

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 17, 2008

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 June 17, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, City Planner Baker, Chief Building Inspector Sinnett, Library Director Iwan, Police Chief Lausten, Assistant Fire Chief Corbit, Recreation Director Stopak, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on June 5, 2008. 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.

### SERVICE AWARD – D.J. BARCAL – 15 YEARS

Mayor Kindig presented a certificate and pin to D. J. Barcal for 15 years of service to the City.

### PROCLAMATION – NATIONAL SAFETY MONTH

A proclamation was issued for National Safety Month for the month of June 2008.

### QUARTERLY REPORT - LA VISTA CHAMBER OF COMMERCE – MARY HARPER

Mary Harper of the La Vista Chamber of Commerce addressed Council to give a quarterly report. The Golf Tournament, which was held at Tara Hills, had a total of 88 golfers. She reported that La Vista Days 2008 was a successful event. Harper informed Council the Chamber will have a fireworks stand this year with Chamber members and Paypal employees manning the booth.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM JUNE 3, 2008
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM MAY 15, 2008
4. APPROVAL OF SWIMMING POOL ADVISORY COMMITTEE MINUTES FROM MAY 28, 2008
5. APPROVAL OF PARK AND RECREATION ADVISORY BOARD MINUTES FROM JUNE 11, 2008
6. PAY REQUEST NO. 9 FROM JOHN Q. HAMMONS FOR CONSTRUCTION LOAN - \$1,422,038.07
7. PAY REQUEST NO. 6 FROM LEO A DALY FOR MUNICIPAL FACILITIES PLAN - \$3,000.00
8. KEYSTONE TRAIL
- a. PAY REQUEST NO. 8 FROM THOMPSON, DREESSEN & DORNER, INC. FOR ENGINEERING SERVICES - \$7,342.88.
9. PAY REQUEST FROM WATER'S EDGE AQUATIC DESIGN, LLC FOR SWIMMING POOL CONCEPT PLAN - \$3,500.00
10. APPROVAL OF CLAIMS

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

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ALAMAR UNIFORMS, Wearing Apparel	35.44
AMSAN, Supplies	333.86
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	114.06
AQUA-CHEM, Supplies	179.00
AQUILA, Utilities	369.76
ARAMARK UNIFORM, Contract Services	129.06
BAKER & TAYLOR BOOKS, Books	368.39
BBC AUDIOBOOKS AMERICA, Media	202.38
BEACON BUILDING SERVICES, Luncheon	680.00
BENNINGTON IMPLEMENT, Vehicle Maint.	802.64
BENSON RECORDS, Contract Services	56.18
BRENTWOOD AUTO WASH, Vehicle Maint.	135.00
BRODART, Books	367.23
BUILDERS SUPPLY, Bldg & Grnds	127.76
CAHILL, KAROLYN, Contract Services	110.00
CARDMEMBER SERVICE-ELAN, Training, Travel, Prof. Services	8,241.14
CENTER POINT PUBLISHING, Books	110.82
CENTRAL COMM COLLEGE-GR ISLAND, Training	900.00
CITY OF OMAHA, Contract Services	32,575.31
CJ'S HOME CENTER, Bldg & Grnds, Street Maint., Supplies	1,638.89
CORNHUSKER INTL TRUCKS, Vehicle Maint.	894.21
COX, Contract Services	198.80
CUMMINS CENTRAL POWER, Equip. Repair	1,096.17
D & D COMMUNICATIONS, Equipment	87.25
DELL MARKETING, Supplies	62.24
DIAMOND VOGEL PAINTS, Bldg & Grnds	621.09
DOUGLAS COUNTY SHERIFF, Training	400.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	116.35
EDGEWEAR SCREEN PRINTING, Supplies	1,116.50
FASTENAL COMPANY, Vehicle Maint.	15.50
FAVORABLE IMPRESSIONS, Books	39.96
FIREGUARD, Equipment	728.76
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,199.50
GALE, Books	113.74
GATEWAY COMPANIES, Contract Services	5,970.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	706.10
GRAINGER, Bldg & Grnds	210.74
GRAYBAR ELECTRIC, Bldg & Grnds	157.80
GREAT AMERICAN LEASING, Contract Services	582.80
GREAT PLAINS ONE-CALL SVC, Contract Services	573.29
GUILDCRAFT ARTS & CRAFTS, Reading Program	22.90
HAMILTON COLOR LAB, Professional Services	1,385.40
HEIMES CORPORATION, Bldg & Grnds	213.27
HOST COFFEE, Concessions	43.00
HURST, JEAN, Training	637.05
ICMA-INTL CITY/COUNTY MANAGE, Dues	119.00
INFO USA MARKETING INC, Supplies	1,188.00
IOMA-INST MGMT/ADMINSTRTN, Dues	385.20
J Q OFFICE EQUIPMENT, Contract Services/Supplies	523.20
JOHNNY ON THE SPOT, Rentals/Bldg & Grnds	144.76
KIMBALL MIDWEST, Vehicle Maint.	116.31
KROGER, Supplies	16.24
LAMP RYNEARSON, Professional Services	109.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEXIS NEXIS MATTHEW BENDER, Books	579.88
LIBRA INDUSTRIES INC, Supplies	26.63
LIFEGUARD STORE, Equipment	144.50
LINWELD, Street Maint./Supplies	254.66
LOGAN CONTRACTORS SUPPLY, Bldg & Grnds	132.95
LOU'S SPORTING GOODS, Wearing Apparel	720.69
LYMAN-RICHEY SAND & GRAVEL, Bldg & Grnds	200.42
MAPA, Travel	60.00
METRO AREA TRANSIT, Contract Services	652.00
METROPOLITAN COMM COLLEGE, Utilities/Telephone/Cont. Services	7,086.03
MIDWEST TURF & IRRIGATION, Vehicle Maint.	67.71
NAGLE, AMANDA, Refund	10.00
NEBRASKA CRIME COMMISSION, Books	21.00
NEBRASKA GOLF & TURF, Carts	150.00

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NEBRASKA PNEUMATICS, Bldg & Grnds	29.15
NOBBIES, Supplies	15.75
NRPA-VIRGINIA, Dues	445.00
OFFICE DEPOT, Supplies	115.56
OMAHA COMPOUND, Repair	520.38
OMAHA WORLD HERALD, Legal Advertising	221.68
OPEC-OMAHA PNEUMATIC EQUIP, Vehicle Maint.	87.67
OPPD, Utilities	35,437.46
OXMOOR HOUSE, Books	33.91
PAPILLION TIRE, Vehicle Maint.	76.07
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	469.84
PAYLESS, Supplies	282.38
PEPSI COLA, Concessions	636.44
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	31.50
PRECISION INDUSTRIES, Vehicle Maint.	35.40
PREMIER-MIDWEST BEVERAGE, Concessions	69.40
QUALITY BRANDS, Concessions	340.25
QWEST, Telephone	70.50
RACOM, Vehicle Maint.	87.00
RATZ, ANGELA, Books	12.95
READY MIXED CONCRETE, Street Maint/Bldg & Grnds	1,452.24
REED, JASON, Contract Services	90.00
REMINGTON ARMS, Equipment	417.70
SAM'S CLUB, Concessions/Bldg & Grnds	1,287.00
SMITH, MELANIE, Training	904.61
STERIL MANUFACTURING, Flag Repair	75.00
SUBURBAN NEWSPAPERS, Legal Advertising	733.85
SUN COUNTRY DISTRIBUTING, Bldg & Grnds	60.41
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,758.82
THOMPSON DREESSEN & DORNER, Professional Services	11,927.13
THREE RING ENTERPRISES, Vehicle Maint/Supplies	2,011.17
TRACTOR SUPPLY, Bldg & Grnds	44.95
TRAVELODGE, Travel	390.00
U S ASPHALT, Street Maint.	371.11
UNIVERSITY OF LOUISVILLE, Training	650.00
UTILITY EQUIPMENT COMPANY, Bldg & Grnds	579.24
WASTE MANAGEMENT, Contract Services	863.15
WHITE, JODY, Books	12.95
WHITTAKER, VICKI, Supplies	109.95

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe thanked the Council for allowing her to attend her first International Institute of Municipal Clerk's Annual Conference, which was held in May in Atlanta Georgia. Buethe stated there were 764 Clerk's in attendance from around the world. Buethe explained that she attended sessions on Risk Management, Leadership, and Task Organization to name a few.

Police Chief Lausten informed Council of a class for exploited children which he attended in Washington D.C. Lausten informed Council of a report of vandalism to the netting at the golf course. Lausten stated that Officers Harrod and Johnson were in the Boy Scout funeral procession. Lausten informed Council that La Vista officers are on stand by to help in Cedar Rapids, IA, if necessary. All expenses would be reimbursed.

Chief Building Inspector Sinnott informed Council that residents of La Vista escaped major damage from the storm last week. Most of the damage was to trees and brush, though there were a few sheds and decks that were damaged.

Public Works Director Soucie informed Council that La Vista personnel assisted in the cleanup after the Omaha tornado for three days. He stated that the City is picking up tree limbs from La Vista residents through Wednesday, June 18, 2008. Soucie informed Council of the resignation of Golf Superintendent George Barth. He stated staff would take over responsibilities until a replacement is hired. Soucie informed Council the repair of the Harrison Street retaining wall has been substantially completed.

Recreation Director Stopak informed Council the Community Center was used as an emergency shelter for tornado victims, starting June 8th, and remained open 24 hours for two days. No one used the facility, but it was a good trial run for the Center. Stopak stated a "Slumpbuster" tournament began last Thursday, from 6:00 – 10:00 p.m. and will be held again

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on the 19th. Referring to the emergency shelter for tornado victims, Councilmember Sheehan asked if there was a list of volunteers to call to staff the Center in the case of an emergency. Stopak stated he prefers to use a staff member that is familiar with the Center, the Red Cross supplies volunteers.

Library Director Iwan informed Council that there are 288 children from 31 schools participating in the Summer Reading Program. She stated that movie night is also a continuing event during the summer.

## **B. DISCUSSION – MUNICIPAL AQUATIC FACILITY**

### **1. PRESENTATION**

A discussion was held on the swimming pool project. Craig Roy, from Water's Edge Aquatic Design, reviewed the layouts that the pool committee had considered in response to comments of the public to revise the initial design. He then focused on Layout 1D recommended by the pool committee. He presented the design concept and gave an overview. The project would be at the existing City pool site, which has 8 acres of land. There would be primary access from 84th street, which would require the purchase of land to construct an 84th street entrance. Discussion was held on the types of amenities for the revised swimming pool project. Mayor Kindig asked what facilities were used for a comparison for the project. City Administrator Gunn stated the City looked at Papio Bay in Papillion and the Clive Aquatic Center in Clive, IA.

Discussion was held regarding where we would be drawing from for attendance. The Mayor and Councilmembers Sheehan and Carlisle questioned whether projections for revenues were overly optimistic or operating expenses might be higher than projected particularly after the first few years when equipment failures and inflation could become more of a factor (*addressing the premise that a bond issue would finance construction, but ongoing operations of the pool must be self-supporting from pool revenues*). The Mayor and several Councilmembers also expressed concern that the admission fee used to project revenues might be unaffordable for some residents who currently use the pool on a regular basis. There also was some concern that projected revenues might not be realized due to saturation of similar facilities in the area. They asked for further numbers from staff regarding operation costs and inflation and also expenses of the public works department to maintain the current facility as well as a new facility. Councilmember Sheehan stated that he was willing to let a proposed bond issue to build the aquatic facility go to a vote of the people but would not say yes in favor of it. A discussion was held on the projected cost to build the facility and the annual operational cost. Mayor Kindig stated that the council needs to understand that if this new amenity is built there may be times that the city will have to put money into it to cover expenses as with every other amenity the City has. Councilmember Quick asked if other cities subsidize. Councilmember Sheehan stated that some cities have swim clubs that pay in money to help subsidize and Councilmember Sell stated that some cities do subsidize their aquatic centers. Councilmember Gowan stated that with a competitive price and with good staff to create good programs this facility will succeed. Councilmember Sell complimented the Pool Committee and staff for keeping this concept on the same site as the current Pool and feels this will help with the 84<sup>th</sup> Street revitalization. Mayor Kindig asked if diving is popular. Mr. Roy stated that it is still very popular in municipal pools and that approximately 80% still have diving areas with boards. He also commented that cushioned pool decks and other safety features incorporated into pool design address most of the causes of concern regarding injuries from diving board related accidents. Councilmember Ronan inquired as to whether there are plans to have swim teams or clubs. Recreation Director Stopak stated that the possibility exists for a possible youth swim team in the future. Mr. Roy noted that the recommended pool design would provide 4 lap lanes and commented that a minimum of 6 lap lanes are necessary, and 8 preferred, to host swim meets.

### **2. PUBLIC COMMENT**

Mayor Kindig stated that public comment would now be taken regarding this project and asked that people keep their comments to three to five minutes and that they not repeat anything that has already been stated. There were no proponents or opponents on the project.

### **3. COUNCIL DISCUSSION**

Councilmember Ellerbeck thanked the committee for their hard work and stated he supports taking this to a vote of the people. Councilmember Sell asked if a fee structure is needed at this time. City Administrator Gunn stated that it is not necessary at this time, but would like input as to what the council likes regarding the scenarios and what they don't like in order to have some type of fee structure in place before this goes to the vote of the people. Councilmember McLaughlin does not feel that spending \$7.1 million is good at this time and

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that people won't understand *that a vote in favor of the bond issue for the aquatic facility will mean that their property taxes will increase*. City Administrator Gunn stated that the committee had looked at bond numbers previously on \$7.3 million which would amount to \$85.50/yr for a home valued at \$150,000. Councilmember Sell and Councilmember Sheehan stated that they felt the voters will know what they are voting for. Councilmember Gowan stated that the youngest member of the pool committee stated that she is happy this will be a destination for Sarpy County and La Vista. He feels it will help with the revitalization of 84<sup>th</sup> Street and is happy to put this forward to the vote of the people. Councilmember Quick stated that this will give another amenity to the citizens of La Vista and is ready to have this put forward to a vote. Councilmember McLaughlin stated people don't realize subsidizing will come out of taxes. Discussion was held regarding wording for the ballot question and whether or not it should include the property tax impact to residents. City Administrator Gunn stated that staff would gather the information requested and this could possibly come back to Council by the July 15<sup>th</sup> meeting.

Council discussed the financing of the project.

## **C. ORDINANCE – VACATION OF PLAT – PROPERTY WITHIN LA VISTA FALLS GOLF COURSE & CENTRAL PARK**

Councilmember Gowan moved that Ordinance No. 1060 be tabled until the July 1, 2008 meeting as staff wants to research a couple of questions with regard to the vacation. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## **D. ORDINANCE – AMEND BUILDING CODE – VERTICAL SUPPORTS FOR DECKS & PORCHES**

Councilmember McLaughlin introduced Ordinance No. 1061 entitled: AN ORDINANCE TO AMEND CHAPTER 150 OF THE LA VISTA MUNICIPAL CODE REGARDING BUILDING REGULATIONS BY ADDING A NEW SECTION 150.01 (B) (2) (f) REGARDING THE VERTICAL SUPPORT REQUIREMENTS FOR DECKS AND PORCHES; 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 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, McLaughlin, 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. Councilmember Sheehan asked when the City began requiring 6" supports. Chief Building Inspector Sinnett responded the code was adopted in 1993 and 6" supports would be required upon repair or replacement of any structure currently using 4" supports. The Mayor then stated the question was, "Shall Ordinance No. 1061 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 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.

## **E. ORDINANCE – AMEND MUNICIPAL CODE SECTION 119.19 - DISCHARGE OF PERMISSIBLE FIREWORKS REGULATED**

Councilmember Sell introduced Ordinance No. 1062 entitled: AN ORDINANCE TO AMEND SECTION 111.19 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO DISCHARGE OF PERMISSIBLE FIREWORKS REGULATED; TO REPEAL SECTION 111.19 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember McLaughlin seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan,

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Quick, Sheehan, Carlisle, McLaughlin, 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 McLaughlin. Councilmember Ellerbeck stated he would like to keep the end time at 12:00 midnight on the 4th, with an 11:00 p.m. end time on the 3rd. Councilmember Sell asked how strict enforcement is on the rule. Police Chief Lausten stated the police respond to complaint calls. The Mayor then stated the question was, "Shall Ordinance No.1061 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Gowan. The following voted nay: Ellerbeck. 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.

## **F. RESOLUTION – AWARD CONTRACT – 2008 PAVEMENT REHABILITATION PROGRAM**

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-057: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO U.S. ASPHALT CO., OMAHA, NEBRASKA, FOR THE 2008 PAVEMENT REHABILITATION PROGRAM IN AN AMOUNT NOT TO EXCEED \$274,669.78.

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

WHEREAS, the FY 2007/08 Capital Improvement Fund budget includes funds for the 2008 Pavement Rehabilitation Program; and

WHEREAS, on May 20, 2008 the City Council authorized the advertisement of bids for said project in accordance with plans and specifications as prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bid and recommends that a contract be awarded to U.S. Asphalt Co., as the low qualified bidder; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to U.S. Asphalt Co., for the 2008 Pavement Rehabilitation Program in an amount not to exceed \$274,669.78, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Quick. Councilmember Sheehan commented on the increase in cost over the original estimate and his concern in increases for future budgets. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## **G. RESOLUTION – INSTALLATION OF STREET LIGHTS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-058: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE OMAHA PUBLIC POWER DISTRICT TO INSTALL STREET LIGHTS ON 96<sup>TH</sup> STREET FROM HARRISON STREET TO PORTAL ROAD AND ON EASTPORT PARKWAY FROM GILES ROAD TO HARRISON STREET. BORING CHARGES ASSOCIATED WITH INSTALLATION AND PERFORMED BY A CONTRACTOR OUTSIDE OF OPPD IS \$86,628.93 WHICH WILL BE FORWARDED TO THE CITY OF LA VISTA.

WHEREAS, the City Council of the City of La Vista has determined that said street light installation is necessary; and

WHEREAS, in order to install these lights the Omaha Public Power District will need to bore a portion of the project and cost to bore will be forwarded to the City of La Vista;

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WHEREAS, funds were made available from programmed projects in the current FY 2007/08 Capital Improvement Plan that will not be started in this fiscal year; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that OPPD is authorized to install street lights on 96<sup>th</sup> Street from Harrison Street to Portal Road and on Eastport Parkway from Giles Road to Harrison Street, and forward boring charges associated with the project of \$86,628.93 to the City of La Vista.

Seconded by Councilmember Gowan. Councilmember Gowan asked how quickly the work would be completed. Public Works Director Soucie said that when approved a work order be sent to OPPD. Work should begin after storm repairs and before winter. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## **H. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – BAINBRIDGE LEADERSHIP CENTER**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-059: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH BAINBRIDGE LEADERSHIP CENTER, BAINBRIDGE ISLAND, WASHINGTON FOR EXECUTIVE COACHING SERVICES IN AN AMOUNT NOT TO EXCEED \$22,500.

WHEREAS, the City Administrator's Employment Agreement provides for \$7,500 annually for executive coaching; and

WHEREAS, funding has been included in the FY 07/08 municipal budget.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that staff is hereby authorized to execute a professional services agreement with Bainbridge Leadership Center, Bainbridge Island, Washington for executive coaching services in an amount not to exceed \$22,500.

Seconded by Councilmember Ellerbeck. Councilmember McLaughlin asked where the money for this service would come from since this full amount was not in this current budget. City Administrator Gunn stated the expense would be paid over this and the next 2 budget years. Councilmember Gowan asked how the company was selected. City Administrator Gunn responded that the company was found at the last IMCA conference and they work with municipal governments as opposed to others which do not and are not familiar with the municipal government structure. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## **I. RESOLUTION - SETTLEMENT AGREEMENT OF LIBERTY INVESTMENTS, LOT 43A AND BOARDWALK INVESTORS, LOT 45, BROOK VALLEY BUSINESS PARK**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-060: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING SETTLEMENT AGREEMENT OF LIBERTY INVESTMENTS, LOT 43A, BROOK VALLEY BUSINESS PARK AND BOARDWALK INVESTORS, LOT 45, BROOK VALLEY BUSINESS PARK.

WHEREAS, the City of La Vista was a named party defendant in two actions for foreclosure of tax sale certificates filed in the Sarpy County District Court by Liberty Investments regarding Lot 43A, Brook Valley Business Park (hereinafter "Liberty lawsuit") and Boardwalk Investors regarding Lot 45, Brook Valley Business Park (hereinafter "Boardwalk lawsuit"), respectively (collectively the Liberty lawsuit and Boardwalk lawsuit are hereinafter referred to as "lawsuits")

WHEREAS, it is the desire of the City of La Vista to settle the lawsuits; and

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WHEREAS, a Settlement Agreement for both lawsuits has been proposed in form and content presented at this meeting.

NOW THEREFORE, BE IT RESOLVED that the Mayor and the City Council hereby approve settlement of the lawsuits and the proposed Settlement Agreement for both lawsuits in form and content presented at this meeting.

BE IT FURTHER RESOLVED that the Mayor and the City Clerk are hereby authorized to execute and deliver said Settlement Agreement.

Seconded by Councilmember Sell. Camille Hawk, from the City Attorney's office was in attendance to answer any questions. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## J. POSITION DESCRIPTION UPDATE AND AMENDMENT TO COMPENSATION ORDINANCE

### 1. ORDINANCE – AMEND COMPENSATION ORDINANCE

Councilmember Gowan introduced Ordinance No. 1063 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 McLaughlin 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 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No. 1063 be passed and adopted?" Councilmember Sheehan commented that he did not like increasing one position without taking into account all positions but understood the need to do so in this case considering the recent vacancy of this position and that a complete analysis and recommendation for other positions would be provided soon. Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

## COMMENTS FROM THE FLOOR

Scott Kirkpatrick of La Vista addressed Council to ask for consideration on a revised sign ordinance. He stated that business owners need to advertise, and signs are the best way. In Papillion at 72nd and Giles Road, banners are allowed for new businesses. Business owners in La Vista would like to be able to use more banners, and more often than currently allowed. Kirkpatrick asked the Council to consider more flexibility on temporary signs, electronic signs, etc. City Administrator Gunn stated that business owners can contact staff to go over changes they would like to see regarding the sign ordinance. Mr. Kirkpatrick asked that the business owners be allowed to have meetings with members of the City Council. Mayor Kindig stated that the business owners should address the entire council in the appropriate setting which would be during a public council meeting. Councilmember Sheehan stated that proper procedure should be followed. He stated staff should review the issue and recommendations should be brought to the Planning Commission for public hearing and input. City Administrator Gunn stated that staff will look at requests and are always willing to meeting with business owners to discuss questions. Councilmember Sell asked if a survey could be conducted on businesses in La Vista. He said they could list what they like and don't like about having a business in La Vista. Mary Harper of the Chamber of Commerce, re-emphasized what Mr. Kirkpatrick had stated, and said some businesses from La Vista are relocating to Papillion due to our sign ordinance.

# MINUTE RECORD

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

June 17, 2008

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council the National League of Cities Annual Conference will be held in Orlando Florida from November 11th through November 15th. Please let Mary know by June 26, 2008 if interested. He stated that there will be two registrations in the budget.

Mayor Kindig informed Council the Annual City Picnic will be held on Saturday, July 12, 2008. Invitations will be mailed out soon.

Councilmember Sheehan informed Council that Sarpy County has hired a Planner, which will be good for consistency in the County. Councilmember Gowan stated that the new Planner was previously from the City of Papillion and very well qualified to understand to layout of Sarpy County.

Mayor Kindig thanked the staff and the Chamber for a successful La Vista Days and told Public Works Director the sports complex looked great for the recent events at the Complex.

Councilmember Quick stated that at least two members of Mayor and Council should attend the National League of Cities Annual Conference.

At 9:05 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF JULY 2008.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\June 17, 2008

**CITY OF LA VISTA**  
**PLANNING COMMISSION MINUTES**  
**JUNE 19, 2008**

**DRAFT**

The Planning Commission meeting of the City of La Vista was convened at 7:00 p.m. on Thursday, June 19, 2008, at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Carcich, Krzywicki, Hewitt, Strittmatter, Alexander and Gahan. Also in attendance was Ann Birch, Community Development Director.

Legal notice of the public meeting and hearing was posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission and a copy of the acknowledgement of the receipt of notice is attached to the minutes. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

**1. Call to Order**

The meeting was called to order by Chairman Krzywicki at 7:00 p.m. Copies of the agenda and staff report were made available to the public

**2. Approval of Meeting Minutes – May 15, 2008**

Hewitt motioned to approve the minutes of May 15, 2008, as presented. Alexander seconded the motion. Ayes: Carcich, Krzywicki, Strittmatter, Hewitt, and Alexander. Nays: None. Gahan abstained. Motion carried.

**3. Old Business**

None

**4. New Business**

**A. Proposed Revisions to City of La Vista Zoning Ordinance – Section 2.02**

**Definitions**

i. **Staff Report:** Revisions have been made to the definition section of the Zoning Ordinance to eliminate words or phrases that appear nowhere else in the code; to add definitions to uses that are elsewhere in the code; and, to revise content for definitions that are in need of clarity, rewriting, and/or updating.

The American Planning Association's Planners Advisory Service has been utilized to help determine appropriate wording for definitions.

Many more revisions have been submitted for consideration, so a final draft is not yet ready for review. Continuance is requested until the July 17, 2008 Planning Commission.

ii. Public Hearing:

Carcich motioned to continue the public hearing. Hewitt seconded. Ayes: Carcich, Hewitt, Strittmatter, Alexander, Gahan and Krzywicki. Nays: None. Motion carried.

**B. Overview of Nebraska Planning Handbook**

Birch passed out the Nebraska Planning Handbook to those present. Training had been planned but due to the absence of a couple of newer members the training will be postponed to a future agenda. The commissioners were asked to look the handbook over and be prepared for future training.

**5. Comments from the Floor**

None

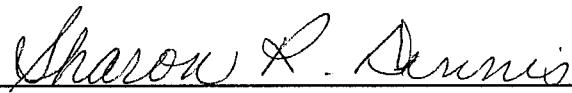
**6. Comments from the Planning Commission**

Brad Strittmatter announced that this was his last meeting with the Planning Commission due to a company transfer and relocation to Phoenix, Arizona. He gave his thanks and appreciation for the learning process on the 'other' side of the table.

**7. Adjournment**

Carcich motioned to adjourn. Hewitt seconded. Ayes: Alexander, Carcich, Hewitt, Krzywicki, Strittmatter, and Gahan. Nays: None. Meeting was adjourned at 7:08 p.m.

Reviewed by Planning Commission: John Gahan

  
\_\_\_\_\_  
Sharon R. Dennis  
Recorder

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Planning Commission Chair

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Approval Date

**CITY OF LA VISTA**  
**LA VISTA BOARD OF ADJUSTMENT MEETING**

**May 15, 2008**

The Board of Adjustment of the City of La Vista, Nebraska was convened at 6:05 p.m. on May 15, 2008 at the La Vista City Hall, 8116 Park View Boulevard. Members present were: Malmquist, Jordan, McCormick, Paulsen, and McEnearney. Also present was Marcus Baker, Planner.

Legal notice of the public meeting was published in The Papillion Times. Notice was simultaneously given to all members of the Board of Adjustment. All proceedings shown were taken while the convened meeting was open to the public.

**1. Call to Order and Roll Call**

The meeting was called to order by Chairperson McCormick at 6:05 p.m. and roll call was taken.

**2. Approval of Agenda**

Malmquist motioned to approve the agenda as printed. McEnearney seconded. Ayes: Malmquist, Jordan, McCormick, Paulsen, and McEnearney. Nays: None. Motion carried.

**3. Approval of Minutes of January 9, 2008**

Jordan moved to approve the minutes of January 9, 2008. Paulsen seconded. Ayes: McCormick, Paulsen, Jordan, Malmquist and McEnearney. Nays: None. Minutes were approved.

**4. Old Business**

McCormick commented that the sign for the Young Chiropractic Clinic recommended for approval by the Board at the January 9, 2008 meeting displays well and there does not appear to be any problems.

**5. New Business**

**A. Variance Request for Off-Site Signage in Southport West Replat Three**

i. **Staff Report:** John Q. Hammons Industries is requesting a variance for Off-Site Signage on property owned by JQH La Vista III Development, LLC, Lot 1-3, Southport West Replat Three. This property is zoned C-3, Highway commercial/Office Park District, Gateway Corridor Overlay District.

The Embassy Suites Hotel is currently being constructed on Lot 3 of Southport West Replat Three, along with the development of the La Vista Conference Center on Lot 2 and the Courtyard by Marriott Hotel on Lot 1 of the same subdivision.

The hotel and conference center development was originally proposed on the same parcel of land in Southport West; however, the parcel required subdividing into separate lots for financing purposes, i.e. a loan was provided by the City of La Vista to help finance the conference center and parking areas. Additionally, the subdivision of these properties had to provide adequate parking within each lot for the buildings associated with each use. The conference center and the Embassy Suites Hotel were designed to be attached with a zero lot line setback.

Please notice that Lot 1 does not have frontage to it other than the I-80 interstate ramp and that is not a site for a future monument sign. Lot 3, Embassy Suites, had proposed a sign next to the access coming into Lot 3 and ran into some buried utility, sidewalk, and landscaping issues which presented a very challenging problem trying to get such a large sign onto the lot without interference to infrastructure. Therefore the purpose of this variance request.

The following definitions from Sec 2 of the Zoning Ordinance will be helpful to the decision process:  
**SIGN** shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest.

**SIGN, OFF-PREMISES** shall mean a sign including the supporting sign structure which directs the attention of the general public to a business, service, or activity not usually conducted, or a product not offered or sold, upon the premises where such sign is located.

The following Zoning Regulations apply to the request:

#### 7.03.01 Signs Prohibited Under These Regulations

All signs not expressly permitted in these regulations or exempt from regulation hereunder in accordance with the previous section are prohibited in the city. Such signs include, but are not limited to:

1. Beacons and flashing signs;
2. Video signs;
3. Marquee signs;
4. Portable signs, except as allowed by a Temporary Sign Permit;
5. Roof signs;
6. Suspended signs;
7. Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section;
8. Off-premises signs, except for signs located on outdoor public or quasi-public recreational areas/ facilities, provided such signs are located in a manner approved by the City (such as not facing adjacent street right-of-way or residential zoning districts) and are no larger than 32 square feet. *(Ordinance No. 951, 3-15-05)*
9. Animated signs; and
10. Audible Signs.

The applicant applied for a monument sign to be placed on Lot 3, which would have the Embassy Suites Hotel name and logo on the sign as well as the La Vista Conference Center label. Since the La Vista Conference Center is on Lot 2, the sign application had to be denied. The Courtyard by Marriott will have a similar situation because Lot 1 does not have frontage on Westport Parkway. In addition, according to the applicant there are legal issues which do not allow the Marriott and the Embassy Suites hotel names and/or logos to be on the same sign.

The following specific requirements must be considered in approval of a variance:

#### Section 8.03.03.01 and Nebraska Revised State Statutes Section 19-910:

The Board of Adjustment shall authorize no such variance, unless it finds that:

1. The strict application of the Ordinance would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

**Bylaws and Rules of Procedure of the City Of La Vista Board of Adjustment – Section 7, Specific Requirements in Approval of a Variance:**

In any action by the Board with regard to approval of a variance, such action shall be taken in accordance with the limitations of Nebraska law and the requirements and limitations of the applicable City Zoning Regulations and these Rules of Procedure. In any action to approve a variance, the Board shall make findings which shall be recorded in the minutes.

Malmquist inquired if both signs would be considered off-premise. Baker said there would be an off-premise sign on Lot 3 which would advertise the La Vista Conference Center located on Lot 2; and, the Courtyard by Marriott (located on Lot 1) would have a monument sign posted at their access from Westport Parkway which would be on Lot 2.

McCormick asked, if for any reason that Embassy Suites would change their name, or alter it in any way, would the request have to come back to the Board of Adjustment for review. Baker said the variance would carry to any future property owners unless a restriction were put on the variance tonight. If the sign were relocated it would have to return. Face changes would not be required for further review. Baker stated the variance could be limited to the current property owners.

Tony Moody, general manager of the La Vista Complex for Mr. Hammonds and represents the owner interjected that the master development agreement between Mr. Hammonds and the City of La Vista it is to be called the La Vista Conference Center and there can be no changes without going back to City Council. This is a 20-year licensing agreement and the penalties of changing the name are extremely exorbitant.

McCormick questioned the temporary buildings on site and Moody said they would be removed next week. The anticipated opening of the Embassy Suites would be July 1.

iii. **Recommendation:** Malmquist moved to approve the variance request finding that the strict application of the ordinance would produce a unique and undue hardship not shared generally by other properties and the authorization of such hardship should not be a substantial deterrent to adjacent property values, etc. and the granting of such variance is based upon reasons of demonstrable and exceptional hardship distinguished from variations for purposes of convenience, for profit, or caprice. Malmquist made the following findings in her motion:

A. The strict application of any applicable provision of the applicable City Zoning Regulation would, in each specific variance petition, result in at least one of the following:

1. Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to exceptional narrowness, shallowness or shape of the piece of property in question.

**Hardship found:** The board finds this to be an irregularly shaped lot due to the delineation required through financing the development.

2. Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to exception topographic conditions on the piece of property in questions;

**Hardship found:** The board finds this lot is relatively flat with no topographic constraints.

3. Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to other extraordinary and exceptional situation or condition of the piece of property in question.

**Hardship found:** The Embassy Suites Hotel and the La Vista Conference Center are being marketed as a joint development. A hardship may have been created when the development was severed by lot lines. This hardship was an unintended consequence of the subdivision.

B. In authorizing any variance the Board shall also make findings, which shall be recorded in the minutes of the Board, that EACH of the following requirements for authorizing a variance can be met:

1. Such variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the applicable City Zoning Regulations;

**Specific requirement satisfied:** The purpose and intent of the sign regulations is “to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.” The public good would not be substantially impaired by the granting of the variance. Staff believes that placing three separate monument signs for each lot could cause “visual clutter” and reducing the number of monument signs is a preferred alternative that would satisfy the purpose and intent of the sign code.

2. The strict application of the applicable requirements of the applicable City Zoning Regulations would produce an undue hardship upon the owner of the property included in the petition;

**Specific requirement satisfied:** In the opinion of the Board, the strict application of the code would not allow the La Vista Conference Center to be advertised on the Embassy Suites lot. Also, the Courtyard by Marriott would have nowhere along Westport Parkway to place their monument sign because their lot does not have street frontage. An undue hardship has been the result of the City of La Vista requiring the subdivision of the properties for financing purposes.

3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

**Specific requirement satisfied:** Lots 1-3 of Southport West Replat Three share this hardship, but no other properties in Southport West currently have this hardship.

**4. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by such variance;**

**Specific requirement satisfied:** Some flexibility in the design of signs is written into the Southport Design Guidelines; therefore, staff does not believe substantial detriment would occur on adjacent properties or within the zoning district.

**5. The authorization of a variance is based upon reasons of demonstrable and exceptional hardship stemming from characteristics of the property involved in the petition and not for reasons of convenience, profit or desire of the property owner;**

**Specific requirement satisfied:** The way in which the property had to be subdivided for the City's financing purposes created an exceptional hardship for placing monument signs in sensible and visible locations on the properties. The variance request is not a matter of convenience or profit in the board's opinion.

**6. The condition or situation of the property included in such petition or the intended use of such property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the applicable City Zoning Regulations.**

**Specific requirement satisfied:** This development was unique in that the City helped finance a portion of the development, which necessitated creating three separate lots. No changes to the City's Zoning Regulations would be needed, as this will not be a recurring situation.

Seconded by Jordan. Vote: Ayes: McCormick, Jordan, Paulsen, Malmquist and McNearney Nays: None. Motion passed.

**B. Variance Request for Reduced Setback for a Monument Sign**

**Description of Development:** The Embassy Suites Hotel is currently being constructed on Lot 3 of Southport West Replat Three, along with the development of the La Vista Conference Center on Lot 2 and the Courtyard by Marriott Hotel on Lot 1 of the same subdivision.

The applicant has stated that power, telephone, and cable line placement along Westport Parkway has infringed on their ability to place their monument sign at the corner of the access which serves as the main entrance to the Embassy Suites Hotel. Due to these utility constraints, the sign is proposed to be installed less than 5 feet to the property line. The sign permit was denied because the sign did not meet the minimum required setback of 10 feet.

**The following regulations within the Zoning Ordinance are applicable to this variance request:**

**7.01.05 Permitted Signs and Limitations**

**1. *Ground Monument***

- A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be placed on either frontage.
- B. All ground monument signs shall be located on the same lot as the advertised use.

- C. Signs shall contain only the name or trademark of the business, building or complex which it identifies.
- D. With the exception of change panels permitted for gas stations to advertise gasoline prices, no change panels, advertising or names of individual tenants will be allowed.
- E. Setbacks for all ground monument signs are ten (10) feet.**

The Southport West PUD (Ordinance #1013) states:

“This Ordinance recognizes that because of the size and scope of the project, and because access will be obtained to the development via large public arterial streets, the project has an extraordinary need for flexibility in the signage regulations applicable thereto.”

The following specific requirements must be considered in approval of a variance:

**Section 8.03.03.01 and Nebraska Revised State Statutes Section 19-910:**

The Board of Adjustment shall authorize no such variance, unless it finds that:

- 5. The strict application of the Ordinance would produce undue hardship;
- 6. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- 7. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- 8. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this Ordinance.

**Bylaws and Rules of Procedure of the City Of La Vista Board of Adjustment – Section 7, Specific Requirements in Approval of a Variance:**

In any action by the Board with regard to approval of a variance, such action shall be taken in accordance with the limitations of Nebraska law and the requirements and limitations of the applicable City Zoning Regulations and these Rules of Procedure. In any action to approve a variance, the Board shall make findings which shall be recorded in the minutes of the Board.

iii. **Recommendation:** Malmquist moved to grant the variance for approval of a setback variance on the ground monument sign for Embassy Suites. The minimum setback is currently ten (10) feet and this variance would allow encroachment into the set back no more than seven (7) feet. Malmquist made the following findings in her motion:

A. The strict application of any applicable provision of the applicable City Zoning Regulation would, in each specific variance petition, result in at least one of the following:

- 1. Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to exceptional narrowness, shallowness or shape of the piece of property in question;

**Hardship is found:** The Board finds that the lots are irregularly shaped due to legal constraints required by the City's financing of the conference center. Utilities along Westport Parkway complicate the placement of the sign at the access point.

2. Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to exception topographic conditions on the piece of property in questions;

**Hardship is found:** The Board finds the lot is relatively flat with no topographic constraints.

3. Peculiar and exceptional practical difficulties to or undue hardship upon the owner of the piece of property included in the petition due to other extraordinary and exceptional situation or condition of the piece of property in question.

**Hardship is found:** The Board finds that the access was approved and constructed according to plans. Placement of the sign at the original location is no longer possible due to utility installations.

B. In authorizing any variance the Board shall also make findings, which shall be recorded in the minutes of the Board, that EACH of the following requirements for authorizing a variance can be met:

1. **Such variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the applicable City Zoning Regulations;**

**Specific requirement is satisfied:** The purpose and intent of the sign regulations is "to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations." Placement of the sign would be required to be in a safe location not impeding line of sight; therefore, the public good would not be substantially impaired.

2. **The strict application of the applicable requirements of the applicable City Zoning Regulations would produce an undue hardship upon the owner of the property included in the petition;**

**Specific requirement is satisfied:** The strict application of the code would place the sign too close to utility lines.

3. **Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;**

**Specific requirement is satisfied:** No other properties share this same hardship.

4. **The authorization of such variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by such variance;**

**Specific requirement is satisfied:** Some flexibility in the design of signs is written into the Southport Design Guidelines; therefore, the board does not believe substantial detriment would occur on adjacent properties or within the zoning district.

**5. The authorization of a variance is based upon reasons of demonstrable and exceptional hardship stemming from characteristics of the property involved in the petition and not for reasons of convenience, profit or desire of the property owner;**

**Specific requirement is satisfied:** The variance request is not a matter of convenience or profit in the board's opinion. The characteristics of the property and approved development, combined with the installation of the utility lines, have created the hardship.

**6. The condition or situation of the property included in such petition or the intended use of such property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the applicable City Zoning Regulations.**

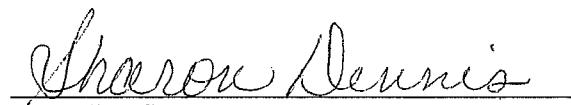
**Specific requirement is satisfied:** No changes to the City's Zoning Regulations would be needed, as the conflicts with utility lines should not be a recurring situation.

McEneaney seconded: Ayes: McEneaney, Jordan, Paulsen, Malmquist and McCormick. Ayes: None. Motion passed.

Mr. Moody invited everyone to the grand opening gala expected to be July 31, 2008, pending final approval from the Nebraska Fire Marshall office.

**6. Adjournment:** Paulsen motioned to adjourn the meeting. Jordan seconded. Ayes: Jordan, McEneaney, McCormick, Paulsen, and Malmquist. Nays: None. Meeting adjourned. The meeting was adjourned at 6:32 p.m.

Reviewed by BOA Secretary: Randy Jordan, 5/29/2008

  
\_\_\_\_\_  
Recording Secretary

  
\_\_\_\_\_  
Board of Adjustment Chair

6-18-2008  
Approval Date



City of LaVista  
Attn: Brenda Gunn  
8116 Park View Blvd  
La Vista, NE 68128

## INVOICE

June 12, 2008

Invoice No: 003-10050-000 - 0000007

Development of a Municipal Facilities Plan focusing on General Administrative services (Mayor/Council, Administration, City Clerk, Finance, and Public Buildings and Grounds), Community Development services, Recreation Department administrative services, and Public Works services.

Professional Services Through June 12, 2008

## Fee

Total Fee	60,000.00		
Percent Complete	75.00	Total Earned	45,000.00
		Previous Fee Billing	42,000.00
		Current Fee Billing	3,000.00
		Total Fee	3,000.00
		Total this Invoice	\$3,000.00

## Billings to Date

	Current	Prior	Total
Fee	3,000.00	42,000.00	45,000.00
Totals	3,000.00	42,000.00	45,000.00

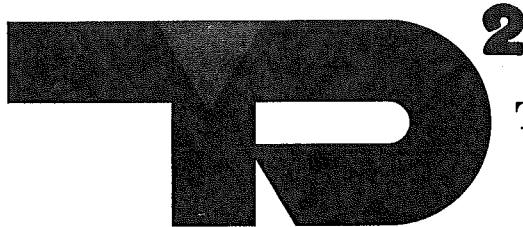
Please make checks payable to:

Leo A Daly Company  
Attn: Accounting  
8600 Indian Hills Drive  
Omaha NE 68114

Tax ID: 47-0363104  
Tel: (402) 391-8111  
Fax: (402) 391-8564

Edward Vidlak  
Edward Vidlak

05.21.08 10.01  
05.21.08 10.01  
Consent Agenda  
R. Lamore  
6/20/08



## THOMPSON, DREESSEN & DORNER, INC.

### Consulting Engineers & Land Surveyors

June 23, 2008

Mr. Joe Soucie  
City of La Vista Public Works Director  
9900 Cornhusker Road  
La Vista, NE 68128

ROBERT E. DREESSEN, P.E.  
NELSON J. HYMANS, P.E.  
JAMES D. WARNER, L.S.  
CHARLES E. RIGGS, P.E.  
KA "KIP" P. SQUIRE III, P.E., S.E.  
JOHN M. KOTTMANN, P.E.  
ARTHUR D. BECCARD, P.E.  
DOUGLAS S. DREESSEN, P.E.  
DEAN A. JAEGER, P.E.  
RICHARD M. BROYLES, L.S.  
DAVID H. NEEF, L.S.  
RONALD M. KOENIG, L.S.  
CHRIS E. DORNER, L.S.

TIMOTHY T. PAPSTEIN, P.E.  
MICHAEL J. SMITH, L.S.  
TROY J. NISSEN, P.E., S.E.  
DOUGLAS E. KELLNER, P.E.  
GARY A. NORTON, P.E.  
BRIAN L. LODES, P.E.  
KURTIS L. ROHN, P.E.  
JEFFREY L. THOMPSON, P.E.  
DAREN A. KONDA, P.E.  
MICHAEL T. CANIGLIA, L.S.  
JEREMY T. STEENHOEK, P.E.  
JOSHUA J. STORM, P.E.

RE: Keystone Trail-La Vista Link  
Pay Request No. 9 for Engineering Services  
Invoice No. 83576  
TD<sup>2</sup> File No. 171-254.48

Joe:

Please find herewith Invoice No. 83576 in the amount of \$250.12. We are sending this invoice to you rather than City Hall since this should be reimbursed under your agreement with the NDOR for this project. Attached to the invoice is an itemization of the services and a progress report required by our Consultant Agreement with the City for this project.

Please let me know if we need to provide further information.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: File

OK for payment  
6-25-08 JF  
05.21.08/6.02

KEYSTONE TRAIL - LA VISTA LINK  
 PAYMENT REQUEST NO. 9 ITEMIZATION  
 INVOICE NO. 83576

**Labor**

Name & Title	Title	Hours	Actual	
			Rate/Hr.	Cost
John M. Kottmann	Senior Engineer	0	\$40.24	\$0.00
Brian Lodes	Staff Engineer	2.5	\$24.52	\$61.30
Roger Meyer	Sr. CADD Tech w/Eqpt.		\$24.20	\$0.00
Michael Smith	Registered Land Surveyor	0	\$27.31	\$0.00
David Pearson	Survey Party Chief	0	\$15.00	\$0.00
Brian Morgan	Survey Technician	0	\$13.00	\$0.00
Michael Skiles	Survey CADD Tech w/Eqpt.	0	\$17.00	\$0.00
Barb Mazurak	Clerical	0.75	\$19.15	\$14.36
			Sub-Total	\$75.66
	Direct Labor Subtotal			\$75.66
	Overhead @ 166%			\$125.60
	Sub-Total Labor & Overhead			\$201.26
	Profit, 10% of Subtotal for Labor & Overhead			\$20.13
	Total Labor, Overhead & Profit			\$221.39

**Other Direct Costs**

Reimbursable Expenses

Reproduction Services	\$6.41
Mileage	\$0.00
Data Collection Eqpt.	\$0.00
Special Delivery	\$22.32
Sub-Total for Reimbursables	\$28.73

Professional Fees This Invoice	\$ 250.12
Professional Fees Previously Billed	\$ 25,892.50
Total Professional Fees Through Pay Request No. 9	\$ 26,142.62
Agreement Limit	\$ 28,227.87

KEYSTONE TRAIL-LA VISTA LINK  
PROJECT NO. ENH-77(50)  
CONTROL NO. 22251  
CONSULTANT AGREEMENT  
PAY REQUEST NO. 9  
PROGRESS REPORT

Environmental Reviews	95%
Topo. Survey, ROW & Utility Information	100%
Preliminary Design	100%
Final Design	100%
Final P, S & E	75%
Bidding Phase	0%



Thompson, Dreessen & Dorner, Inc.  
Consulting Engineers & Land Surveyors  
10836 Old Mill Road  
Omaha, NE 68154

