

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING April 6, 2010

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 April 6, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Community Development Director Birch, 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 March 25, 2010. 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 regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

### SERVICE AWARDS – RICK ROY, SR. AND RYAN SOUTH – 5 YEARS; RANDY RUHGE AND BRAD WOOD – 10 YEARS

Mayor Kindig recognized Rick Roy, Sr. and Ryan South for 5 years of service to the City and Randy Ruhge and Brad Wood for 10 years of service to the City.

### PROCLAMATIONS – NATIONAL LIBRARY WEEK AND NATIONAL KITE FLYING MONTH

Mayor Kindig read a proclamation declaring April 11th through April 17th as National Library Week, which was presented to Library Director Barcal. Mayor Kindig read a proclamation declaring April as National Kite Flying Month.

### APPOINTMENT – JEFF SCHOVANEC – CITIZEN ADVISORY REVIEW COMMITTEE – FILL VACANCY

Mayor Kindig stated that with the approval of Council he would like to appoint Jeff Schovanec to the Citizen Advisory Review Committee to fill a vacancy. Councilmember Sell motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 16, 2010
3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM JANUARY 14, 2010
4. APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FROM MARCH 11, 2010
5. PAY REQUEST NO. 11 FROM EDAW/AECOM - 84<sup>TH</sup> STREET REDEVELOPMENT  
VISION - \$3,341.28
6. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Quick. 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.

84TH STREET CAFÉ, Supplies	346.38
ACTION BATTERIES, Vehicle Supplies	90.95
ACW MANUFACTURING, Bldg & Grnds	70.00
AIR POWER, Bldg & Grnds	225.49
ALAMAR UNIFORMS, Wearing Apparel	16.88

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AMERICAN FENCE, Bldg & Grnds	701.48
AMSAN, Contract Services	161.61
ARAMARK UNIFORM SERVICES, Contract Services	424.91
ASPHALT & CONCRETE MATERIALS, Street Maint.	901.58
BADGER BODY, Vehicle Maint.	28.08
BAKER & TAYLOR BOOKS, Books	1,588.11
BARCAL, ROSE, Travel	198.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,725.00
BCR-BIBLIOGRAPHICAL, Contract Services	23.97
BEACON BUILDING SERVICES, Contract Services	6,712.00
BEAUMONT, MITCH, Travel	99.50
BENNINGTON EQUIPMENT, Vehicle Maint.	886.79
BENSON RECORDS, Contract Services	53.92
BETTER BUSINESS EQUIPMENT, Rentals	46.30
BLACK HILLS ENERGY, Utilities	4,095.67
BOBCAT, Vehicle Maint.	31.00
BOB'S RADIATOR REPAIR, Vehicle Maint.	104.50
BRENTWOOD AUTO WASH, Vehicle Maint.	120.00
BUETHE, PAM, Travel/Phone/Supplies/Postage	546.52
BUILDERS SUPPLY, Bldg & Grnds/Vehicle Maint.	1,047.16
BURCAW, LAURIE, Books	10.39
C E SMITH CABINETS, Bldg & Grnds	5,464.51
CALENTINE, JEFFREY, Phone	30.00
CALLAWAY GOLF, Pro Shop	671.88
CAROLINA CUSTARD, Permit Refund	30.00
CAVLOVIC, PAT, Wearing Apparel	120.00
CDW GOVERNMENT, Equipment	5,937.41
CHOQUETTE, ALYSA, Refund	4.99
CITY OF OMAHA, Contract Services	45,029.30
COLOMBO/PHELPS COMPANY, Concessions	137.17
COMP CHOICE, Professional Services	349.50
CORNHUSKER INTL TRUCKS, Vehicle Maint.	95.76
COX, Contract Services	179.15
D & D COMMUNICATIONS, Wearing Apparel	973.25
DAVIDSON TITLE, Books	73.36
DEMCO, Supplies	928.93
DENNE, STACY, Books	11.99
DHS SYSTEMS, Squad Supplies	186.51
DISPLAY SALES, LV50 Banners	11,285.00
ELECTRIC FIXTURE & SUPPLY, Bldg & Grnds	152.10
ELECTRONIC ENGINEERING, Vehicle Maint.	76.91
ELLIOTT EQUIPMENT, Vehicle Maint.	387.28
EMERGENCY SERVICES MKTG, Contract Services	800.00
FAMILY CHRONICLE, Books	20.00
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX, Postage	6.00
FILTER CARE, Vehicle Maint.	168.40
FITZGERALD SCHORR BARMETTLER, Professional Services	48,453.69
FITZGERALD, MIKE, Contract Services	16.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,235.00
FROEHLICH, RORY, Auto Allowance	100.00
FUTUREWARE DISTRIBUTING, Contract Services	9.00
G I CLEANER & TAILORS, Uniform Cleaning	182.80
GALE, Books	95.19
GALLS, Wearing Apparel	75.46
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	421.55
GOLDMAN, JOHN, Phone	85.00
GREAT PLAINS GFOA, Training	100.00
GREAT PLAINS UNIFORMS, Wearing Apparel	25.00
GROSSENBACHER BROTHERS, Supplies	253.00
GUNN, BRENDA, Travel/Phone	201.00
H & H CHEVROLET, Vehicle Maint.	53.38
HARM'S CONCRETE, Sewer Repair	136.00
HEARTLAND PAPER, Supplies	100.00
HELGET GAS PRODUCTS, Squad Supplies	73.00
HOBBY LOBBY STORES, Supplies	153.49
HOLIDAY INN, Travel	140.00

