

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING FEBRUARY 7, 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 February 7, 2006. Present were Mayor Kindig and Councilmembers Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Sell. Also in attendance were City Attorney McKeon, Interim City Administrator Gunn, Public Works Director Soucie, City Planner Potter, Finance Director Lindberg, Recreation Director Stopak, Library Director Schinker, Fire Chief Schuster, Police Chief Lausten, Community Development Director Birch, City Engineer Kottmann, Public Buildings and Grounds Director Archibald, and City Clerk Ramirez.

A notice of the meeting was given in advance thereof by publication in the Times on January 26, 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.

### SPECIAL PRESENTATION – COMMENDATION LETTERS FROM SENATOR BEN NELSON FOR JOE HEALY AND STEVE STARK

Mayor Kindig presented commendation letters on behalf of Senator Ben Nelson to Joe Healy and Steve Stark for their volunteer efforts after the Hurricane Katrina disaster.

### SERVICE AWARDS – JOE HEALY – 5 YEARS AND KELLY SCHREINER – 15 YEARS

Mayor Kindig presented a certificate and pin to Joe Healy in honor of his 5 years of service to the City. Kelly Schreiner was unable to attend and her certificate and pin will be presented at a later date.

### PROCLAMATION – CHAMBER OF COMMERCE MONTH

Mayor Kindig presented a proclamation declaring February 2006 as Chamber of Commerce Month in La Vista to a representative of the La Vista Area Chamber of Commerce.

### APPOINTMENTS PARK AND RECREATION ADVISORY BOARD – APPOINT CHRIS KUEHNER TO A 2 YEAR TERM PERSONNEL BOARD – APPOINT GINA FREIMUTH TO FILL VACANT POSITION EXPIRING JANUARY 2007

Mayor Kindig stated that with the approval of Council he would like to make appointments to various Boards and Commissions as outlined on the agenda. Councilmember Sheehan made a motion to approve the Mayor's appointments as presented. Seconded by Councilmember Gowan. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Sell. Motion carried.

### A. CONSENT AGENDA 1. APPROVAL OF THE AGENDA AS PRESENTED 2. MINUTES OF THE JANUARY 17, 2006 CITY COUNCIL MEETING 3. MINUTES OF THE JANUARY 19, 2006 PLANNING COMMISSION MEETING 4. PAY REQUEST FOR SOUTHPORT WEST IMPROVEMENTS: a. COMMERCIAL SEEDING CONTRACTORS – GRADING WORK FOR OPPD - \$372.90 b. THIELE GEOTECH, INC. – TESTING SERVICES - \$185.00 5. APPROVAL OF CLAIMS

