

# MINUTE RECORD

No. 729-REFIELD & COMPANY, INC., OMAHA

## LA VISTA CITY COUNCIL MEETING APRIL 18, 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 April 18, 2006. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, Interim City Administrator Gunn, Finance Director Lindberg, City Planner Potter, 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 City Clerk Ramirez.

A notice of the meeting was given in advance thereof by publication in the Times on April 6, 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.

### PROCLAMATION – ARBOR DAY

Mayor Kindig presented a proclamation to Recreation Director Stopak declaring Friday, April 28, 2006 as Arbor Day in the city of La Vista.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE APRIL 4, 2006 CITY COUNCIL MEETING
3. MINUTES OF THE MARCH 16, 2006 PLANNING COMMISSION MEETING
4. MINUTES OF THE MARCH 22, 2006 SAFETY COMMITTEE MEETING
5. CHANGE ORDER NO. 1 FOR FIRE STATION NO. 2 PROJECT - \$13,524.00
6. CHANGE ORDER NO 1 FOR 2006 MARQUE AMBULANCE - \$1,400.00
7. PAY REQUEST FROM FGM ARCHITECTS FOR PROFESSIONAL SERVICES – FIRE STATION NO. 2 PROJECT (2 INVOICES) - \$44,598.87
8. PAY REQUEST FROM CONSTRUCT INC. FOR FIRE STATION NO. 2 PROJECT - \$177,130.89
9. PAY REQUEST FROM SADLER LINE CONSTRUCTION FOR 108<sup>TH</sup> & GILES TRAFFIC SIGNAL - \$18,724.41
10. PAY REQUEST FROM THIELE GEOTECH FOR SOUTHPORT WEST IMPROVEMENTS (2 INVOICES) - \$2,220.00
11. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda as presented. Seconded by Councilmember Sheehan. Councilmember Ellerbeck asked that a correction be made to the minutes of the April 4, 2006 City Council meeting reflecting under "Comments from Mayor and Council" that he noted his intention was to vote against the annexation of SID 198 and SID 200, even though he cast an "Aye" vote. There was confusion due to the fact that staff recommended against annexation and the resolution was prepared approving the annexation. Councilmember Gowan 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. Motion carried.

A GRAPHIC RESOURCE, Workbooks	38.69
ACCUCUT SYSTEMS, Supplies	160.00
ACTION BATTERIES, Vehicle Supplies	209.85
AKSARBEN HEATING/ARS, Bldg & Grnds	347.25
ALBERS, MITCH, Contract Services	43.75
ALLIED INSULATION, Bldg & Grnds	703.83
ALS AFFILIATES, Training	175.00
APWA, Training	630.00
AQUILA, Utilities	1,352.49
ARAMARK, Contract Services	219.04
BAKER & TAYLOR BOOKS, Books	2,283.36
BCDM, Professional Services	1,980.00
BEACON BALLFIELDS, Bldg & Grnds	370.00