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HOME DEPOT, Supplies	183.97
HY-VEE, Supplies	386.58
INLAND TRUCK PARTS, Vehicle Maint.	179.10
INTERSTATE ALL BATTERY, Batteries	119.90
IPMA, Dues	360.00
J Q OFFICE EQUIPMENT, Supplies/Contract Services	918.53
JONES, JESSICA, Books	4.99
KALLEMEYN, LARRY, Movie Night	1,300.00
KINDIG, DOUGLAS, Phone	80.00
KLINKER, MARK, Professional Services	200.00
KRIHA FLUID POWER, Winter Maint.	80.97
KUSTOM SIGNALS, Batteries	19.13
LA VISTA COMMUNITY FOUNDATION, Payroll Deduction	50.00
LA VISTA FIREFIGHTERS, Donation	250.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	1,618.00
LEAGUE OF NEBRASKA MUN, Training	708.00
LIBRARY STORE, Supplies	62.48
LINDSEY ENTERPRISES, Refund	175.00
LINWELD, Supplies	80.28
LITTLE, TROY, Travel	264.00
LUKASIEWICZ, BRIAN, Phone	50.00
MAPA, Travel	60.00
MARKOWSKY, THOMAS, Travel	264.00
MARSHALL CAVENDISH CORP, Books	117.52
MATT FRIEND TRUCK EQUIPMENT, Vehicle Maint.	198.25
MATT PARROTT AND SONS, Printing	540.28
MENARDS, Bldg & Grnds	2,139.00
METRO AREA TRANSIT, Contract Services	516.00
METRO COMMUNITY COLLEGE, Utilities/Contract Services	17,086.88
MICHAEL TODD AND COMPANY, Vehicle Maint.	1,130.58
MID AMERICA PAY PHONES, Phone	50.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	70.07
MIDWEST TURF & IRRIGATION, Bldg & Grnds	254.93
MILLER BRANDS, Concessions	91.50
MR CHEF, LV50 Employee Activity	800.00
MUD, Utilities	1,420.41
N U DRYWALL, Contract Services	3,035.00
NATIONAL PAPER, Supplies	53.74
NE DEPT OF REVENUE, Contract Services	100.00
NEBRASKA APA CHAPTER, Training	80.00
NEBRASKA MEDICAL CENTER, Contract Services	335.16
NEBRASKA MUNICIPAL CHIEFS ASSN, Dues	50.00
NEBRASKA TURFGRASS ASSOCIATION, Dues	250.00
NEBRASKA WELDING, Bldg & Grnds	277.00
NEXTEL, Phone	693.56
NIKE USA, Pro Shop	721.23
NLA-MEMBERSHIPS, Dues	100.00
NOBBIES, Supplies	26.57
NP DODGE MGMT, Contract Services	15.00
NPZA-NE PLANNING/ZONING ASSN, Training	210.00
NUTS AND BOLTS, Vehicle Maint.	43.45
OFFICE DEPOT, Supplies	911.84
O'KEEFE ELEVATOR, Bldg & Grnds	637.00
OMAHA WINNELSON, Bldg & Grnds	28.60
OMAHA WORLD HERALD, Legal Advertising	1,209.46
OMB EXPRESS POLICE SUPPLY, Postage	8.99
OPPD, Utilities	1,650.13
O'REILLY AUTOMOTIVE, Vehicle Maint.	641.31
ORIENTAL TRADING, Supplies	43.90
ORIZON CPAS, Professional Services	16,100.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	607.29
PAYLESS OFFICE PRODUCTS, Supplies	605.38
PELAN, ANGELA, Refund	13.96
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	105.60
PERFORMANCE DODGE, Vehicles	63,928.00
PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	127.61

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PREMIER-MIDWEST BEVERAGE, Concessions	91.50
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	229.50
PROGRESSIVE BUSINESS, Contract Services	335.00
PRO-SIGN & SCREEN PRINTING, Permits	250.00
PROSOURCE, Dues	25.00
QUALITY BRANDS, Concessions	371.80
QUALITY INN, Travel	243.80
QWEST, Phone	1,160.46
RAINBOW GLASS & SUPPLY, Bldg & Grnds	48.00
RAMIREZ, RITA, Phone	43.00
RECORDED BOOKS, Media	734.43
REGAL AWARDS, Supplies	19.34
RUSTY ECK FORD, Vehicle Maint.	101.99
SAM'S CLUB, Supplies	719.24
SAPP BROS PETROLEUM, Vehicle Supplies	492.50
SARPY COUNTY COURTHOUSE, Contract Services	3,495.03
SARPY COUNTY REGISTER OF DEEDS, Legal Advertising	202.00
SCHOLASTIC BOOK FAIRS, Summer Reading	150.95
SINNETT, HELEN, Supplies	30.00
SINNETT, JEFF, Travel	22.53
SMITH, LI ANN, Refund	13.96
SOFTCHOICE CORPORATION, Equipment	658.35
SOLBERG, CHRISTOPHER, Travel	188.27
SOUCIE, JOSEPH, Travel/Phone	111.25
SPRINT, Phone	119.91
STERIL MANUFACTURING, Repair	226.00
STEVENS, MARK, Travel	264.00
STOPAK, SCOTT, Phone	50.00
STUDIO C 41, LV50 Kickoff	330.00
SUBURBAN NEWSPAPERS, Books/LV50 Kickoff	557.24
TARGET BANK, LV50 Kickoff	5.72
THERMO KING CHRISTENSEN, Vehicle Maint.	107.10
THOMPSON DREESSEN & DORNER, Professional Services	11,318.67
TIEHEN, JAMES, Auto Allowance	100.00
TITLEIST, Pro shop	408.41
TOMLINSON, RALPH, Training	180.76
TRACTOR SUPPLY CREDIT PLAN, Bldg & Grnds/Supplies	247.84
TY'S OUTDOOR POWER & SVC, Winter Maint.	260.00
UNIVERSITY MEDICAL ASSOCIATES, Contract Services	806.00
UNIVERSITY OF NEBRASKA LINCOLN, Training	150.00
UPS, Postage	17.41
UPSTART, Summer Reading	376.95
VAIL, ADAM, Auto Allowance	100.00
VERIZON, Phone	193.98
WAL-MART, Supplies/Equip	326.50
WALSWORTH PUBLISHING, History Book	7,941.60
WHEELER, ANDREW, Refund	15.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that Governor Heineman signed LB1018 yesterday. She stated she is excited the bill was passed.

City Clerk Buethe informed Council that Deputy City Clerk Lupomech and she attended the Nebraska Clerks Academy in March and wanted to take this opportunity to thank them for this training opportunity.

Assistant City Administrator Ramirez informed Council the LV50 Walking Tour will be held on April 11<sup>th</sup> (maps are available) and on April 24<sup>th</sup>, Howard Hamilton will give a presentation at the Library.

Finance Director Lindberg reminded Council that budget season has arrived.

Police Chief Lausten informed Council that D.A.R.E. graduations will be held at 2:00 p.m. on Friday at Portal Elementary, and at 9:00 a.m. on April 22<sup>nd</sup> at G. Stanley Hall. Lausten informed Council the problems at Billy Froggs are being taking care of. Lausten informed Council that a high speed chase, which began after gunshots in Papillion, ended in La Vista.

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Fire Chief Uhl informed Council that Medical Training Officer Smith invites everyone to attend CPR training classes on April 22<sup>nd</sup> and 27<sup>th</sup>, from 1:00 p.m. to 4:00 p.m. at the District 2 Fire Station.

Public Works Director Soucie introduced John Kottmann to Council as the new City Engineer Assistant Public Works Director. Soucie informed Council the Water Feature at the City Parking Lot will be in service by the end of the week. Public Works is wrapping up its street sweeping operations. The Sports Complex is just about ready to open; the Public Works Department has been very busy. Soucie informed Council that Clean-Up Days will be held on April 16<sup>th</sup> and 17<sup>th</sup>.

Community Development Director Birch informed Council the 84<sup>th</sup> Street Vision Plan will be presented to the Planning Commission on Thursday night and to Council on the 20<sup>th</sup> if approved.

Building and Grounds Director Archibald informed Council that he has inspected City property now that the snow has cleared. The sign in the front of the building needs to be repaired. The chiller that has been buried in snow is damaged – water got into the circuit board. Snow also smashed pipes from the chiller into the roof. A light is broken on the chiller at the fire station.

Recreation Director Stopak informed Council the annual Easter Egg Hunt was held on Saturday at the Sports Complex. He wanted to thank all departments and the volunteer group for their assistance. Stopak informed Council that La Vista received a Tree City USA award in Lincoln for the 19<sup>th</sup> straight year.

Library Director Barcal informed Council she attended the National Library Conference two weeks ago. She stated it was a great opportunity and the City received \$400.00 worth of books. Barcal stated the Library is reorganizing and relabeling their DVDs. Barcal stated the Library attended an event at Fazoli's on March 23<sup>rd</sup>.

## **B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT**

### **1. PUBLIC HEARING**

At 7:30 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Citizen Advisory Review Committee – EDP Report. Lynda Schafer, of the Citizen Advisory Review Committee, was available to answer any questions.

At 7:31 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.

## **C. AMEND ZONING REGULATIONS – SECTION 2.02, 5.06, 5.07, 5.08, AND 5.09(TABLED FROM MARCH 16, 2010 MEETING)**

### **1. ORDINANCE – AMEND SECTION 2.02 OF ZONING REGULATIONS – RESIDENTIAL**

Councilmember Carlisle introduced Ordinance No. 1117 entitled: AN ORDINANCE TO AMEND SECTION 2.02 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; 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 Quick seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No. 1117 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### **2. ORDINANCE – AMEND SECTIONS 5.06, 5.07, 5.08 AND 5.09 OF ZONING REGULATIONS**

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Councilmember Carlisle introduced Ordinance No. 1118 entitled: AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08, AND 5.09 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; 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 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, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. The Mayor then stated the question was, "Shall Ordinance No. 1118 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## D. RESOLUTION – CONTRACT WITH NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT – EASYWAY INTERNATIONAL, LLC

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-038: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF LA VISTA AND THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT(DED) FOR ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT IN AN AMOUNT NOT TO EXCEED \$505,000.00.

WHEREAS, the City has determined that it is desirable to approve the contract with the DED for the administration of the CDBG grant; and

WHEREAS, the project award is \$505,000.00 of which \$5,000.00 will be paid to MAPA for administering the grant and \$500,000.00 will be loaned to Easyway International, LLC for working capital; and

WHEREAS, Easyway International, LLC will create and maintain 19 new jobs at the facility for three years from the date of the award and at least 51% of all new jobs will be by persons from low to moderate income households; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a contract between the City of La Vista and the Nebraska Department of Economic Development for administration of the Community Development Block Grant in an amount not to exceed \$505,000.00.

Seconded by Councilmember Quick. Community Development Director Birch clarified that Easyway only is required to create 15 new jobs. Councilmember Sell stated he would vote "No" because he believes the NE Department of Economic Development should do more to find local companies, stating he had nothing against Easyway. Mayor Kindig stated that the Governor stated there is money available for local companies. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sell. Absent: None. Motion carried.

## E. FIREWORKS PERMITS 1. ORDINANCE - AMEND SECTION 111.17 – MUNICIPAL CODE

Councilmember Ellerbeck introduced Ordinance No. 1120 entitled: AN ORDINANCE TO AMEND SECTION 111.17 OF THE LA VISTA MUNICIPAL CODE AS IT PERTAINS TO PERMIT, APPLICATION AND FEE REQUIREMENTS FOR THE SALE OF PERMISSIBLE FIREWORKS; TO REPEAL SECTION 111.17 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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Councilmember Ellerbeck moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voting aye: Sell, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: Sheehan and Ronan. 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.

