

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING August 4, 2009

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on August 4, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Librarian III Tangeman, Community Development Director Birch, Police Lieutenant Pokorny, Fire Medical Training Officer Smith, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on July 23, 2009. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

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

### SERVICE AWARDS – PAT ARCHIBALD – 15 YEARS

Mayor Kindig presented a service award to Pat Archibald for 15 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM JULY 21, 2009
3. APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM JULY 13, 2009
4. APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM JULY 14, 2009
5. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES  
FROM JUNE 17, 2009
6. APPROVAL OF PLANNING COMMISSION MINUTES FROM JULY 16, 2009
7. PAY REQUEST FROM SWAIN CONSTRUCTION, INC. - VAL VERDE 2005 STREET  
MAINTENANCE - \$1,785.05
8. PAY REQUEST FROM LEO A. DALY – PROFESSIONAL SERVICES –\$1,657.58
9. PAY REQUEST NO. 12 FROM THOMPSON, DREESSEN & DORNER,  
INC. – KEYSTONE TRAIL - \$1,533.88
10. PAY REQUEST FROM CITY OF OMAHA – HARRISON STREET  
IMPROVEMENTS - \$30,770.40
11. PAY REQUEST FROM CITY OF OMAHA – HARRISON STREET  
IMPROVEMENTS - \$22,846.29
12. APPROVAL OF CLAIMS

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

ACCURATE TESTING, Bldg & Grnds	144.50
ADT SECURITY, Contract Services	240.71
ALAMAR UNIFORMS, Wearing Apparel	483.36
ANDERSON FORD LINCOLN MERCURY, Vehicle	56,978.00
AQUA-CHEM, Supplies	191.50
ARAMARK UNIFORM, Contract Services	238.24
ASPHALT & CONCRETE MATERIALS, Street Maint.	126.54
BAKER & TAYLOR BOOKS, Books	1,735.90
BCDM-BERINGER CIACCIO DENNELL, Professional Services	100.00
BEACON BUILDING SERVICES, Contract Services	6,437.00

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BEAUMONT, MITCH, Professional Services	500.00
BENNINGTON EQUIPMENT, Repair & Maint.	260.68
BIRCH, ANN, Professional Services	200.00
BLACK HILLS ENERGY, Utilities	1,129.54
BOLEY, ANN, Auto Allowance	100.00
BUETHE, PAM, Phone/Travel/Supplies	315.71
CALENTINE, JEFFREY, Phone	30.00
CARROT-TOP INDUSTRIES, Equip.	1,091.23
CENTER POINT PUBLISHING, Books	242.04
CITY OF OMAHA, Contract Services	615.13
CLARK, WILLIAM, Contract Services	36.00
COCA-COLA, Concessions	582.35
COLOMBO/PHELPS COMPANY, Concessions	69.75
CORNHUSKER INTL TRUCKS, Vehicle Maint.	9.05
COX, Contract Services	198.80
CREIGHTON EMS EDUCATION, Training	1,600.00
D & D COMMUNICATIONS, Vehicle Maint.	190.00
DAVE'S DECKS, Golf Course Rail	4,998.00
DEMCO, Supplies	183.31
DENNY JONES, Contract Services	414.00
DUNKLE, AUBRIANA, Contract Services	80.00
ECCLES, PAT, Auto Allowance	100.00
ELLIOTT EQUIPMENT, Vehicle Maint.	41.95
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Supplies	67.12
FEDEX, Vehicle Maint.	24.51
FERGUSON ENTERPRISES, Bldg & Grnds	30.23
FILTER CARE, Vehicle Maint.	90.35
FIRMATURE, STEVE, Contract Services	36.00
FIRST OPTION BANK, Fees	470.00
FITZGERALD SCHORR BARMETTLER, Professional Services	15,279.80
FLEETPRIDE, Vehicle Maint.	85.24
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,333.50
FOX, ANDREA, Professional Services	1,338.75
FROELICH, RORY, Auto Allowance	100.00
GALE, Books	17.97
GALL'S, Vehicle Maint.	328.74
GAYLORD BROS, Supplies	142.41
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	237.48
GLOCK, Training	150.00
GOLDMAN, JOHN, Phone	85.00
GRAINGER, Equipment	15.68
GRAYBAR ELECTRIC, Bldg & Grnds	11.43
GREAT PLAINS UNIFORMS, Wearing Apparel	135.50
GREENKEEPER, Supplies	92.00
GUNN, BRENDA, Phone	45.00
H & H CHEVROLET, Vehicle Maint.	457.27
HANEY SHOE STORE, Wearing Apparel	360.00
HEARTLAND PAPER, Supplies	65.00
HEIMES, Street Maint.	353.09
HELGET GAS PRODUCTS, Squad Supplies	73.00
HONEYMAN RENT-ALL, Deferred Revenue	136.25
HOOK-FAST SPECIALTIES, Wearing Apparel	100.97
HOST COFFEE SERVICE, Concessions	21.50
HUNDEN STRATEGIC PARTNERS, Contract Services	4,800.00
HUNTEL, Phone System	26,229.12
HUNTER, SHANE, Training	150.00
HY-VEE, Supplies	129.61
ICMA-INTL CITY/COUNTY MANAGE, Dues	724.35
INTERNATIONAL CODE COUNCIL, Training	300.00
INTERSTATE ALL BATTERY CENTER, Batteries	23.90
J Q OFFICE EQUIPMENT, Supplies	754.38
JOHN DEERE LANDSCAPES/LESCO, Supplies	161.50
JOHNSTONE SUPPLY, Bldg & Grnds	136.80
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	90.00