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BENNINGTON IMPLEMENT, Vehicle Maint.	2,019.22
BETTER BUSINESS EQUIPMENT, Contract Services	89.75
BIRCH, ANN, Travel	270.00
BRENTWOOD AUTO WASH, Vehicle Maint.	115.00
BRIMEYER GROUP, Training/Contract Services	2,344.00
BUCK, D'LYNN, Refund	20.00
BUILDERS SUPPLY, Bldg & Grnds	152.70
BUSINESS INTERIORS GROUP, Supplies	396.00
CAMPBELL, KIRK, Refund	24.00
CARDMEMBER, Travel/Training	4,075.17
CENTER POINT PUBLISHING, Books	37.74
CERTIFIED TRANSMISSIONS, Vehicle Maint.	119.95
CITY OF BELLEVUE, Training	220.00
CITY OF OMAHA, Contract Services	51,695.36
CITY OF RALSTON, Contract Services	704.24
CJ'S HOME CENTER, Bldg & Grnds/Vehicle Maint.	820.86
COCA-COLA, Concessions	103.80
COX, Contract Services	769.50
DAYMARK SOLUTIONS, Contract Services	200.00
DEMCO, Supplies	115.06
DIAMOND VOGEL PAINTS, Bldg & Grnds	184.25
DON'S PIONEER UNIFORMS, Wearing Apparel	653.55
DOYLE, MIKE, Travel	236.00
EDGEWARE SCREEN PRINTING, Wearing Apparel	1,570.15
EMS BILLING, Rescue Revenue	966.91
ENTERPRISE LOCKSMITHS, Bldg & Grnds	160.00
FASTENAL, Vehicle Maint.	8.16
FERRELLGAS, Utilities	436.56
FILTER CARE, Vehicle Maint.	22.75
FISHER, RUTH, Books	13.95
FITZGERALD SCHORR BARMETTLER, Professional Services	23,880.59
GASSERT, MIKE, Contract Services	40.00
GOLDMAN, JOHN, Travel	46.00
GRAINGER, Supplies	335.15
GREAT PLAINS ONE-CALL SVC, Contract Services	316.35
GROLIER PUBLISHING, Books	140.40
H & H CHEVROLET, Vehicle Maint.	18.48
HELGET GAS PRODUCTS, Supplies	60.00
HOBBY LOBBY STORES, Supplies	30.23
HOST COFFEE SERVICE, Concessions	41.00
HUNTEL, Contract Services	112.50
IKON OFFICE SOLUTIONS, Supplies	43.94
INTERNATIONAL CODE COUNCIL, Supplies	39.00
IVERSON, DENNIS, Travel	46.00
J Q OFFICE EQUIPMENT, Contract Services,	226.78
JEO CONSULTING, Professional Services	280.00
KELLER, RON, Travel	23.00
KELLY SUPPLY, Vehicle Maint.	51.24
KRIHA FLUID POWER, St. Maint.	239.28
KROGER, Supplies	177.70
KROS, TIM, Refund	105.00
LANGLEY ANIMAL HOSPITAL, K-9 Care	217.00
LIFE ASSIST, Supplies	538.79
LINWELD, Supplies	134.59
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	20.15
LOU'S SPORTING GOODS, Supplies	456.37
LUEBBERT, RAY, Travel	23.00
LUPOMECH, CATHY, Travel	41.76
MAHONEY, MARY, Refund	35.00
MANGELSEN'S, Supplies	45.69
MARESCALCO, ANTHONY, Refund	100.00
MASTER SIGN, Bldg & Grnds	62.00
MEANS, JOSH, Contract Services	43.75
MEDTRONIC PHYSIO-CONTROL, Contract Services	750.00
METAL SUPERMARKETS, St. Maint/Vehicle Maint.	210.31
METRO UMPIRES, Contract Services	559.00
MUD, Utilities	210.32
MIDWEST TURF & IRRIGATION, Vehicle Maint.	50.50