Representatives from the organizations applying for permits spoke to council regarding the numbers of permits and the process of obtaining permits.

Said ordinance was then read by title and thereafter Councilmember Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1120 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: Ronan, Sheehan, and Gowan. 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.

## **2. RESOLUTION – ESTABLISH NUMBER OF PERMITS (TABLED FROM MARCH 16, 2010 MEETING)**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-039: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2010.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2010 shall not exceed seven.

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

Seconded by Councilmember Quick. Councilmember Ellerbeck stated the City was large enough to support this number of permits. Councilmember Sheehan stated that changes should not be made to appease an individual group. Any changes should be considered during the off-season. Councilmember Quick stated there are no criteria on how to select those approved for a permit if all submittals meet the City's requirements. Councilmember Ronan stated that he is not in favor of the change at this time. Any change should be reviewed in the off-season. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, and Ellerbeck. Nays: Sheehan, Crawford, and Gowan. Absent: None. Motion carried.

## **3. RESOLUTION – ISSUANCE OF PERMITS (TABLED FROM MARCH 16, 2010 MEETING)**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-040: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF MONARCHS WRESTLING CLUB, LA VISTA YOUTH FOOTBALL AND CHEERLEADING, LA VISTA AREA CHAMBER OF

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COMMERCE, LA VISTA YOUTH, LA VISTA LANCERS SOCCER CLUB, AND LA VISTA YOUTH BASEBALL ASSOCIATION.

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, seven (7) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2010 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

Monarchs Wrestling Club, La Vista Youth Football And Cheerleading, La Vista Area Chamber Of Commerce, La Vista Youth, La Vista Lancers Soccer Club and La Vista Youth Baseball Association.

to sell fireworks within the City of La Vista for the 2010 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

Seconded by Councilmember Ellerbeck. Quick stated the Cornerstone Church's application should be reviewed again if a new site was selected within two weeks. Councilmember Sheehan stated that he has issues with Big Red Fireworks' promotional signs. The signs should show who the money is going to. City Administrator Gunn stated that staff would review this concern. Councilmember Ellerbeck stated it doesn't bother him as to what they put on the sign as long as it meets our sign requirements. Councilmember Crawford stated that staff needs to develop criteria before next year Councilmembers voting aye: Sell, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Ronan. Abstain: Sheehan. Absent: None. Motion carried.

## F. THOMPSON CREEK

### 1. RESOLUTION – REVIEW APPRAISAL SERVICES – THOMPSON CREEK PROJECT

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-041: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE PROPOSAL FOR REVIEW EVALUATION SERVICES ASSOCIATED WITH THE THOMPSON CREEK PROJECT AS SUBMITTED BY VALUATION SERVICES IN AN AMOUNT NOT TO EXCEED \$6,000.00

WHEREAS, the City Council of the City of La Vista has determined that said review appraisal services are necessary as part of the FEMA requirements for the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the FY 2009/10 Budget includes funding for this project; and

WHEREAS, the City council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the City received proposals from three separate appraisal services; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept the proposal for review evaluation services associated with the Thompson Creek Project as submitted by Valuation Services in an amount not to exceed \$6,000.00.

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

# MINUTE RECORD

## **2. RESOLUTION – ACQUISITION SERVICES – THOMPSON CREEK PROJECT**

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-042: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ACCEPT THE PROPOSAL SUBMITTED BY MIDWEST RIGHT OF WAY SERVICES, INC. FOR ACQUISITION AND RELOCATION SERVICES ASSOCIATED WITH THE THOMPSON CREEK GRANT PROJECT IN AN AMOUNT NOT TO EXCEED \$129,800.00

WHEREAS, the City Council of the City of La Vista has determined that said acquisition and relocation services are necessary as part of the FEMA requirements for the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the FY 2009/10 Budget includes funding for this project; and

WHEREAS, the City council accepted a FEMA grant award of \$2,040,930.00 to facilitate the acquisition of 24 homes along Thompson Creek; and

WHEREAS, the City Engineer has determined that this is the only local acquisition consultants on the NDOR list of approved consultants with extensive experience working on federal grant projects such as this one; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept the proposal submitted by Midwest Right of Way Services, Inc. for acquisition and relocation services associate with the Thompson Creek Grant Project in an amount not to exceed \$129,800.00.

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

## **G. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-043: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RELATING TO THE TERM OF PARTICIPATION IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT.

WHEREAS the City of La Vista is a member of the League Association of Risk Management (LARM); and

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least 90 days prior to the desired termination date and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates, and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM; and

WHEREAS, the Mayor and City Council have determined that it is in the best financial interest of the City to extend the term of agreement by three years and establish notice of termination terms in order to receive participation discounts.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2013, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

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

## **H. RESOLUTION – ADOPT PANDEMIC FLU PLAN**

# MINUTE RECORD

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

April 6, 2010

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-044: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE LA VISTA PANDEMIC INFLUENZA PREPAREDNESS PLAN.

WHEREAS, it had been determined that a Pandemic Influenza Preparedness Plan has been developed in order to provide for the continuity of essential municipal services in response to pandemic in La Vista; and

WHEREAS, in order to provide for the continuity of essential municipal services in response to a pandemic in La Vista, the City Council of La Vista deems it advisable and in the best interest of the community to approve said Pandemic Influenza Preparedness Plan;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of La Vista, Nebraska, that the Pandemic Influenza Preparedness Plan be, and hereby is, approved.

Seconded by Councilmember Carlisle. Police Chief Lausten informed Council that City Administrator Gunn would like to see a process put together to get all City staff informed of procedures, which he will work on. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## I. RESOLUTION – APPROVAL TO PURCHASE TENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) USED 40' X 100' TENT WITH SIDES FROM LINCOLN TENT INC., LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$9,790.00.

WHEREAS, the City Council of the City of La Vista has determined that the joint purchase of one tent with sides is necessary and of value to the city; and

WHEREAS, the cities of Ralston and Papillion have agreed to share in the cost of this purchase in the amount of 1/3 of the purchase price each; and

WHEREAS, the FY 2009/2010 Community Betterment Fund Budget provides funding for the purchase of said tent; and

WHEREAS, Lincoln Tent, Inc., provided the lowest most responsible quote; 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 \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one used 40' x 100' tent from Lincoln Tent, Inc., Lincoln NE in an amount not to exceed \$9,790.00.

Seconded by Councilmember Sell. City Administrator Gunn asked if the other two cities were also approving tonight. Public Works Director Soucie stated the item was not on the agenda tonight in Ralston or Papillion. The cities are committed; it's just the details that are being reviewed. Councilmember Quick asked where the tent would be housed. Public Works Director Soucie stated the tent would be stored at the La Vista Public Works Department. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## J. DISCUSSION – CODE ENFORCEMENT

Police Chief Lausten stated that are in the process of updated the job description for code enforcement and the City wants to find the right person. This will not be a certified police officer position and will not fall under the FOP. Council discussed that code enforcement should be more proactive and face to face than is currently. Chief Lausten stated that this is their intent although there will still be just one person in code enforcement.

Councilmember Sell made a motion to move "Comments from the Floor" up on the agenda ahead of Item K. "Executive Session". Seconded by Councilmember Ellerbeck. Councilmembers voting

# MINUTE RECORD

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

April 6, 2010

aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. City Engineer Assistant Public Works Director Kottmann addressed Council to thank them for the opportunity to become a member of the staff of the City of La Vista.

## K. EXECUTIVE SESSION – PERSONNEL, LITIGATION STRATEGY SESSION

At 8:52 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the reputation of an individual to discuss personnel matters; and for protection of the public interest for a litigation strategy session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 10:10 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

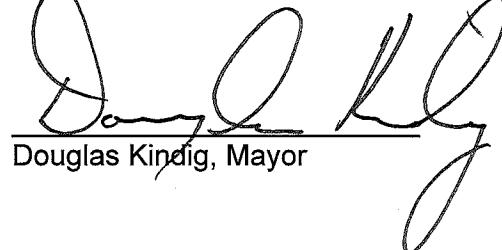
Mayor Kindig informed Council of the ribbon cutting at TTM toys last week and the Easyway announcement last week.

Mayor Kindig informed Council the City is still in discussion with the City of Omaha on sewer rates.

At 10:22 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2010

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\10 COUNCIL MINUTES\April 6, 2010