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LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	47.00
LIFE ASSIST, Squad Supplies	499.70
LINWELD, Street Maint/Supplies	278.36
LOGAN CONTRACTORS SUPPLY, Street Maint.	2,622.55
LOVELAND LAWNS, Street Maint/Bldg & Grnds	388.86
LUKASIEWICZ, BRIAN, Phone/Supplies	70.00
MCNAMARA, VICTORIA, Contract Services	170.00
MENARDS, Bldg & Grnds	29.90
METRO AREA TRANSIT, June Fees	578.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	12,052.92
MID AMERICA PAY PHONES, Phones	150.00
MIDLANDS CARRIER TRANSICOLD, Vehicle Maint.	153.26
MIDWEST TAPE, Media	369.80
MILLER BRANDS, Concessions	268.30
MILLER PRESS, Printing	578.00
MORRELL WATER SERVICES, Repair	512.00
MUD, Utilities	4,125.43
NACR, Contract Services	27.34
NE DEPT OF LABOR, Unemployment Ins	3,401.03
NE DEPT OF REVENUE, Lottery Tax	76,430.72
NEBRASKA LIFE MAGAZINE, Books	21.00
NEBRASKA NATIONAL BANK, Cart Lease	1,823.43
NEBRASKA TURF PRODUCTS, Supplies	972.90
NEKOLA, THOMAS SR, Refund	115.00
NEXTEL, Phone	691.69
NMC EXCHANGE, Vehicle Maint.	162.54
NUTS AND BOLTS, Vehicle Maint.	15.96
OFFICE DEPOT, Supplies	569.86
O'KEEFE ELEVATOR, Bldg & Grnds	150.00
OMAHA CHILDREN'S MUSEUM, Summer Reading	170.00
OMAHA COMPOUND COMPANY, Supplies/Bldg & Grnds	123.64
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	382.46
PATRICK, JOHN, Contract Services	18.00
PAUL CONWAY SHIELDS, Wearing Apparel	208.00
PAYLESS OFFICE, Supplies	378.35
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	105.75
PITNEY BOWES, Supplies	221.00
PONY SOFTBALL LEAGUE, Contract Services	176.00
PRECISION INDUSTRIES, Vehicle Maint.	343.27
PREMIER-MIDWEST BEVERAGE, Concessions	143.60
QUALITY BRANDS, Concessions	710.25
QWEST, Phone	1,145.26
RAINBOW GLASS & SUPPLY, Bldg & Grnds	43.36
RAMIREZ, RITA, Phone	43.00
READY MIXED CONCRETE, Street Maint/Supplies	2,747.59
RECREONICS INC ETAL, Supplies	39.75
REGAL AWARDS, Award Pins	239.00
ROSE EQUIPMENT, Vehicle Maint.	193.28
SALEM PRESS, Books	309.00
SAPP BROS PETROLEUM, Vehicle Supplies	748.50
SARPY COUNTY CHAMBER, Travel	120.00
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SARPY COUNTY TREASURER, Contract Services	8,750.00
SID 195 - MAYFAIR, Sewer Fees	660.00
SOUCIE, JOSEPH, Phone	60.00
SPENCER, CHRISTOPHER, Refund	34.00
SPRINT, Phone	95.03
STANDARD HEATING AND AIR, Refund	37.00
STATE STEEL, Bldg & Grnds	50.40
STERIL MANUFACTURING, Repair	75.00
SUN COUNTRY DISTRIBUTING, Supplies	133.24
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,884.78
TARGET BANK, Other Charges	33.70
TED'S MOWER SALES & SERVICE, Bldg & Grnds/Repair	302.69
THERMO KING CHRISTENSEN, Vehicle Maint.	262.43
TIGHE, MICKEY, Refund	20.00

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TOMSU, LINDSEY, Training	95.00
TRUGREEN-CHEMLAWN, Contract Services	1,173.38
UPS, Postage	45.92
USPS, Postage	1,399.22
VERIZON, Phone	297.59
VOGEL TRAFFIC SERVICES, Traffic Paint	4,348.75
WAL-MART, Summer Reading	1,043.87
WICK'S STERLING TRUCKS, Vehicle Maint.	179.00

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

City Clerk Buethe informed Council that she attended a meeting of Heartland Family Services Sarpy County Advisory Board and will be giving them information about the Programs offered and volunteer opportunities.

Assistant City Administrator Ramirez informed Council the Papillion/La Vista School District will be hosting their business partnership "back to school" event at Papio Fun Park Monday at 8:00 p.m. and they are inviting representatives of the City of La Vista to be present.

LVFD Medical Training Officer Smith addressed Council to inform them of two recent fires in the City – one at the Pointe Apartments, and one at the Embassy Suites Hotel.

Police Lieutenant Pokorny informed Council that National Night Out was well attended. He thanked everyone who came to the event.

Public Works Director Soucie informed Council of projects at the golf course. TAB Construction is paving the cart paths, and a hard line is being run from the lower lake to the upper lake on the pond pump project. Soucie also stated the pad at Central Park was heaving but has been fixed. Soucie stated the City is gathering data and looking at options, along with possible grant funding, for possible Portal Greenway work.

Building and Grounds Director Archibald informed Council that one air condenser is not working and therefore it may feel warmer in the council chambers. Parts are on order for repair.

Recreation Director Stopak informed Council that area cities are closing their pools early this year. The City will be holding a splash bash at the pool on Sunday, August 16<sup>th</sup>. Many businesses have donated items for this event.

Librarian III Tangeman informed Council they are in week 9 of the 10 week summer reading program. They have had over 400 children and youth sign up and over 1700 hours of reading.

## **B. HARRISON HEIGHTS PRELIMINARY PLAT**

### **1. ORDINANCE – AMEND OFFICIAL ZONING MAP – SECOND READING**

Councilmember Ellerbeck introduced for second reading Ordinance No. 1094 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Gowan 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, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sheehan and Crawford. 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.

Mayor Kindig then asked that members of the public wishing to speak for or against this agenda item come to the podium, sign in and state their name and address for the record. He asked that they keep comments to three minutes and to try not to repeat what has already been said.