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MILLER PRESS, Printing	150.00
MOBILE COMMUNICATIONS, Contract Services	25.00
MOTOROLA, Equip.	330.00
MUNICIPAL PIPE TOOL, Vehicle Maint.	55.36
NE SOFTBALL ASSN, Registration	1,920.00
NEBRASKALAND CONF BLDG OFFCL, Training	40.00
NLA PUBLIC LIBRARY SECTION, Training	45.00
NOGG CHEMICAL & PAPER, Supplies	898.55
NUTS AND BOLTS, St. Maint.	220.01
OABR PRINT SHOP, Printing	131.65
OMAHA COMPOUND COMPANY, Supplies	153.80
OPPD, Utilities	24,106.72
OMAHA WORLD HERALD, Legal Advertising	606.62
OMNIUM WORLDWIDE, Payroll Withholdings	211.40
PAPILLION LA VISTA SCHOOL DIST, Career Fair	35.00
PARAMOUNT LINEN & UNIFORM, Cleaning	274.74
PAYLESS, Supplies	370.24
POKORNY, KEVIN, Travel	245.00
PONY BASEBALL, League Fee	250.00
PRECISION INDUSTRIES, Vehicle Maint.	122.25
PRESTIGE FLAG, Bldg & Grnds	110.97
QUALITY INN, Travel	275.00
QUILL, Supplies	131.75
R & R PRODUCTS, Vehicle Maint.	132.71
ROSE EQUIPMENT, Vehicle Maint.	555.98
SALEM PRESS, Books	121.00
SAM'S CLUB, Concessions	870.76
SAPP BROS, Vehicle Supplies	5,845.95
SARPY COUNTY CHAMBER, Training	20.00
SIGN DESIGN, Permit	60.00
SIMPLEX GRINNELL, Contract Services	360.00
SMALL, BRADY, Travel	46.00
SOS HEATING AND COOLING, Bldg & Grnds	218.38
SOUCIE, JOSEPH, Travel	23.00
SPETHMAN-TWIFORD, LORI, Travel	46.00
SQUAD-FITTERS, Wearing Apparel	152.95
STANDARD BATTERY, Vehicle Supplies	59.90
STAPLES, Supplies	71.44
SUBURBAN NEWSPAPERS, Legal Advertising	821.82
SUMMER KITCHEN CAFÉ, Supplies	21.99
THOMAS KLISE/CRIMSON, Media	46.28
THOMPSON DREESSEN & DORNER, Professional Services	30,379.30
THOMSON GALE, Books	91.36
THREE RING ENTERPRISES, Vehicle Maint.	1,150.15
TRACTOR SUPPLY, Vehicle Maint/Bldg & Grnds/K-9 Kennel	464.50
TURFWERKS, Vehicle Maint.	451.78
U S ASPHALT, St. Maint.	104.69
ULRICH, JAKE, Contract Services	87.50
UNIVERSITY OF NE LINCOLN, Training	45.00
VIERS, STEVEN, Travel	236.00
VITAL SUPPORT SYSTEMS, Contract Services	3,745.00
WARD, DON, Travel	46.00
WASTE MANAGEMENT, Contract Services	744.73
WHITTAKER, VICKI, Photographs	125.00
YOST, JOHN, Travel	46.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Interim City Administrator Gunn asked Councilmembers to let her know which Mondays in June they would be available to participate in a tour of some of the new projects throughout the City. This is typically done in conjunction with the Council's annual strategic planning session; however there were a number of items on that agenda this year and it was agreed the tour would be scheduled at a later date.

City Clerk Ramirez informed Council that the bid deadline for the two pieces of fire apparatus had been extended to May 12, approximately 30 days out from the original bid date. All of the suppliers had expressed concern about the originally proposed time frame of three weeks to prepare bid proposals for two very large and highly technical pieces of fire equipment.

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Ramirez reminded Councilmembers that the bond for City Administrator Gunn would need to be endorsed by each of them following the meeting and that the annual Southeast Area Clerks' Elected Officials Dinner was scheduled for May 3.

Ramirez also pointed out that a new resolution for agenda item B.1. had been placed on the Council desk and contained some changes recommended by the City Attorney. Agenda item I. referred to specifications for the AV Equipment bid being available prior to the meeting, and Ramirez reported the specs had been placed in Council mailboxes late in the day on Friday.

Police Chief Lausten gave an update on LB1199, the State's sex offender law. The new law gives municipalities the ability to pass limited local laws regarding the residency of sex offenders; however those laws must be in compliance with State Statute. The City of Omaha is currently working on a law that is in compliance and Lausten indicated he is waiting to see their legislation prior to making a recommendation for La Vista. The new State law does prohibit a sexual predator (formerly defined as a Level 3 offender) from living within 500 feet of a school or daycare. Lausten stated that La Vista currently has one sexual predator residing within the City and that person does not live within the area that is restricted by the law.

Lausten reported that several members of the Safety Committee will attend a presentation in Lincoln on April 27, 2006, to receive an award from the Governor's office for organizational seat belt compliance.

Lausten also stated that officers Ray Harrod and Andrew Johnson are currently attending a two-week motorcycle training course and the new unit should be out on the streets in early May.

