

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING January 16, 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 January 16, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, Fire Chief Schuster, Library Director Schinker, Finance Director Lindberg, Police Chief Lausten, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on January 4, 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.

### **APPOINTMENT TO LIBRARY ADVISORY BOARD – SAMANTHA MAINE – 2 YEAR TERM**

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

### **PRESENTATION OF BADGES TO FIRE DEPARTMENT PERSONNEL – JAKE CHARVAT, NICK HOWE, AND STEVE OVERLY**

Mayor Kindig and Fire Chief Schuster recognized Jake Charvat, Nick Howe, and Steve Overly as full members of the La Vista Volunteer Fire Department after completing one year of training. Badges were presented to them and pinned on by family members. Mayor Kindig thanked the Fire Department Volunteers for their time and dedication.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. MINUTES OF THE JANUARY 02, 2007 CITY COUNCIL MEETING**
- 3. MINUTES OF THE DECEMBER 21, 2006 PLANNING COMMISSION MINUTES.**
- 4. PAY REQUEST FROM FRONTIER HARLEY DAVIDSON FOR POLICE MOTORCYCLE - \$19,360.65.**
- 5. APPROVAL OF CLAIMS**

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

ACTION BATTERIES, Vehicle Supplies	153.28
ALEX, MARY, Travel	58.74
ALL MAKES OFFICE EQUIPMENT, Equip. Maint.	54.50
AMSAN, Supplies	425.60
AQUILA, Utilities	1,515.09
ARAMARK UNIFORM, Contract Services	221.16
ASSOCIATED FIRE PROTECTION, Contract Services	121.00
BAKER & TAYLOR BOOKS, Books	683.40
BATTERY ZONE, Vehicle Maint.	159.70
BETTER BUSINESS EQUIPMENT, Rentals	41.12
BRAND, STEVEN, Travel	35.00
BRENTWOOD AUTO WASH, Vehicle Maint.	60.00
BUILDERS SUPPLY, Bldg & Grnds	405.51

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BURT, STACIA, Travel	44.50
CARDMEMBER SERVICE-ELAN, Legal Advertising/Bldg & Grnds	1,252.96
CJ'S HOME CENTER, Bldg & Grnds	605.03
CONSOLIDATED ELECTRICAL, Bldg & Grnds	8.40
CORNHUSKER INTL TRUCKS, Vehicle Maint.	80.48
COX COMMUNICATIONS, Contract Services	140.15
DEMCO, Supplies	333.75
DIAMOND VOGEL PAINTS, Bldg & Grnds	25.50
DIVERSIFIED MEDICAL NCE, Equip. Maint.	175.00
DON'S PIONEER UNIFORMS, Wearing Apparel	89.90
ED M. FELD EQUIPMENT, Wearing Apparel	166.00
ED ROEHR SAFETY PRODUCTS, Supplies	316.96
EMS BILLING SERVICES, Rescue Revenue	660.71
FASTENAL COMPANY, Vehicle Maint.	68.81
FBINAA-FBI NATL ACAD ASSOCS, Dues	90.00
FERRELLGAS, Utilities	585.82
FILTER CARE, Vehicle Maint.	38.55
FITZGERALD SCHORR BARMETTLER, Professional Services	19,586.73
GAYLORD BROS, Supplies	208.00
GRAYBAR ELECTRIC COMPANY, Bldg & Grnds	70.34
GREAT PLAINS ONE-CALL SVC, Contract Services	147.21
H & H CHEVROLET, Vehicle Maint.	123.54
HELGET GAS PRODUCTS, Squad Supplies	64.00
HOME DEPOT, Equip.	187.43
HY-VEE, Supplies	33.73
INDUSTRIAL SALES, Books	86.67
INTERNATIONAL CODE COUNCIL, Books	393.50
INTERSTATE ALL BATTERY CENTER, Vehicle Maint.	59.99
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	638.49
JO DON'S, Supplies	40.00
JONES AUTOMOTIVE, Supplies	65.63
KUSTOM SIGNALS, Supplies	111.00
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LIFE ASSIST, Squad Supplies	86.55
LINWELD, Welding Supplies	15.50
LOGAN CONTRACTORS SUPPLY, Street Maint.	811.80
METAL SUPERMARKETS, Vehicle Maint.	83.24
METRO AREA TRANSIT, Contract Services	437.00
MID CON SYSTEMS, Vehicle Maint.	126.51
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	245.60
MILLER PRESS, Printing	350.00
MUD, Utilities	12.04
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	161.80
MUNICIPAL PIPE TOOL, Vehicle Maint.	1,516.05
NE GOLF COURSE SUPERIN-, Dues	75.00
NE MUNICIPAL CLERKS ASSN, Training	570.00
NFPA, Dues	150.00
NOBBIES, Supplies	19.96
NORTHERN WATER WORKS SUPPLY, Equip. Maint.	116.50
OABR PRINT SHOP, Printing	492.60
OFFICE DEPOT, Supplies	1,128.50
OMAHA WORLD HERALD, Legal Advertising	479.40
OPPD, Utilities	24,722.62
ORIZON CPAS, Professional Services	12,634.44
PAM BUETHE, Vehicle Supplies/Maint.	77.10
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	299.26
PAYLESS OFFICE PRODUCTS, Supplies	52.32
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	76.50
PLUTA, DON, Travel	35.00
PRECISION INDUSTRIES, Vehicle Maint.	2.32
PROPERTY SERVICES, Supplies	102.00
QWEST, Telephone	81.68
RADAR SHOP, Vehicle Maint.	55.00
RAMIREZ, RITA, Travel	57.39
ROCKHURST COLLEGE, Training	358.00
RUSH, TIMOTHY, Travel	196.00
SARPY COUNTY CHAMBER OF, Travel	165.00
SCHUSTER, JAMIE, Travel	131.72

