

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING August 21, 2007

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on August 21, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Bueth, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on August 9, 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.

### **PRESENTATION – SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION – JOHN YOCHUM**

John Yochum, of the Sarpy County Economic Development Corporation, presented the second quarter report to the Mayor and Council. He reported on population growth of 37% in La Vista over the past 6 years. Mr. Yochum presented numbers to show that sales and housing have remained even or increased over the past year. The labor market continues to grow to a total of 73,690 people are employed in Sarpy County.

### **PRESENTATION – LEAGUE ASSOCIATION OF RISK MANAGEMENT – JOHNNIE MILLER**

Johnnie Miller, representing the League Association of Risk Management, presented a handout to the Council. The handout is an overview of how LARM is doing and how the City of La Vista is doing in LARM. He stated that nearly 85% of cities in the country are part of a pool, and any public agency in Nebraska is eligible to join. The City of La Vista joined LARM in 1995. Council member Sheehan asked if LARM had looked into setting up a similar pool for Health Insurance. Mr. Miller stated that they have and continue to look into this, although it would take a large group to begin this program because of the costs involved in health related issues. When looked at in the past, there was one company that many of the cities in the state had as a carrier and this company would not give out any information to help LARM set up a pool that would compete with them.

### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. MINUTES OF THE AUGUST 7, 2007 CITY COUNCIL MEETING**
- 3. MINUTES OF THE AUGUST 6, 2007 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.**
- 4. APPROVAL OF CLAIMS**

Councilmember Sell made a motion to approve the consent agenda as presented. Seconded by Councilmember Carlisle. Councilmember Sell 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	861.40
3M, Street Maint.	3,712.50
A-1 BODY, Vehicle Maint.	573.68
AA WHEEL & TRUCK SUPPLY, Vehicle Maint.	46.30
ACTION BATTERIES, Bldg & Grnds/Supplies	41.44
ALAMAR UNIFORMS, Wearing Apparel	210.94
AMAZING ARTHUR, Reading Program	400.00
AMERICAN LEGAL, Contract Services	961.00

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AQUA-CHEM, Supplies	263.25
AQUILA, Utilities	71.56
ARAMARK UNIFORM SERVICES, Contract Services	202.98
ASPHALT & CONCRETE MATERIALS, Street Maint.	302.72
BAKER & TAYLOR BOOKS, Books	518.03
BENNINGTON IMPLEMENT, Vehicle Maint.	448.76
BENSON RECORDS, Contract Services	50.30
BETTER BUSINESS EQUIPMENT, Rentals	37.00
BOARD OF EXAMINERS, Dues	50.00
BOBCAT, Vehicle Maint.	89.09
BOOKPAGE, Books	216.00
BRENTWOOD AUTO WASH, Vehicle Maint.	125.00
BRODART, Books	57.50
CABELA'S, Supplies	79.99
CARDMEMBER SERVICE-ELAN, Training/Vehicle Maint./Supplies	2,559.42
CITY OF OMAHA, Contract Services	25,990.43
CITY OF RALSTON, Contract Services	499.05
CJ'S HOME CENTER, Bldg & Grnds/Street Maint.	1,010.14
CMI, Supplies	95.48
COX, Contract Services	237.80
DEMCO, Supplies	205.83
DIRECT SAFETY COMPANY, Supplies	227.79
DOUGLAS PRODUCTS AND PACKAGING, Supplies	3,780.00
DOWNS ELECTRIC, Bldg & Grnds	65.96
DREWES, AMANDA, Rescue Revenue	10.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	8.38
E & A CONSULTING GROUP, Southport	23,678.83
EBSCO SUBSCRIPTION SERVICES, Dues	735.00
ECOLAB, Supplies	480.24
ED M. FELD EQUIPMENT, Wearing Apparel	150.00
ED ROEHR SAFETY PRODUCTS, Supplies	185.88
EDGEWEAR SCREEN PRINTING, Wearing Apparel	364.50
FELSBURG HOLT & ULLEVIG, Southport	705.00
FILTER CARE, Vehicle Maint.	33.10
FIREGUARD, Squad Supplies	180.63
FLEET US, Bldg & Grnds	2,160.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,208.50
GENWORTH LIFE AND HEALTH, Employee Benefits	8,802.11
G-M ROAD MARKING, Street Maint.	187.00
GOLDMAN, JOHN, Travel	270.00
GRAYBAR ELECTRIC, Utilities	30.00
GREAT PLAINS ONE-CALL SVC, Contract Services	347.30
H R DIRECT, Supplies	124.24
HARLEY DAVIDSON, Vehicle Maint.	37.75
HEARTLAND AWARDS, Printing	7.75
HEARTLAND TIRES AND TREADS, Vehicle Supplies	77.75
HEIMES, Street Maint.	94.35
HUNTEL, Contract Services	377.50
HY-VEE, Supplies	45.00
IIMC, Dues	75.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	703.09
JOHNSTONE SUPPLY, Bldg & Grnds	160.66
KAR SIM KENNEL, Contract Services	67.50
KROGER, Supplies	81.47
KUSTOM SIGNALS, Postage	25.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	1,801.00
LIBRA SAFETY PRODUCTS, Wearing Apparel	80.36
LINWELD, Supplies	209.22
LOGAN CONTRACTORS SUPPLY, Street Maint./Vehicle Maint.	3,869.18
LOU'S SPORTING GOODS, Supplies	265.66
LUEBBERT, RAY, Travel	76.99
MEADOWBROOK, Insurance	2,790.50
METRO AREA TRANSIT, Contract Services	482.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	239.75
MIDWEST MUDJACKING, Bldg & Grnds	480.00
MILLER BRANDS, Concessions	229.60
MILLER PRESS, Printing	140.00

