

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING MAY 16, 2006

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on May 16, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: Councilmember McLaughlin. Also in attendance were City Attorney McKeon, City Administrator Gunn, Finance Director Lindberg, Library Director Schinker, Recreation Director Stopak, Fire Chief Schuster, Police Chief Lausten, Community Development Director Birch, City Engineer Kottmann, Public Buildings and Grounds Director Archibald, Public Works Director Soucie, and Deputy City Clerk Lupomech.

A notice of the meeting was given in advance thereof by publication in the Times on May 4, 2006. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

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

### SERVICE AWARD – STEVE BRAND – 20 YEARS

Mayor Kindig presented a certificate and pin to Steve Brand to honor his 20 years of service to the City.

### PROCLAMATIONS – SEE AMERICA WEEK, SCLERODERMA AWARENESS MONTH

Mayor Kindig read a proclamation proclaiming May 13<sup>th</sup> through May 21<sup>st</sup>, as See America Week in the City of La Vista.

### SPECIAL PRESENTATION – TOBY CHURCHILL – SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION

Toby Churchill of the Sarpy County Economic Development Corporation, presented Council with two reports showing economic development statistics over the last 15 years in Sarpy County and also for the first quarter of 2006. He reviewed some of the statistics presented including taxable sales, building permit valuations, and number of residential lots platted. He also reported that La Vista currently has three of the top five projects in the county. Mayor Kindig thanked Churchill for his report.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE MAY 2, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE APRIL 19, 2006 PARK & RECREATION ADVISORY COMMITTEE  
MEETING
4. MINUTES OF THE APRIL 20, 2006 PLANNING COMMISSION MEETING
5. MINUTES OF THE APRIL 26, 2006 SAFETY COMMITTEE MEETING
6. PAY REQUEST FROM CONSTRUCT, INC. FOR FIRE STATION NO. 2 PROJECT -  
\$287,470.98
7. PAY REQUEST FROM STRATEGIC ADVISORY GROUP – PROFESSIONAL SERVICES  
- \$3,534.11
8. PAY REQUEST FROM THIELE GEOTECH FOR TESTING SERVICES (2 INVOICES) –  
SOUTHPORT WEST - \$1,031.00
9. PAY REQUEST FROM TAB HOLDING CO. FOR SOUTHPORT WEST IMPROVEMENTS  
- \$23,517.09
10. PAYMENT TO MILLARD SUBURBAN FIRE DISTRICT FOR TERRITORY ANNEXED -  
\$3,492.13
11. PAY REQUEST FROM BUILDERADIUS, INC. FOR COMMUNITY DEVELOPMENT  
SOFTWARE - \$17,000.00
12. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda as presented. Seconded by Councilmember Gowan. 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, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

