

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING December 4, 2007

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 December 4, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Quick. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Library Director Iwan, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, 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 November 22, 2007. 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.

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

APPOINTMENTS - FIRE DEPARTMENT OFFICERS

Mayor Kindig stated, with the approval of Council, he would like to make the following appointments as Fire Department Officers: District 1: Fire Captains – Mark Stevens, Brian Jones, and Ty Ebel; Rescue Lieutenant – Dave (Bo) Wilson; Fire Training Officer – Mike Doyle; Medical Training Officer – T. J. Markowsky; and Public Information Officer – Melanie Smith. District 2: Fire Captains – Steve Stark, Chad Williams, Rory Froehlich; Rescue Captain – Rob Witt, Rescue Lieutenant – Brad Quedensley. Fire Chief Uhl introduced the new Fire Department Officers.

Councilmember Sheehan motioned to approve the appointment of the new Fire Department Officers. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 20, 2007
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM NOVEMBER 15, 2007
4. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM OCTOBER 17, 2007
5. PAY REQUEST FROM FELSBURG, HOLT & ULLEVIG FOR QUIET ZONE STUDY - \$1,285.03
6. APPROVAL OF CLAIMS

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

ACTION BATTERIES, Electric Cart	479.70
ALAMAR UNIFORMS, Wearing Apparel	24.00
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	50.77
APPLIED INFORMATION MGMT, Contract Services	2,995.00
AQUILA, Utilities	21.28
ARAMARK UNIFORM SERVICES, Contract Services	96.08
ASSOCIATED FIRE PROTECTION, Equipment	60.00
AUDIOVISUAL, Radio Repair	1,907.00
BAKER & TAYLOR BOOKS, Books	435.88
BAKER, MARCUS, Auto Allowance	50.00
BANK OF NEBRASKA, Refund	25.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNETT REFRIGERATION, Equip. Repair	156.48
BETTER BUSINESS EQUIPMENT, Rentals	37.00
BIRCH, ANN, Auto Allowance	50.00

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BOLER WOOD & ASSOCIATES, Insurance	4,263.05
BUETHE, PAM, Auto Allowance/Travel/Supplies	180.11
CENTER POINT PUBLISHING, Books	79.08
CHASE AUTO TRANSMISSION REPAIR, Vehicle Maint.	1,020.00
CITY OF BELLEVUE, Training	150.00
CITY OF LINCOLN PUBLIC WORKS, Equipment	950.00
CLASSIC REFRIGERATION, Bldg & Grnds	277.47
COMP CHOICE, Professional Services	427.00
CORBIT, JEFF, Auto allowance	100.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	375.95
DANKO EMERGENCY EQUIPMENT, Vehicle Maint.	134.02
DAVIS, JAMES, Training	1,500.00
DENNIS, SHARON, Travel	140.65
DON'S PIONEER UNIFORMS, Wearing Apparel	78.98
EASTERN LIBRARY SYSTEM, Training	15.00
EBSCO SUBSCRIPTION SERVICES, CD Rom	1,495.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	164.20
ERICKSON, RANDALL, Auto Allowance	100.00
FAIRWAY GOLF, Supplies	24.00
FARQUHAR, MIKE, Auto Allowance	100.00
FERRELLGAS, Utilities	456.25
FLEETPRIDE, Vehicle Maint.	25.54
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,172.50
FREMONT NATIONAL BANK & TRUST, Bond Fees	2,205.90
GENWORTH LIFE AND HEALTH, Payroll Withholdings	1,649.02
GOLDMAN, JOHN, Telephone	40.00
GRAINGER, Bldg & Grnds	11.70
GREAT AMERICAN LEASING, Contract Services	309.00
GROSSENBACHER BROTHERS, Supplies	242.25
GUNN, BRENDA, Travel/Auto Allowance	392.00
HALL, ERICA, Contract Services	90.00
HALL, LAUREN, Contract Services	180.00
HANNEBAUM GRAIN, Ice Control Salt	4,403.83
HARROD, RAYMOND, Training	1,500.00
HELGET GAS PRODUCTS, Squad Supplies	67.00
HERTZ EQUIPMENT RENTAL, Rental	80.00
HOIT, DAVID, Contract Services	36.00
HY-VEE, Supplies	174.20
INTERNATIONAL CODE COUNCIL, Professional Services	15,282.00
IOWA PRISON INDUSTRIES, Traffic Signs	82.50
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies	400.64
JESUS, MATTHEW, Contract Services	70.00
KEYPER SYSTEMS, Equipment	412.69
KINDIG, DOUGLAS, Telephone/Auto Allowance	190.00
KLINKER, MARK, Professional Services	280.00
KROGER, Supplies	177.56
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	375.50
LA VISTA KENO, Refund	25.00
LEAGUE ASSN OF RISK MGMT, Insurance	28.00
LOGAN CONTRACTORS SUPPLY, Bldg & Grnds/Street Maint.	49.39
LUKASIEWICZ, BRIAN, Telephone	40.00
LYNN PEAVEY COMPANY, Supplies	96.95
M E SHARPE, Books	310.60
MARSHALL CAVENDISH, Books	225.14
MICHAEL TODD AND COMPANY, Traffic Signs	218.00
MID AMERICA PAY PHONES, Telephone	100.00
MIDLANDS BUSINESS JOURNAL, Dues	70.00
MUD, Utilities	1,007.65
MUNICIPAL PIPE TOOL, Vehicle Maint.	75.00
NEWMAN TRAFFIC SIGNS, Traffic Signs	4,456.75
NEXTEL COMMUNICATIONS, Telephone	98.08
NOBBIES, Supplies	12.99
OABR PRINT SHOP, Printing	4,012.50
OCCUVAX, Flu Shots	1,113.00
OFFICE DEPOT, Supplies	27.72
OMAHA WORLD HERALD, Legal Advertising	830.24
OPPD, Utilities	4,305.15