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MOTOROLA, Equipment	1,927.20
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	198.53
MUNICIPAL PIPE TOOL CO, Vehicle Maint.	340.68
NE BUSINESS ELECTRONICS, Supplies	69.00
NE LIFE MAGAZINE, Books	21.00
NE TURF PRODUCTS, Supplies	2,143.38
NEBRASKA IOWA SUPPLY, Vehicle Maint.	16,814.80
NEELS TRAILER OUTLET, Equipment	1,330.00
OFFICE DEPOT, Supplies	404.32
O'KEEFE ELEVATOR COMPANY, Bldg & Grnds	233.18
OMB EXPRESS POLICE SUPPLY, Equipment	448.93
OPPD, Utilities	35,220.47
ORIZON CPAS, Professional Services	1,000.00
PAPILLION SANITATION, Contract Services	214.60
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	320.58
PAYLESS, Supplies	120.57
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROGRESSIVE BUSINESS, Contract Services	300.00
QUALITY BRANDS, Concessions	419.10
QWEST, Telephone	80.80
RAINBOW GLASS & SUPPLY, Vehicle Maint.	156.00
READY MIXED CONCRETE, Street Maint.	3,348.73
RECREONICS INC ETAL, Supplies	35.55
RON TURLEY ASSOCIATES, Vehicle Maint.	650.00
ROSE EQUIPMENT, Vehicle Maint.	443.85
ROSE, KENNETH, Refund	110.00
SAFETY-KLEEN, Contract Services	279.85
SAM'S, Dues/Concessions/Supplies	1,483.00
SAPP BROS PETROLEUM, Vehicle Maint.	47.25
SHARE ADVANTAGE, Rescue Revenue	81.67
SOUCIE, JOSEPH, Travel	270.00
STERIL MANUFACTURING, Repairs	50.00
SUBURBAN NEWSPAPERS, Legal Advertising	1,041.25
SUSPENSION SHOP, Vehicle Maint.	175.70
TED'S MOWER SALES & SERVICE, Vehicle Maint.	268.84
THREE RING ENTERPRISES, Vehicle Maint.	2,097.57
TROE, ANN, Printing	835.00
TURFWERKS, Vehicle Maint.	169.89
UNITED SEEDS, Bldg & Grnds	1,787.50
UNIVERSITY OF NE LINCOLN, Training	15.00
UPS, Postage	33.37
VOGEL TRAFFIC SERVICES, Street Maint.	3,325.00
WASTE MANAGEMENT, Bldg & Grnds/Contract Services	1,027.31
WATER'S EDGE AQUATIC DESIGN, Pool Concept	1,168.30

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council of the special City Council meeting on August 28, 2007 for the 2nd reading and public hearing on the annexation of Southwind and Val Verde. Then after the meeting, an informational meeting would be held for residents of areas proposed for annexation.

Police Chief Lausten reported to Council on the August 11, 2007 traffic stop of an unidentified male, in which a pipe bomb was found. Lausten thanked Fire Chief Uhl for the fire department's assistance on sight. The Omaha Bomb Squad removed the bomb from the location. The name of the individual was located through fingerprints, Omaha police also found a storage unit at 60th and Grover, where a methamphetamine lab was discovered. A team was sent into the storage unit to clean it out. The case has been turned over to the ATF and FBI.

Fire Chief Uhl reported to Council that recruitment and retention of Volunteers is a large challenge. Many individuals sign up without looking into the sacrifices and responsibilities involved. The citizen fire academy weekend will be Oct. 20 & 21 to give those who may be interested in joining the opportunity to experience some of the training that happens such as search & rescue, vehicle extrication, live burn exercise, and they will come away with a valid CPR card. Mayor Kindig asked if the Department was getting use from the Ralston grant money. Uhl responded that La Vista had not benefited from the grant to date.

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Public Works Director Soucie thanked the Council for their thoughts during his time off. Soucie updated Council on storm damage to the City from the previous night. There were 4 trees that had to be cleared from the road, but a canvassing of the City determined there was not a need to set up a tree collection site.

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

### **1. APPROPRIATIONS ORDINANCE – SECOND READING**

Mayor Kindig stated, "Ordinance No. 1043 now comes on for its second reading." City Clerk Buehe then read the ordinance by title: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember McLaughlin made a motion to approve Ordinance No. 1043 on its second reading and pass it on to a third reading. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

### **2. MASTER FEE ORDINANCE – SECOND READING**

Mayor Kindig stated, "Ordinance No. 1044 now comes on for its second reading." City Clerk Buehe then read the ordinance by title: AN ORDINANCE TO AMEND ORDINANCE NO. 1024, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Quick made a motion to approve Ordinance No. 1044 on its second reading and pass it on to a third reading. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

### **1. ORDINANCE – FIRST READING**

Councilmember Gowan introduced Ordinance No. 1046 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (VAL VERDE, SID #198; SOUTHWIND, VILLAS AT SOUTHWIND, SOUTHWIND TWO AND WINDSTONE, SID #200; AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN THE NW ¼ OF THE NW ¼ OF SECTION 15, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF THE HARRISON STREET RIGHT-OF-WAY FROM 69<sup>TH</sup> STREET WEST TO 96<sup>TH</sup> STREET), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. City Clerk Buehe then read the Ordinance by title.

Mayor Kindig stated, "Ordinance No. 1046 now comes on for its first reading." Councilmember Sell made a motion to approve Ordinance No. 1046 on its first reading and pass it on to a second reading. Seconded by Councilmember Carlisle. In response to a question asked by Councilmember Sheehan, Public Works Direction Soucie confirmed the proper portions of Harrison Street right of way were included in the annexation, considering prior interlocal agreement for right of way improvements to Harrison Street east of 69<sup>th</sup> Street. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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## **UPDATE – FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND ZONING MAP** **1. PUBLIC HEARING**

At 7:55 p.m. Mayor Kindig stated the floor was now open for discussion on the Update - Future Land Use Map of the Comprehensive Plan and Zoning Map.

Councilmember McLaughlin made a motion to continue the public hearing for the Update – Future Land Use Map Of The Comprehensive Plan And Zoning Map until the October 2nd meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## **E. ZONING TEXT AMENDMENT – GATEWAY CORRIDOR OVERLAY DISTRICT** **1. PUBLIC HEARING**

At 7:55 p.m. Mayor Kindig stated the floor was now open for discussion on the Zoning Text Amendment - Gateway Corridor Overlay District.

Councilmember McLaughlin made a motion to continue the public hearing for the Zoning Text Amendment - Gateway Corridor Overlay District until the October 2nd meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## **F. DISCUSSION – THOMPSON CREEK**

City Administrator Gunn stated this item was put on the agenda after a review at the previous meeting from City Engineer Kottmann. The discussion was put on the agenda to get input from Mayor and Council as to what they would like to do. It is recommended to schedule a public hearing to get the views of those affected.

Councilmember McLaughlin agreed that Council should listen to the thoughts of those affected. Councilmember Sheehan stated he doesn't want the public to think the City will have an immediate solution. City Administrator Gunn stated the discussion will give some direction to staff for future planning. Councilmember Sell asked if the City is looking at the four (4) options presented. City Administrator Gunn stated she would recommend a review of those options, but the City is open to different ideas. Councilmember Gowan stated he would like to see if this has been done in other communities and if so, what their actions were. Councilmember Sell asked about funding. City Engineer Kottmann stated that the NRD has a floodway buyout program. He also stated that there may be other possible funding sources locally which reach to the federal level. Kottmann stated he hopes the City uses the four (4) ideas presented as a baseline. Councilmember Sell asked what OPPD has said about Thompson Creek. Kottmann stated that there have been no long term talks with them. OPPD is currently working on immediate pole relocation issues. Mayor Kindig asked if the federal and NRD funding mechanism is spread out over a period of time. Kottmann responded that he has had experiences where funding is spread out over 4 or 5 years. Kindig asked if the City would have to reapply for funds each year, to which Kottmann responded that would not be necessary. Kindig asked if the NRD looks at the environmental friendliness of the City. Kottmann responded that the NRD does, in fact, look at that area. Councilmember Sheehan stated the Federal plan is not giving out piecemeal permits but rather looking at the whole plan, and wondered if that could be changed. Kottmann responded that amendments can be made.

Councilmember Ellerbeck asked if individual property owners could plan and fix their own property. Kottmann stated that that was not a probability since the waterway is not owned individually.

City Administrator Gunn stated that a public hearing would be scheduled for October 2, 2007 to hear from residents.

## **G. AUTHORIZATION TO ADVERTISE FOR BIDS – KENO LOTTERY OPERATIONS** **1. RESOLUTION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-087: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR OPERATION OF THE CITY'S KENO-TYPE LOTTERY OPERATION

WHEREAS, a majority of the vote by the registered voters of the City of La Vista were cast in favor of authorizing the establishment of a municipal keno lottery in 1989, and

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WHEREAS, the Mayor and Council of the City of La Vista authorized and established such lottery in 1989; and

WHEREAS, the City's current contract with an independent contractor lottery operator expires September 30, 2008; and

WHEREAS, the City desires to advertise for proposals for a keno lottery operator for the City's keno lottery game pursuant to specifications presented at this meeting; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for request for proposals and the City Clerk is hereby authorized to advertise for sealed proposals in accordance with the specifications presented at this meeting, subject to such modifications as the City Administrator determines necessary or appropriate in consultation with the City Attorney, and said sealed proposals are to be opened publicly at 10:00 a.m., at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska on February 1, 2008.

Publish Notice	August 30 & September 4, 2007
Open Proposals	February 1, 2008
Tentative Award Date	July 15, 2008

BE IT FURTHER RESOLVED, that the City Clerk shall be the contact for questions and requests regarding the specifications.

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

## **H. POSITION DESCRIPTION UPDATE**

Councilmember Carlisle moved for the adoption of the job description of the Special Services Driver. Seconded by Councilmember Sell. 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 I, "Executive Session". Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **COMMENTS FROM THE FLOOR**

Mayor Kindig asked if there were any comments from the floor, and asked that each individual limit his or her comments to 5 minutes. Glen Franta, a resident of La Vista, addressed the Mayor and Council and stated that he lives on Thompson Creek. He stated there is a culvert that runs 15 -20 feet under his house with erosion around it. A wire cage fixture is starting to cave in and block the creek. He also stated that the fence on the park side goes to middle of his property and he would like it to go the entire length. Mayor Kindig and City Administrator Gunn stated the City will have staff check on his concerns and get back to him.

## **I. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE – 1) PUBLIC WORKS COLLECTIVE BARGAINING 2) H&S PARTNERSHIP QUIET TITLE LAWSUIT AND 3) SARPY COUNTY INTERLOCAL AGREEMENT**

At 8:17 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a strategy session/negotiation guidance on 1) Public Works Collective Bargaining, 2) H&S Partnership Quiet Title Lawsuit, and 3) Sarpy County Interlocal Agreement. Seconded by Councilmember Quick. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 9:03 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Sheehan. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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## **J. POSSIBLE RESOLUTION REGARDING THE SETTLEMENT AGREEMENT OF THE H&S PARTNERSHIP QUIET TITLE ACTION INVOLVING LOT 44A, BROOK VALLEY BUSINESS PARK**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-088: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING SETTLEMENT AGREEMENT OF H&S PARTNERSHIP QUIET TITLE ACTION, LOT 44A, BROOK VALLEY BUSINESS PARK.

WHEREAS, the City of La Vista was a named party defendant in a quiet title action filed in the Sarpy County District Court by H&S Partnership regarding Lot 44A, Brook Valley Business Park (hereinafter "lawsuit"); and

WHEREAS, it is the desire of the City of La Vista to settle the lawsuit; and

WHEREAS, a Settlement Agreement has been proposed in form and content presented at this meeting.

NOW THEREFORE, BE IT RESOLVED that the Mayor and the City Council hereby approve settlement of the lawsuit and the proposed Settlement Agreement in form and content presented at this meeting.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized to execute and deliver said Settlement Agreement.

Seconded by Councilmember McLaughlin. 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 informed Council that there was still an opening for the National League of Cities Congress of Cities & Exposition, November 13 - 17, 2007. Contact Mary if you would like to attend.

### **ADJOURNMENT**

At 9:05 p.m. Councilmember McLaughlin 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 4TH DAY OF SEPTEMBER 2007.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk