIAL PRESENTATION – “THE REAL STORY BEHIND TABOR/SOS”

1. PRESENTATION

City Administrator Gunn informed Council this presentation was put on the agenda at the request of the League of Nebraska Municipalities. The information is being sent to communities to allow

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elected officials and residents to review the information, giving them the opportunity to see how it may or may not impact the City of La Vista. The League is not asking the city to take a position, the tape is meant to be informative and to facilitate discussion.

A DVD presentation was then shown to all in attendance concerning TABOR, the Tax Payer Bill of Rights.

2. DISCUSSION

Mayor Kindig stated that three questions were presented in the blue letter for potential discussion regarding how an initiative like TABOR might impact the City of La Vista.

Gunn pointed out that the City's One and Six Year Road Plan could be adversely affected by funding cuts at the State level. Another area that potentially could be affected is law enforcement funding.

Councilmember Quick asked how many other states have TABOR. Gunn responded she did not have an answer to the number of states with TABOR, however the initiative is going on in Maine. Councilmember Carlisle indicated she has heard other states are looking at these types of initiatives, but Colorado is the only one where it has been implemented.

Gunn stated the League of Municipalities is looking out for the interest of cities and how budgets could be impacted by a loss of funding from State sources, which would happen if resources had to be allocated in other areas.

3. PUBLIC COMMENT

There were no comments from the public.

L. RESOLUTION – PURCHASE OF A HARLEY DAVIDSON POLICE MOTORCYCLE

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-152: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2007 HARLEY DAVIDSON POLICE MOTORCYCLE FOR THE POLICE DEPARTMENT FROM FRONTIER HARLEY-DAVIDSON, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$19,360.65

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Harley Davidson motorcycle for the Police Department is needed; and

WHEREAS, the FY 06/07 Budget did include grant funds for the purchase of said motorcycle; and

WHEREAS, proposals have been received and after review by the Police Chief it has been determined that the bid submitted by Frontier Harley Davidson for a 2007 Harley Davidson "Police Model" FLHTPI was the low, compliant bid; 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 one 2007 Harley Davidson Police Motorcycle for the Police Department from Frontier Harley Davidson, Lincoln, Nebraska in an amount not to exceed \$19,360.65.

Seconded by Councilmember Quick. Councilmembers voting aye: 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 M. Executive Session. 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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COMMENTS FROM THE FLOOR

Bob Sorenson, a representative of Fire Guard, addressed Council to question the award of a contract for the fire trucks to Sutphen. His concern was the issue that Sutphen was not a Nebraska Motor Vehicle Licensed distributor at time of bid. Sorenson indicated that La Vista's specifications are proprietary and he knew that his company's bid would not be competitive, however he submitted a bid so he could challenge the award. He stated that Nebraska State Statute indicates a business must be licensed as a Nebraska Motor Vehicle Dealer to engage in the business of selling. Sorenson requested bids be rejected and re-bid now that Sutphen is licensed. Mr. Sorenson stated that according to state Statute it is a Class 4 felony to do business in the State without a license.

City Attorney McKeon responded for the City, indicating the bid process in Nebraska is designed for the benefit of the City and the City's tax payers in order to get the equipment it needs at the best possible price. He stated that those interests were served in this process and that at the time the contract was awarded to Sutphen, the company was and is qualified.

Sorenson stated he wished to go on record with his dispute.

John Galaska, of 9710 Cornhusker Road, addressed Council concerning the name change of Cornhusker Road to Portal Road. He is requesting Council reconsider the name change due to the burden to his business, citing the expenses that would be incurred for stationary, advertising, and signs on vehicles. A potential change to Cornhusker Way rather than Portal Road was discussed. Mayor Kindig responded this change would not solve the concern of emergency situations with 911 dispatchers. Councilmember Sheehan stated he would like to review the possibility of reconsidering the change. Mayor Kindig stated City Staff would review and make recommendations. Galaska responded that the name change is a burden to his small business, and restated his immediate concerns. He feels the name change of the street to Portal Road will not solve the City's issue. Gunn asked if Council wanted staff to re-address the issue, as previously the situation was addressed with Sarpy County, the City of Papillion, and other entities, so all involved would have to be contacted again. Councilmember Ellerbeck stated he had no desire to revisit the name change issue. Galaska responded that he was out of town on the date of the original hearing and couldn't attend. Councilmember McLaughlin suggested City staff review Mr. Galaska's concerns and report to Council. A straw poll was taken regarding whether Council wanted staff to spend time reviewing this issue again. Consensus of Council was to review it and bring back a recommendation at the November 7th meeting.

M. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS - FOP

At 8:08 p.m. Councilmember McLaughlin 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. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion made by Gowan.

At 8:14 p.m. the Council came out of executive session. Councilmember Ellerbeck 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.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of the Cabela's grand opening and that registration for the event by internet is required by October 27, 2006.

Councilmember Ellerbeck asked about the turnout for the La Vista Volunteer Fire Department Open House. Mayor Kindig responded there was a good turnout.

ADJOURNMENT

At 8:15 p.m. Councilmember Sell 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.