Quinn Abraham, a La Vista resident, addressed Council with his concerns; he does not want commercial property in front of his house; he will be looking at the back of the commercial building; he has a problem with 3-story building as it shows the full 3-stories from his house; and he feels the City already has a lot of buildings.

Red Emmons, a La Vista resident, addressed Council with his concerns; suggests a 1-story building that would run north and south and have a sub-basement; another run east and west with a sub basement, and eliminate the high rise; it should conform to existing buildings; bring

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road from Harrison & split it off to the strip mall and apartments; there are currently a total of 34 vacant bays close to this development. Mr. Emmons stated he was promised a map of the property by Mr. Pelster. Mr. Emmons stated he told Mr. Pelster there may be stringline someday showing where these buildings should go.

Budde Larson, a La Vista resident, addressed Council to state he found out this was going in after they purchased their home. This project will bring added traffic.

Jack Graham, a La Vista resident, addressed Council to state he bought a house in a residential neighborhood and wants to see single family residential homes on the property.

Councilmember Sheehan stated that fifteen (15) years ago the City tried to make development consistent. High density residential property should be a buffer between commercial and residential properties; that is not being done here. He does not have a problem with apartments for the elderly, though he would like to see a 2-story building, but he is against adding commercial property to this area.

Councilmember Crawford stated he likes the senior housing project, but he wondered if anyone on Council would want a commercial development across the street from their residence.

Councilmember Gowan stated that apartments were built up behind his home after he moved there and he is happy with the arrangement. He disagrees that the building would deter, and supports this development.

Councilmember Quick stated the senior living project is a good plan and mixed use for a small downtown would be good. She wants assurance it will stay as senior housing; though recognizes that a future Council could change that. Quick feels it will be a good fit.

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.1094 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Quick, Ellerbeck, and Gowan. The following voted nay: Ronan, Sheehan, Carlisle, and Crawford. The following were absent: None. Mayor Kindig voted aye to break a tie in voting. 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.

## **2. RESOLUTION – APPROVAL OF PRELIMINARY PLAT (TABLED FROM 7/21/09 MEETING)**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-065: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLAT AND PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOTS 13 AND 14, CRESTVIEW HEIGHTS, TO BE REPLATTED AS LOTS 1 THRU 5, HARRISON HEIGHTS, A SUBDIVISION LOCATED IN THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary plat and preliminary PUD plan for Lots 13 and 14, Crestview Heights, to be replatted as Lots 1 thru 5, Harrison Heights; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary plat and preliminary PUD plan; and

WHEREAS, on June 18, 2009, the La Vista Planning Commission held a public hearing and reviewed the preliminary plat and preliminary PUD plan and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary plat and preliminary PUD plan for Lots 13 and 14, Crestview Heights, to be replatted as Lots 1 thru 5, Harrison Heights, a subdivision located in the Northeast ¼ of Section 14, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located south of Harrison Street & north and east of Gertrude Street, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. Revisions requested by the City Engineer, in his letter dated May 4, 2009, shall be incorporated into the Final PUD Plan, Final Plat and Conditional Use Permit submittal.

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2. The draft text of the PUD plan needs modifications to limit the uses of proposed Lots 4 & 5 to senior independent living or assisted living facilities.
3. Commercial development shall meet the design standards set forth in the City of La Vista's Commercial Building Design Guidelines.

Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Quick, Ellerbeck, and Gowan. Nays: Ronan, Sheehan, Carlisle, and Crawford. Absent: None. Mayor Kindig voted aye to break a tie in voting. Motion carried.

## **C. RENTAL INSPECTION PROGRAM**

Community Development Director Birch introduced this agenda item. She stated that the rental inspection program has been identified as a strategic plan for 10 years in the comprehensive plan. Birch gave a brief summary of the program, including the licensing and inspecting of the properties. Birch stated fees would be waived the first year to help landlords bring their buildings up to code. Birch gave examples of code violations that are not being repaired. She stated the exemption for government owned housing has been removed.

### **1. PUBLIC HEARING**

At 7:30 p.m. Mayor Kindig opened the public hearing, described the rules of the public hearing and stated the floor was now open for discussion on the Rental Inspection Program.

Nick Stefeca, 905 S 130<sup>th</sup> St. in Omaha, addressed Council to state his opposition. He stated he once worked with Section 8 housing. He lost money and was harassed so he will never do Section 8 housing again. He stated the "mom and pop" landlords only last about 3 years, before tenants trash the property. He asked where the code is to make tenants take care of the home.

John Chatelain, 4528 S 187<sup>th</sup> St. in Omaha, addressed Council. He stated he is an attorney, with rental properties in La Vista. He stated this addresses rental properties that need to be fixed, but it didn't mention owner occupied properties. He has spent \$20,000 to \$30,000 to renovate. Chatelain feels landlords are being singled out. He asked if the City will have enough inspectors by January 1, 2010. What if a property is outside the deadline because of scheduling problems with inspectors? He asked what the appeals process would be, where would they go?

Jared Hollinger, 17101 Fairway Cir. in Omaha, addressed Council. He congratulated Community Development Director Birch on finding the problem. He agrees with the first paragraph, which doesn't say "rental". Hollinger asked who creates more problems. He feels that folks who were tenants and now own homes probably take worse care of the property than landlord owners. Hollinger stated every city needs code enforcement, but this ordinance is specific to a small group. The ordinance should include all housing.

Paul Vojchegoske, 925 S 153<sup>rd</sup> St. in Omaha, addressed Council to state he was totally against this program. The ordinance has huge ramifications. He stated as a consultant he has been to every city that has this type of ordinance. This one is much stricter than any he has seen. The City is welcome to come on the radio to discuss the ordinance.

Bill Stowell, 15280 Pepperwood Dr. in Omaha, addressed Council. He stated he is a free enterprise person. When the government gets involved, the ordinance makes the landlord look like a bad guy. Pass the ordinance or don't pass the ordinance and the City will have substandard housing and reduced property values in La Vista. Code enforcement needs to be equal.

Chris Breeling, 12551 Bristol Cir. In Omaha, stated he makes a living purchasing properties that had issues. He purchased some in La Vista. He took unsafe properties, fixed them up, and put good tenants in them. He stated that he feels the city wants to tax them and hit them with fines and fees. He stated he will not purchase anything in La Vista if they pass the ordinance.

Emil Lorence, 1107 Surrey Rd. in Papillion, addressed Council. He stated he has a property on James Ave in La Vista. He is a responsible landowner, and if there are problems, he calls a local person to fix.

Larry Blass, 1401 Willow Ave in Bellevue, addressed Council. He asked how Council determines which is tenant or owner occupied. He knows of the son living in the house of a property owner who lives in Florida.

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Mark Bowder, 2602 Platteview Rd in Bellevue asked who first proposed this ordinance. He asked if the study gave the number of rental properties in the City. Community Development Director Birch stated the number is about 2,800. Bowder stated he has six (6) houses and he will have to kick people out and sell the properties if the ordinance passes. He thinks this will make it worse.

Sharon Gottschalk, 15013 S 27<sup>th</sup> St. in Bellevue, stated she owns eighty (80) rental properties of which eight (8) are in La Vista. She said the City already has a way to take care of problems. She has received letters from the city regarding trash outside the rental house and went and cleaned it up. She had concerns with violations of the landlord/tenant act and notification. She said the ordinance pinpoints the landlord as the problem. She is totally against this and feels the property owners should not be singled out.

Robert Toelle, 2118 Savannah Dr. in Papillion stated he lived on 78<sup>th</sup> Street when he was first married, but moved to Papillion because lots were cheaper. He also owned a house down from Councilmember Sell. He wanted to move to 96<sup>th</sup> and Harrison unless this ordinance passes.

Tom Jizba, 14445 N 192<sup>nd</sup> St in Bennington, stated he is a structural engineer. He makes money from these issues. He is called in to do inspections for owners. He is against this ordinance. He feels it is bad for the City and bad for landlords.

Jim Saunders, 7105 S 75<sup>th</sup> Street in La Vista, stated he has one (1) rental property in La Vista. He agrees with everyone's concerns. He also stated his concern about tenant privacy.

Angela Hultberg, 7313 S 69<sup>th</sup> St in La Vista, informed Council she has been a tenant for 19 years. She stated the landlord and her take good care of the property. This ordinance holds landlords to a higher code. She stated some owner occupied homes are worse than rental properties. The City is picking on landlords. She is concerned that this violates her 4th amendment right to privacy. She stated she does not feel unsafe in the house. She asked if the fees the City stands to gain are worth it.

At 8:23 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Gowan stated Council brought this item to staff years ago with rental properties in decline. He stated that landlords with good houses should not have issues with inspections.

Councilmember Ellerbeck stated his concern of the perceived inequity between owners and owner/tenants. New codes passed bring equity. He feels it is not burdensome.

Councilmember Crawford stated he did not feel we should hold landlords to a higher standard.

Councilmember Carlisle thinks the City is covered under current code. She asked why nursing homes would be excluded.

Councilmember Sell stated the ordinance is to make better neighborhoods overall.

Councilmember Ronan stated his is not in support. He said the City should shift efforts to code enforcement. He rented in the past, and his landlord took care of the property.

Councilmember Quick stated she still has several questions. She wants the image of La Vista to be good. She would like the ordinance to go through three (3) readings.

Councilmember Sheehan asked how we can require a tenant to have their privacy violated. Laws are specific and this doesn't fall in State law. The tenant can hold owner responsible for violations. The City is holding all property owners responsible. We need to back off and make it compatible.

Mayor Kindig stated the issue was discussed during their retreat in early spring. A year ago they discussed issues with aging homes. He stated that if property owners continue to take care of the property, there will be no extra fees. This should not be a hindrance.

## **2. ORDINANCE – ADOPT RENTAL INSPECTION PROGRAM**

Councilmember Ellerbeck made a motion to table Ordinance No. 1095 entitled: AN ORDINANCE TO ADOPT AND CODIFY A RENTAL LICENSING AND INSPECTION PROGRAM AS SECTION 150.6 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES

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PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF until the August 18, 2009 meeting so that all questions are answered. Seconded by Councilmember Crawford. The ordinance will be brought back to the August 18, 2009 City Council meeting. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: Sheehan and Gowan. Absent: None. Motion carried.

At 8:45 p.m. Councilmember Gowan made a motion to take a five (5) minute recess. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

At 8:52 p.m. Councilmember Gowan made a motion to go back into session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. FISCAL YEAR 09/10 MUNICIPAL BUDGET**

### **1. PUBLIC HEARING**

Finance Director Lindberg gave an introduction stating that she is only requesting the Council vote on the first reading as the final valuation numbers will not be received from Sarpy County August 20 which could change from the preliminary numbers received. She went over the changes that were made due to Council requests after the budget workshops.

At 8:55 p.m. Mayor Kindig opened the public hearing, described the rules of the public hearing and stated the floor was now open for discussion on the Fiscal Year 09/10 Municipal Budget.

At 8:56 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. APPROPRIATIONS ORDINANCE – FIRST READING**

Councilmember Carlisle introduced Ordinance No. 1096 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT. Said ordinance was read by title.

Councilmember Carlisle made a motion to approve Ordinance No. 1096 on its first reading and pass it on to a second reading. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

### **3. MASTER FEE ORDINANCE – FIRST READING**

Councilmember Gowan introduced Ordinance No. 1097 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1066, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Quick made a motion to approve Ordinance No. 1097 on its first reading and pass it on to a second reading. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **E. RESOLUTION – RECOMMENDATION: GILES ROAD CONTROLLED ACCESS BREAK**



# MINUTE RECORD

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

August 4, 2009

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-066: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA DEPARTMENT OF ROADS (NDOR) APPROVAL OF A REQUEST BY E & A CONSULTING GROUP INC. FOR ADDITIONAL ACCESS OF SOUTHPORT COMMONS FROM GILES ROAD.

WHEREAS, the City Council of the City of La Vista has determined that the additional access of Southport Commons from Giles Road is necessary; and

WHEREAS, E & A Consulting Group, Inc is requesting an additional access point due to single access to Westport Parkway from a commercial area with a large multi-screen theater; and

WHEREAS, there are concerns that traffic congestion during the peak operation hours of the theater with only an access to Westport Parkway will create safety hazards for motorists and pedestrians in the parking areas adjacent to the theatre; and

WHEREAS, the Nebraska Department of Roads requires a resolution of recommendation from the City of La Vista in order to consider this request; and

WHEREAS, the proposal has been reviewed by the City Engineer and Public Works Director and approval is recommended.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, recommending to the Nebraska Department of Roads (NDOR) approval of a request by E & A Consulting Group Inc. for additional access of Southport Commons from Giles Road.

Seconded by Councilmember Ellerbeck. Councilmember Gowan asked how long it would take to put the controlled access break into effect. Public Works Director Soucie stated the engineer said it would take 6 months. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **F. RESOLUTION – AMENDMENT TO THE PAPILLION CREEK WATERSHED PARTNERSHIP INTERLOCAL AGREEMENT**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-067: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDED INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITIES OF BELLEVUE, BENNINGTON, BOYSTOWN, DOUGLAS COUNTY, GRETNA, LA VISTA, OMAHA, PAPIO-MISSOURI RIVER NRD, PAPILLION, RALSTON, AND SARPY COUNTY FOR THE CONTINUATION OF THE PAPILLION CREEK WATERSHED PARTNERSHIP.

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

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

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

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

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

Seconded by Councilmember Quick. Public Works Director Soucie informed Council that most of the changes in the agreement are in the summary. The partnership has been very beneficial.

# MINUTE RECORD

The cost to the City has been \$25,000 as opposed to \$200,000 if the City had to do things on its own. Councilmember Sheehan asked if the agreement provided for additional dam sites in the area; which Soucie confirmed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **G. RESOLUTION – INSTALLATION OF STOP SIGN**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-068: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE INSTALLATION OF A STOP SIGN ON CHANDLER CIRCLE.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that the installation of a stop sign on Chandler Circle will enhance traffic and pedestrian safety; and

WHEREAS, the Public Works Department, Police Department and City Engineer have reviewed the stop sign installation proposal and recommend its approval; and

WHEREAS, Section 70.072 of the La Vista Municipal Code requires City Council approval prior to the placement of any regulatory traffic sign, signal or mechanical devices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the installation of a stop sign on Chandler Circle.

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

## **H. RESOLUTION – PURCHASE OF ICE CONTROL SALT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-069: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT FROM NEBRASKA SALT & GRAIN CO., 115 W. 16<sup>TH</sup> STREET, GOTHENBURG, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$26,750.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt is necessary; and

WHEREAS, the purchase has been included in the FY 2009/10 General Fund; Street Maintenance year-end estimates; 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 authorizing the purchase of ice control salt in an amount not to exceed \$26,750.00.

Seconded by Councilmember Carlisle. Mayor Kindig commended staff to moving the purchase earlier to have on hand. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **I. RESOLUTION – AWARD OF CONTRACT – EASTERN NEBRASKA OFFICE ON AGING**

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-070: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM.

WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of the Eastern Nebraska Office on Aging (ENOA); and

WHEREAS, the Mayor and City Council believe it is desirable to continue to participate in this important program.