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AKSARBEN GARAGE DOOR, Bldg & Grnds	97.00
ALBERS, MITCH, Contract Services	25.00
ALKAR BILLIARDS, Sports Equip.	35.93
AMERICAN FENCE, Pool Renovation	960.17
AQUILA, Utilities	3,864.35
ARAMARK UNIFORM, Contract Services	177.25
ASI SIGN SYSTEMS, Lettering	690.75
ASPHALT & CONCRETE MATERIALS, St. Maint.	307.07
BAKER & TAYLOR BOOKS, Books	1,028.19
BARONE SECURITY SYSTEMS, Security System	1,747.00
BENNINGTON IMPLEMENT, Mower	37,448.36
BETTER BUSINESS EQUIPMENT, Contract Services	89.75
BRENTWOOD AUTO WASH, Vehicle Maint./Supplies	100.00
BRYAN ROCK PRODUCTS, Capital Outlay	7,355.16
BUILDERS SUPPLY, St. Maint.	144.78
CARDMEMBER SERVICE-ELAN, Travel, Professional Services	6,675.10
CENTER POINT PUBLISHING, Books	38.34
CITY OF OMAHA, Contract Services	53,310.66
CITY OF RALSTON, Contract Services	688.00
CJ'S HOME CENTER, Bldg & Grnds	969.27
CLIA LABORATORY PROGRAM, Squad Supplies	150.00
COCA-COLA, Concessions	188.80
COMP CHOICE, Professional Services	140.00
CONTROL MASTERS, Bldg & Grnds	766.22
CUES, Vehicle Maint.	42.18
DAVIDSON TITLES, Books	351.91
DECOSTA SPORTING GOODS, Supplies	115.30
DEMCO, Supplies	388.55
DON'S PIONEER UNIFORMS, Wearing Apparel	450.00
DOUBLE K FEED, St. Maint.	84.00
ED ROEHR SAFETY PRODUCTS, Equip.	364.36
EDEN TREE & LANDSCAPE, Bldg & Grnds	190.96
EDGEWEAR SCREEN PRINTING, Wearing Apparel	664.00
EMS BILLING, Rescue Revenue	1,422.22
FALCON ASSOCIATES, Legal Advertising	90.00
FARQUHAR, MIKE, Books	28.00
FASTENAL COMPANY, Vehicle Maint.	18.27
FERRELLGAS, Utilities	361.61
FITZGERALD SCHORR BARMETTLER, Professional Services	29,832.23
FORT DEARBORN LIFE INSURANCE, Employee Benefits	229.50
GALL'S, Wearing Apparel	215.97
GAMBER JOHNSON, Maint.	58.63
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	653.26
GOMON, KRAIG, Training	32.39
GOOCH, LINDA, Supplies	70.00
GRAINGER, Bldg & Grnds	136.55
GRAYBAR ELECTRIC, Bldg & Grnds	152.80
GREAT PLAINS ONE-CALL, Contract Services	491.55
H & H CHEVROLET, Vehicle Maint.	44.53
HAMILTON COLOR LAB, Professional Services	1,568.00
HEIMES, St. Maint.	104.00
HOST COFFEE, Concessions	20.60
HUNTEL, Contract Services	15,119.65
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	11.77
ICMA-INTL CITY/COUNTY MANAGE, Dues	800.00
INFINITY HOMES, Permits	2,551.79
INTERNATIONAL CODE COUNCIL, Training	59.00
IVERSON, DENNIS, Travel	50.00
J Q OFFICE EQUIPMENT, Contract Services	329.29
JETTON, REGGIE, Contract Services	20.00
JNFS ENGINEERING, Contract Services	1,640.00
JOHNSTONE SUPPLY, Bldg & Grnds	18.88
KOKOMO ANIMAL HOSPITAL, Canine Donations	296.25
KROGER, Supplies	77.33
KULA, MARK, Supplies	15.94
LA VISTA CHAMBER OF COMMERCE, Travel	16.00
LANGLEY ANIMAL HOSPITAL, Canine Donations	40.00

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LAWLESS DISTRIBUTING, Concessions	903.50
LEAGUE OF NE MUNICIPALITIES, Training/Travel	268.00
LEXIS NEXIS MATTHEW BENDER, Books	26.90
LOU'S SPORTING GOODS, Recreation Equip.	1,864.03
MALLARD SAND AND GRAVEL, Bldg & Grnds	229.96
MARSHALL CAVENDISH, Books	116.77
MASSACHUSETTS LAW ENFORCEMENT, Books	35.00
MEANS, JOSH, Contract Services	68.75
MENARDS, Bldg & Grnds	537.35
METAL SUPERMARKETS, St. Maint/Vehicle Maint.	443.50
MUD, Utilities	313.56
MID AMERICA PAY PHONES, Telephone	200.00
MILLER BRANDS, Concessions	251.25
MIRACLE RECREATION EQUIP, Pool Improvements	16,061.46
MITY-LITE, Capital Outlay	2,280.00
MOTOROLA , Equip. Maint.	411.20
MULHALL'S, Arbor Day Tree	224.99
NE DISTRIBUTING, Concessions	251.25
NE LANDSCAPE SOLUTIONS, Supplies	1,014.38
NE LAW ENFORCEMENT, Training	250.00
NE LIBRARY COMMISSION, Equip.	1,741.00
NE TURF PRODUCTS, Bldg & Grnds, Supplies	7,417.60
NEBRASKALAND CONF BLDG OFFCL, Dues	145.00
NOGG CHEMICAL & PAPER, Supplies	380.00
OABR PRINT SHOP, Printing	608.45
OFFICE DEPOT, Supplies	758.69
OPPD, Utilities	25,666.14
ON YOUR MARKS, Professional Services	1,032.15
PARAMOUNT LINEN & UNIFORM, Cleaning Service	285.32
PAYLESS, Supplies	178.60
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	108.19
PERFORMANCE DODGE, Police Cruisers	58,748.80
POKORNY, KEVIN, Travel	110.85
PRECISION INDUSTRIES, Vehicle Maint.	68.26
QUILL CORPORATION, Supplies	15.20
QWEST, Telephone	231.41
R & R PRODUCTS, Bldg & Grounds	60.31
READY MIXED CONCRETE, St. Maint.	1,636.96
RINKER MATERIALS, Sewer Maint.	176.15
ROSE EQUIPMENT, Training, Vehicle Maint.	462.59
RUFFNER, JAMES, Travel	38.00
RUHGE, RANDY, Travel	49.00
SAM'S CLUB, Supplies	102.30
SARPY COUNTY TREASURER, Professional Services	12,253.00
SOUTHPORT WEST PARTNERS LLC, Street Light	99,106.92
STAPLES, Supplies	63.83
STATE TROOPERS ASSN OF NE, Training	75.00
STOLLER, AMY, Refund	20.00
THREE RING ENTERPRISES, Vehicle Maint.	3,389.16
TRACTOR SUPPLY, Vehicle Maint.	13.65
TROE, ANN, Printing	790.00
TURFWERKS, Vehicle Maint.	136.71
ULRICH, JAKE, Contract Services	87.50
US POSTAL SERVICE, Postage	896.57
UNIVERSITY OF NE LINCOLN, Training	30.00
V & V MANUFACTURING, Wearing Apparel	431.66
VAN ORMAN, BRIAN, Travel	40.00
VITAL SUPPORT SYSTEMS, Contract Services	3,745.00
WHITE CAP CONSTRUCTION SUPPLY, St. Maint.	77.14

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council she would be attending the ICSC conference the week of May 22 through May 25<sup>th</sup>. She stated that Police Chief Lausten would be in charge while she was out of town.

Police Chief Lausten informed Council that Wednesday, May 17, 2006 was the final night of Citizen's Police Academy. He also informed Council that La Vista is hosting a homicide class this

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week at the police facility. This training is provided by the Public Agency Training Council out of Indianapolis, and La Vista received three slots in the class in return for hosting the training.

Fire Chief Schuster informed Council that he and five other members of department will be attending the Nebraska State Fire School this week. Four of them have been asked to teach a Rapid Intervention training class.

Public Works Director Joe Soucie updated Council on various road construction projects. The improvements at 72<sup>nd</sup> & Giles Road being done in conjunction with the Market Pointe development are scheduled to be completed in mid-June. Work is continuing on 96<sup>th</sup> Street between Giles and Cornhusker and on schedule for completion.

Soucie updated Council on repair work at the swimming pool. The slide has been installed, the pool has been filled with water, and the umbrellas have arrived and will be installed soon.

Soucie reported that work on the Thompson Creek Improvements - Phase V project (near the swimming pool) was started by Nelson & Rock Contracting on Monday and the project should last about 2 ½ to 3 weeks.

Soucie informed Council that Street Foreman Dennis Iverson completed the first week of a two week bridge inspector school. The City was able to get grant money to pay for the two week course.

Recreation Director Stopak reminded Council that the "Kick Off Summer" Ice Cream Social, a first year event to celebrate the end of the school year, will be held on Thursday, May 25<sup>th</sup>, from 1:30 p.m. to 3:30 p.m. in the City Hall parking lot. Volunteers are needed.

## **B. APPLICATIONS TO AMEND THE COMPREHENSIVE PLAN & REZONE, LOTS 1-3, SOUTHPORT WEST (WESTPORT PARKWAY & WEST GILES ROAD)**

### **1. PUBLIC HEARING**

At 7:13 p.m. Mayor Kindig stated the floor was now open for a public hearing on applications to amend the Comprehensive Plan & Rezone, Lots 1-3, Southport West (Westport Parkway & West Giles Road).

There was no additional information from the staff. Dean Hokanson addressed Council as the representative for the applicant. There were no other comments or questions. At 7:19 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

### **2. RESOLUTION TO AMEND COMP PLAN**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-071: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE FUTURE LAND USE MAP PORTION OF THE COMPREHENSIVE PLAN.

WHEREAS, the Future Land Use map contains an area of approximately 32 acres located northwest of Westport Parkway and West Giles Road designated industrial; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Future Land Use Map of the Comprehensive Plan for approximately 32 acres from an industrial to a commercial land use; and

WHEREAS, the requested amendment is part of the Southport West subdivision located northwest of Westport Parkway and West Giles Road, and is compatible with the proposed surrounding land uses;

WHEREAS, an amendment to the Future Land Use Map is appropriate and consistent with adjacent land uses; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to the Future Land Use Map of the Comprehensive Plan northwest of Westport Parkway and West Giles Road for approximately 32 acres from industrial to commercial as identified in the attached Exhibit A.

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

### 3. PUBLIC HEARING

At 7:20 p.m. Mayor Kindig stated the floor was now open for a public hearing on applications to amend the Comprehensive Plan & Rezone, Lots 1-3, Southport West (Westport Parkway & West Giles Road).

There was no additional information from the staff. There were no comments or questions from the public. At 7:21 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

### 4. ORDINANCE TO REZONE

Councilmember Carlisle introduced Ordinance No. 989 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan 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, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 989 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: 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 Deputy Clerk attested the passage/approval of the same and affixed her signature thereto.

### C. APPLICATION TO AMEND THE COMPREHENSIVE PLAN & REZONE, SW ¼ OF SECTION 18 (NE OF 132<sup>ND</sup> & CENTECH ROAD)

#### 1. PUBLIC HEARING

At 7:22 p.m. Mayor Kindig stated the floor was now open for a public hearing on applications to amend the Comprehensive Plan & Rezone, SW ¼ of Section 18 (NE of 132<sup>nd</sup> & Centech Road).

There was no additional information from the staff.

Patrick Sullivan, representing the applicant, and Douglas Dreesen, of Thompson, Dreeson, and Dorner who is the local engineer participating in the project, addressed the Council. Sullivan presented a drawing of the area being proposed for rezoning, which is across the interstate from Cabela's, and a drawing of a proposed apartment complex. The application is requesting that one section of the property be rezoned to allow multi-family residential and another section be rezoned for commercial use. It was noted that this area is located in the gateway corridor, and as such, any construction will have to comply with design guidelines for the corridor. Sullivan stated this will result in a high-end apartment complex development. He indicated a meeting was held with residents of the adjacent neighborhood and an attempt will be made to address the issues presented. Sullivan also recognized the concern about traffic, especially on 132<sup>nd</sup> Street. This issue would be reviewed as part of the conditional use permit process.

Councilmembers asked several questions about the proposed development. Sullivan stated that the developer for this project has constructed a similar project at Roxbury Drive and Q Street. The Pacific Ridge apartment complex is in the final phase of construction. He also stated that the streets in the adjacent neighborhood that currently dead end abutting this property would not be connected into the new development. Due to the topography of the land, the apartment complex will sit lower than the adjacent houses.

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Jerry and Teri Mainelli addressed the Council. Mr. Mainelli expressed concern about the size of the proposed development, stating that putting 707 apartment units in this area would add about 1400 people, all having to use 132<sup>nd</sup> Street (currently a 2-lane roadway) for access. He also expressed concern about the runoff that would be created by the development. Mrs. Mainelli pointed out that the Harrison Hills apartment complex has only 487 units.

City Administrator Gunn informed Mr. Mainelli the public hearing was for a rezoning determination. The developer would have to get a conditional use permit to build the apartment complex, and issues such as traffic circulation, layout of site, drainage, etc. would be addressed at that time.

Steve Wilke addressed the Council. He stated he had four concerns: When he attended the neighborhood meeting, he asked about plans for the property and was told it was too preliminary to have any set plans, yet detailed plans are presented to the Council tonight; he is concerned about a buffer zone between the east/west fence line and the close proximity of the units; he asked how designated wetland issues are going to be dealt with; and finally, the traffic issues.

Mayor Kindig informed Mr. Wilke that those issues would be addressed when considering a conditional use permit for the complex, which would take place only after the rezoning is approved.

Steve Carson addressed the Council. He stated that he appreciated the developer conducting a meeting with neighboring residents to inform them about the proposed project. Initially, he was in favor of a residential use for this land, however after looking at the Harrison Hills apartment complex, he felt that a commercial development with lower profile buildings might be better suited to the area than the tall apartment buildings.

Sullivan stated the area being proposed for rezoning is on the side of a hill and the slope comes down at an 8% grade. That somewhat limited their options regarding connection to 132<sup>nd</sup> Street for safety reasons. He explained that the development calls for two connections to 132<sup>nd</sup> Street from the complex, with the second connection point around the south side of the commercial piece in a more safe location.

Keri Kanger addressed the Council, reiterating some of the same concerns regarding traffic and cosmetics. She also questioned if approving of the rezoning would mean the apartments would be built.

Councilmember Sheehan responded that in the past, rezoning has been changed back to original zoning on property. Approval of rezoning is no guarantee that this project will go forward. A conditional use permit must also be approved.

Mrs.. Kanger questioned if it would be helpful to have a petition signed.

Mayor Kindig again stated that the issues brought up by citizens would be addressed during the application for a conditional use permit. A traffic study was also mentioned to help determine the volume of traffic that would be generated by such a development.

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

## **2. RESOLUTION TO AMEND COMP PLAN**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-072: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE FUTURE LAND USE MAP PORTION OF THE COMPREHENSIVE PLAN.

WHEREAS, the Future Land Use map contains an area of approximately 40 acres located northeast of 132<sup>nd</sup> and Centech Road designated commercial; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Future Land Use Map of the Comprehensive Plan for approximately 36.49 acres from a commercial to a high density residential land use; and

WHEREAS, according to the La Vista Comprehensive Plan, multi-family land uses are recommended to be used as buffering mechanisms to lessen the effects of commercial and industrial uses upon single family neighborhoods; and

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WHEREAS, an amendment to the Future Land Use Map is appropriate and consistent with adjacent land uses; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to the Future Land Use Map of the Comprehensive Plan northeast of 132<sup>nd</sup> and Centech Road for approximately 36.49 acres from commercial to high density residential as identified in the attached Exhibit A.

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

### 3. PUBLIC HEARING

At 7:55 p.m. Mayor Kindig stated the floor was now open for a public hearing on applications to amend the Comprehensive Plan & Rezone, SW ¼ of Section 18 (NE of 132<sup>nd</sup> & Centech Road)

There were no further comments from the staff, the applicant, or the public.

At 7:56 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

### 4. ORDINANCE TO REZONE

Councilmember Ellerbeck introduced Ordinance No. 990 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan made the suggestion that all Councilmembers should take a look at the property before the next meeting.

Mayor Kindig stated "Ordinance No. 990 now comes on for its first reading." Deputy City Clerk Lupomech read the ordinance by title. Councilmember Ellerbeck made a motion to approve Ordinance No. 990 on its first reading and pass it on to a second reading on June 6, 2006. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: None. Motion carried.

### 5. ORDINANCE TO REZONE

Councilmember Sheehan introduced Ordinance No. 991 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Mayor Kindig stated "Ordinance No. 991 now comes on for its first reading." Deputy City Clerk Lupomech read the ordinance by title. Councilmember Sheehan made a motion to approve Ordinance No. 991 on its first reading and pass it on to a second reading on June 6, 2006. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: None. Motion carried.

### D. LOTS 1 – 3, SOUTHPORT WEST REPLAT TWO (GILES ROAD & SOUTHPORT PARKWAY)

#### 1. PUBLIC HEARING

Councilmember Sheehan made a motion to continue the public hearing and delay action on the accompanying resolutions until the June 6, 2006 Council meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: None. Motion carried.

#### 2. RESOLUTION – APPLICATION FOR REPLAT

#### 3. RESOLUTION – SECOND AMENDMENT TO SUBDIVISION AGREEMENT

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## **E. RESOLUTION – FINAL PLAT & SUBDIVISION AGREEMENT – VAL VISTA REPLAT ONE (NE CORNER 108<sup>TH</sup> & GILES)**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-073: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF THE FINAL PLAT AND SECOND AMENDMENT TO THE SUBDIVISION AGREEMENT FOR LOTS 1 – 7, INCLUSIVE, VAL VISTA REPLAT ONE, BEING A REPLAT OF LOTS 235 – 240, INCLUSIVE, VAL VISTA, LOCATED IN THE SW ¼ OF SECTION 16, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED NE OF 108<sup>TH</sup> STREET AND GILES ROAD, AND REPEALING RESOLUTION NO. 05-018.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Lots 1-7, inclusive, Val Vista Replat One, being a replat of Lots 235-240, inclusive, Val Vista; and

WHEREAS, the City Administrator and the City Engineer have reviewed the final plat; and

WHEREAS, on January 20, 2005, the La Vista Planning Commission held a public hearing and reviewed the final plat proposal and has recommended approval subject to resolution of the following items identified by staff and the city engineer:

1. Exhibits to the Second Amendment of the Subdivision Agreement shall be submitted prior to the execution of the plat and agreement.
2. The plat application should be amended to identify the cost of the proposed shared ingress/egress roadway and storm sewer, and show these items as privately funded; and

WHEREAS, the developer, Giles Road, LLC, has agreed to execute a Subdivision Agreement satisfactory in form to the City Attorney and City Engineer; and

WHEREAS, Val Vista Replat One and the Second Amendment to the Subdivision Agreement were approved by the City Council on March 15, 2005 but never executed nor recorded as required by the Subdivision Regulations.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that final plat for Lots 1-7, inclusive, Val Vista Replat One, being a replat of Lots 235-240, inclusive, Val Vista, located in the SW ¼ of Section 16, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located NE of 108<sup>th</sup> Street and Giles Road be, and hereby is, approved subject to the satisfactory resolution of all identified items as approved by the City Administrator and City Attorney, and that the Second Amendment to the Subdivision Agreement presented at the May 16, 2006 City Council meeting 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.

BE IT FURTHER RESOLVED that Resolution No. 05-018, passed and approved by the City Council on March 15, 2005, is hereby repealed.

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

## **F. ORDINANCE – AMEND MUNICIPAL CODE – RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS**

Councilmember Sheehan introduced Ordinance No. 992 entitled: AN ORDINANCE TO ADD CHAPTER 135 TO THE LA VISTA MUNICIPAL CODE PRESCRIBING RESIDENCY RESTRICTIONS FOR SEXUAL PREDATORS PURSUANT TO THE NEBRASKA SEXUAL PREDATOR RESIDENCY RESTRICTION ACT; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Police Chief Lausten addressed the Council to explain the proposed ordinance is in line with what the City of Omaha passed on April 25, 2006. He reported La Vista has eight registered sex offenders, but only one Level 3 offender residing in the City. There are twenty-two Level 3 sex offenders in the county, eighteen of which reside in Bellevue. The residency restriction presented in the ordinance states that a sexual predator cannot live within 500 feet of a school. A sexual

predator is defined as a Level 3 convicted sex offender whose victim was under the age of 18. La Vista does not have any sexual predators residing in the City at this time. Lausten presented an aerial photograph of La Vista pointing out the areas around the schools based on 500 feet from the outer most boundary of the school.

Councilmember Quick asked if this ordinance included day care. Police Chief Lausten responded that day care stipulations are allowed by state law, but were not proposed in the city's ordinance. The logic is that children do not walk to day care, they are usually escorted and the staff-to-child ratio is very high. Lausten reported there are currently 22 licensed child care facilities in the City and the ability to enforce the ordinance if day care facilities were included would be difficult.

Lausten also reported that a meeting had been held in November with the Sarpy County Sheriff's office and each of the city Police Chiefs. They jointly determined how registered sex offenders will be tracked in all areas of the county. In Sarpy County, each city will be responsible for supervision, coordination, and, verification of sex offenders within their jurisdiction. The State Patrol maintains the sex offender registry for the state.

Councilmember Sheehan asked what was going to stop a Level 3 offender from going by a day care. Lausten responded that the restriction is for residency only.

Councilmember Gowan stated he knows sex offenders often travel a great distance to commit crimes. It is a parent's responsibility to always stay vigilant. This ordinance won't stop someone from attempting to assault a child. Gowan asked Lausten if any registered sex offender had been "grandfathered" in under the new ordinance. Lausten reported that since the City currently does not have any sexual predators living within its boundaries, there would be no one to "grandfather."

Councilmember Sheehan questioned what would happen as result of annexation. Lausten responded that if residency has been established prior to a school going in, the person's residency would override the ordinance.

Councilmember Sell asked how registered sex offenders know what the restrictions are in a particular location. Lausten reported that if they establish residency in an unauthorized zone, they would be notified that they cannot live there and would have to move.

Mayor Kindig complimented Police Chief Lausten and the Sarpy County Sheriff's Department for cooperating and putting together a verification package. He commended the police department for stepping up to the plate to help the Sheriff's Department.

Councilmember Sheehan 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, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 992 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. The following voted nay: 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 Deputy Clerk attested the passage/approval of the same and affixed her signature thereto

## **G. RESOLUTION – AWARD CONTRACT FOR AUDIO/VIDEO, SECURITY SYSTEM AND PAGING SYSTEM (NEW FIRE STATION)**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-74: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDDING A CONTRACT TO AVI SYSTEMS., OMAHA, NEBRASKA FOR THE PURCHASE AND INSTALLATION OF AUDIO/VIDEO, SECURITY SYSTEM, AND PAGING SYSTEM EQUIPMENT AT THE NEW LA VISTA FIRE STATION #2 IN AN AMOUNT NOT TO EXCEED \$72,725.00.

WHEREAS, on December 7, 2004, the City Council passed Ordinance No. 945, authorizing and approving the development, construction, acquisition, equipping and financing of a new fire station; and

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WHEREAS, City staff has identified the functions within the facility that will require the installation of audio/video, paging and security camera equipment.

WHEREAS, the fire station project budget provides funds for the proposed improvements; and

WHEREAS, the City advertised for Request For Proposals for the purchase and installation of audio/video, paging and security camera equipment for the new fire station; and

WHEREAS, AVI Systems, Omaha, Nebraska was the sole bidder and the bid was compliant with the specifications and is slightly less than the architect's estimate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that a contract be awarded to AVI Systems, Omaha, Nebraska, for the purchase and installation of audio/video, security system, and paging system equipment at the new La Vista Fire Station #2 in an amount not to exceed \$72,725.00.

Seconded by Councilmember Quick. Councilmember Sheehan questioned why only one bid was received. City Administrator Gunn stated this is fairly specialized equipment and when similar equipment was bid for the police facility only two bids were received. He informed Council that this bid had a \$7,000 allowance built in and the intent is to not use any of this allowance, making the price less than originally figured. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

## **H. RESOLUTION – AWARD CONTRACT – 2006 SIDEWALK CONSTRUCTION PROGRAM**

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-075: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO CYC CONSTRUCTION, INC., OMAHA, NEBRASKA FOR THE 2006 SIDEWALK PROGRAM IN AN AMOUNT NOT TO EXCEED \$9,990.00.

WHEREAS, the City Council of the City of La Vista has determined that certain sidewalk improvements are necessary; and

WHEREAS, the FY 2005/06 Construction Fund budget includes funds for the 2006 Sidewalk Construction Program; and

WHEREAS, on April 18, 2006 the City Council authorized the advertisement of bids for said project in accordance with the plans and specifications prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids and recommends that a contract be awarded to CYC Construction, Inc., as the low qualified bidder; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to CYC Construction, Inc., Omaha, Nebraska for the 2006 Sidewalk Construction Program in an amount not exceed \$9,990.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Quick. Councilmember Sell questioned the discrepancy in the bid amounts. City Engineer Kottmann stated that bid amounts are based on what the contractor thinks will be required to complete the project. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

## **I. RESOLUTION – AWARD CONTRACT – 2006 PAVEMENT RECONSTRUCTION PROGRAM**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-076: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDED A CONTRACT TO ALL PURPOSE UTILITIES, INC., LA VISTA, NEBRASKA, FOR THE 2006 PAVEMENT RECONSTRUCTION PROGRAM IN AN AMOUNT NOT TO EXCEED \$100,785.00.

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WHEREAS, the City Council of the City of La Vista has determined that certain pavement reconstruction is necessary; and

WHEREAS, the FY 2005/06 Construction Fund budget includes funds for the 2006 Pavement Reconstruction Program; and

WHEREAS, on April 18, 2006 the City Council authorized the advertisement of bids for said project in accordance with plans and specifications as prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids and recommends that a contract be awarded to All Purpose Utilities, Inc., as the low qualified bidder; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to All Purpose Utilities, Inc. La Vista, Nebraska for the 2006 Pavement Reconstruction Program in an amount not to exceed \$100,785.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

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

## **J. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – PLANTING & CARE OF GARDENS (CITY HALL/POLICE FACILITY)**

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-077: RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR PLANTING AND MAINTENANCE OF THE GARDENS AND PLANTERS AT THE CITY HALL COMPLEX AND THE POLICE FACILITY.

WHEREAS, the City Council has determined that a need exists to contract for planting and maintenance of the gardens and planters at the City Hall complex and the Police Facility; and

WHEREAS, the FY 2005/06 Public Buildings and Grounds Budget provides funding for garden planting and maintenance; and

WHEREAS, the Public Building and Grounds Director has prepared specifications for said garden planting and maintenance.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for Requests for Proposals for planting and maintenance of the gardens and planters at the City Hall Complex and the Police Facility in accordance with specifications prepared by the Director of Public Building and Grounds, and said bids are to be opened and publicly read aloud at 3 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, on June 1, 2006.

Advertise for Bids – May 18, 2006

Open Bids – June 1, 2006

Award Bid – June 6, 2006

Seconded by Councilmember Carlisle. Councilmember Gowan questioned the need for flowers around the Police Facility sign. City Administrator Gunn asked if flowers were planted in this location last year. Buildings and Grounds Director Archibald responded they wanted something to dress up the area and specifications state it must be a low profile plant which cannot cover up any of the text on the sign. Councilmember Gowan asked if the big boxes in the front of the police station were irrigated. Archibald reported that maintenance for those containers is handled by his staff. City Administrator Gunn asked Council if anyone was in opposition to flowers around the city entrance monument signs. Gowan stated he thought flowers were fine at these locations as long as there isn't too much planted. City Administrator Gunn suggested that the City should wait for proposals and then review what is going to be planted. Councilmembers voting aye: Sell,

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

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

## COMMENTS FROM THE FLOOR

Mark Billingsley, of R & B Excavating, addressed Council. He reported that work his company was completing at Portal Ridge was stopped on April 18, 2006 because the developer did not have the proper approvals. They were told by the owners that the subdivision agreement would be approved at the May 16<sup>th</sup> City Council meeting. He informed Council he called the cities of Papillion and Bellevue and was informed that work is started before permits are finalized all the time. He requested Council look at what can be done to allow work to continue. There are 15 families who are currently out of work due to this decision.

City Administrator Gunn responded that the Portal Ridge Development does not have final plat or a subdivision agreement, nor has Council approved the development. The developer is not authorized to begin work without proper approval. The City is following procedure and is moving through the process. There was a period of time where the project sat and the City was not provided with the appropriate information it needed to work on subdivision agreement. The City now has information and it is in the process of being prepared. City Administrator Gunn spoke to the owner of the company and explained the situation. She told him the soonest they would be able to do anything, assuming the engineer has provided everything needed, is June 6<sup>th</sup>. This is an unfortunate situation that was brought on by the developer and the developer's engineer.

Councilmember Gowan asked who the developer was. He was informed that the developer is Boyer-Young. Their engineer is aware of the City's procedures and took a risk by starting the work prior to getting the appropriate City approval.

Councilmember Sell informed Mr. Billingsley that he should be talking to the developer.

Ed Young, the original developer of Val Verde, addressed the Council to inform them that storm sewer work has started in the City in the past prior to receiving approval. City Administrator Gunn responded if that was the case, they just didn't get caught. Mayor and Council have to approve final plat, subdivision agreement, and infrastructure improvements prior to work beginning.

## K. EXECUTIVE SESSION – PERSONNEL, LITIGATION, LAND ACQUISITION, CONTRACT NEGOTIATIONS AND NEGOTIATING STRATEGY

At 8:34 p.m. Councilmember Sheehan made a motion to go into executive session to discuss contract negotiations and negotiating strategies. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

At 9:32 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Ellerbeck asked the Council if colleagues would consider walking in the parade versus sitting in the grand stand. Ellerbeck thought it make them a little more visible to the constituents.

Councilmember Sell informed Council he would be out of town that weekend and would not be able to attend.

Mayor Kindig stated he would be willing to walk with Councilmember Ellerbeck and anyone else who wishes to join them.

Mayor Kindig reported on his attendance at the Police Memorial event in downtown Omaha last Saturday night. Mayor stated that La Vista officers Johnson, Davis, and Barcal represented the City.

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## ADJOURNMENT

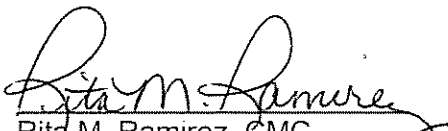
At 9:39 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Nays: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF JUNE 2006.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Rita M. Ramirez, CMC  
City Clerk

K:\APPS\CITYHALL\06 COUNCIL MINUTES\MAY 16