Invoice

June 23, 2008

Project No: 0171-254  
Invoice No: 83576

CITY OF La VISTA  
8116 PARKVIEW BOULEVARD  
LA VISTA, NE 68128

Project 0171-254 BIG PAPIO TRAIL CONNECTION PO# 08-0085

Professional Services from April 29, 2008 to June 1, 2008

Payment Request No. 9 per Attached Documentation

Total this Invoice \$250.12

APCHCKRP Tue Jul 1, 2008 9:35 AM  
10.16.06

\*\*\* City of LaVista \*\*\*  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 1

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1 Bank of Nebraska (600-873)									
	45966			45973	Payroll Checks				
Thru									
	45974			93126	Gap in Checks				
Thru									
93127	6/18/2008	1194	QUALITY BRANDS OF OMAHA		306.00		**MANUAL**		
93128	6/18/2008	3435	WATER'S EDGE AQUATIC DESIGN		3,500.00		**MANUAL**		
93129	6/18/2008	143	THOMPSON DREESSEN & DORNER		7,342.88		**MANUAL**		
93130	6/18/2008	3909	LEO A DALY COMPANY		3,000.00		**MANUAL**		
93131	6/24/2008	1194	QUALITY BRANDS OF OMAHA		316.50		**MANUAL**		
93132	6/24/2008	1270	PREMIER-MIDWEST BEVERAGE CO		104.10		**MANUAL**		
93133	6/24/2008	615	MILLER BRANDS OF OMAHA INC		200.80		**MANUAL**		
93134	6/24/2008	3702	LAUGHLIN, KATHLEEN A, TRUSTEE		372.00		**MANUAL**		
93135	7/01/2008	3946	A & M GREEN POWER		73,995.82				
93136	7/01/2008	2892	AA WHEEL & TRUCK SUPPLY INC		138.24				
93137	7/01/2008	762	ACTION BATTERIES UNLTD INC		376.63				
93138	7/01/2008	571	ALAMAR UNIFORMS		169.96				
93139	7/01/2008	52	AMAZING ARTHUR		200.00				
93140	7/01/2008	435	ANDERSON FORD LINCOLN MERCURY		248.93				
93141	7/01/2008	3698	APPLE BOOKS		121.65				
93142	7/01/2008	557	APWA-AMER PUBLIC WORKS ASSN		54.01				
93143	7/01/2008	736	AQUA-CHEM INCORPORATED		203.50				
93144	7/01/2008	196	AQUILA		42.39				
93145	7/01/2008	536	ARAMARK UNIFORM SERVICES INC		210.31				
93146	7/01/2008	3980	ART F/X SCREEN PRINTING &		111.25				
93147	7/01/2008	188	ASPHALT & CONCRETE MATERIALS		39.36				
93148	7/01/2008	706	ASSOCIATED FIRE PROTECTION		157.50				
93149	7/01/2008	201	BAKER & TAYLOR BOOKS		934.54				
93150	7/01/2008	3875	BAKER, MARCUS		50.00				
93151	7/01/2008	1839	BCDM-BERINGER CIACCIO DENNELL		450.00				
93152	7/01/2008	929	BEACON BUILDING SERVICES		6,737.00				
93153	7/01/2008	1784	BENNINGTON IMPLEMENT		355.96				
93154	7/01/2008	410	BETTER BUSINESS EQUIPMENT		40.30				
93155	7/01/2008	3448	BIRCH, ANN		50.00				
93156	7/01/2008	56	BOB'S RADIATOR REPAIR CO INC		139.00				
93157	7/01/2008	3613	BRADLEY, KIRSTEN		86.00				
93158	7/01/2008	117	BRODART		177.83				
93159	7/01/2008	830	BROWN TRAFFIC PRODUCTS INC		48.00				
93160	7/01/2008	3703	BUETHE, PAM		100.00				
93161	7/01/2008	76	BUILDERS SUPPLY CO INC		17.08				
93162	7/01/2008	3979	CAMPBELL, ERIKA		15.00				
93163	7/01/2008	152	CITY OF OMAHA		680.70				
93164	7/01/2008	3815	CIVIC PLUS		10,100.00				
93165	7/01/2008	3126	COCA-COLA BOTTLING COMPANY		309.62				
93166	7/01/2008	3176	COMP CHOICE INC		.00	**CLEARED**	**VOIDED**		
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93168	7/01/2008	3176	COMP CHOICE INC		3,587.50				
93169	7/01/2008	3706	CORBIT, JEFF		100.00				

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93173	7/01/2008	472	CUES	146.62			
93174	7/01/2008	23	CUMMINS CENTRAL POWER LLC #410	591.55			
93175	7/01/2008	3136	D & D COMMUNICATIONS	87.25			
93176	7/01/2008	77	DIAMOND VOGEL PAINTS	569.96			
93177	7/01/2008	59	DITCH WITCH OF OMAHA	160.92			
93178	7/01/2008	3334	EDGEWEAR SCREEN PRINTING	1,478.50			
93179	7/01/2008	2566	ELECTRONIC ENGINEERING	196.41			
93180	7/01/2008	3251	ENSLOW PUBLISHERS INC	101.70			
93181	7/01/2008	2098	ERICKSON, RANDALL	100.00			
93182	7/01/2008	2319	ESTEE, KEN	86.00			
93183	7/01/2008	3463	FARQUHAR, MIKE	100.00			
93184	7/01/2008	3159	FASTENAL COMPANY	11.44			
93185	7/01/2008	1235	FEDEX KINKO'S	491.97			
93186	7/01/2008	581	FIREHOUSE MAGAZINE	30.00			
93187	7/01/2008	142	FITZGERALD SCHORR BARMETTLER	12,367.58			
93188	7/01/2008	1344	GALE	44.93			
93189	7/01/2008	1248	GASSERT, MIKE	560.00			
93190	7/01/2008	3971	GLESMAN, DEVON	3.99			
93191	7/01/2008	35	GOLDMAN, JOHN G	40.00			
93192	7/01/2008	285	GRAYBAR ELECTRIC COMPANY INC	164.03			
93193	7/01/2008	3473	GUNN, BRENDA S	300.00			
93194	7/01/2008	3886	HALL, ERICA	60.00			
93195	7/01/2008	3887	HALL, LAUREN	110.00			
93196	7/01/2008	426	HANEY SHOE STORE	240.00			
93197	7/01/2008	2956	HIC-UPS THE CLOWN	50.00			
93198	7/01/2008	433	HIGHSMITH CO INC	185.00			
93199	7/01/2008	3513	HUSKER MIDWEST PRINTING	169.00			
93200	7/01/2008	1612	HY-VEE INC	138.35			
93201	7/01/2008	3982	ICC HOUSING BUREAU	121.00			
93202	7/01/2008	2534	IWAN, ROSE	45.00			
93203	7/01/2008	3974	J H STUCKEY DISTRIBUTING INC	140.00			
93204	7/01/2008	1896	J Q OFFICE EQUIPMENT INC	789.24			
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93208	7/01/2008	1054	KLINKER, MARK A	200.00			
93209	7/01/2008	3981	KRAUCUNAS, VALERIE	6.82			
93210	7/01/2008	2394	KRIHA FLUID POWER CO INC	24.82			
93211	7/01/2008	942	LIBRA INDUSTRIES INC	83.75			
93212	7/01/2008	1288	LIFE ASSIST	1,196.88			
93213	7/01/2008	877	LINWELD	41.27			
93214	7/01/2008	263	LOVELAND LAWNS	880.00			
93215	7/01/2008	2124	LUKASIEWICZ, BRIAN	40.00			
93216	7/01/2008	3806	MARKOWSKY, THOMAS J	86.00			
93217	7/01/2008	3975	MCKILLIP AND ASSOCIATES	708.53			
93218	7/01/2008	3061	MES-MIDAM	8,255.00			
93219	7/01/2008	1842	METEORLOGIX	2,022.06			
93220	7/01/2008	153	METRO AREA TRANSIT	639.00			
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93222	7/01/2008	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	

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93224	7/01/2008	98	MICHAEL TODD AND COMPANY INC	402.40			
93225	7/01/2008	2497	MID AMERICA PAY PHONES	150.00			
93226	7/01/2008	184	MID CON SYSTEMS INCORPORATED	39.20			
93227	7/01/2008	1050	MILLER PRESS	300.00			
93228	7/01/2008	346	MOBILE COMMUNICATIONS INC	665.35			
93229	7/01/2008	2818	MULHALL'S	514.50			
93230	7/01/2008	555	NEBRASKA FIRE ADMIN ASSISTANTS	15.00			
93231	7/01/2008	649	NEBRASKA GOLF & TURF INC	510.00			
93232	7/01/2008	3350	NEBRASKA IOWA SUPPLY	18,840.88			
93233	7/01/2008	2388	NEBRASKA NATIONAL BANK	660.00			
93234	7/01/2008	2685	NEBRASKA TURF PRODUCTS	1,057.50			
93235	7/01/2008	593	NEFF TOWING INC	190.00			
93236	7/01/2008	3924	NEW YORK TIMES	26.00			
93237	7/01/2008	2734	NICREX MACHINE	75.00			
93238	7/01/2008	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
93239	7/01/2008	1014	OFFICE DEPOT INC-CINCINNATI	588.25			
93240	7/01/2008	79	OMAHA COMPOUND COMPANY	1,429.46			
93241	7/01/2008	3413	ON YOUR MARKS	1,039.79			
93242	7/01/2008	3935	ORIENTAL TRADING COMPANY	68.65			
93243	7/01/2008	3039	PAPILLION SANITATION	200.09			
93244	7/01/2008	2686	PARAMOUNT LINEN & UNIFORM	314.06			
93245	7/01/2008	1769	PAYLESS OFFICE PRODUCTS INC	451.29			
93246	7/01/2008	709	PEPSI COLA COMPANY	388.50			
93247	7/01/2008	1821	PETTY CASH-PAM BUETHE	112.43			
93248	7/01/2008	74	PITNEY BOWES INC-KY	221.00			
93249	7/01/2008	159	PRECISION INDUSTRIES INC	2,866.43			
93250	7/01/2008	1921	PRINCIPAL LIFE-FLEX SPENDING	155.25			
93251	7/01/2008	3657	PROPERTY SERVICES	139.00			
93252	7/01/2008	1713	QUALITY AUTO REPAIR & TOWING	75.00			
93253	7/01/2008	219	QWEST	1,126.64			
93254	7/01/2008	3120	RACOM CORPORATION	120.00			
93255	7/01/2008	3469	RAMIREZ, JOHN	36.00			
93256	7/01/2008	1828	RAMIREZ, RITA	75.00			
93257	7/01/2008	3139	RECORDED BOOKS, LLC	1,750.84			
93258	7/01/2008	1783	RON TURLEY ASSOCIATES INC	700.00			
93259	7/01/2008	487	SAPP BROS PETROLEUM INC	.00	**CLEARED**	**VOIDED**	
93260	7/01/2008	487	SAPP BROS PETROLEUM INC	1,424.25			
93261	7/01/2008	2240	SARPY COUNTY COURTHOUSE	3,234.94			
93262	7/01/2008	3447	SELDEN, MARY KAY	50.00			
93263	7/01/2008	1483	SHEPPARD'S BUSINESS INTERIORS	4,118.34			
93264	7/01/2008	3514	SMITH, MELANIE	86.00			
93265	7/01/2008	3707	SMITH, MELANIE	100.00			
93266	7/01/2008	2704	SMOOTHER CUT ENTERPRISES INC	1,470.00			
93267	7/01/2008	533	SOUCIE, JOSEPH H JR	30.00			
93268	7/01/2008	3838	SPRINT	90.91			
93269	7/01/2008	1149	STATE FIRE MARSHALL	250.00			
93270	7/01/2008	2634	STERIL MANUFACTURING CO	75.00			
93271	7/01/2008	910	STEVENS, MARK	86.00			
93272	7/01/2008	3507	SUN VALLEY NATURAL STONE	480.00			
93273	7/01/2008	3959	TANGEMAN, JODI	33.00			
93274	7/01/2008	2765	TRADE WELL PALLET INC	200.00			
93275	7/01/2008	863	TROUT, DONNA L	120.00			

## BANK NO BANK NAME

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DATE

VENDOR NO

VENDOR NAME

CHECK AMOUNT

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MANUAL

93276	7/01/2008	1122 TURF CARS LTD	205.10
93277	7/01/2008	176 TUREWERKS	9.45
93278	7/01/2008	167 U S ASPHALT COMPANY	409.75
93279	7/01/2008	2932 UNIVERSITY OF LOUISVILLE	650.00
93280	7/01/2008	988 UPSTART	15.00
93281	7/01/2008	809 VERIZON WIRELESS, BELLEVUE	71.18
93282	7/01/2008	3690 VIERS, STEVE	100.00
93283	7/01/2008	1174 WAL-MART COMMUNITY BRC	.00
93284	7/01/2008	1174 WAL-MART COMMUNITY BRC	956.88
93285	7/01/2008	78 WASTE MANAGEMENT NEBRASKA	514.25
93286	7/01/2008	3168 WEST, MANDY	86.00
93287	7/01/2008	968 WICK'S STERLING TRUCKS INC	60.00
93288	7/01/2008	3557 YORK, JOHN	215.50
93289	7/01/2008	295 ZEE MEDICAL SERVICE INC	258.14

BANK TOTAL 201,793.71

OUTSTANDING 201,793.71

CLEARED .00

VOIDED .00

FUND TOTAL OUTSTANDING CLEARED VOIDED

01	GENERAL FUND	158,202.63	158,202.63	.00	.00
02	SEWER FUND	16,655.88	16,655.88	.00	.00
05	CONSTRUCTION	14,247.08	14,247.08	.00	.00
08	LOTTERY FUND	8,008.86	8,008.86	.00	.00
09	GOLF COURSE FUND	4,679.26	4,679.26	.00	.00

REPORT TOTAL 201,793.71

OUTSTANDING 201,793.71

CLEARED .00

VOIDED .00

+ Gross Payroll 6-27-08 208,729.68GRAND TOTAL \$410,523.39APPROVED BY COUNCIL MEMBERS 7/01/08

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JULY 1, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PRELIMINARY REPORT AND DISCUSSION - MUNICIPAL FACILITIES PLAN	RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

Representatives from Leo A. Daly will be present to give a progress report to the Mayor and City Council regarding the preparation of a Municipal Facilities Plan.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

N/A

**BACKGROUND**

Over the past several years as part of the annual strategic planning process the Mayor and City Council have identified adequate City facilities as part of its vision and priority. In FY03 a Municipal Facilities Plan was proposed to identify the space needs of the City for both the short-term and long term for several service areas. A decision was made at that time to proceed only with a space needs study for the Fire Department and subsequently focus on the design and construction of a second fire station.

Again in FY07 funds were budgeted for professional consulting services related to the development of a Municipal Facilities Plan focusing on General Administrative services (including Mayor/Council, Administration, City Clerk, Finance, and Public Buildings and Grounds), Community Development services, Recreation Department administrative services, and Public Works services. In October of 2007 a contract was awarded to Leo A. Daly.

The purpose of the Municipal Facilities Plan is to provide a framework and guide the City in making decisions about its municipal facilities. Further, a Municipal Facilities Plan will save the City money as it converts existing spaces to new uses so that all of the City's needs are considered comprehensively as opposed to piecemeal improvements that may only serve as short-term solutions for municipal facilities.

Over the past several months Leo A. Daly representatives have completed tours of the Public Works facilities, the Golf Course facilities, the Public Safety Building, City Hall and the Community Center. They have conducted surveys and held meetings with individual Department Heads and other management employees regarding space needs. Meetings have also been held with the City's Municipal Facilities

Planning Committee, which consists of all Department Heads and Council Members Mark Ellerbeck and Ron Sheehan.

The Committee has discussed several options regarding the City's future space needs and the utilization of existing space. Prior to completing the Municipal Facilities Plan, direction is needed from Council regarding the District 1 Fire Station.

Attached you will find a synopsis of the City's history over the last several years with regard to fire department and fire facility planning. The City has been proceeding according to the recommendations outlined in a study completed in 2002 by Emergency Services Education and Consulting Group (ESECG). That study called for the development and funding of a long range facility plan based on a 3-station deployment concept to handle projected growth and development. The District 2 Fire Station was completed in conjunction with the plan for a 3-station deployment concept.

As part of the design process for the second fire station, FGM and DLR completed a space needs study for both the new facility and the existing District 1 facility. A page from this study outlining their recommendation is also attached. (*A copy of the full study is available in the office of the City Clerk for review.*) The current Municipal Facilities Plan Committee has discussed both the option of remodeling/expanding the District 1 Fire station at its present location and constructing a new facility on the existing City Hall campus. After careful consideration and study of the potential costs involved with both options, the Committee's recommendation would be to construct a new District 1 Fire Station and utilize the existing facility for other municipal functions.

Prior to proceeding any further with the overall Municipal Facilities Plan, Leo A. Daly needs direction from Council regarding the fire station issue as it will determine the direction of the plan and subsequent implementation recommendations.

## Background Regarding Previous Fire Studies – Long Range Planning and Space Needs

September 2001	Council awarded a contract for a long range planning study of the Fire Department to Emergency Services Education and Consulting Group (ESECG).
February 2002	Council held a workshop meeting to receive the study and review its findings and recommendations.  Significant recommendations included: <ul style="list-style-type: none"><li>• Adopt a basic service philosophy and response time performance standard</li><li>• Develop and fund a long range facility plan based on a 3-station deployment concept to handle projected growth and development</li><li>• Increase staffing, whether paid or volunteer, to ensure adequate and timely response to low and medium risk fire emergencies during all hours of the day</li><li>• Hiring of a full time chief</li><li>• Plan for the renovation or addition to the existing fire facility</li></ul>
May 2002	A two-day strategic planning session was held with members of the Volunteer Fire Department as a starting point for implementing the recommendations contained in the study.
June 2002	Hired a Special Projects Administrator to work on developing the organizational structure of the Fire Department in conformance with the study.
July 2002	Budget workshop discussion regarding the exhaust system at existing fire station. Did not include in budget - recommendation to look at all facilities at once prior to doing piece-meal renovation at this location.
September 2002	Special Projects Administrator presented staffing analysis information for several Fire Department positions to Council.
April 2003	Council Strategic Planning Session – One of the goals identified was to continue the implementation of the multi-year fire service plan.
July 2003	Council had discussion regarding a municipal facilities study to include a second fire station.
August 2003	Council awarded a contract to DLR Group and FGM Architects for architectural services associated with the development of a second fire station and improvements to the existing fire station.
March 2004	FGM presented an update to Council on the development of space programs for two fire facilities. The proposal included a new second

station as well as updates to the existing station. Approximately 10,000 square feet would need to be added to the existing station in order for it to meet the needs of the department.

June 2004      Council approved the space needs analysis prepared by DLR Group and FGM Architects. The study analyzed the space needs at the existing fire station and compared the cost of making renovations versus building a new facility. The recommendation of the study was to construct a new facility as the cost of renovation was nearly 75% of the cost of building new. The study also provided space needs information for a second fire station.

September 2004      A professional services agreement was executed with FGM Architects to design and construct a second fire station. The new station was to be designed under the assumption that the existing station's inadequacies would be dealt with at some point in time.