Public Works Director Soucie reported on the annual Clean-Up Days held last Friday and Saturday. He stated that while the final tallies had not been compiled, he could report that twenty 40-yard dumpsters of trash, three 20-yard dumpsters of yard waste, and four to five semis full of metal appliances, etc. were filled.

Soucie also gave an update on several of the road construction projects underway. The southbound lanes of 96<sup>th</sup> Street have been closed for five to six weeks. The road improvements at 72<sup>nd</sup> & Giles Road are continuing and the contractor expects to have the two northbound lanes poured by the end of the week if the weather cooperates. Giles Road from 72<sup>nd</sup> Street to 69<sup>th</sup> Street is expected to be closed for at least another two weeks. On the western edge of the City, a third lane is being installed on West Giles Road and the traffic signal work being done in conjunction with the Southport development is expected to be completed in June or July.

Funds were budgeted during the current year for removal/demolition of the old Blooming Deals building located west of City Hall. Soucie reported to Council that Public Works is now trying to make a determination whether this facility could be dismantled and moved to the old sewer plant location to be utilized for storage.

Finally, Soucie reported that over the last two years there have been numerous break-ins at the Sports Complex and Soccer Complex. To help prevent these incidents and the associated losses of equipment and building damage from continuing, a security system is being installed this week at both locations.

Community Development Director Birch distributed and reviewed a handout compiling commercial and industrial projects currently underway in the City.

Recreation Director Stopak reported that the Easter Egg Hunt was held last Saturday and had over 800 participants. He thanked Councilmember Quick for her involvement in the event and also expressed thanks to the Public Works, Police, and Fire Departments for their assistance.

Stopak also reported that the Park and Recreation Advisory Board would be meeting this week and that an Arbor Day celebration was being planned for Friday, April 28.

## **B. APPOINTMENT OF CITY ADMINISTRATOR**

### **1. RESOLUTION – APPROVE CITY ADMINISTRATOR BOND**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-055: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE OFFICIAL BOND OF BRENDA GUNN.

WHEREAS, the City Clerk presents at this meeting an individual bond previously filed with her pursuant to Neb. Rev. Stat. Section 16-304 ("Bonds").

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council make and approve the following findings: The Bond is in joint and several form, payable to the City of La Vista in the penalty amount of \$5,000, conditioned for the faithful discharge of the duties of the office of the person giving said Bond; the corporate sureties of said Bond are legally authorized to transact business in the State of Nebraska; the Bond has been executed by the principal and sureties thereof and the required oath has been endorsed thereon and executed by the principal; the Bond has been previously filed with the City Clerk; and all applicable legal requirements with respect to said Bond have been satisfied.

BE IT FURTHER RESOLVED, that the Bond, including, but not limited to the penalty amount and all other terms and conditions thereof, is hereby approved, and the Mayor and City Clerk are hereby authorized to endorse the approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premium for the Bond.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to take any other action as is necessary or appropriate to carry out the actions approved herein.

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

## 2. APPOINTMENT OF CITY ADMINISTRATOR

Mayor Kindig stated that with the approval of the Council he would like to appoint Brenda Gunn to the position of City Administrator. Councilmember Sheehan made a motion to approve the Mayor's appointment as presented. Seconded by Councilmember Carlisle. Mayor Kindig stated he was extremely pleased that Gunn had accepted this position and is looking forward to working with her. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

## 3. RESOLUTION – APPROVE EMPLOYMENT AGREEMENT

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-056: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN EMPLOYMENT AGREEMENT WITH CITY ADMINISTRATOR BRENDA GUNN.

WHEREAS, the City Council of the City of La Vista has confirmed the Mayor's appointment of Brenda Gunn to the position of City Administrator; and

WHEREAS, Brenda Gunn has reviewed and agrees to the terms of the employment agreement; and

WHEREAS, the City Attorney has reviewed the proposed employment agreement as to form.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the execution of the employment agreement between Brenda Gunn and the City of La Vista is hereby ratified and approved and that the Mayor and City Clerk be, and hereby are, authorized to execute said employment agreement subject to approval as to form by the City Attorney.

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

## C. APPLICATION FOR ZONING TEXT AMENDMENT

### 1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig stated the floor was now open for a public hearing regarding an application for a text amendment to the Zoning Ordinance.

No one from the public addressed the Council regarding this issue. At 7:22 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan.

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

## 2. ORDINANCE

Councilmember Carlisle introduced Ordinance No. 988 entitled: AN ORDINANCE TO AMEND SECTION 7.01.05 (3) OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.01.05 (3) 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 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 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 Gowan. Councilmember Sheehan asked whether the reference to "45' above grade" was measured from the building or the land. Community Development Director Birch stated it is measured along the front of the building. The Mayor then stated the question was, "Shall Ordinance No. 988 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 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. CONDITIONAL USE PERMIT – DOG GROOMING – LOT 20, THE MEADOWS REPLAT X

### 1. PUBLIC HEARING

At 7:25 p.m. Mayor Kindig stated the floor was now open for a public hearing on an application for a conditional use permit to operate a dog grooming business on Lot 20, the Meadows, Replat X.

Brad Kava, the owner of the property, addressed Council offering to answer any questions or address concerns. Councilmember Sheehan inquired as to whether the neighbors had been consulted about this business being located in a residential area. Kava indicated he had complied with all of the requirements of the application, securing signatures from all property owners within a 200' radius. None of the neighbors refused to sign or expressed any concern about the operation of the business.

There were no other comments from the public and at 7:27 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

## 2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 06-057: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR BRAD AND STACIE KAVA TO OPERATE A DOG GROOMING BUSINESS ON LOT 20, THE MEADOWS REPLAT X.

WHEREAS, Brad and Stacie Kava have applied for a conditional use permit for the purpose of operating a dog grooming business on Lot 20, The Meadows Replat X, located at 8907 S. 142<sup>nd</sup> Ave. Cir.; 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 conditional use permit shall contain a provision limiting customer parking to the applicant's driveway to avoid parking impact on neighbors.
2. The client's dogs shall not be kennelled outside.
3. There shall be no overnight kenneling on the subject site.

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4. No garage doors, windows or other openings shall be open during grooming and stay of client's dog(s).
5. The hours of operation shall be limited to between 8:00 a.m. and 5:00 p.m. Monday through Saturday.
6. The home occupation (dog grooming) shall operate by appointment only.
7. The maximum number of dogs groomed per day shall be limited to six (6).
8. All dogs must have their shots, no history of biting, and no need of veterinarian attention.
9. The use shall comply with the applicable sign regulations.

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 Brad and Stacie Kava to operate a dog grooming business on Lot 20, The Meadows Replat X, subject to the nine conditions listed in the last recital above and those prescribed in the conditional use permit.

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

## E. RESOLUTION – AWARD CONTRACT – PARKING DISTRICT NO. 1 (SOUTHPORT WEST)

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-058: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO ANDRUS ENTERPRISES, INC., OMAHA, NEBRASKA FOR PHASE 1 — GROUP "A" CONSTRUCTION, PARKING DISTRICT NO. 1, IN AN AMOUNT NOT TO EXCEED \$1,629,636.27.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska did identify in the amended FY 05/06 municipal budget funds for the construction of an off-street parking facility to be located on Lot 2, Southport West Replat One; and

WHEREAS, on March 21, 2006 the City Council authorized the advertisement of bids for said project in accordance with drawings and specifications prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids received and determined that Andrus Enterprises, Inc., Omaha, NE is the low compliant bidder; and

WHEREAS, Section 31.23 (9) 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 Andrus Enterprises, Inc., Omaha, Nebraska for Phase 1 — Group "A" Construction, Parking District No. 1, in an amount not to exceed \$1,629,636.27, 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 McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

## F. FIREWORKS PERMITS

Mayor Kindig stated that Agenda Item F.2. would be considered prior to Agenda Item F.1., indicating that Council needed to make some decisions regarding which applicants would be getting permits to sell fireworks prior to establishing the maximum number of permits to be issued.

## 2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 06-060: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF THE LA VISTA AREA CHAMBER OF COMMERCE AND LA VISTA VIPERS YOUTH WRESTLING CLUB.

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

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WHEREAS, two non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2006 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

La Vista Area Chamber of Commerce and La Vista Vipers Youth Wrestling Club.

to sell fireworks within the City of La Vista for the 2006 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

Seconded by Councilmember Ronan. Council reviewed each permit application and considered the information presented by staff. It was recommended by staff that the La Vista Area Chamber of Commerce and the La Vista Vipers Wrestling Club be granted a permit to sell fireworks in 2006. Both of their applications met all of the City's criteria and were submitted in a timely manner. Council reviewed and concurred.

The La Vista Soccer Club and the La Vista Youth Football and Cheerleading Club were recommended for denial as their proposed location at 73<sup>rd</sup> & Harrison Street does not have a hard surfaced parking area. A lengthy discussion followed regarding this location (which has been used for fireworks sales in the past), and the potential for permitting parking on a non-hard surface in a temporary capacity. Councilmember Sheehan asked if an amendment to the ordinance could be prepared for the next Council meeting. Sheehan indicated he did not have a problem granting a permit to these two organizations once a change has been made. He indicated he was not comfortable granting the permit in violation of existing City code. City Administrator Gunn responded that a change to the zoning ordinance to allow such temporary parking would have to go through the Planning Commission process prior to coming back to Council. This could take several weeks. Discussion followed regarding some of the issues that would need to be addressed if temporary non-hard surface parking was allowed such as number of times per year this would be permitted, number of days allowed per event, etc. Gunn stated that staff would put together a recommendation and present it to the Planning Commission in May. It would be brought back to Council at the June 6, 2006 meeting, along with a resolution to approve permits for La Vista Soccer Club and the La Vista Youth Football and Cheerleading Club. It was ultimately concluded that once the change was made to the ordinance, Councilmembers would be in favor of approving these two applications.

The application from the Tangier Shrine was recommended for denial as it was submitted more than two weeks past the deadline and there have been incidents the past two years at this group's tent regarding selling fireworks after hours. Councilmembers Sheehan, McLaughlin, Gowan and Sell all spoke in favor of denying this permit.

The application from the La Vista Youth Athletic Association was recommended for denial due to concerns about parking and limited emergency vehicle access at the proposed site. The location being proposed is at the north end of the access road west of 84<sup>th</sup> Street at approximately Summer Drive. There is very limited parking available, the access road was not designed for high volume, through traffic, and emergency vehicles have a difficult time accessing this area on a regular basis. The traffic that would be generated by a fireworks tent would make emergency access all but impossible. Council concurred with the recommendation to deny, emphasizing the decision was based solely on the site, not on any inadequacies with the application or concerns about the organization.

The application from the Papillion-La Vista Cheerleading group was recommended for denial as the location being proposed is on the parking lot of a service station. Staff expressed concern about the safety of locating a large tent full of explosive material in close proximity to underground gas storage tanks, fill holes for those tanks, and gas pumps. Again, Council concurred with staff's recommendation for denial based solely on the location proposed.

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

On the motion and second to approve Resolution No. 06-060, Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

## 1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-059 as amended: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2006.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (B) (5) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2006 shall not exceed four (4).

BE IT FURTHER RESOLVED, that per Section 111.17 (B) (9) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (B) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

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

## G. AUTHORIZATION TO PURCHASE POLICE CRUISER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-061: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO PERFORMANCE AUTO GROUP, LINCOLN, NEBRASKA FOR THE PURCHASE OF A 2006 DODGE CHARGER POLICE PACKAGE CRUISER IN AN AMOUNT NOT TO EXCEED \$29,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new police cruiser is necessary, and

WHEREAS, the amended FY 2006 General Fund budget does include funds for the purchase of said cruiser, and

WHEREAS, the Police Department recommends that the new cruiser being proposed for purchase should be a Dodge Charger, and

WHEREAS, the State of Nebraska did receive bids for 2006 Dodge police cruisers, and

WHEREAS, Performance Auto Group, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2006 Dodge Charger police package cruisers and will extend that price to the City of La Vista, 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 \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby accept the Nebraska state bid of Performance Auto Group, Lincoln,

# MINUTE RECORD

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

Nebraska and authorize the purchase of a 2006 Dodge Charger Police Package cruiser in an amount not to exceed \$29,500.00.

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

## H. RESOLUTION – SPECIAL DESIGNATED PERMIT – LA VISTA AREA CHAMBER JUNE 2 - 3, 2006

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-062: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AT A BEER GARDEN IN CENTRAL PARK ON JUNE 2-3, 2006, IN CONJUNCTION WITH THE ANNUAL LA VISTA DAYS CELEBRATION.

WHEREAS, Central Park is located within the City of La Vista; and

WHEREAS, the La Vista Chamber of Commerce has requested approval of a Special Designated Permit to sell and serve beer at a beer garden in Central Park June 2-3, 2006, in conjunction with the annual La Vista Days celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the La Vista Chamber of Commerce to proceed with the application for a "Special Designated Permit" from the Nebraska Liquor Control Commission to sell and serve beer at a beer garden in Central Park on June 2-3, 2006, in conjunction with the annual La Vista Days celebration

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

## I. AUTHORIZE REQUEST FOR PROPOSALS – AUDIO/VIDEO EQUIPMENT & INSTALLATION FOR NEW FIRE STATION

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-063: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR THE PURCHASE AND INSTALLATION OF AUDIO/VIDEO EQUIPMENT (INCLUDING PAGING AND SECURITY CAMERA EQUIPMENT) FOR THE NEW LA VISTA FIRE STATION.

WHEREAS, the City has determined that it is desirable to take proposals for the purchase and installation of audio/video equipment (including paging and security camera equipment) for the new La Vista fire station; and

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

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement of Request For Proposals for the purchase and installation of audio/video equipment (including paging and security camera equipment) for the new fire station and sealed proposals are to be opened and publicly read aloud at 2:00 p.m., May 4, 2006, at La Vista City Hall, 8116, Park View Blvd., La Vista, Nebraska, 68128.

Publish Notice to Contractors	April 19, 2006
Open Bids	May 4, 2006
City Council Award Contract	May 16, 2006

Seconded by Councilmember Carlisle. Councilmember Sheehan expressed concern that the bid information was very specific in regard to manufacturers, etc. He questioned whether there was an intent to eliminate certain vendors from the process by specifying brand name equipment. Chief Lausten stated the specifications were prepared by the architectural firm and that alternate equipment to what was specified could be bid. If the equipment met all of the criteria and was priced competitively, it would certainly be considered.

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

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

## J. RESOLUTION – AUTHORIZE ADVERTISEMENT OF BIDS FOR 2006 SIDEWALK CONSTRUCTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 06-064: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE 2006 SIDEWALK CONSTRUCTION PROGRAM.

WHEREAS, the City Council has determined that sidewalk construction is necessary at various locations throughout the City; and

WHEREAS, the 2005-2006 Construction Fund Budget provides funding for the construction of said sidewalks; and

WHEREAS, the City Engineer has prepared plans and specifications for said sidewalk construction projects.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorizes the advertisement for bids for 2006 Sidewalk Construction Program in accordance with plans and specifications prepared by the City Engineer, John Kottmann, and said bids are to be opened and publicly read aloud at 4 p.m. at the offices of Thompson, Dreessen & Dorner, 10836 Old Mill Road, Omaha, NE of May 8, 2006.

Advertise for Bids – April 27 and May 4, 2006

Open Bids – May 8, 2006

Award Bid – May 16, 2006

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

## K. RESOLUTION – AUTHORIZE ADVERTISEMENT OF BIDS FOR 2006 PAVEMENT RECONSTRUCTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-065: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE 2006 PAVEMENT RECONSTRUCTION PROGRAM.

WHEREAS, the City Council has determined that pavement improvements need to be made in various locations throughout the City; and

WHEREAS, the City Council has previously approved a One and Six Year Road Plan that anticipates the projects included in the 2006 Pavement Reconstruction Program; and

WHEREAS, the 2005-2006 Construction Fund Budget provides funding for the improvements; and

WHEREAS, the City Engineer has prepared plans and specifications for said pavement reconstruction project.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the City of La Vista hereby authorizes the advertisement for bids for the 2006 Pavement Reconstruction Program in accordance with plans and specifications prepared by the City Engineer, John Kottmann, and said bids are to be opened and publicly read aloud at 4 p.m. at the offices of Thompson, Dreessen & Dorner, 10836 Old Mill Road, Omaha, NE on May 8 2006.

Advertise for Bids – April 27 and May 4, 2006

Open Bids – May 8, 2006

Award Bid – May 16, 2006

# MINUTE RECORD

April 18, 2006

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

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

## L. JOB DESCRIPTION UPDATE

City Administrator Gunn pointed out the changes that were being recommended to the Assistant City Administrator job description including the fact that supervisory assignments for Department Heads was made generic and the required experience level adjusted. Councilmember Carlisle made a motion to approve the job description for the Assistant City Administrator position as presented. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

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

## COMMENTS FROM THE FLOOR

Andrea Means of 7110 South 79<sup>th</sup> Street, a representative of the La Vista Youth Athletic Association, addressed the Council. She gave a brief history of her group and indicated that it had operated a fireworks stand in La Vista in the past. They did not have a stand last year as the group was being reorganized due to the unexpected death of the president. She stated that she felt the organization was a viable one that had donated money back to the community in the past and should be considered for a permit. Mayor Kindig apologized for a statement made earlier regarding the Youth Athletic Association not being here before and stated there was not an issue with the organization, just the location chosen. He stated that if another location could be secured next year, the group would be given every consideration. Ms. Means asked if there would be an opportunity to submit a new location for consideration this year. Kindig indicated there would not.

Gary Kruse of 7706 Magnolia Court, a representative of the La Vista Youth Football program, addressed the Council. He expressed his appreciation for the Council's decision to reconsider their ordinance and spoke of the benefits of fireworks sales for youth athletic programs.

Mike Ware of 1631 SW 24<sup>th</sup> in Lincoln NE, a representative of the supplier for the Papillion-La Vista Cheerleading group, addressed the Council. He provided information regarding new state regulations regarding required distances from gas pumps, etc. Council reiterated they were comfortable with their decision that locating explosives in such close proximity to gas pumps was unsafe.

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

At 8:17 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 Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

At 9:15 p.m. the Council came out of executive session. Councilmember McLaughlin made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan stated that he had received calls from citizens living in various SIDs, asking if they could participate in the City's annual "Clean Up" Days. Public Works Director Soucie indicated residents in the City's extra-territorial zoning jurisdiction were allowed to participate. Gowan suggested publicizing this information in the future.

Councilmember Gowan asked about a sign on located on 96<sup>th</sup> Street in front of the Police facility. The sign is in regard to National Crime Victims Week. Lausten stated the sign is in the County's right-of-way and the City has no jurisdiction there. The Police Department does support the posting of the signs, recognizing however that they would not be permitted in that location if it were within the City limits.

# MINUTE RECORD

April 18, 2006

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

Mayor Kindig reported on various functions he had attended recently including an event at the Claas America plant announcing their new partnership with another company.

Chief Lausten provided additional information on the new law passed by the State permitting the carrying of concealed weapons. La Vista does have a law on the books prohibiting concealed carry and this law will remain valid under the new statute.

## ADJOURNMENT

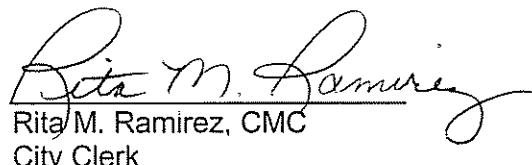
At 9:20 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF MAY 2006.



CITY OF LA VISTA  
Douglas Kindig, Mayor

ATTEST:



Rita M. Ramirez  
Rita M. Ramirez, CMC  
City Clerk

K:\APPS\CITYHALL\06 COUNCIL MINUTES\APRIL 18