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

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ALEGENT, Supplies	55.00
ALS AFFILIATES, Training	1,710.00
AMER. LEGAL PUBLISHING, Contract Services	450.00
AMERICAN PLANNING ASSN, Dues	225.00
ANDERSON FORD, Vehicle Maint.	71.70
ANDERSON, PETER, Contract Services	119.00
APWA, Dues	126.00
AQUILA , Utilities	8,752.38
ARAMARK UNIFORM, Contract Services	179.20
ASPEN EQUIP, Vehicle/Street Maint.	8,200.10
ASPHALT & CONCRETE MATERIALS, Street Maint.	60.23
ASSOC FIRE PROTECTION, Contract Services	141.50
BAKER & TAYLOR, Book	964.96
BAKER & TAYLOR ENTERTAINMENT, Media	1,001.00
BARONE SECURITY, Bldg & Grounds	105.00
BCDM, Professional Services	1,622.50
BEACON BUILDING SRVS, Contract Services	5,675.00
BENNINGTON IMPLEMENT, Vehicle Maint.	27.25
BETTER BUSINESS EQUIP, Equip. Maint.	44.53
BIRCH, ANN, Auto Allowance	50.00
BLAND, CHRIS, Contract Services	238.00
BLAND, MARY, Contract Services	16.00
BRAND, STEVEN, Travel/Training	70.00
BRODART CO, Office Supplies	16.79
CITY OF OMAHA, Contract Services	25,208.00
CITY OF RALSTON, Contract Services	1,907.21
COMP CHOICE, Professional Services	819.00
COOLEY, PATRICK, Contract Services	115.25
CORNHUSKER INTL TRUCKS, Vehicle Maint.	3.10
COX, Contract Services	39.00
CREIGHTON EMS EDUCATION, Training	1,795.00
DENNE, RICK, Auto Allowance	100.00
DITCH WITCH, Vehicle Maint.	158.10
DON'S PIONEER, Wearing Apparel	317.80
DOUGLAS CO SHERIFF'S OFC, Contract Services	450.00
DULTMEIER, Contract Services	2,243.54
E & A CONSULTING, Contract Services	26,582.48
EAGLE ENGRAVING, Wearing Apparel	125.10
EASTERN LIBRARY SYSTEM, Training	15.00
ECCLES, CHRIS, Travel/Training	78.00
EDGEWARE SCREEN PRINTING, Wearing Apparel	315.00
ENVIRO TECH SRVS, Street Maint.	1,683.30
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX, Postage	33.19
FERRELLGAS, Utilities/Supplies	454.80
FGM, Equip	18,393.62
FILTER CARE, Vehicle Maint.	18.85
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	110.90
FIREGUARD, Contract Services	708.04
FITZGERALD SCHORR BARMETTLER, Professional Services	49,058.07
FLUID TECHNOLOGY, Chemical Supply	59.50
FORD MOTOR CREDIT, Contract Services	290.97
FORT DEARBORN LIFE INS, Employee Benefits	1,070.50
GASSERT, CORTNEY, Contract Services	137.50
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	83.23
GLS SALES, Janitor Supplies	112.00
GOLDMAN, JOHN, Reimb.	40.00
GRAINGER, Bldg. & Grnds	28.46
GRAYBAR ELECTRIC, Bldg & Grnds	9.40
GREAT AMERICAN LEASING, Contract Services	1,642.76
GUNN, BRENDA, Auto Allowance	100.00
H & H CHEVROLET, Vehicle Maint.	153.30
HANEY SHOE STORE, Wearing Apparel	119.95
HANNEBAUM GRAIN, St. Maint.	1,633.79
HARTFORD LIFE-PRIORITY ACCTS., Payroll Withholding	1,435.31
HEARTLAND AWARDS, Supplies	628.00
HEIMES, St.Maint.	131.25
HELGET GAS, Supplies	25.50

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IACP, Dues	100.00
INDUSTRIAL SALES, Training	200.00
JACIK, TOM, Travel/Training	324.00
JQ OFFICE EQUIP., Contract Services	84.15
KA-COMM, Supplies	352.00
KELLY'S AWARDS, Supplies	71.40
KINDIG, DOUGLAS, Auto Allowance/Travel/Reimb.	221.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	153.00
KRIHA FLUID POWER, Vehicle Maint.	125.80
KROGER-DILLON CUST CHARGES, Supplies	56.01
LA VISTA COMM. FOUNDATION, Payroll Deductions	259.00
LAMP RYNEARSON/ASSOC., Professional Services	154.25
LEAGUE OF NE MUNICIPALITIES, Training	100.00
LIBERTY SOCIAL HALL, Banquet	2,986.00
LIEN TERMITE & PEST CONTROL, Contract Services	1,368.00
LIFE ASSIST, Supplies	444.55
LINWELD, Supplies	261.15
LOU'S SPORTING GOODS, Supplies	299.64
LUKASIEWICZ, BRIAN, Reimb.	40.00
M & M PORTABLES, Supplies	160.00
MENARDS, Bldg & Grnds	582.07
METAL SUPERMARKETS, Supplies	63.36
MUD, Utilities	292.87
MICHAEL TODD, Maint.	2,571.50
MID AMERICA PAY PHONE, Telephone	100.00
MOBILE COMMUNICATIONS, Radio Maint.	175.00
MOCIC, Dues	200.00
MONARCH OIL, Maint.	180.00
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	111.00
NE DEPT OF MOTOR VEHICLE, Supplies	6.50
NE DEPT OF REVENUE, Lottery Tax	63,954.48
NE CONCRETE PAVING, Training	360.00
NE GOLF COURSE, Dues	75.00
NE SNOW EQUIP, Maint.	229.46
NE U C FUND, Insurance/Bonds	200.00
NEXTEL, Telephone	566.75
NFPA, Dues	135.00
NLA, Training	15.00
NOGG, Supplies	494.37
O'CONNOR, TODD, Refund	110.00
OFFICE DEPOT, Supplies	1,354.93
O'KEEFE ELEVATOR, Contract Services	805.96
OLD NEWS, Newspaper	19.00
OPPD, Utilities	316.98
OMAHA STANDARD TRUCK EQUIP, Equip.	4,990.00
OMNIUM WORLDWIDE, Payroll Withholding	211.40
O'REILLY AUTOMOTIVE, Vehicle Maint.	51.53
ORIZON CPAS, Professional Services	10,341.14
PACESETTER HOMES, Permits	2,892.83
PAPILLION LA VISTA SCHOOLS, Travel/Training	30.00
PAPILLION SANITATION, Contract Services	180.37
PARAMOUNT LINEN, Cleaning Service	410.43
PATTERN RESEARCH. Professional Services	2,400.00
PAYLESS, Supplies	233.45
PLUTA, DON, Travel/Training	70.00
POKORNY, KEVIN, Wearing Apparel	44.99
POLICE CHIEF'S ASSN OF NE, Dues	75.00
PORTABLE COMPUTER SYSTEMS, Equip.	47,028.00
PRECISION INDUSTRIES, Vehicle Maint.	11.15
PRINCIPAL LIFE. Employee Benefits	75.00
QUILL, Supplies	380.16
QWEST, Telephone	2,177.10
R & R PRODUCTS, Vehicle Maint.	215.56
RAMIREZ, RITA, Petty Cash/Auto Allowance	254.88
RANDOM HOUSE, Media	354.75
REIBOLD, KENDYL, Contract Services	56.25
RINKER MATERIALS, Sewer Maint.	186.18

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RUSH, TIMOTHY, Travel/Training	196.00
SAPP BROS, Supplies	13,941.20
SARPY CO. COURTHOUSE, Contract Services	2,640.05
SCHINKER, ROSE, Auto Allowance	40.00
SCHREINER, KELLY, Auto Allowance	100.00
SEAT COVER CENTER, Vehicle Maint.	60.45
SID 198 - VAL VERDE, Sewer Fees	5,209.20
SID 200 – SOUTHWIND, Sewer Fees	7,260.00
SMALL ENGINE SERVICES, Equip Maint.	169.82
SMITH, MELANIE, Travel/Training	78.00
SNITILY CARR, Professional Services	5,217.12
SOUCIE, JOSEPH, Reimb.	30.00
SQUAD-FITTERS, Wearing Apparel	1,846.85
STAPLES, Supplies	247.54
STATE FIRE MARSHALL, Training	50.00
STEVENS, MARK, Auto Allowance	100.00
SUBURBAN NEWSPAPERS, Subscriptions	961.40
SUMMER KITCHEN CAFÉ, Supplies	19.47
SUN VALLEY NATURAL STONE, Bldg & Grnds	675.00
SUTPHEN CORP, Vehicle Maint.	436.90
TAB HOLDING COMPANY, Contract Services	191,398.21
TASER INTERNATIONAL, Training	305.00
TED'S MOWER, Equip. Maint.	58.80
TERRYL'S FLOWER GARDEN, Supplies	53.00
THERMO KING CHRISTENSEN, Vehicle Maint.	202.35
THIELE GEOTECH, Contract Services	3,225.50
THOMPSON DREESSEN & DORNER, Professional Services	12,736.68
THOMSON GALE, Books	85.36
THOMSON LEARNING, Books	406.95
THORNBURG, JEFF, Wearing Apparel	119.95
TRACTOR SUPPLY, Bldg & Grnds	410.40
TYNER, JOEL, Travel/Training	78.00
U S ASPHALT, Street Maint.	791.52
UNITED RENTALS, Supplies	15.38
UNITED SEEDS, Bldg & Grnds	115.00
US POSTAL SERVICE, Postage	896.72
UNIV OF NE LINCOLN, Training	120.00
UPSTART, Supplies	184.79
UTILITIES SERVICE GROUP, Contract Services	360.00
VALUATION SERVICES, Contract Services	3,000.00
VERIZON WIRELESS, Telephone	69.33
VIERREGGER ELECTRIC, Maint.	55.00
VITAL SUPPORT SYSTEMS, Contract Services	25,830.68
WAL-MART, Books	15.21
WATER'S EDGE AQUATIC DESIGN, Contract Services	970.00
WICK'S STERLING TRUCKS, Vehicle Maint.	106.33
WILDER, JONI, Auto Allowance	30.00
WOESSNER, TANIA , Books	15.95
WOOD, BRAD, Travel/Training	324.00
ZOLL MEDICAL CORP, Contract Services	2,771.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Interim City Administrator Gunn reported that a groundbreaking ceremony for the City's new fire station had been set for February 21, 2006 at 5:30 p.m. and that invitations had been sent. She also reminded Council to RSVP to Linda Gooch for several upcoming events and reminded Council of the March 4, 2006 Strategic Planning Session.

City Clerk Ramirez introduced Cathy Lupomech as the new Office Manager for the City of La Vista and informed Council of the new item on the Consent Agenda (Item 1).

Police Chief Lausten also mentioned the ground breaking ceremony for the new La Vista Fire Station and explained that the 5:30 p.m. time was set so a majority of volunteer firefighters would be able to attend. Lausten reminded Council of the upcoming D.A.R.E. graduation ceremonies at various elementary schools and the Citizen's Police Academy, which will begin in March.

Lausten reported that a change had been made to the La Vista Days parade route for 2006. The change was coordinated with the Public Works Department and approved by the Chamber of

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Commerce. The route will run from 73<sup>rd</sup> Street and Park View Boulevard to 83<sup>rd</sup> Street and Parkview Boulevard. This will eliminate the shutting down of 84<sup>th</sup> Street as in years past. The parade start time has been moved back to 1:30 p.m., a change from the night parade that the Chamber has done for the past couple of years. The reviewing stand will be located at Champion Park, approximately 75<sup>th</sup> & Park View Blvd.

Finally, Lausten stated that Officer Mike Czarnick has earned his Masters Degree from Bellevue University.

Community Development Director Birch presented Council with a year end report for 2005 Building Permits. Birch reviewed and explained the statistics on the report.

Recreation Director Stopak stated that Councilmember Ronan's employer recently donated 2 wheelchairs for use at the Community Center. He thanked Ronan for coordinating this donation. Stopak also reported that the Knights of Columbus recently donated \$384 to the Community Center.

The annual Senior Valentine Luncheon will be held on Tuesday, February 14, 2006 at the Community Center and Stopak reminded the Mayor and Councilmembers they are invited to attend.

## B. PRESENTATION OF THE MUNICIPAL AQUATICS STUDY

Craig Roy of Water's Edge addressed the Council to present a review of the Municipal Aquatics Study completed by his company for the City. Water's Edge was hired to evaluate and make recommendations regarding the City's options relative to the existing swimming pool as well as a potential future aquatics facility. Roy shared a power point presentation regarding his company's finding and recommendations. He outlined the activities performed by Water's Edge in reaching their conclusions, which included inspections of the existing facility and interviews with staff and citizens.

Roy complimented the staff on their maintenance record for the existing pool, indicating it is a 44-year old facility. He stated that code requirements have changed significantly since the pool was built and indicated several areas where the existing pool is not up to code. He reported that diving clearances have changed and they are recommending the removal of the diving board from the existing pool. The recirculation system and the skimmer system are also not in compliance with the current code.

At 7:40 p.m. Councilmember Kelly Sell arrived to take his seat.

The study identified recommendations in three categories: (1) Safety, which includes items that should be taken care of prior to the next season if the pool is to open and operate safely; (2) Basic Renovations, which include code issues that should be addressed prior to the 2007 pool season if the City plans to keep the current pool operating long term; and (3) Enhanced Renovations, which include a major reconstruction of the facility.

Interim City Administrator Gunn thanked Mr. Roy for his presentation and stated she felt this study gave the City a great starting point for dealing with the aquatics facility issue and going forth with planning and discussion. She indicated that several members of the Park and Recreation Advisory Board were in attendance tonight and the study would be a discussion item for them at their next meeting. They will, in turn, make recommendations back to City Council.

Councilmember Gowan asked where things would go from here. Gunn stated that the safety issues would obviously have to be dealt with first for the upcoming season. When the upcoming budget amendment is considered by Council there could be some recommendations at that time regarding the pool.

Mayor Kindig also thanked Mr. Roy and the staff at Water's Edge for their work, as well as City staff.

## C. ORDINANCE – AMENDING THE COMPENSATION ORDINANCE

Councilmember McLaughlin introduced Ordinance No. 980 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITHE; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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Councilmember McLaughlin 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: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, Sell, and Gowan. The following voted nay: None. Councilmember Carlisle was out of the room when the vote was taken. 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 McLaughlin. The Mayor then stated the question was, "Shall Ordinance No. 980 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, Sell, and Gowan. The following voted nay: None. Councilmember Carlisle was out of the room when the vote was taken. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage/approval of the same and affixed her signature thereto.

## D. RESOLUTION – ADOPTION OF SAFETY MANUAL

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-015: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ADOPTING AN EMPLOYEE SAFETY MANUAL AND REPEALING ANY PREVIOUS RESOLUTIONS IN CONFLICT HEREWITH.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, have determined that a need exists to adopt and implement a new safety manual; and

WHEREAS, the proposed safety manual has been prepared by the Safety Committee and is recommended for adoption by the Mayor and City Council; and

WHEREAS, the purpose of the proposed safety manual is provide general guidelines for employees and members of the Volunteer Fire Department in the performance of their job duties and to implement the City's Safety Program.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby adopt the employee safety manual and repeal any previous resolutions in conflict herewith.

Seconded by Councilmember Sheehan. Councilmembers voting aye: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Councilmember Carlisle was out of the room when the vote was taken. Motion carried.

Councilmember Ellerbeck stated that the final version of the Safety Manual was a major improvement over the first draft that Council had seen and thanked staff for their work on this project.

## E. RESOLUTION - AUTHORIZATION TO PURCHASE A JOHN DEERE GATOR

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-016: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF (1) 2006 JOHN DEERE HPX GATOR WITH A DIESEL ENGINE AND RAHN 650 INFIELD GROOMER FROM PLATTE VALLEY EQUIPMENT CO., FREMONT, NE IN AN AMOUNT NOT TO EXCEED \$11,493.78.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase (1) 2006 John Deere HPX Gator; and

WHEREAS, three quotes were received and have been reviewed by the Public Works Director; and

WHEREAS, it is recommended that Platte Valley Equipment Co., is the low compliant respondent; and

WHEREAS, funds are provided in the FY 05/06 General Fund Budget for the proposed purchase; and

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WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of (1) 2006 John Deere HPX Gator with a diesel engine and Rahn 650 infield groomer from Platte Valley Equipment Co., Fremont, NE in an amount not to exceed \$11,493.78.

Seconded by Councilmember McLaughlin. Councilmembers voting aye: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Councilmember Carlisle was out of the room when the vote was taken. Motion carried.

## F. CLASS D LIQUOR LICENSE APPLICATION OF SMOKE SHACK TOBACCO 1. PUBLIC HEARING

At 8:01 p.m. Mayor Kindig stated the floor was now open for a public hearing on Class D Liquor License Application of Smoke Shack Tobacco.

Angela Burmeister, an attorney for Smoke Shack Tobacco, stated this business was new to La Vista and had previously been located in Ralston. She indicated she would be happy to answer any questions regarding the liquor license application. Councilmember Sheehan expressed concern about the background investigation of the proposed corporate manager, stating he would have trouble voting to approve this license application. He indicated he would be more comfortable denying the license at the local level and forcing the business to go through a hearing at the Liquor Control Commission. Ms. Burmeister stated she understood the concern, however the incidents revealed in the background check had occurred more than ten years ago and she did not feel they were an issue today.

Councilmember McLaughlin agreed and stated he was comfortable approving the license application.

There were no further comments and at 8:03 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Councilmember Carlisle was out of the room when the vote was taken. Motion carried.

## 2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-017: 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 D LIQUOR LICENSE APPLICATION OF BRYCO, INC. DBA SMOKE SHACK TOBACCO.

WHEREAS, Bryco, Inc., dba Smoke Shack Tobacco, 8052 So. 84<sup>th</sup> Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D 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 D Liquor License application submitted by Bryco, Inc. dba Smoke Shack Tobacco.

Seconded by Councilmember Gowan. Councilmembers voting aye: Ronan, Quick, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: Sheehan. Councilmember Carlisle was out of the room when the vote was taken. Motion carried.

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## 3. MOTION – CORPORATE MANAGER APPLICATION

Councilmember Sell made a motion to approve the corporate manager application of Bryco, Inc. dba Smoke Shack Tobacco in conjunction with the Class D liquor license application for Smoke Shack Tobacco. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Councilmember Carlisle was out of the room when the vote was taken. Motion carried.

## G. DISCUSSION – PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

Richard Leimbach of 8217 South 68<sup>th</sup> Court had previously addressed the Council regarding the existing ordinance on parking of recreational vehicles in driveways. Council had directed staff to look at the existing ordinance and investigate whether the recreational vehicle parked in Mr. Leimbach's neighborhood was in compliance.

Councilmember Ellerbeck thanked the staff for the report provided. He stated that he feels the City has adequately addressed this issue in the past and that a great deal of time was spent researching it when the ordinance was created.

Councilmember Sheehan stated that the picture would indicate this vehicle is at the edge of the driveway and part of his concern would be the fact that if the City doesn't permit hedges, etc. to infringe on sight distances within the right of way, then we need to make sure this recreational vehicle is not parked so as to infringe on the ROW.

Interim City Administrator Gunn reported that staff from the Community Development Department went out and measured to make sure this vehicle was being parked in compliance with City Code. She stated that if Council would like staff to review the current regulations, they could do that.

Mr. Leimbach addressed the Council, stating he understood when he brought the concern up that the recreational vehicle in question was in compliance with the City's current ordinance. He indicated that he was asking the City Council to look at this ordinance again as he feels he has a right to a clear field of vision from his house. Leimbach also stated that he believes the owner of the RV is perhaps operating a business out of it as he is an insurance adjustor and spends time working in the RV while it is parked in the driveway. He also mentioned that he feels the extra large gas tanks on an RV this size and the propane tanks associated with this type of vehicle are a safety issue in a residential area.

After some further discussion it was the consensus of Council that the current ordinance was adequate and should not be reviewed for possible changes at this time.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## H. EXECUTIVE SESSION – LAND ACQUISITION, PERSONNEL, LITIGATION, CONTRACT NEGOTIATIONS AND NEGOTIATING STRATEGIES

At 8:20 p.m. Councilmember McLaughlin made a motion to go into executive session to discuss land acquisition, personnel, litigation, contract negotiations and negotiating strategies. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Absent: None. Motion carried.

At 9:26 p.m. the Council came out of executive session. Councilmember Sheehan made a motion to reconvene in open and public session. Seconded by Councilmember Carlisle. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Ellerbeck thanked the City for the opportunity to attend the League of Nebraska Municipalities Conference in Lincoln this week.

Councilmember Carlisle reported she had attended a meeting of the area Mayors on behalf of Mayor Kindig and would provide a written report to Council regarding the discussion that took place on LB 387 and LB 389.

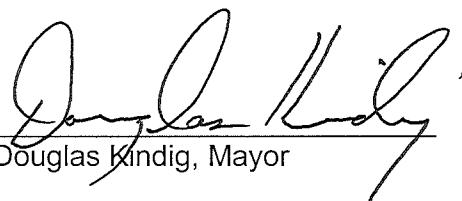
Mayor Kindig thanked Carlisle for attending this meeting and indicated that he has had other Councilmembers attend various events on his behalf and would be continuing to do so in the future.

## ADJOURNMENT

At 9:30 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, Sell, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF FEBRUARY 2006.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Rita M. Ramirez, CMC  
City Clerk