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SID 200 - SOUTHWIND, Sewer Fees	1,320.00
STAPLES, Supplies	406.41
SUBURBAN NEWSPAPERS, Books	35.00
TED'S MOWER SALES & SERVICE, Vehicle Maint.	11.70
THIELE GEOTECH, Southport Improvements	1,155.00
THOMPSON DREESSEN & DORNER, Professional Services	23,339.30
THREE RING ENTERPRISES, Vehicle Maint.	835.44
TURFWERKS, Vehicle Maint.	35.50
UNIVERSITY OF NE - LINCOLN, Training	160.00
UTILITIES SERVICE GROUP, Southport	526.40
WASTE MANAGEMENT, Street Maint.	977.71
WICK'S STERLING TRUCKS, Vehicle Maint.	145.94

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that the carpet is being laid today at the New Fire Station No. 2. The completion date is scheduled to be around February 23, 2007, with a ribbon cutting in the middle of March.

Fire Chief Schuster thanked the Mayor and Council for their attendance at the annual La Vista Volunteer Fire Department Awards Banquet. Schuster informed Council that six new members have started the Recruit Academy Number 3.

## B. ORDINANCE NOS. 1017 AND 1018 – AMEND VARIOUS SECTIONS OF MUNICIPAL CODE – FIRE CHIEF – SECOND READING

Mayor Kindig stated, "Ordinance No. 1017 now comes on for its second reading." City Clerk Buethe then read the ordinance by title: AN ORDINANCE TO ADD TO THE LA VISTA MUNICIPAL CODE A SECTION 31.30 PERTAINING TO THE POSITION OF FIRE CHIEF; 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 Sell 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.

Councilmember Sheehan stated he feels concerns have been addressed, but he would like to see a job description. Assistant City Administrator Ramirez informed Council a time line had been laid out with a lot of items to review. She acknowledged that the Civil Service Commission can amend their rules and regulations upon these changes to the Municipal Code in order to keep the process moving. Ramirez stated city staff would work with the Council to develop a satisfactory job description.

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 Sell. The Mayor then stated the question was, "Shall Ordinance No. 1017 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following abstained: Sheehan. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

Mayor Kindig stated, "Ordinance No. 1018 now comes on for its second reading." City Clerk Buethe then read the ordinance by title: AN ORDINANCE TO AMEND SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO THE POSITION OF FIRE CHIEF, AND SECTIONS 37.01, 37.07, 37.09, 37.11, 37.12, 37.13, AND 37.39 REGARDING THE CIVIL SERVICE PROVISIONS PERTAINING TO THE POSITION OF FIRE CHIEF AND REGARDING OTHER CIVIL SERVICE PROVISIONS; TO REPEAL SECTIONS 34.02, 37.01, 37.07, 37.09, 37.11, 37.12, 37.13, AND 37.39 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call 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

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absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Councilmember Sheehan asked if there was anything in section 37.13 (page 3) to cover retention of a fire chief. Attorney McKeon stated that there was language regarding disciplinary action and the process involved.

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 Gowan. The Mayor then stated the question was, "Shall Ordinance No. 1018 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following abstained: Sheehan. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **C. APPLICATIONS FOR PRELIMINARY AND FINAL PUD PLAN AND REPLAT – SOUTHPORT EAST REPLAT SIX, LOTS 1-10 (EASTPORT PARKWAY & GILES ROAD)**

### **1. PUBLIC HEARING (CONTINUED FROM DECEMBER 19, 2006 MEETING)**

At 7:20 p.m. Mayor Kindig stated the floor was now open for applications for preliminary and final PUD Plan and Replat - Southport East Replat Six, Lots 1-10 (Eastport Parkway & Giles Road).

There was no additional information presented by City staff. Jeff Elliott, of E & A Consulting Group, addressed the Council to answer questions. Councilmember Sheehan questioned access to all lots. Mr. Elliott addressed this question by showing access to the lots on the plat drawing before the Council.

At 7:25 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. Motion carried.

### **2. RESOLUTION – APPROVAL OF REPLAT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-007: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1-10, SOUTHPORT EAST REPLAT SIX, BEING A REPLATTING OF LOT 3, SOUTHPORT EAST REPLAT TWO, A SUBDIVISION LOCATED IN 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 Six Subdivision; and

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

WHEREAS, on September 5, 2006, 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 1-10, Southport East Replat Six, being a replatting of Lot 3, Southport East Replat Two, a subdivision located in 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, generally located northeast of Eastport Parkway & Giles Road be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to execution of the plat.
2. FAA approval is required before issuance of any building permits.
3. The applicant will need to apply for an erosion control permit for the entire replat under the Papillion Creek Watershed Partnership grading permits requirements which were recently adopted by the City before starting any grading on the property.

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

1. Subdivision agreement; and
2. Restrictive covenants.

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

## **3. ORDINANCE – AMEND ZONING MAP TO ALLOW FOR PUD OVERLAY**

Councilmember McLaughlin introduced Ordinance No. 1019 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE.

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

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question was, "Shall Ordinance No. 1019 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.

## **4. RESOLUTION – SIXTH AMENDMENT TO SUBDIVISION AGREEMENT**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-008: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SIXTH AMENDMENT TO THE SUBDIVISION AGREEMENT FOR SOUTHPORTE EAST REPLAT SIX IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on January 16, 2007, approve the plat for Lots 1-10, Southport East Replat Six; 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 Sixth Amendment to the Subdivision Agreement presented at the January 16, 2007, City Council meeting for Southport East Replat Six 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 Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. APPLICATION FOR PRELIMINARY AND FINAL PUD PLAN, SOUTHPORTE EAST REPLAT EIGHT, LOTS 14A & 15A (SOUTHPORTE PARKWAY & PORT GRACE BLVD.)**

### **1. PUBLIC HEARING**

At 7:30 p.m. Mayor Kindig stated the floor was now open for applications for preliminary and final PUD Plan, Southport East Replat Eight, Lots 14A & 15A (Southport Parkway & Port Grace Blvd).

There was no additional information presented by City staff. John Blumenthal, representing the applicant gave an overview of the application and stated that Securities America would create approximately 400 jobs. He also presented Community Director Birch with the revised siteplan.

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At 7:35 p.m. Councilmember Sheehan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. Motion carried.

## 2. ORDINANCE

Councilmember Sheehan introduced Ordinance No. 1020 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE.

Councilmember McLaughlin 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1020 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.

## E. APPLICATIONS FOR PRELIMINARY AND FINAL PUD PLAN, AND REPLAT, SOUTHPORT EAST REPLAT SEVEN, LOTS 1-3 (EASTPORT PARKWAY & GILES RD)

### 1. PUBLIC HEARING

At 7:35 p.m. Mayor Kindig stated the floor was now open for applications for preliminary and final PUD plan and replat - Southport East Replat Seven, Lots 1 - 3 (Eastport Parkway & Giles Road).

Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmember Sheehan questioned as to whether this public hearing should be closed as there was no applicant or public present. Community Director Birch stated that her recommendation was to continue the public hearing until the next meeting. Councilmember Carlisle withdrew her second to the motion to close the public hearing. Councilmember Ellerbeck amended his motion to continue the public hearing until the February 6, 2007 City Council meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. Motion carried.

## F. RESOLUTION – FIFTH AMENDMENT TO SUBDIVISION AGREEMENT - MAYFAIR

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-009: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIFTH AMENDMENT TO THE SUBDIVISION AGREEMENTS FOR THE MAYFAIR AND MAYFAIR 2<sup>ND</sup> ADDITION SUBDIVISIONS IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on March 18, 1998 and February 18, 1999, enter into residential subdivision agreements with Mayfair and Mayfair 2<sup>nd</sup> Addition, respectively; and

WHEREAS, The owners of Lot 104, Mayfair; Lots 1-3, 5, 6, 7B & 11A, Mayfair 2<sup>nd</sup> Addition Replat 1; Lots 8A & 9A, Mayfair 2<sup>nd</sup> Addition Replat 2; and Lots 1 & 2, Mayfair 2<sup>nd</sup> Addition Replat 3; have agreed to execute an amendment to said subdivision Agreements satisfactory in form to the City Attorney and City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Fifth Amendment to the Subdivision Agreement for Mayfair and Mayfair 2<sup>nd</sup> Addition presented at the January 16, 2007, City Council meeting be, and hereby are 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.

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

## **G. RESOLUTION – MEMORANDUM OF UNDERSTANDING WITH CITY OF OMAHA – URBAN AREA SECURITY INITIATIVE**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-010: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF OMAHA FOR THE URBAN AREA SECURITY INITIATIVE.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that the coordination of emergency preparedness efforts is important; and

WHEREAS, a memorandum of understanding has been proposed to allow Omaha-area entities to coordinate their preparation and response to threats of terrorism, disasters, and major emergencies; and

WHEREAS, the Police Chief has advised and the Mayor and Council concur that said memorandum is in the best interest of the citizens of La Vista; and

WHEREAS, the participants have agreed that this MOU will in no manner expand or restrict the authority otherwise granted to them by law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of La Vista, Nebraska, that the Mayor is hereby authorized to sign the Memorandum of Understanding between Omaha-Area Participants in form as presented at the January 16, 2007 City Council meeting.

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

## **H. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT FOR PARTICIPATION IN THE SOUTH METRO REGIONAL SWAT TEAM**

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-011: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LA VISTA AND THE CITIES OF BELLEVUE, PAPILLION, RALSTON AND PLATTSMOUTH FOR PARTICIPATION ON THE SOUTH METRO REGIONAL SPECIAL WEAPONS AND TACTICS TEAM.

WHEREAS, It has long been recognized that mutual aid between police departments sharing similar demands is highly desirable; and

WHEREAS, Response to critical incidents requires the specialized attention of a team trained to be effective in highly volatile situations; and

WHEREAS, the police department recognizes that delivery of these services can be done most cost-effectively and with enhanced flexibility when forces are combined; and

WHEREAS, the Police Chief has advised and the Mayor and Council concur that said agreement is in the best interest of the citizens of La Vista.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of La Vista, Nebraska, that the Mayor is hereby authorized to execute the Interlocal Cooperation Agreement for law enforcement cooperation and specialized tactical team services in form and content as presented at the January 16, 2007 City Council meeting.

Police Chief Lausten was asked by Council if any incident that required internal investigation in which any of our members were involved would be handled by the City of La Vista as it is currently. Lausten stated that it would be the same process.

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

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## I. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS

### 1. PUBLIC HEARING

At 7:40 p.m. Mayor Kindig stated the floor was now open for a public hearing on a special assessment for property improvements

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

At 7:41 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

### 2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-012: 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 418, 7320 Frederick Avenue, La Vista Replat \$132.37 were notified to clean up their property as they were in violation of the City of La Vista's Municipal Code, Section 93.002, 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 Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. Motion carried.

## J. DISCUSSION - ANIMAL ORDINANCE

Councilmember Gowan stated a couple of his constituents have asked about the number of animals of any one certain type. He would like to amend the ordinance to four (4) animals, whatever the type. Councilmember McLaughlin stated this ordinance was discussed a few years ago. He does not see a need to change the ordinance. Dr. Michael Hord addressed Council and said there may be some issues with dogs becoming a pack with more barking as they tend to feed off each other as their numbers grow. Three cats may not be an issue. Councilmember Sell commented that there are as many who agree with the current ordinance as there are those who do not. Teri Iverson of La Vista addressed Council to state she feels restricted by the current maximum numbers allowed. She works for the Nebraska Humane Society and would like to adopt more dogs.

Councilmembers Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck agree the ordinance should not be changed, with Councilmember Gowan for a change to the ordinance.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig thanked the Fire Department for his invitation to their annual banquet.

# MINUTE RECORD

January 16, 2007

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

Mayor Kindig informed Council of a citizenship ceremony at the Papillion-La Vista High School tomorrow at 2:00 p.m. He stated he would be unable to attend.

Mayor Kindig informed Council of the League of Municipalities Midwinter Conference to be held on February 12th and 13th. He asked Council to inform Mary Alex if they planned on attending.

Councilmember Sheehan thanked the Fire Department for the banquet, and Councilmembers Gowan and Quick added their thanks.

Councilmember Carlisle informed Council that the Papillion-La Vista Schools will compete for a regional award in a new program they have enrolled in. They have been challenged to build a robot, with strict guidelines. Councilmember Carlisle attended a program at the school pertaining to this new program.

## ADJOURNMENT

At 8:06 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstained: Sheehan. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF FEBRUARY 2007.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk