

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING August 19, 2008

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 19, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, and Park Superintendent Lukasiewicz.

A notice of the meeting was given in advance thereof by publication in the Times on August 7, 2008. 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 at City Hall during normal business hours.

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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 5, 2008
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM JULY 17, 2008
4. APPROVAL OF CITIZEN ADVISORY REVIEW COMMITTEE MINUTES FROM JUNE 9, 2008
5. PAY REQUEST NO. 11 FROM JOHN Q. HAMMONS FOR CONSTRUCTION LOAN - \$1,185,163.66
6. PAY REQUEST NO. 4 FROM THE AUSTIN PETERS GROUP, INC. FOR COMPENSATION STUDY - \$3,697.50
7. APPROVAL OF CLAIMS

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Ellerbeck. 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.

3M, Equipment	3,879.00
A.S.P. ENTERPRISES, Street Maint.	190.92
ABE'S PORTABLES, Rentals/Bldg & Grnds	345.69
AETNA, Rescue Revenue	364.00
ANN TROE, Printing	820.00
AQUA-CHEM, Supplies	320.35
AQUILA, Utilities	2,431.26
ARAMARK UNIFORM, Contract Services	329.89
ASPHALT & CONCRETE MATERIALS, Street Maint.	64.23
BAINBRIDGE LEADERSHIP CENTER, Training	7,500.00
BAKER & TAYLOR BOOKS, Books	755.02
BATTERY ZONE, Supplies	77.91
BBC AUDIOBOOKS, Media	146.13
BCDM-BERINGER CIACCIO DENNELL, Professional Services	595.00
BENNINGTON IMPLEMENT, Equipment	482.00
BENSON RECORDS, Contract Services	56.18
BOBCAT, Vehicle Maint.	104.61
BOB'S RADIATOR REPAIR, Vehicle Maint.	180.00
BOOKPAGE, Books	236.00
BRENTWOOD AUTO WASH, Vehicle Maint.	223.00
BRODART, Books	22.14
BUETHE, PAMELA, Travel/Bldg & Grnds/Vehicle Maint.	82.47
BUILDERS SUPPLY, Street Maint.	291.28
CALLAWAY GOLF, Supplies	471.84
CENTENNIAL ENTERPRISES, Contract Services	7,847.00

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CENTER POINT PUBLISHING, Books	38.94
CITY OF OMAHA, Contract Services	33,769.49
CJ'S HOME CENTER, Vehicle Maint/Bldg & Grnds/	725.95
COCA-COLA, Concessions	1,175.82
COMP CHOICE, Professional Services	395.95
COX, Contract Services	239.83
CRUZ, BENEDICTO, Refund	85.00
DEETER FOUNDRY, Street Maint.	1,018.70
DIAMOND VOGEL PAINTS, Traffic Signs	369.75
DULTMEIER SALES & SERVICE, Vehicle Maint.	30.31
ED M. FELD EQUIPMENT, Awards	44.00
ED ROEHR SAFETY PRODUCTS, Supplies	128.48
EDGEWEAR SCREEN PRINTING, Wearing Apparel	396.00
FAIRWAY GOLF, Consignment Sales	234.00
FASTENAL, Supplies	33.90
FILTER CARE, Vehicle Maint.	85.15
FIREGUARD, Training	76.70
FIRMATURE, STEVE, Contract Services	36.00
GALL'S, Wearing Apparel	65.98
GLENWOOD PONY LEAGUE, Tournament Fee	750.00
GREAT PLAINS ONE-CALL, Contract Services	434.38
H & H CHEVROLET, Vehicle Maint.	67.58
HANEY SHOE STORE, Wearing Apparel	227.05
HEIMES CORP, Street Maint.	80.10
HELGET GAS, Squad Supplies	10.00
HENRY DOORLY ZOO, Summer Reading Program	50.00
HIGHSMITH, Supplies	342.52
HONEYMAN RENT-ALL, Deferred Revenue	136.25
HOPE HEALTH/IHAC, Dues	170.40
HUNTEL, Phone Upgrade	9,490.60
HY-VEE, Professional Services	86.45
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Services	2,160.00
INDUSTRIAL SALES, Bldg & Grnds	224.22
INTERNATIONAL CODE COUNCIL, Books	171.25
J Q OFFICE EQUIPMENT, Contract Services/Supplies	560.87
KIRKHAM MICHAEL, GIS Conversion	3,626.00
KLINKER, MARK, Professional Services	320.00
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	134.00
LEAGUE OF NEBRASKA MUN, Dues	21,867.00
LEO A DALY, Planning	3,000.00
LIBRARY ADVANTAGE, Supplies	375.00
LINHART CONSTRUCTION, Harrison St. Retaining Wall	58,714.23
LINWELD, Street Maint.	133.06
LIVE OAK MEDIA, Media	40.52
LOGAN CONTRACTORS SUPPLY, Street Maint.	422.28
LOU'S SPORTING GOODS, Supplies	205.00
MEADOWBROOK, Insurance	2,790.50
MEDICAID-NE DEPT OF SOC SVCS, Rescue Revenue	68.89
METRO UMPIRES, Contract Services	1,090.00
MID CON SYSTEMS, Vehicle Maint.	133.05
MIDWEST STORAGE SOLUTIONS, Supplies	106.00
MIDWEST TURF & IRRIGATION, Bldg & Grnds	19.83
MILLER BRANDS, Concessions	192.80
MOBILE COMMUNICATIONS, Vehicle Maint.	38.50
MONARCH OIL, Street Maint.	510.00
MUD, Utilities	3,901.59
MULHALL'S, Professional Services	1,490.50
MUNICIPAL PIPE TOOL, Vehicle Maint.	396.55
NEBRASKA BUSINESS ELECTRONICS, Bldg & Grnds	135.00
NEBRASKA LIBRARY COMMISSION, CD	2,876.55
NEBRASKA TURF PRODUCTS, Supplies	801.55
NEWMAN TRAFFIC SIGNS, Traffic Signs	4,425.25
NMC, Vehicle Maint.	894.43
NOBBIES, Deferred Revenue	50.95
OFFICE DEPOT, Supplies	359.05
OMAHA COMPOUND, Supplies/Bldg & Grnds	178.89
OPPD, Utilities	39,687.47

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PAPILLION SANITATION, Contract Services	200.09
PAPILLION TIRE, Vehicle Maint.	76.07
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	344.79
PAYLESS, Supplies	77.00
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	82.47
PRECISION INDUSTRIES, Vehicle Maint.	48.19
PREMERA BLUE CROSS, Rescue Revenue	553.19
PREMIER-MIDWEST BEVERAGE, Concessions	104.10
QUALITY BRANDS, Concessions	196.20
QWEST, Phone	125.47
READY MIXED CONCRETE, Street Maint.	5,226.44
ROSE EQUIPMENT, Vehicle Maint.	530.61
SAFETY-KLEEN, Contract Services	426.16
SAM'S CLUB, Bldg & Grnds/Dues/Concessions	1,409.62
SAPP BROS PETROLEUM, Vehicle Maint.	143.25
SARPY COUNTY LANDFILL, Street Maint./Fees	154.45
SCHUSTER, KEVIN, Contract Services	140.00
SIRCHIE FINGER PRINT LABS, Supplies	81.68
SUBURBAN NEWSPAPERS, Legal Advertising	668.49
SUTPHEN CORPORATION, Vehicle Maint.	132.34
TED'S MOWER SALES & SERVICE, Repair/Maintenance	163.65
THOMAS & MEANS, Training	250.00
THOMPSON DREESSEN & DORNER, Engineering Design	2,014.28
THREE RING ENTERPRISES, Vehicle Maint/Bldg & Grnds	850.63
TRACTOR SUPPLY, Repair/Maintenance	156.81
TURF CARS, Cart Repair	476.22
TURFWERKS, Vehicle Maint.	114.43
U S ASPHALT, Street Maint.	543.74
UHL, RICHARD, Travel	186.00
WATER'S EDGE, Aquatics Study	1,500.00
WICK'S STERLING TRUCKS, Vehicle Maint.	142.84
WINGATE INNS, Travel	702.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that school start today and officers monitored left hand turns out of G Stanley Hall; and also monitored speed.

Lausten stated the City is watching to see what the decision is for the Omaha City Council on the "dangerous dog" ordinance. The City of La Vista currently has a "dangerous dog" ordinance, but some changes may be required to stay uniform in the metro area for the humane society.

Recreation Director Stopak informed Council the City was given a certificate from the Red Cross for its help during the severe weather earlier this year.

## B. FISCAL YEAR 08/09 MUNICIPAL BUDGET 1. APPROPRIATIONS ORDINANCE – FIRST READING

Mayor Kindig stated, "Ordinance No. 1065 now comes on for its second reading." City Clerk Buethe 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, 2008 AND ENDING ON SEPTEMBER 30, 2009; 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 Carlisle made a motion to approve Ordinance No. 1065 on its second reading and pass it on to a third reading. Seconded by Councilmember Sheehan. Councilmember Gowan stated he would like the Mayor and Council to consider the staff recommendation of an increase in Mayor and City Council member salaries. Councilmember McLaughlin asked what the proposed increase was. City Administrator Gunn informed Council the proposed increase was 2% per year, with an 8% total increase over the next four years. Councilmember Sheehan asked if the recommendation is just for an increase in the upcoming fiscal year. Councilmember Gowan said he was looking for an increase just in the upcoming fiscal year. A discussion was held on an increase. Mayor Kindig called for the vote to approve Ordinance No. 1065 as

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presented for second reading and to pass on to a third reading. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. It was clarified that any proposal regarding elected officials salaries should be brought back as a proposed amendment to be considered at the next Council meeting prior to final vote on the proposed budget.

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

Mayor Kindig stated, "Ordinance No. 1066 now comes on for its second reading." City Clerk Buethe then read the ordinance by title: AN ORDINANCE TO AMEND ORDINANCE NO.1044 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 Sell made a motion to approve Ordinance No. 1066 on its second reading and pass it on to a third reading. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. GENERAL OBLIGATION (G.O.) VARIOUS PURPOSE BONDS, SERIES 2008 AND 2008A**

### **1. ORDINANCE – APPROVE HIGHWAY FUND PLEDGE BONDS**

Councilmember Ellerbeck introduced Ordinance No. 1067 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LA VISTA, NEBRASKA, SERIES 2008, IN THE PRINCIPAL AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTION OF CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; PROVIDING FOR A DESIGNATION SETTING FINAL TERMS OF SAID BONDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Councilmember Sheehan asked if the rates were correct. Dan Smith, a representative of D.A. Davidson stated the rate would not exceed 5%. The Mayor then stated the question was, "Shall Ordinance No.1067 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### **2. ORDINANCE – APPROVE GENERAL OBLIGATION REFUNDING BONDS**

Councilmember Ellerbeck introduced Ordinance No. 1068 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2008A, OF THE CITY OF LA VISTA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$3,550,000) TO REFUND CERTAIN OUTSTANDING DEBT OF THE

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CITY OF LA VISTA; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; PROVIDING FOR A DESIGNATION SETTING FINAL TERMS OF SAID BONDS; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1068 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **D. CONDITIONAL USE PERMIT – INDOOR RECREATIONAL FACILITY LOT 6, PAPIO VALLEY 1 BUSINESS PARK**

### **1. PUBLIC HEARING**

At 7:37 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit – Indoor Recreational Facility Lot 6, Papio Valley 1 Business Park. Larry Joebun, represented the applicant, addressed Council to give an overview of the plan.

At 7:39 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 McLaughlin introduced and moved for the adoption of Resolution No. 08-073: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR OMAHA METRO GYMNASTICS TO OPERATE AN INDOOR RECREATIONAL FACILITY (GYMNASTICS) ON LOT 6, PAPIO VALLEY 1 BUSINESS PARK.

WHEREAS, Omaha Metro Gymnastics, on behalf of Elite Builders, Inc., has applied for a conditional use permit for the purpose of operating an indoor recreational facility (gymnastics and related uses) on Lot 6, Papio Valley 1 Business Park, located at 12305 Cary Circle; 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, subject to the following conditions:

1. Off-street parking shall be provided for the use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the use without negatively impacting or limiting the number of parking spaces for other existing or future tenants.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Omaha Metro Gymnastics to operate an indoor recreational facility (gymnastics and related uses) on Lot 6, Papio Valley 1 Business Park, subject to the condition listed in the last recital above.

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

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## **E. CONDITIONAL USE PERMIT – ANIMAL SPECIALTY SERVICES LOT 12A, I-80 INDUSTRIAL PARK 2 1. PUBLIC HEARING**

At 7:39 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit – Animal Specialty Services Lot 12A, I-80 Industrial Park 2. Nicole Stahl-Deisdorff, of Pete & Barney's World LLC, was in attendance to answer any questions.

At 7:45 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Mayor Kindig asked Ms. Stahl-Deisdorff if she had experience with a ventilation system. She said she did not, but a decision has not been made about whether grooming will be performed at this location. Mayor Kindig stated he would like to see outdoor clean-up performed three to four times per day, rather than just twice a day. Councilmember Sheehan asked if there would be an outside area for the dogs; and asked the ratio of dogs to people. Ms. Stahl-Deisdorff stated that there is an outside area for the dogs, and the ratio is 1 person per 10 dogs. Councilmember Gowan asked how many dogs would be at the location. Ms. Stahl-Deisdorff stated there would be an average of 50 – 75 dogs at any one time. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-074: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR PETE & BARNEY'S WORLD, LLC, TO OPERATE ANIMAL SPECIALTY SERVICES (DOGTOPIA) ON LOT 12A, I-80 INDUSTRIAL PARK 2.

WHEREAS, Pete & Barney's World, LLC, on behalf of Castelar Plaza, LLC, has applied for a conditional use permit for the purpose of operating animal specialty services (Dogtopia) on Lot 12A, I-80 Industrial Park 2, located at 13239 Portal Drive; 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, subject to the following conditions:

1. The applicant shall demonstrate that the business can provide the necessary number of parking spaces without negatively impacting the parking required for future tenants on this lot.
2. Outdoor clean-up of solid animal wastes shall be performed at least three times a day to keep the parking lot and landscaped areas clean and safe, with the last clean up each day being just prior to close.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Pete & Barney's World, LLC, to operate animal specialty services (Dogtopia) on Lot 12A, I-80 Industrial Park 2, subject to the conditions listed in the last recital above.

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

## **F. ZONING TEXT AMENDMENTS – I-1 & I-2 DISTRICTS, SELF-SERVICE STORAGE FACILITIES 1. PUBLIC HEARING**

At 7:46 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendments – I-1 & I-2 Districts, Self-Service Storage Facilities.

At 7:47 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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## **2. ORDINANCE – APPROVE ZONING TEXT AMENDMENTS**

Councilmember Ellerbeck introduced Ordinance No. 1069 entitled: AN ORDINANCE TO AMEND SECTIONS 5.13.02, 5.13.03, 5.14.02 AND 5.14.03 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.13.02, 5.13.03, 5.14.02 AND 5.14.03 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1069 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **G. ZONING TEXT AMENDMENTS – MINIMUM OFF-STREET PARKING REQUIREMENTS**

### **1. PUBLIC HEARING**

At 7:48 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendments – Minimum Off-Street Parking Requirements.

At 7:49 p.m. Councilmember Ellerbeck 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.

## **2. ORDINANCE – APPROVE ZONING TEXT AMENDMENTS**

Councilmember McLaughlin introduced Ordinance No. 1070 entitled: AN ORDINANCE TO AMEND SECTION 7.06 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.06 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember 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 Ellerbeck. Discussion was held with regard to how restrictive this would be for existing businesses and parking requirements for multi-family dwellings. The Mayor then stated the question was, "Shall Ordinance No. 1070 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: 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.

## **H. ORDINANCE – CONTINUATION OF THE ½ PERCENT SALES TAX**

Councilmember Ellerbeck introduced Ordinance No. 1071 entitled: AN ORDINANCE CONTINUING THE ONE AND ONE-HALF PERCENT (1½ %) CITY SALES AND USE TAX ON ALL TRANSACTIONS WITHIN THE CITY OF LA VISTA AND WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; TO PROVIDE FOR THE EFFECTIVE DATE OF SUCH TAX; TO PROVIDE FOR THE ADMINISTRATION OF SUCH TAX; TO PROVIDE FOR

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THE SUNSET DATE OF THE ONE-HALF PERCENT (½ %) LOCAL OPTION SALES TAX PORTION OF SUCH SALES AND USE TAX; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1071 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **I. RESOLUTION – MUNICIPAL AQUATIC FACILITY – BOND ISSUE**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-075: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, CALLING A SPECIAL ELECTION ON THE PROPOSITION FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AMOUNT NOT TO EXCEED SEVEN MILLION THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$7,355,000) FOR THE PURPOSE OF DEMOLISHING THE EXISTING MUNICIPAL SWIMMING POOL LOCATED AT 7529 S. 85<sup>TH</sup> STREET (LOT 13 PARK VIEW HEIGHTS), CONSTRUCTING AN ACCESS ROAD AND CONSTRUCTING AND EQUIPPING A MUNICIPAL AQUATIC FACILITY TO REPLACE THE EXISTING SWIMMING POOL AT SAID LOCATION, AND PAYING RELATED COSTS.

BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska (the "City") as follows:

Section 1. The Mayor and City Council find and determine that:

(a) it is necessary, desirable, advisable and in the best interest of the City and its residents to submit to the voters the question that the City demolish the existing municipal swimming pool located at 7529 S. 85<sup>th</sup> Street (Lot 13 Park View Heights), construct an access road and construct and equip a municipal aquatic facility to replace the existing swimming pool at said location; and for other related project costs (collectively, the "Project");

(b) there has not been submitted to the electors of the City a proposition for the issuance of bonds pursuant to Section 16-695, Reissue Revised Statutes of Nebraska, 1997, as amended, to pay the costs of the Project for six months last past;

Section 2. A special election is hereby called to be held in conjunction with the statewide general election on November 4, 2008, at which there shall be submitted to the qualified electors of the City the following proposition:

"Shall the City of La Vista, Nebraska, issue negotiable bonds of said City in the principal amount of not to exceed Seven Million Three Hundred Fifty-five Thousand Dollars (\$7,355,000) for the purpose of demolishing the existing municipal swimming pool located at 7529 S. 85<sup>th</sup> Street (Lot 13 Park View Heights), constructing an access road and constructing and equipping a municipal aquatic facility to replace the existing swimming pool at said location, said bonds to be dated and become due and payable, both principal and interest, on such date or dates as may be fixed by the Mayor and Council of the City at the time of their issuance and to bear interest at such rate or rates as shall be determined by the Mayor and City Council, and

"Shall the City cause to be levied and collected annually a special levy of taxes on the taxable value of the taxable property in the City sufficient to pay the principal and interest on said bonds as such principal and interest become due?"

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The ballots to be voted upon and cast at said election shall have printed thereon the foregoing proposition, followed by the words: "FOR said bonds and tax" and "AGAINST said bonds and tax" following said proposition.

Section 3. Notice of said election shall be given to the qualified electors of said City by publication at least one time each week for four successive weeks prior to such election and a copy of the sample ballot shall be published one time not more than ten days nor less than three days prior to the election, such notice and sample ballot to be published in the *Papillion Times* a newspaper printed and of general circulation in said City, and the City Clerk of the City be and hereby is directed to cause such notice and sample ballot to be published.

Section 4. The City Clerk of the City shall be and hereby is authorized and directed to certify a copy of this Resolution to the Election Commissioner of Sarpy County, who shall designate the polling places, appoint the election officials and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said Election Commissioner for the expenses of conducting the election. As required by Section 32-802, Reissue Revised Statutes of Nebraska, as amended, the Election Commissioner shall provide for publication of the Notice of Election in a newspaper designated by the Election Commissioner no later than forty days prior to the day of said election and such notice shall be posted in the office of the Election Commissioner no later than forty days prior to such date of election.

Section 5. The form of ballot and form of notice of said bond election shall be substantially in the form submitted to this meeting, a copy of which forms shall be made a part of the minutes [set forth below]. The City Clerk is hereby authorized and directed, in conjunction with the Election Commissioner conducting the election, to arrange for the printing of the necessary ballots for said election and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City as above provided.

## NOTICE OF ELECTION CITY OF LA VISTA, NEBRASKA

Public Notice is hereby given to the qualified electors of the City of La Vista, Nebraska, that a special election has been called and will be held in conjunction with the statewide general election in the City of La Vista, Nebraska, on Tuesday, November 4, 2008, at which time there shall be submitted to the qualified electors of said City the following proposition:

"Shall the City of La Vista, Nebraska, issue negotiable bonds of said City in the principal amount of not to exceed Seven Million Three Hundred Fifty-five Thousand Dollars (\$7,355,000) for the purpose of demolishing the existing municipal swimming pool located at 7529 S. 85<sup>th</sup> Street (Lot 13 Park View Heights), constructing an access road and constructing and equipping a municipal aquatic facility to replace the existing swimming pool at said location, said bonds to be dated and become due and payable, both principal and interest, on such date or dates as may be fixed by the Mayor and Council of the City at the time of their issuance and to bear interest at such rate or rates as shall be determined by the Mayor and City Council, and

"Shall the City cause to be levied and collected annually a special levy of taxes on the taxable value of the taxable property in the City sufficient to pay the principal and interest on said bonds as such principal and interest become due?"



FOR said bonds and tax.



AGAINST said bonds and tax.

Voters desiring to vote in favor of the question shall blacken the oval preceding the words "FOR said bonds and tax" and voters desiring to vote against the question shall blacken the oval preceding the words "AGAINST said bonds and tax."

The polling place will be open continuously from 8:00 a.m. to 8:00 p.m. on said date. The voting places for qualified electors of the City the same as the voting places for the statewide general election. The polling places are accessible to individuals with physical mobility limitations.

Qualified electors wishing to vote early, as permitted by law, may do so in person or by requesting a ballot for early voting from the Election Commissioner of Sarpy County, at such Election

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Commissioner's offices in Papillion, Nebraska, 1261 Golden Gate Drive, Suite 6E, Papillion, Nebraska 68046.

BY ORDER OF THE MAYOR AND CITY COUNCIL OF SAID CITY.

/s/  
City Clerk

/s/  
Mayor

(SAMPLE BALLOT)  
(OFFICIAL BALLOT)  
(OFFICIAL BALLOT FOR EARLY VOTING)  
BOND ELECTION  
CITY OF LA VISTA, NEBRASKA  
TUESDAY, NOVEMBER 4, 2008

"Shall the City of La Vista, Nebraska, issue negotiable bonds of said City in the principal amount of not to exceed Seven Million Three Hundred Fifty-five Thousand Dollars (\$7,355,000) for the purpose of demolishing the existing municipal swimming pool located at 7529 S. 85<sup>th</sup> Street (Lot 13 Park View Heights), constructing an access road and constructing and equipping a municipal aquatic facility to replace the existing swimming pool at said location, said bonds to be dated and become due and payable, both principal and interest, on such date or dates as may be fixed by the Mayor and Council of the City at the time of their issuance and to bear interest at such rate or rates as shall be determined by the Mayor and City Council, and

"Shall the City cause to be levied and collected annually a special levy of taxes on the taxable value of the taxable property in the City sufficient to pay the principal and interest on said bonds as such principal and interest become due?"

FOR said bonds and tax.  
 AGAINST said bonds and tax.

Voters desiring to vote in favor of the question shall blacken the oval preceding the words "FOR said bonds and tax" and voters desiring to vote against the question shall blacken the oval preceding the words "AGAINST said bonds and tax."

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

## J. RESOLUTION - AUTHORIZE REQUEST FOR PROPOSALS – 84<sup>TH</sup> STREET REDEVELOPMENT VISION PLAN

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-076: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR PREPARATION OF AN 84<sup>TH</sup> STREET REDEVELOPMENT VISION PLAN.

WHEREAS, the City wishes to contract for consulting services to prepare an 84<sup>th</sup> Street Redevelopment Plan; and

WHEREAS, the City has prepared a Request for Proposals (RFP) and draft Scope of Services for this work.

NOW, THEREFORE BE IT RESOLVED, that the City of La Vista hereby authorizes the advertisement of bids for the preparation of an 84<sup>th</sup> Street Redevelopment Vision Plan with a Request for Proposals (RFP) and draft Scope of Work prepared by City staff, which copies of said RFP may be obtained from the City Clerk and said proposals are to be submitted by 4:30 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska on October 6, 2008.

Advertise for Bids

August 28, 2008

Proposals Due

October 6, 2008

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Tentative Award Date      December 2, 2008

Seconded by Councilmember McLaughlin. Discussion was held regarding contacts to bid on this and how to obtain a larger group of bidders. Discussion was also held with regard to committees and the importance of this vision plan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## K. RESOLUTION – ADVERTISEMENT FOR BIDS – CART CORRALS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-077: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ADVERTISEMENT OF BIDS FOR CONSTRUCTION OF CART CORRALS FOR OFF STREET PARKING DISTRICT I.

WHEREAS, the City Council has determined that installation of cart corrals at Off Street Parking District I is necessary; and

WHEREAS, the FY 2007/08 Budget - Off Street Parking District I provides funding for the proposed project; and

WHEREAS, Beringer Ciaccio Dennell Maybrey, Inc., has prepared plans and specifications for said project.

NOW, THEREFORE BE IT RESOLVED, that the City of La Vista hereby authorizes the advertisement of bids for construction of cart corrals for Off Street Parking District I in accordance with plans and specifications prepared by Beringer Ciaccio Dennell Maybrey, Inc., and said bids are to be opened and publicly read aloud at 1:30 p.m. at the offices of Beringer Ciaccio Dennell Maybrey, Inc., 1015 North 98<sup>th</sup> Street, Suite 300, Omaha, Nebraska.

Advertisement of Bids	August 27, 2008
Open Bids	September 9, 2008 – 1:30 p.m.
Award Contract	September 16, 2008

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if the City was violating its own regulations by putting on the City logo. City Administrator Gunn said a revision to the regulation is being discussed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## L. RESOLUTION – CONTRACT FOR PROFESSIONAL SERVICES – GEOGRAPHICAL INFORMATION SYSTEM (GIS)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-078: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO KIRKHAM MICHAEL & ASSOCIATES, INC., OMAHA, NE, FOR PROFESSIONAL SERVICES TO PROVIDE CONVERSION OF STORM WATER DATA INTO A GEOGRAPHICAL INFORMATION SYSTEM (GIS) IN AN AMOUNT NOT TO EXCEED \$10,000.00.

WHEREAS, the City Council of the City of La Vista has determined that said project is necessary; and

WHEREAS, the FY 2007/08 Storm Water Management Fund provides funding for the proposed project; and

WHEREAS, the project is recognized in the City of La Vista's Storm Water Management Plan that is annually submitted to the Nebraska Department of Environmental Quality; 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that authorization is given to execute a contract with Kirkham Michael & Associates, Inc., Omaha, Nebraska, for professional services to provide

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conversion of storm water data into a Geographical Information System, in an amount not to exceed \$10,000.00.

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

## **M. RESOLUTION – PURCHASE OF ICE CONTROL SALT**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-079: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT IN AN AMOUNT NOT TO EXCEED \$25,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt is necessary; and

WHEREAS, the purchase has been included in the FY 2007/08 General Fund; Street Maintenance year-end estimates; and

WHEREAS, orders for the ice control salt maybe placed with multiple vendors; 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice control salt in an amount not to exceed \$25,000.00.

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

## **N. CLASS C LIQUOR LICENSE APPLICATION BEYOND GOLF LLC DBA BEYOND GOLF**

### **1. PUBLIC HEARING**

At 7:51 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class C Liquor License Application for Beyond Golf LLC dba Beyond Golf. Josh Galvin, representing Beyond Golf, was in attendance to answer any questions.

At 7:52 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-080: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION FOR BEYOND GOLF LLC DBA BEYOND GOLF, LA VISTA, NEBRASKA.

WHEREAS, Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, La Vista, Sarpy County, Nebraska.

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

Councilmember McLaughlin made a motion to move "Comments from the Floor" up on the agenda ahead of Item O. "Executive Session". Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor and that any person desiring to make comments limit them to 3 – 5 minutes. Martin Ware, a resident of La Vista asked Council to enforce the use of tickets for residents who do not maintain their property. He said they should receive one warning, and be ticketed if the property is not cleaned up. Mr. Ware would like to see the street where he lives overlaid. Mayor Kindig said he would have staff check the records to see the maintenance record for his street.

## O. EXECUTIVE SESSION – LAND ACQUISITION

At 8:26 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Land Acquisition discussion. Seconded by Councilmember Gowan. 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.

At 8:42 p.m. the Council came out of executive session. Councilmember Sell made a motion to reconvene in open and public session, noting that the discussion in executive session was limited to the subject matter contained in the original motion. 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

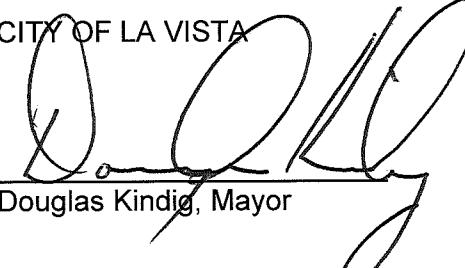
Mayor Kindig asked the Council if they would like to personally contribute funds for the Chili Fee and Tree Light. Last year the contribution was \$25.00 per person.

Mayor Kindig informed Council the Economic Summit will be from 7:30 – 1:00 on Thursday, August 21st at the Embassy Suites.

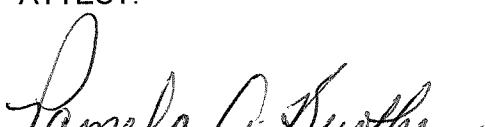
Councilmember Gowan stated he would like to see an update from the La Vista Community Foundation.

At 8:55 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.

PASSED AND APPROVED THIS 2ND DAY OF SEPTEMBER 2008.

CITY OF LA VISTA  
  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC

City Clerk