MAY 2004

SPACE NEEDS ANALYSIS	CITY OF LA VISTA FIRE DEPARTMENT
----------------------	-------------------------------------

**SECTION F  
PROPOSED  
DIAGRAMS / COST  
ESTIMATE AND  
ANALYSIS**  
**EXISTING STATION  
NO. 1**

**EXISTING STATION NO. 1 - ANALYSIS**

Existing Station No. 1 is located at the La Vista municipal campus at 8116 Park View Boulevard. The general consensus was to keep Station No. 1 located at the campus with close proximity to other municipal services. The next step was to determine whether the existing building could be renovated and added onto to serve the fire department's space needs. The existing building contains 18,332 s.f., this includes the existing fire department and the former police department space. The architectural space program indicates a need of an additional 10,177 s.f. The architectural space program is further broken down into its functional areas including public areas, training areas, administration, residential, apparatus areas, and support/storage. Therefore, an addition of 10,177 s.f. would be required. Ideally, there are 30 parking spaces to support the rapid response volunteers, 75 spaces to support the training function, 12 spaces to support volunteers in-residence, 10 spaces for administration, and 2 visitor spaces for a total of 129 parking spaces programmed. With this level of parking required, it remains to be determined whether the campus can support the parking needs at Station No. 1. It is recommended that a campus wide parking study be performed to determine this. The cost of an addition and remodeling of existing Station No. 1 is in the range of \$3.5 to \$4.3 million. This excludes the costs of abating any asbestos materials that might be present.

With an addition and renovation to the existing Station No. 1, the following deficiencies will still remain unresolved:

- Inadequate volunteer emergency response parking exists. Currently there are 40-45 volunteers, but 75 are anticipated in the future. Volunteer parking areas cannot be expanded beyond the current condition; in fact, some spaces are lost in the solution.
- Lack of public parking areas
- The multi-level apparatus bays are challenging response times. Apparatus bays that are not all on one level are also a safety hazard.
- Overhead door size is too small, and larger bay doors cannot be accommodated in the solution.
- Bay space is limited and growth cannot be accommodated into the future.
- Inadequate front apron depth for exercising or parking apparatus.
- Safe and efficient emergency response because of the two levels of the apparatus bays, from within the building.
- Three existing levels of the building (other than the levels in the bays require a three-stop elevator to provide handicap accessibility.
- Lack of ability to expand in the future.
- Aesthetic challenge of integrating the old with the new.

When the cost to renovate approaches 75% of the cost to construct new, it may be considered more cost effective to build new. Therefore, our recommendation is to consider building a new fire Station No. 1 because the cost to renovate the existing is almost 75% of new construction. If there is a desire to keep Station No. 1 at or near the municipal campus, the Bloomingdeals property would be a good choice to build new. The cost of a new Station No. 1 facility, potentially on the approximate 2.5 acres of the Bloomingdeals property, is in the range of \$4.8 to \$5.5 million. This excludes the cost of demolition of the existing Station No. 1.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JUNE 17, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
VACATION OF A PLAT — PROPERTY WITHIN LA VISTA FALLS GOLF COURSE & CENTRAL PARK	◆ RESOLUTION ◆ ORDINANCE ◆ RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

At the June 17<sup>th</sup> meeting, the City Council continued the ordinance to vacate the platting which encompasses the property occupied by the La Vista Falls Golf Course and Central Park, generally located east of 84<sup>th</sup> Street and south of Park View Blvd., pending review by the City Attorney.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approve.

**BACKGROUND**

At the June 17<sup>th</sup> meeting, the City Council continued the ordinance to vacate the platting which encompasses the property occupied by the La Vista Falls Golf Course and Central Park, generally located east of 84<sup>th</sup> Street and south of Park View Blvd., pending review by the City Attorney. That review has been completed and a revised ordinance is attached. The purpose of vacating the plat is to eliminate the lots and unimproved street rights-of-way which were originally platted within the property. Ownership will be retained by the City of La Vista; the property has been developed as a golf course and park.

The vacation of the plat is recommended as opposed to replatting this property in order to avoid costly surveying work. This action will dissolve all lot boundaries and rights-of-way within the area of the plat being vacated (see attached map). Two parcels would be created as a result of the vacation: one for the golf course and one for the park. Because both of these parcels are over 20 acres the County will create tax lots for each of the parcels. The city has discussed this process with the County and has been told it would be acceptable.

At a subsequent City Council meeting following the vacation of the plat and the creation of the new tax lot for the golf course, a right-of-way dedication for the Valley Road cul-de-sac will be scheduled. This cul-de-sac is not located in existing right-of-way currently and this process will resolve that problem as well.

The City Engineer has reviewed this request and provided the legal description of the area to be vacated, as well as the legal descriptions of the tax lots to be created for the golf course and park.

The Planning Commission held a public hearing on April 17, 2008, and recommended approval.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE VACATING AND RETAINING OWNERSHIP OF LOT 879, LOTS 884 THRU 886 INCLUSIVE, LOTS 991 THRU 1013 INCLUSIVE, LOTS 1302 THRU 1311 INCLUSIVE, LOTS 1340 THRU 1353 INCLUSIVE, LOTS 1355 THRU 1451 INCLUSIVE, LOTS 1923 THRU 1925 INCLUSIVE, LOTS 1940 THRU 1953 INCLUSIVE, LOTS 1975 THRU 1979 INCLUSIVE, LOTS 2032 AND 2036, LOTS 2099 THRU 2100 INCLUSIVE, IN LA VISTA, TOGETHER WITH OUTLOT 5, BRIARWOOD, BOTH BEING SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, TOGETHER WITH A PART OF THE ADJOINING STREETS, ALL LOCATED IN SECTION 14, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. It is hereby declared necessary, expedient, proper and for the public good to vacate and retain ownership of Lot 879, Lots 884 thru 886 inclusive, Lots 991 thru 1013 inclusive, Lots 1302 thru 1311 inclusive, Lots 1340 thru 1353 inclusive, Lots 1355 thru 1451 inclusive, Lots 1923 thru 1925 inclusive, Lots 1940 thru 1953 inclusive, Lots 1975 thru 1979 inclusive, Lots 2032 and 2036, Lots 2099 thru 2100 inclusive, in La Vista, together with Outlot 5, Briarwood, both being subdivisions as surveyed, platted and recorded in Sarpy County, Nebraska, together with a part of the adjoining streets, all located in Section 14, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference. The City owns all said lands, including all ways and streets, and the City shall retain all ownership thereof after the same is vacated pursuant to this Ordinance.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 1<sup>ST</sup> DAY OF JULY, 2008.

CITY OF LA VISTA

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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Douglas Kindig, Mayor

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JULY 1, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AGREEMENT FOR PROFESSIONAL SERVICES – CART CORRALS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared to enter into an Agreement for Professional Services with Beringer Ciaccio Dennell Mabrey, Inc., (BCDM) for Schematic Design, Design Development, Construction Documents (Plans and Specifications), Bidding Assistance, and Construction Contract Administration Services for the future purchase of cart corrals for Off-Street Parking District I, in an amount not to exceed \$10,000.00.

**FISCAL IMPACT**

The FY 2007/08 Off-Street Parking District budget provides funding for the proposed project.

**RECOMMENDATION**

Approval

**BACKGROUND**

During the 2007/08 budget hearings funding was provided for the purchase of trash receptacles and cart corrals for the Off-Street Parking District I. The trash receptacles have been purchased. The conceptual design of the cart corrals necessitates the design and construction of the product; the cart corrals are not available as a stock item from cart corral vendors.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ENTERING INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH BERNINGER CIACCIO DENNELL MAYBREY, INC., (BCDM) FOR THE SCHEMATIC DESIGN, DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS (PLANS AND SPECIFICATIONS), BIDDING ASSISTANCE, AND CONSTRUCTION CONTRACT ADMINISTRATION SERVICES FOR THE FUTURE PURCHASE OF CART CORRALS FOR OFF-STREET PARKING DISTRICT I, IN AN AMOUNT NOT TO EXCEED \$10,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of cart corrals is necessary; and

WHEREAS, the proposed design of the cart corrals is not available as a stock item from cart corral vendors; and

WHEREAS, BCDM is capable of providing professional services for the schematic design, design development construction documents (plans and specifications), bidding assistance and construction contract administration services for the proposed purchase of cart corrals; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that an Agreement for Professional Services be executed with Beringer Ciaccio Dennell Mabrey, Inc., for Schematic Design, Design Development, Construction Documents (Plans and Specifications), Bidding Assistance, and Construction Contract Administration Services for the future purchase of cart corrals at Off-Street Parking District I, in an amount not to exceed \$10,000.00.

PASSED AND APPROVED THIS 1ST DAY OF JULY 2008.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT THE LA VISTA CITY SWIMMING POOL AND SAND VOLLEYBALL COURT ON SATURDAY, JULY 12, 2008, BY CITY EMPLOYEES, VOLUNTEERS AND THEIR GUESTS IN CONJUNCTION WITH THE ANNUAL VOLUNTEER/EMPLOYEE PICNIC.

WHEREAS, the La Vista Employee Activity Committee has requested permission to consume alcohol at the La Vista City Swimming Pool and Sand Volleyball Court in conjunction with the annual volunteer/employee picnic to be held on July 12, 2008, and

WHEREAS, City Council approval must be obtained prior to allowing the consumption of alcoholic beverages on city property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the consumption of alcohol at the La Vista City Swimming Pool and Sand Volleyball Court on July 12, 2008, in conjunction with the annual volunteer/employee picnic.

PASSED AND APPROVED THIS 1ST DAY OF JULY 2008.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk