

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/ADMINSTRN, 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 Sinnett 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 84th 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 84th 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 15th 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 Sinnott 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 AWARDED 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 96TH 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 96th 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

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