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

August 4, 2009

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program

Seconded by Councilmember Carlisle. Councilmember Quick asked if meals are served three (3) days per week. Recreation Director Stopak stated that meals are served on Monday, Wednesday, and Friday. Stopak stated that 3,117 meals were served between July 2007 and July 2008. If the City expanded to five (5) days, a private vendor would be required, at a cost of \$3.00 per meal. The fee would be \$7,500 if the City funded. The City would have to pick up the costs of unused ordered meals. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **J. RESOLUTION – COUNCIL POLICY STATEMENT – PAY FOR PERFORMANCE**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-071: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO A PAY FOR PERFORMANCE COMPENSATION SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, the City Council of the City of La Vista has determined that a Council Policy Statement regarding a Pay for Performance Compensation System is necessary; and

WHEREAS, said policy statement has been reviewed by the City Council, the City Administrator, and City staff; and

WHEREAS, the effective date of the Council Policy Statement shall be October 1, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement pertaining to a Pay for Performance Compensation System as presented at the City Council meeting.

Seconded by Councilmember Sell. Assistant City Administrator Ramirez reviewed the changes. Councilmember Crawford asked if there would be no step increase. Ramirez responded he was correct. She stated everyone was moved within their market range. Crawford stated he is concerned with the steps going away. He would like to see current employees grandfathered into the step system until they reach the top step. Councilmember Sheehan stated the City is changing the game on current employees. Assistant City Administrator Ramirez stated a market study was completed to ensure all employees are in market range. Councilmember Sheehan asked if there is a committee in Human Resources to review appeals. Ramirez stated there was not at this time. Councilmember Crawford asked about the six (6) month probationary review. Ramirez stated that is being changed to one (1) year. Councilmember Crawford stated the supervisor should sit down with an employee after 6 months to let them know how they are doing. Ramirez stated that could be added. Councilmember Sheehan would like to see the tracking of numbers for the first year to see how it is working. Ramirez stated that with the new evaluation program statistics can be tracked. Councilmember Crawford motioned for a friendly amendment to Councilmember Gowan's motion to allow current employees to be grandfathered into the step system until they reach the top step. Sheehan seconded the motion. Councilmember Gowan did not accept the friendly amendment and Mayor Kindig stated that the original motion stands. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. Nays: Sheehan and Crawford. Absent: None. Motion carried.

## **K. RESOLUTION – AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-072: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 5, 7 AND SECTION 8, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING PROBATIONARY PERIODS, COMPENSATION AND USE OF ACCRUED LEAVE.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

# MINUTE RECORD

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

August 4, 2009

WHEREAS, it is being proposed that Subsection 5.7 (2), 5.7 (3), 5.7 (9), 7.1, 7.3 (2), 7.4, 7.5, 7.15 (2), 7.24, 8.1 (3), and 8.4 in the manual regarding probationary periods, compensation and use of accrued leave be amended to incorporate the provisions of pay for performance, extend the initial probationary period to one year and continue to allow for the use of accrued leave after six months of employment; and

WHEREAS, it is the desire of the City Council to amend Section 5, 7 and Section 8 of the Personnel Policy and Procedures Manual to incorporate the changes to the above listed subsections.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed changes to Subsection 5.7 (2), 5.7 (3), 5.7 (9), 7.1, 7.3 (2), 7.4, 7.5, 7.15 (2), 7.24, 8.1 (3), and 8.4 as submitted at the City Council meeting.

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

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. Jared Hollinger, Paul Vojchegoske, and Tom Jizba addressed the council with concerns on the rental inspection program.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig stated that Officer Thompson put together a great National Night Out program. He thanked Target at 72<sup>nd</sup> and Dodge, Dairy Queen in Ralston, and the Applewood Hy-Vee for donations for the event.

At 9:41 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF AUGUST 2009.

CITY OF LA VISTA

ATTEST:

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

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

K:\APPS\CITYHALL\09 COUNCIL MINUTES\August 4, 2009