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PAPILLION TIRE, Vehicle Maint.	136.25
PAPIO-MO RVR NATURAL RESOURCES, Contract Services	5,000.00
PAYLESS OFFICE PRODUCTS, Supplies	182.50
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
QUILL CORPORATION, Supplies	204.30
QWEST, Telephone	2,230.46
RACOM CORPORATION, Vehicle Maint.	312.20
RAMIREZ, JOHN, Contract Services	18.00
RAMIREZ, RITA, Travel/Auto Allowance	309.80
REED, JASON, Contract Services	160.00
SAPP BROS PETROLEUM, Vehicle Supplies	325.17
SARPY COUNTY CHAMBER, Travel	50.00
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SEAT COVER CENTER, Vehicle Maint.	166.00
SOUCIE, JOSEPH, Telephone	30.00
SPRINT, Telephone	88.33
STANDARD DIGITAL IMAGING, Squad Supplies	162.50
STAPLES BUSINESS ADVANTAGE, Supplies	63.92
STRATEGIC INSIGHTS, Contract Services	1,200.00
SUBWAY SANDWICHES, Supplies	109.91
TED'S MOWER SALES & SERVICE, Maintenance	109.07
THOMPSON DREESSEN & DORNER, Engineering Design	4,507.82
THOMSON GALE, Books	229.36
TURF CARS, Equip.. Supplies	126.03
UNITED RENTALS, Bldg & Grnds	85.86
UNITED SEEDS, Street Maint.	189.00
UNIVERSITY OF NE LINCOLN, Dues	100.00
VERIZON WIRELESS, Telephone	65.80
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Bldg & Grnds	279.89
WILDER, JONI, Auto Allowance	33.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council that Candidate Filing Forms are now available at City Hall. Incumbents can file any time between now and February 15, 2008 at 5:00 p.m. Non Incumbents can file any time between now and March 3, 2008 at 5:00 pm. Fees for filing are \$43.20 for City Council members and \$108.00 for Mayor. You may file for a City of La Vista office either here or at the County Election Office, however, if you file at the election Office you must first pay your filing fee to the City and obtain a receipt to take with you to the County Election Office.

Police Chief Lausten informed Council that Officer Harrod and Johnson will be part of the motocade for the President. He said it is an honor for them to be a part of the event. Lausten also informed Council the City has received holiday enforcement grants.

Public Works Director Soucie informed Council there will be two Christmas tree drop off sites this year; one at Kelly Park and the other at the Sports Complex.

B. APPLICATION FOR REPLAT – LOTS 1 & 2, BROOK VALLEY BUSINESS PARK REPLAT 2 (NW OF 108TH & EMILINE)

1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an Application for Replat – Lots 1 & 2, Brook Valley Business Park Replat 2 (NW of 108th & Emilie). Ron Westergard, the applicant, was in attendance.

At 7:12 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF REPLAT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-123: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF A REPLAT FOR LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 2, BEING A REPLAT OF LOT 13A, BROOK VALLEY BUSINESS PARK, LOCATED IN THE NE 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED AT 108TH STREET AND EMILINE STREET.

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WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Lots 1 and 2, Brook Valley Business Park Replat 2; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on September 20, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat proposal and has recommended approval with the following comments from the City Engineer and staff:

1. Addressing of Lot 1 and Lot 2 needs to be corrected to show addresses from Emiline Street.
2. Minimum setbacks may be difficult to achieve with new industrial development on a relatively small lot, especially given the recorded easements on the property. New buildings will be required to meet setbacks in the zoning district.
3. A drainage plan will be required when a building permit is requested on Lot 1; an erosion control plan is also required.
4. A tract sewer connection fee will be required when a building permit is requested for Lot 1

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1 and 2, Brook Valley Business Park Replat 2, being a replat of Lot 13A, Brook Valley Business Park, located in the NE 1/4 of Section 17, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, generally located at 108th Street and Emiline Street be, and hereby is, approved subject to the satisfactory resolution of all identified items as approved by the City Administrator and City Attorney.

Seconded by Councilmember McLaughlin. Councilmembe Sheehan asked why the replat was necessary. The Applicant, Ron Westergard, who owns a car wash at 108th and Emiline stated he has someone who wants to purchase Lot 1, the additional lot created by the replat, to put in a building to store equipment and drywall. The sale of the property is expected by the end of the year and is conditioned on the Applicant securing the replat. Councilmember Sell asked if the buyer will be able to meet zoning requirements. City Administrator Gunn stated that would be possible. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

C. CONDITIONAL USE PERMIT – BAR AND GRILL – LOT 2, SOUTHPORT EAST REPLAT THREE

1. PUBLIC HEARING

At 7:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit – Bar and Grill – Lot 2, Southport East Replat Three.

At 7:17 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-124: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR FANTASY'S INC. TO OPERATE A BAR AND GRILL ON LOT 2, SOUTHPORT EAST REPLAT THREE.

WHEREAS, Lylette Fields, on behalf of Fantasy's Inc. has applied for a conditional use permit for the purpose of operating a bar and grill on Lot 2, Southport East Replat Three, located at 7826 S. 123rd Plaza; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval subject to no additional restaurants will be allowed, the applicant must demonstrate they can provide the necessary parking without negatively impacting the rest of the site, and no beer garden will be allowed; 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:

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1. Based on the occupancy of the building, a minimum of 22 parking spaces are required. Parking shall not overflow outside of the parking lot onto other properties.
2. No other restaurants will be permitted in the same building.
3. The beer garden shall not be permitted. All seating shall be inside the building.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the December 4, 2007, City Council meeting for Fantasy's Inc. to operate a bar and grill on Lot 2, Southport East Replat Three be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if the permit would allow for a beer garden. Community Development Director Birch responded that the Conditional Use Permit excludes a beer garden and stipulates no other restaurants be permitted in this building due to parking restrictions. Councilmember Sell asked where the daycare is location in relation to the Bar and Grill. Birch responded that the daycare is in the far northeast corner of the development by PayPal and this property is southwest toward the corner of Giles and Southport Pkwy by Pinnacle Bank. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

D. TRAIL & PARK IMPROVEMENTS – PORTAL RIDGE (108TH & GILES RD.)

1. PUBLIC HEARING

At 7:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Trail & Park Improvements – Portal Ridge (108th & Giles Rd). Justin Zetterman, a representative from E&A Consulting, was in attendance to answer any questions.

At 7:25 p.m. Councilmember Sheehan made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF TRAIL & PARK IMPROVEMENTS

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-125: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF THE PLANS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTS FOR THE PORTAL RIDGE 2007 TRAIL IMPROVEMENT PLANS AND AUTHORIZING EXECUTION OF CONTRACTS AND CONSTRUCTION DOCUMENTS.

WHEREAS, Sanitary and Improvement District No. 276 of Sarpy County ("District"), Portal Ridge and the City of La Vista ("City") entered into a Subdivision Agreement concerning the development of lands locally known as Portal Ridge within the zoning jurisdiction of the City ("Subdivision Agreement") on October 11, 2006; and

WHEREAS, the District has presented to City for approval plans, specifications and construction documents to construct certain improvements; and

WHEREAS, said plans, specifications and construction documents were prepared by E & A Consulting Group, Inc., which firm of engineers has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose; and

WHEREAS, Thompson, Dreessen & Dorner, Inc., as City Engineer, and city staff have been presented the plans for review and recommend approval subject to resolution of the following items:

1. Shop drawings shall be submitted for the proposed pedestrian bridge for City review prior to the contractor ordering the materials.
2. Administrative fees must be paid.
3. The conveyance of Outlots D and F by the SID as required by the City Administrator in accordance with the Subdivision Agreement and in consultation with the City Attorney.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby approves the plans, specifications and construction documents for Portal Ridge 2007 Trail Improvement Plans, copies of which have been filed with the City Clerk, subject to resolution of the items identified by the City Engineer.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with CYC Construction, Inc., Omaha, Nebraska in the amount of \$338,878.60.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall deliver to the City Administrator the following, as required by the Subdivision Agreement:

1. District's warrant in the amount of \$6,777.57 in payment of applicable administrative fee.

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

E. CLASS C LIQUOR LICENSE APPLICATION FOR FIELDS INC DBA ISLAND BAR & GRILL

1. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class C Liquor License Application for Fields Inc., DBA Island Bar & Grill.

At 7:27 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-126: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF FIELDS INC DBA ISLAND BAR & GRILL, LA VISTA, NEBRASKA.

WHEREAS, Fields Inc dba Island Bar & Grill, 7826M S 123rd Plaza, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by Fields Inc dba Island Bar & Grill, 7826M S 123rd Plaza.

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

F. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

At 7:29 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

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2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-127: 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
7410 Park View Blvd, Lot 757, La Vista, \$415.94, and
12958 Margo Street, Lot 15, Millard Highland South, Replat 2, \$1,718.20,
9221 Granville Parkway, Lot 121, Southwind Subdivision, \$376.18, and
7105 S 75th Ave., Lot 66, Crestview Heights, \$435.86
were notified to clean up their property as they were in violation of the City Municipal Code, Sections 133.01, and/or 92.15, 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 McLaughlin. Councilmember Sheehan asked to view pictures of the property at 12958 Margo Street, Lot 15, Millard Highland South, Replat 2, which pictures Community Development Director Birch provided for the Mayor and Council to review. Mayor Kindig proposed directing staff to provide additional information with respect to the proposed assessment for 12958 Margo Street, and at the present meeting have Council vote on an amended resolution excluding that property, with which proposal Councilmembers introducing and seconding the main motion concurred.

Councilmembers voting aye to the amended resolution: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

G. DISCUSSION – SMOKING BAN

Councilmember McLaughlin asked if the state legislature could override any ordinance passed in the City regulating smoking. City Attorney McKeon stated that the legislature could override such City ordinances. Councilmember McLaughlin asked if it would be best to get the city on board and pass an ordinance in case legislation grandfathered preexisting city ordinances. City Administrator Gunn stated that the last proposed legislative bill exempted Omaha only, though it allowed other cities to pass an ordinance opting out of state smoking restrictions. Councilmember Sheehan stated he feels the legislature should make the decision, and that it should be fairly and equally applicable across the State. Councilmember Gowan asked if the City's lobbyist will take this to the legislature. Mayor Kindig stated that the United Cities of Sarpy County discussed the subject at its last meeting, and all present were in favor of fair legislation regarding a smoking ban that applies equally to all cities across the State. Mayor Kindig said that Bellevue Mayor Ed Babbitt was unable to attend the last meeting of the United Cities. Mayor Kindig planned to separately follow up with Mayor Babbitt for his position. Councilmember Sell stated that he would like to see the City pass a resolution stating Mayor and Council's support of fair legislation with regard to having or not having a smoking ban that applies equally across the state. Consensus of Council was to have a resolution drawn up for the next Council meeting.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor, and asked that each individual limit his or her comments to 5 minutes. There were no comments from the floor.

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COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell complimented the Public Works department for the replacement of the sidewalk and concrete in the front of City Hall.

Councilmember Gowan thanked all those who helped with the tree lighting and soup supper. He also thanked Santa for riding his sleigh through many areas of the City. He felt the citizens enjoyed this.

Mayor Kindig stated there was a good turnout for the tree lighting event and informed Council that \$207.00 was collected at the tree lighting ceremony and soup supper. The money was given to the Tri-City food pantry.

ADJOURNMENT

At 7:43 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\ CITYHALL\07 COUNCIL MINUTES\December 4, 2007