

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING October 6, 2009

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 October 6, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Community Development Director Birch, Police Chief Lausten, District Chief Froehlich, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on September 24, 2009. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

Mayor Kindig made an announcement regarding the agenda policy statement providing for expanded opportunity for public comment on agenda items.

### SERVICE AWARD – MARY LOU PEREKSTA – 10 YEARS

Mayor Kindig presented a service award to Mary Lou Pereksta for 10 years of service to the City.

### PROCLAMATIONS – FIRE PREVENTION WEEK, FINANCIAL PLANNING WEEK

Mayor Kindig presented a proclamation for Fire Prevention Week to District Fire Chief Froehlich and a proclamation for Financial Planning Week to Dennis King, who accepted on behalf of Securities America and the Financial Planning Association.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 15, 2009
3. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM AUGUST 19, 2009
4. APPROVAL OF PLANNING COMMISSION MINUTES FROM AUGUST 20, 2009
5. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM SEPTEMBER 10, 2009
6. APPROVAL OF BOARD OF APPEAL MINUTES FROM SEPTEMBER 23, 2009
7. PAY REQUEST NO. 6 FROM EDAW – 84<sup>TH</sup> STREET REDEVELOPMENT VISION - \$25,911.90

#### 8. APPROVAL OF CLAIMS

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

ACTION BATTERIES, Vehicle Supplies	224.85
ALAMAR UNIFORMS, Wearing Apparel	38.99
ALEX, MARY, Travel	42.13
AMENTA, JOE, Refund	15.00
AMERICAN LIBRARY ASSN, Supplies	39.50
ARAMARK UNIFORM, Contract Services	238.24
ARNOLD, MATT, Refund	95.00
ASSOCIATED FIRE PROTECTION, Contract Services	323.50
BAKER & TAYLOR BOOKS, Books	8,146.60
BATTERIES PLUS, Batteries	484.00
BCR-BIBLIOGRAPHICAL, CD Rom	29.28

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BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	3,050.00
BENNINGTON EQUIPMENT, Vehicle Maint.	610.29
BETTER BUSINESS EQUIPMENT, Rentals	47.83
BLACK HILLS ENERGY, Utilities	22.73
BLEACH, LARRY, Equipment	75.00
BRENTWOOD AUTO WASH, Vehicle Maint.	72.00
BUETHE, PAM, Books, Postage, Travel/Supplies	184.80
BUILDERS SUPPLY, Material	2,808.95
BULLET HOLE, Equipment	99.00
CENTER POINT PUBLISHING, Books	240.84
CHEMSEARCH, Vehicle Maint.	173.23
CITY OF OMAHA, Contract Services	35,882.50
COLOMBO/PHELPS, Concessions	486.03
COMP CHOICE, Professional Services	262.50
CONTROL MASTERS, Bldg & Grnds	515.45
COX, Contract Services	39.00
DECOSTA SPORTING GOODS, Equipment	36.45
DEETER FOUNDRY, Repair	260.00
DINAN, DENNY, Banquet	78.92
DULTMEIER SALES & SERVICE, Vehicle Maint.	296.41
EDAW, Vision 84	15,791.70
EDGEWEAR SCREEN PRINTING, Equipment	1,152.00
ELECTRONIC ENGINEERING, Vehicle Maint.	38.41
ELLIOTT EQUIPMENT, Vehicle Maint.	169.52
ENTERPRISE LOCKSMITHS, Bldg & Grnds	25.00
EZRA, GAYLA, Refund	95.00
FAIRWAY GOLF, Wearing Apparel	1,629.06
FILTER CARE, Vehicle Maint.	52.40
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	67.80
FLEET US, Bldg & Grnds	1,102.00
G I CLEANER & TAILORS, Uniform Cleaning	150.20
GALE, Books	71.86
GASSERT, MIKE, Contract Services	768.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies/Maint.	2,145.11
GODFATHER'S PIZZA, Reading Program	88.85
GOLDEN HORSE, Books	36.95
GRAYBAR ELECTRIC, Bldg & Grnds	179.06
GREENKEEPER, Supplies	78.00
GUNN, BRENDA, Travel	55.00
HEARTLAND PAPER, Supplies	85.00
HEARTLAND TIRES AND TREADS, Vehicle Supplies	126.80
HEIMES CORPORATION, Maintenance	74.58
HELGET GAS, Squad Supplies	73.00
HIGHSMITH, Supplies	402.04
HOST COFFEE, Concessions	21.50
HUNTEL, Contract Services	242.86
HY-VEE, Supplies	98.87
INDUSTRIAL SALES, Bldg & Grnds	57.60
IOWA STATE UNIVERSITY, Training	300.00
IVERSON, DENNIS, Travel	15.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	881.02
JOHN DEERE, Supplies	393.90
JOHNSON CONTROLS, Bldg & Grnds	247.00
KELLER, RON, Travel	15.00
KENCOAT, Bldg & Grnds	562.00
KIMBALL MIDWEST, Vehicle Maint.	108.10
KIRKHAM MICHAEL & ASSOC, Professional Services	4,800.00
KRIHA FLUID POWER, Vehicle Maint.	45.25
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	70.00
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LIFE ASSIST, Squad Supplies	482.56
LINWELD, Street Maint.	185.70
LOU'S SPORTING GOODS, Equipment	784.46
MARSHALL CAVENDISH CORP, Books	117.52
METRO AREA TRANSIT, August Fees	525.00
METRO COMMUNITY COLLEGE, Utilities/Phone, Contract Services	22,064.10

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MUD, Utilities	4,672.84
MID AMERICA PAY PHONES, Phones	100.00
MIDLANDS BUSINESS JOURNAL, Books	140.00
MID-STATE DISTRIBUTING, Vehicle Maint/Traffic Signs	145.25
MID-STATES UTILITY TRAILER, Vehicle Maint.	99.05
MIDWEST TURF & IRRIGATION, Vehicle Maint.	1,008.87
MILLER BRANDS, Concessions	118.65
MILLER PRESS, Printing	427.00
MOIS, DEREK, Refund	15.00
MONARCH OIL, Street Maint.	234.00
MONROE TRUCK EQUIPMENT, Vehicle Maint.	260.60
MORRELL HEATING AND COOLING, Construction Costs	6,640.00
MOTOROLA, Radios	8,939.00
NEBRASKA GOLF & TURF, Maintenance	55.36
NEBRASKA MIDGET FOOTBALL, Registration	1,485.00
NEBRASKA SOFTBALL ASSN, Registration	1,672.00
NEUMAN EQUIPMENT COMPANY, Vehicle Supplies	90.00
NEXTEL COMMUNICATIONS, Phones	721.59
ODEY'S, Bldg & Grnds	1,581.42
OFFICE DEPOT, Supplies	388.96
OMAHA DOOR & WINDOW, Capital Outlay	1,212.59
OSSENFORT, MATT, Refund	15.00
PAPILLION LA VISTA SCHL DISTR, Tobacco/Liquor License Revenue	7,127.50
PAPILLION SANITATION, Contract Services	212.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	382.46
PAYLESS, Supplies	546.34
PITNEY BOWES, Supplies	221.00
PRAIRIE MECHANICAL CORPORATION, Bldg & Grnds	13,440.00
PRECISION INDUSTRIES, Vehicle Maint.	113.77
PREMIER-MIDWEST BEVERAGE, Concessions	89.75
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	216.00
PSI PLASTIC GRAPHICS, Supplies	473.31
QUALITY BRANDS OF OMAHA, Concessions	447.65
QWEST, Phones	1,150.61
RAMIREZ, RITA, Travel/Supplies	106.12
READY MIXED CONCRETE, Repair	2,561.66
REGAL AWARDS, Equipment	714.37
ROOKER, BARBARA, Bldg & Grnds	23.97
SAPP BROS, Vehicle Supplies	3,287.60
SCHROEDER, ROBERT, Refund	85.00
SEVENER, DUTCH, Travel	15.00
SHAW, MARJORIE, Books	12.99
SIMPLEX GRINNELL, Vehicle Maint.	105.56
SMOOTHER CUT ENTERPRISES, Contract Services	1,320.00
SOUCIE, JOSEPH, Travel	677.16
SPRINT, Phone	109.97
STATE STEEL, Vehicle Maint.	351.43
STATE TROOPERS ASSN, Training	75.00
STAUNIAK, TAMMY, Refund	85.00
STEHMAN, KILEY, Refund	15.00
STERIL MANUFACTURING, Repair	75.00
STRYKER MEDICAL, Squad Supplies	4,362.82
SUBURBAN NEWSPAPERS, Legal Advertising	729.54
SUMMER KITCHEN, Supplies	37.85
SUN COUNTRY DISTRIBUTING, Supplies	133.24
TAPE STOCK ONLINE, Supplies	25.98
TED'S MOWER SALES & SERVICE, Vehicle Maint.	450.61
THERMO KING CHRISTENSEN, Vehicle Maint.	250.00
THIELE GEOTECH, Sidewalk Maint.	25.00
TRACTOR SUPPLY, Travel/Bldg & Grnds	275.86
TURFWERKS, Bldg & Grnds/Maintenance	671.26
U S ASPHALT, Street Maint.	877.60
UPS, Postage	9.76
UTILITY EQUIPMENT, Storm Sewer Maint.	202.10
VANGUARD INDUSTRIES, Bldg & Grnds/Vehicle Maint.	750.00
VERIZON, Phone	201.92
WAL-MART, Supplies/Equip.	704.46

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WARD, DON, Travel	15.00
ZIMCO SUPPLY, Supplies	488.80
ZOLL MEDICAL, Cardiac Monitors	40,000.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council the employee evaluation system is now up and running. Ramirez stated she also has received a draft of the La Vista history book.

Public Works Director Soucie stated the City received a stimulus grant in the amount of \$7,500 to retrofit the exhaust system on the dump truck. Soucie stated that the tire collection was successful. There were 368 car tires, 8 truck tires, and 1 tractor tire turned in.

Soucie informed Council that the annual fall leaf collection day will be held on November 7, 2009. Soucie stated there will be a meeting with the Val Vista homeowners on October 27<sup>th</sup> at 7:00 p.m. regarding the greenway project.

Building and Grounds Director Archibald informed Council the City will begin recycling at the end of this week.

## B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT 1. PUBLIC HEARING

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Citizen Advisory Review Committee – EDP Report. Lynda Shafer was present to answer any questions.

At 7:14 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## C. RENTAL INSPECTION PROGRAM 1. ORDINANCE NO. 1095 – ADOPT RENTAL INSPECTION PROGRAM (SECOND READING) (TABLED FROM 9/15/09 MEETING)

Community Development Director Birch updated Council on new developments on the rental inspection program. City staff met with representatives of operation landlord. She received suggestions from Councilmember Crawford, which staff thought were good and could be implemented. There have been minor changes to the ordinance. Councilmember Gowan asked if it would be an issue for inspectors to work weekend and evenings. Birch stated the winter months would be difficult due to early darkness. Otherwise, she thought it would be workable.

Terrie Russell, 7427 S 69<sup>th</sup> Street, addressed Council and provided pictures. She spoke in favor of the rental inspection program.

Tom Klinkacek, 13426 Edna Street, addressed Council to state his concern was that this was not started as a team process, with no input from landlords. He feels there are processes in place to take care of issues for renters now. He feels there are not remedies in place as to what the City will do.

John Chatelain addressed Council to state he met with city officials. He is not from operation landlord; he is from the real estate industry. His concern is on the rights of tenants under the 4<sup>th</sup> amendment. He feels these inspections are searches.

Douglas Lane, 7327 La Vista Drive, stated he owns property across from Councilmember Carlisle. He feels there are laws in place to take care of properties. He feels scheduling for inspections will be difficult.

Tabetha Wheeler, 7540 Edward, is a tenant who doesn't want to see the City come into her home. She stated she has a good landlord, and she doesn't like that inspectors can come in at any time.

Councilmember Sheehan went to 11 properties; 4 rentals, 2 foreclosures, and 6 owner occupied. His concern is the right to privacy. He feels the renter is being held to a higher standard. Sheehan feels properties need to be inspected the first time the property is rented, and then only when vacant between tenants.

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Councilmember Gowan stated he does not have a problem with either suggestion. He could accept stating inspections would only occur when vacant. Gowan said Council has a responsibility to citizens to be sure properties are safe. Gowan inquired of the City Attorney about the 4<sup>th</sup> amendment.

City Attorney McKeon explained how fourth amendment rights work. The fourth amendment protects against unreasonable searches. Under the proposed ordinance, notice of inspections and 4<sup>th</sup> amendment rights would be given to landlords and tenants. Landlords and tenants could voluntarily consent to inspections; or a landlord or tenant could withhold consent. If consent is withheld, the ordinance would require the City to obtain an inspection warrant. Cases have held that issuance of a warrant to carry out a generally applicable inspection program is permissible without violating fourth amendment rights of the landlord or tenant. The inspection warrant process, and thereby putting a judge between the City and the property owner and tenant, is the accepted methods of courts to ensure fourth amendment rights are protected.

Councilmember Gowan made a motion to amend proposed Ordinance No. 1095 as presented at this meeting. Seconded by Ellerbeck. Voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nay: None. Motion carried.

City Clerk Buethe read Ordinance No. 1095 entitled: AN ORDINANCE TO ADOPT AND CODIFY A RENTAL LICENSING AND INSPECTION PROGRAM AS SECTION 150.6 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Discussion was held.

Councilmember Gowan made a motion to suspend the statutory rule requiring second and third readings. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Quick, Sheehan, Ellerbeck and Gowan. Nays: Ronan, Carlisle, and Crawford. Absent: None. Motion failed for failure to obtain the required three-fourths majority vote.

Councilmember Gowan made a motion to approve Ordinance No. 1095 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Quick, Ellerbeck, and Gowan. Nays: Ronan, Sheehan, Carlisle, and Crawford. Absent: None. Mayor Kindig voted aye to break a tie vote. Motion carried.

## **D. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – STEPANEK (TABLED FROM 9/15/09 MEETING)**

### **1. PUBLIC HEARING**

At 7:54 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project - Purchase Agreement and Temporary Easement – Stepanek.

At 7:55 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-096: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO VICTOR STEPANEK AND LINDA S. PODANY-STEPANEK IN AN AMOUNT NOT TO EXCEED \$27,100.00.

WHEREAS, right-of-way acquisition is necessary for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Victor Stepanek and Linda S. Podany-Stepanek; and

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Victor Stepanek and Linda S. Podany-Stepanek; and

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WHEREAS, the FY08/09 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

WHEREAS, Paragraph 9 of Section 1-316 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a purchase agreement and temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to Victor Stepanek and Linda S. Podany-Stepanek in an amount not to exceed \$27,100.00.

Seconded by Councilmember Quick. Councilmember Sheehan asked if the temporary easement is for construction purposes and would require no long term maintenance by the City. Public Works Director Soucie responded that he was correct. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – MULDER (TABLED FROM 9/15/09 MEETING)**

### **1. PUBLIC HEARING**

At 7:56 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project - Purchase Agreement and Temporary Easement – Mulder.

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

### **2. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-097: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO BERNARD A. MULDER, JR. IN AN AMOUNT NOT TO EXCEED \$1,500.00.

WHEREAS, right-of-way acquisition is necessary for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Bernard A. Mulder, Jr.; and

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Bernard A. Mulder, Jr.; and

WHEREAS, the FY08/09 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a purchase agreement and temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to Bernard A. Mulder, Jr. in an amount not to exceed \$1,500.00.

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

## **F. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – CORONA (TABLED FROM 9/15/09 MEETING)**

### **1. PUBLIC HEARING**

At 7:57 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project - Purchase Agreement and Temporary Easement – Corona.

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At 7:57 p.m. Councilmember Quick made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-098: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO DEANNA CORONA IN AN AMOUNT NOT TO EXCEED \$25.00.

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by Bernard A. Mulder, Jr and leased by Deanna Corona; and

WHEREAS, the FY08/09 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to Deanna Corona in an amount not to exceed \$25.00.

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

## **G. COMPREHENSIVE PLAN – AMENDMENT (NEW CHAPTER 9)**

### **1. PUBLIC HEARING**

Community Development Director Birch introduced this agenda item. She stated the revisions are due to a legislative change.

At 8:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Comprehensive Plan – Amendment (New Chapter 9).

At 8:01 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – APPROVE AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN**

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE COMPREHENSIVE PLAN TO ADD A NEW CHAPTER, CHAPTER 9, ANNEXATION PLAN

WHEREAS, the Comprehensive Plan currently has a section in Chapter 8, Plan Maintenance and Implementation, regarding an annexation policy which briefly describes that any annexation will be in conformance with Nebraska State Statutes; and

WHEREAS, the addition of a new chapter, Chapter 9, Annexation Plan will provide a more detailed annexation plan consisting of a narrative section, a chart and a map; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Comprehensive Plan to add a new chapter, Chapter 9, Annexation Plan; 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 Comprehensive Plan to add a new chapter, Chapter 9, Annexation Plan.

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

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## H. RESOLUTION – ANNEXATION – SID 59, SID 214, MISCELLANEOUS LOTS, ADJOINING STREET RIGHT OF WAY

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-100: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA STATING THAT THE CITY OF LA VISTA IS CONSIDERING THE ANNEXATION OF SID NO.59, OAKDALE PARK AND BROOK VALLEY BUSINESS PARKS, AND SID NO. 214, PAPIO VALLEY 1 AND 2 BUSINESS PARKS, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 8 LOCATED IN SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 6C1 LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 15 AND VAC ROW ADJ LOCATED IN SECTION 18, T14N R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 13 LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 14 LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR NOTICE TO UTILITY COMPANIES SID CLERKS AND LANDOWNERS OF THE PROPERTY WITHIN THE PROPOSED AREA, AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED, AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, the City of La Vista desires to annex certain land, and

WHEREAS, the Nebraska Revised Statutes, Section 16-117 requires the City Council to adopt a resolution stating that the City is considering the annexation of land and a plan for extension of City services to said land.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of La Vista, Nebraska as follows:

1. The City of La Vista is considering the annexation of SID No.59, Oakdale Park And Brook Valley Business Parks, and SID No. 214, Papio Valley 1 and 2 Business Parks, subdivisions as surveyed, platted and recorded In Sarpy County, Nebraska, and certain adjacent land; Tax Lot 6B located in Section 19, T14N, R12E of the 6<sup>TH</sup> P.M., Tax Lot 8 located in Section 18, T14N, R12E of the 6<sup>TH</sup> P.M., Tax Lot 6C1 located in Section 19, T14N, R12E of the 6<sup>TH</sup> P.M., Tax Lot 15 And Vacated ROW Adjacent located in Section 18, T14N R12E of the 6<sup>TH</sup> P.M., Tax Lot 13, located in Section 19, T14N, R12E of the 6<sup>TH</sup> P.M., Tax Lot 14, located in Section 19, T14N, R12E of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska; and portions of any adjoining street right-of-way; describing boundaries of the land proposed for annexation, more particularly described as follows:

LOTS 1, 2A, 2B, 3 THROUGH 8, 13 THROUGH 18, 19A, 21A, 21B, 22, 26, 27, 28A, AND 28B, OAKDALE PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID OAKDALE PARK;

TOGETHER WITH PART OF 108<sup>TH</sup> STREET RIGHT-OF-WAY AND PART OF HARRISON STREET RIGHT-OF-WAY ADJOINING SAID OAKDALE PARK;

TOGETHER WITH TAX LOTS 8A1A AND 8A2, EXCEPT THAT PART TAKEN FOR 104<sup>TH</sup> STREET RIGHT-OF-WAY, TAX LOTS 8A1B, 8B, 8C1, 8C2A, 8C3A AND 8C4, ALL LYING WITHIN THE WEST 1/2 OF THE NW1/4 OF SECTION 16, T14N, R12E OF THE 6<sup>TH</sup> P.M., IN SAID SARPY COUNTY;

TOGETHER WITH PART OF GERTRUDE STREET RIGHT-OF-WAY, AND HARRISON STREET RIGHT-OF-WAY ADJOINING SAID TAX LOTS;

TOGETHER WITH THAT PART OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 16 LYING WEST OF LOT 1, AND SOUTH OF LOT 2A, SAID OAKDALE PARK;

TOGETHER WITH PART OF 108<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING SAID PART OF THE SW1/4 OF THE NW1/4 OF SAID SECTION 16;

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TOGETHER WITH LOTS 1B, 2B, 4A, 4B, 5A, 5B, 6, 12, 13B, 14, 15A, 15B, LOT 16 (REPLAT OF LOTS 16, 17, 18B, 21B, 22 AND 23), LOTS 18A, 19, 20, 21A, 24A, 24B, 25, 27, 28A1, 32, 33C, 47, 48, 49, 50A, 50B, 51, 52, 53, 54, 55A, 55B, 56B, LOT 57 AND THE NORTH 100 FEET OF LOT 56, LOTS 58, 59, 60 AND OUTLOT B, BROOK VALLEY BUSINESS PARK, A SUBDIVISION IN SAID SARPY COUNTY,

TOGETHER WITH LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 1, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 2, A SUBDIVISION IN SAID SARPY COUNTY; AND ALL PUBLIC STREETS LYING WITHIN SAID BROOK VALLEY BUSINESS PARK, AND SAID BROOK VALLEY BUSINESS PARK REPLATS 1 AND 2;

TOGETHER WITH PART OF 108<sup>TH</sup> STREET RIGHT-OF-WAY AND HARRISION STREET RIGHT-OF-WAY ADJOINING SAID BROOK VALLEY BUSINESS PARK AND SAID BROOK VALLEY BUSINESS PARK REPLATS 1 AND 2;

TOGETHER WITH TAX LOT 1A2, LYING NORTH OF THE CHICAGO BURLINGTON & QUINCY RAILROAD WITHIN THE SE1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SAID SARPY COUNTY;

TOGETHER WITH ALL OF TAX LOT 1A1A1A, LYING WITHIN THE SE1/4 AND ALL OF TAX LOT 2B2 LYING WITHIN THE SW1/4 OF SAID SECTION 17;

TOGETHER WITH PART OF 110<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING SAID TAX LOT 1A1A1A;

TOGETHER WITH LOTS 1 THROUGH 7, LOTS 9, 10, 11B, 12, 13, LOTS 14A AND 14B, REPLAT OF LOT 14, LOTS 15, 16A, 16B, 17A, 17B, 18, 19, 20, LOTS 22 THROUGH 37, VACATED VIRGINIA STREET LYING WEST OF 114<sup>TH</sup> STREET AND EAST OF 117<sup>TH</sup> STREET, BROOK VALLEY II BUSINESS PARK, A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH LOT 1, BROOK VALLEY II BUSINESS PARK REPLAT ONE; A SUBDIVISION IN SAID SARPY COUNTY;

TOGETHER WITH LOTS 1 AND 2, BROOK VALLEY II BUSINESS PARK REPLAT 2, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID BROOK VALLEY II BUSINESS PARK AND SAID BROOK VALLEY II BUSINESS PARK REPLATS ONE AND 2;

TOGETHER WITH PART OF 120<sup>TH</sup> STREET RIGHT-OF-WAY AND ALL OF 114<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING SAID BROOK VALLEY II BUSINESS PARK;

TOGETHER WITH LOTS 1 AND 2, PART OF LOT 3A, LOTS 4, 5, 6, 7A, 7B AND 8, PAPIO VALLEY I BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; AND ALL PUBLIC STREETS LYING WITHIN SAID PAPIO VALLEY I BUSINESS PARK;

TOGETHER WITH LOTS 1 THROUGH 9, PAPIO VALLEY 2 BUSINESS PARK, A SUBDIVISION IN SAID SARPY COUNTY, AND ALL PUBLIC STREETS LYING WITHIN SAID PAPIO VALLEY 2 BUSINESS PARK;

TOGETHER WITH PART OF OLD GILES ROAD RIGHT-OF-WAY AND 120<sup>TH</sup> STREET RIGHT-OF-WAY ADJOINING SAID PAPIO VALLEY I BUSINESS PARK AND SAID PAPIO VALLEY 2 BUSINESS PARK;

TOGETHER WITH TAX LOT 8 IN THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 15 & VAC ROW ADJ IN THE SE 1/4 OF SECTION 18 T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 6B IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

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TOGETHER WITH TAX LOT 6C1 IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 13 IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOT 14 IN THE NORTHEAST 1/4 OF SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH RAILROAD RIGHT-OF-WAY ADJOINING SAID TAX LOTS IN SAID SECTIONS 18 AND 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH GILES ROAD RIGHT-OF-WAY, WEST GILES ROAD RIGHT-OF-WAY, AND OLD GILES ROAD RIGHT-OF-WAY IN SAID SECTIONS 18 AND 19 ADJOINING SAID TAX LOTS.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, as presented at this meeting, and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk, located at 8116 Park View Boulevard, La Vista, Nebraska.
3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 17<sup>th</sup> day of November, 2009, at the hour of 7:00 p.m. in the Council Chambers of the City of La Vista located at 8116 Park View Boulevard, La Vista, Nebraska.
4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.
5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
6. That required notices will be provided to utility companies, SID Clerks, and owners of the property as required by applicable statutes.
7. That a copy of this Resolution be forwarded to the Planning Commission for recommendation following its passage.

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

## I. RESOLUTION – INTERLOCAL AGREEMENT – ANALYSIS OF HELL CREEK STABILIZATION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-101: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL AGREEMENT WITH DOUGLAS COUNTY, SARPY COUNTY, NEBRASKA AND THE CITY OF LA VISTA CONCERNING ANALYSIS OF THE STABILIZATION OF HELL CREEK, IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, La Vista, Sarpy County, and Douglas County have determined that the stream segment between the "Q" Street Bridge and the confluence with the South Papillion Creek is experiencing severe bank erosion and channel degradation; and

WHEREAS, La Vista, Sarpy County, and Douglas County have determined that it is each jurisdiction's duty and responsibility to hire professional engineering services for the analysis of Hell Creek stabilization alternatives for this stream segment and the cost for these services will be equally shared.

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with Douglas County and Sarpy County, Nebraska concerning the analysis of Hell Creek stabilization alternatives for the stream segment between the "Q" Street Bridge and the

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confluence with the South Papillion Creek is hereby 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.

Seconded by Councilmember Gowan. Public Works Director Soucie informed Council that the storms last May and June caused severe damage to the north and east side. There have only been emergency repairs to temporarily fix the problem to date. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **J. RESOLUTION – INTERLOCAL AGREEMENT – PAPILLION CREEK WATERSHED PARTNERSHIP CONTINUATION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-102: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITIES OF BELLEVUE, BOYSTOWN, GRETNA, LA VISTA, OMAHA, PAPIO-MISSOURI RIVER NRD, PAPILLION, RALSTON, AND SARPY COUNTY FOR THE CONTINUATION OF THE PAPILLION CREEK WATERSHED PARTNERSHIP.

WHEREAS, the Mayor and City Council approved La Vista's participation in the initial Interlocal Cooperation Agreement regarding this Partnership in 2001 and an Interlocal Cooperation Act Agreement for Continuation was approved in 2004; and

WHEREAS, the Continuation expired on July 31, 2009; and

WHEREAS, the Interlocal Cooperation Agreement was developed in response to the federal NPDES Phase II requirements related to storm water that impact communities and counties in the Papillion Creek Watershed; and

WHEREAS, maintaining the Interlocal Cooperation Agreement will allow the City and other participating jurisdictions to continue to propose, enact and implement common standards, increasing effectiveness and cost-sharing capabilities;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Interlocal agreement between the cities of Bellevue, Boystown, Gretna, La Vista, Omaha, Papio-Missouri River NRD, Papillion, Ralston, and, Sarpy County, is hereby accepted and approved as presented and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Public Works Director Soucie explained that "amendment" was not to be in the Interlocal; and also, Douglas County and Bennington are no longer part of the Interlocal, due to differing views as to restrictions on building. The changes will not affect what the City owes on an annual basis for the next 5 years, which is capped at \$5,000, but work will be scaled back because Douglas County was one of the larger contributors. Mayor Kindig asked if there could be increased costs in the future. Public Works Director Soucie stated that is a possibility. Councilmember Sheehan asked if Douglas County could be let back in. Public Works Director Soucie stated there are no hard feelings, and they could be added back into the Interlocal. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **K. 2010-2014 CAPITAL IMPROVEMENT PROGRAM**

### **1. PUBLIC HEARING**

At 8:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2010-2014 Capital Improvement Program.

At 8:13 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – ADOPTION OF 2010-2014 CAPITAL IMPROVEMENT PROGRAM**

Councilmember Carlisle introduced and moved for the adoption of Resolution No 09-103: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

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NEBRASKA, APPROVING THE 2010-2014 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2010-2014 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2010-2014 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2010-2014 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2010-2014 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Gowan. Assistant City Administrator Ramirez stated the Capital Improvement Program is in a blue notebook. The approved portion for this year is in the budget. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## L. ORDINANCE – AMEND THE COMPENSATION ORDINANCE

Councilmember Sell introduced Ordinance No. 1103 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 HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE 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, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember 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.1103 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## M. SPECIAL ASSESSMENTS 1. PUBLIC HEARING

At 8:15 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 8:21 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 2. RESOLUTION

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Councilmember Sell introduced and moved for the adoption of Resolution No. 09-104 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of

7121 Harrison St., Lot 1C EX PT TO RD La Vista Replat, \$371.83,

7313 Joseph Ave., Lot 392/La Vista Replat, \$287.79,

7421 Ivy Lane Dr., Lot 124/S & S's Harvest Hill, \$265.29,

7217 Park View Blvd., Lot 941/La Vista, \$253.59,

7702 Greenleaf Dr., Lot 1470/La Vista, \$281.94,

7780 Greenleaf Dr., Lot 210/Granville East, \$281.29,

7354 S 70<sup>th</sup> St., Lot 202/La Vista Replat, \$349.06, and

12958 Margo St., Lot 15/Millard Highlands South 2<sup>nd</sup> Platting, \$252.29

were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. Councilmember Crawford asked if there is anything that can be done for the repeat offenders, some for the 3<sup>rd</sup> and 4<sup>th</sup> time. Community Development Director Birch stated that repeat offenders will not receive notice after their initial notice for the season. Most of these properties are vacant at this time, so ticketing someone would be difficult if not impossible. Councilmember Gowan asked if Margo Street is in the City limits. Community Development Director Birch stated that Margo Street is not in the City limits. Councilmember Gowan asked if we fix the streets there. Public Works Director Soucie stated that we would generally contact the SID or engineer unless it is an emergency and they cannot be reached then we will fix it and contact them for reimbursement. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

## N. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE – FOP; PERSONNEL

At 8:20 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Strategy Session/Negotiating guidance with FOP. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:46 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig asked Council if they would like to sponsor the Chili Feed again this year. He stated that Rita needs to know by Friday for the newsletter, and the \$25.00 contribution needs to be to Mary by November 30<sup>th</sup>.

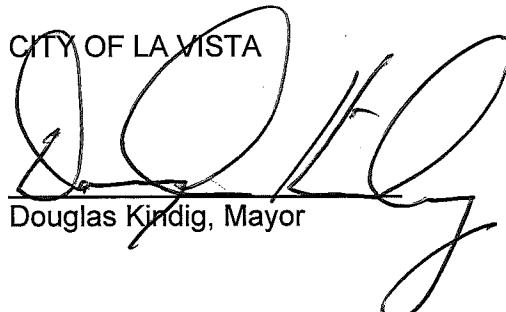
Mayor Kindig encouraged everyone to attend the "Worthy Women" award presentation for Councilmember Quick on Thursday, October 22<sup>nd</sup>. The award is based on civic contributions, innovation, and insight, volunteerism, and impacting the lives of people in the community. The event starts at 4:00 p.m. Please RSVP to Mary by October 12<sup>th</sup>.

Councilmember Gowan commended Councilmember Sell for his work to have the street sign made for Marv Carcich.

Councilmember Sheehan asked for information to show how much the cost would be for a warrant to inspect a property. He would also like to see a copy of the letter and correspondence that will be sent to a tenant and an owner. City Attorney McKeon stated he has discussed these issues with Community Development Director Birch and they will get him the information he has requested.

At 8:51 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER 2009.

  
CITY OF LA VISTA  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk