

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING April 20, 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 20, 2010. 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 Clerk Buethe, Library Director Barcal, Police Captain Barcal, City Engineer Kottmann, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, and Community Development Director Birch.

A notice of the meeting was given in advance thereof by publication in the Times on April 8, 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 – SHAWN DOOLING AND MARK HARDESTY – 5 YEARS**

Mayor Kindig recognized Shawn Dooling and Mark Hardesty for 5 years of service to the City.

### **PROCLAMATIONS – ARBOR DAY, NATIONAL VOLUNTEER WEEK**

Mayor Kindig read a proclamation declaring April 30, 2010 as Arbor Day, which was presented to Recreation Director Stopak. Mayor Kindig read a proclamation declaring April 18 – 24, 2010 as National Volunteer Week, which was presented to LVFD Medical Training Officer Smith.

### **APPOINTMENTS – JASON NIELSEN AND TOM MILLER – PLANNING COMMISSION – FILL VACANCIES**

Mayor Kindig stated that with the approval of Council he would like to appoint Jason Niesen to the Planning Commission to fill a vacancy and Tom Miller to replace Jason Nielsen as the alternate on the Planning Commission. 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 APRIL 6, 2010**
- 3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM MARCH 11, 2010**
- 4. MONTHLY FINANCIAL REPORT – MARCH 2010**
- 5. APPROVAL OF CLAIMS**

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

ACTION BATTERIES, Electric Cart	359.80
AIR POWER, Bldg & Grnds	315.22
ALAMAR UNIFORMS, Wearing Apparel	493.97
ARAMARK UNIFORM SERVICES, Contract Services	287.43
ARTEGA, JONATHAN, Refund	190.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	419.68
B G PETERSON, Bldg & Grnds	50.00
BAKER & TAYLOR BOOKS, Books	2,001.29
BEAUMONT, MITCH, Travel	56.75

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BENNINGTON EQUIPMENT, Vehicle Maint.	101.72
BENSON RECORDS, Contract Services	54.62
BENT MANUFACTURING, Traffic Signs	520.66
BERNAN, Books	41.00
BIBLIONIX, Repair & Maint.	3,150.00
BKD, Professional Services	4,500.00
BLACK HILLS ENERGY, Utilities	6,033.63
BLACKHAWK PRODUCTS GROUP, Wearing Apparel	49.85
BRENTWOOD AUTO WASH, Vehicle Maint.	84.00
BUETHE, PAMELA, Travel/Supplies/Postage	215.50
BUILDERS SUPPLY, Bldgs & Grnds/LV50-Float	375.52
CAPSTONE PRESS, Books	869.46
CARDMEMBER SERVICE, Dues/Contract Services/Travel/Supplies	5,293.10
CENTER POINT PUBLISHING, Books	248.04
CHILD'S WORLD, Books	588.25
CITY OF BELLEVUE, Training	200.00
CJ'S HOME CENTER, Bldg & Grnds/Supplies/Vehicle Maint.	1,910.22
CODE BLUE DESIGNS, Supplies	45.00
COLOMBO/HELPS COMPANY, Concessions	344.24
CORNHUSKER INTL TRUCKS, Vehicle Maint.	692.64
COX, Contract Services	198.80
D & D COMMUNICATIONS, Radio Repair	129.00
DEETER FOUNDRY, Sewer Maint.	861.00
DLT SOLUTIONS, Contract Services	7,021.51
DUGGER, LISA, Refund	78.58
DULTMEIER SALES & SERVICE, Vehicle Maint/Winter Maint.	122.70
DURANT, MELISSA, Refund	30.00
EDAW, Planning	3,341.28
EDGEWEAR SCREEN PRINTING, LV50/Pro Shop	292.00
FEDEX KINKO'S, LV50/Bldg & Grnds	65.90
FLEETPRIDE, Vehicle Maint.	91.02
FLORATINE CENTRAL TURF, Supplies	417.00
FOLLETT SOFTWARE, Supplies	163.90
G I CLEANER & TAILORS, Uniform Cleaning	128.80
GALE, Books	94.94
GALLS, Wearing Apparel	192.94
GENUINE PARTS COMPANY, LV50/Vehicle Maint/Bldg & Grnds	1,303.70
GRAINGER, LV50 Float	73.08
GRAYBAR ELECTRIC, Bldg & Grnds	197.59
GREAT PLAINS ONE-CALL SVC, Contract Services	175.74
GREAT WESTERN BANK, Financial Fees	250.00
GREENKEEPER COMPANY, Supplies	1,172.40
GUNN, BRENDA, Travel	50.00
H & H CHEVROLET, Vehicle Maint.	54.52
HANEY SHOE STORE, Wearing Apparel	120.00
HARTS AUTO SUPPLY, Vehicle Maint.	543.00
HELGET GAS PRODUCTS, Squad Supplies	50.00
HERITAGE CRYSTAL CLEAN, Contract Services	185.50
HOBBY LOBBY STORES, Supplies/LV50 Float	155.67
HORNADY, Supplies	1,868.00
HOTSY EQUIPMENT COMPANY, Equip Repair	42.03
HY-VEE, Supplies/LV50	194.24
J Q OFFICE EQUIPMENT, Supplies/Contract Services	214.97
KENNY'S SERVICES, Bldg & Grnds	465.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	809.00
LEAGUE ASSN OF RISK MGMT, Insurance	11.00
LEAGUE OF NEBRASKA MUN, Books	57.50
LERNER PUBLISHING GROUP, Books	999.07
LIBRARY VIDEO COMPANY, Media	163.34
LIFE ASSIST, Squad Supplies	497.60
LINCOLN TENT, La Vista Daze	9,790.00
LINWELD, Street Maint.	186.46
MC DONALD AND ASSOCIATES, Contract Services	65.95
MCENEARNEY, ARTHUR, Refund	68.47
MCKAY, DONALD, Training	70.00
MENARDS, Bldg & Grnds	2,168.96
MES-MIDAM, Wearing Apparel	1,227.64

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METRO AREA TRANSIT, Feb Fees	545.00
MID CON SYSTEMS, Vehicle Maint.	99.80
MID-STATES UTILITY TRAILER, Vehicle Supplies	631.12
MIDWEST FENCE COMPANY, Street Maint.	281.68
MIDWEST TAPE, Media	123.44
MIDWEST TURF & IRRIGATION, Repair	875.25
MILLER BRANDS, Concessions	327.25
MONROE TRUCK EQUIPMENT, Vehicle Maint.	86.97
NATIONAL ENTERTAINMENT, Supplies	360.00
NATIONAL SAFETY COUNCIL, Training	400.00
NCVC-NEBRASKA COALITION, Training	70.00
NE LIQUOR CONTROL COMMISSION, SDL	80.00
NEBRASKA BUSINESS ELECTRONICS, Supplies	59.00
NEBRASKA GOLF & TURF, Electric Cart	420.00
NEBRASKA IOWA SUPPLY, Supplies	9,643.19
NEBRASKA STATE VOLUNTEER, Training	400.00
NEBRASKA WELDING, LV50 Float	105.13
NIKE USA, Pro Shop	225.00
NOBBIES, Supplies	48.88
NOTARY PUBLIC UNDERWRITERS, Contract Services	100.00
NUTS AND BOLTS, Vehicle Maint.	116.45
ODEY'S, Backstop	4,954.88
OFFICE DEPOT, Supplies	505.64
OMAHA WORLD HERALD, Legal Advertising	377.87
OMB EXPRESS POLICE SUPPLY, Supplies	50.99
OPPD, Utilities	42,485.87
O'REILLY AUTOMOTIVE, Vehicle Maint.	116.52
PAPILLION SANITATION, Contract Services	304.11
PAPILLION TIRE, Vehicle Maint.	81.15
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	482.51
PAYLESS OFFICE PRODUCTS, Supplies	475.56
PENWORTHY COMPANY, Books	1,777.58
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	200.38
PRECISION INDUSTRIES, Vehicle Maint.	246.94
PREMIER-MIDWEST BEVERAGE, Concessions	220.50
QUALITY BRANDS, Concessions	901.35
QWEST, Phone	1,080.35
RAINBOW GLASS & SUPPLY, Vehicle Maint./Bldg & Grnds	539.96
RECORDED BOOKS, Media	137.24
REED, CHRISTIE, Refund	20.00
REED, JASON, Contract Services	60.00
REPUBLIC NATIONAL, Concessions	48.00
ROSE EQUIPMENT, Vehicle Maint.	726.18
ROURKE PUBLISHING, Books	12.46
SAM'S CLUB, Concessions/Supplies	911.08
SAPP BROS, Vehicle Supplies	896.00
SARPY COUNTY CHAMBER, Travel	300.00
SARPY COUNTY LANDFILL, Bldg & Grnds	62.87
SARPY COUNTY TREASURER, Contract Services/Prof. Services	21,159.50
SHEPPARD'S BUSINESS INTERIORS, Bldg & Grnds	160.00
STATE STEEL, Traffic Markings	27.95
UPSTART, Summer Reading Program	12.50
VIERREGGER ELECTRIC, Traffic Markers	714.25
VOGEL, KELLY, Training	225.00
WASTE MANAGEMENT, Contract Services	775.57
WEATHER OR NOT, Professional Services	250.00
WHITE CAP CONSTR SUPPLY, Equipment	56.33
ZOLL MEDICAL, Squad Supplies	555.93

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council there will be a Thompson Creek meeting on Thursday at 6:30 p.m. for property owners and tenants of the 24 homes covered in the designated area to discuss the voluntary buyout process.

Buethe informed Council the City is working with FEMA to obtain funding for the most significant snow expense from the past winter. Sarpy County was added to the declared disaster area on

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March 26<sup>th</sup>, which gave the City a later time frame to turn in damages, which is a positive, as now that the snow has melted, any damage is more visible.

Buethel thanked Council for the opportunity to attend a Leadership conference this past week.

Police Captain Barcal informed Council of two dog bite incidents in the City. Both dogs were confiscated and one of them was put down today.

City Engineer Kottmann informed Council the City water feature is up and running. Kottmann stated the cart path has been completed. Kottmann stated the City received a \$2,500 OPPD grant for tree planting, which is being completed at the north edge of Mayor's park. Kottmann stated that lights at the Sports Complex, which had been vandalized, have been repaired. The cost of this repair was \$8,000.00 and the police are working on the case. The clean up days were successful and numbers will be presented at another meeting. The APWA snow conference was held in Omaha this week and all public works employees were able to go down to visit the displays at some time during the conference.

Library Director Barcal informed Council the Library received a grant from "Ted E Bear Hollow" to purchase Free Resource Kits for Grieving Families, which are now available at the Library. A grant was received to put an employee through extensive two day training for this.

## **B. 84TH STREET VISION**

At 7:14 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 84<sup>th</sup> Street Vision Plan.

Kurt Friesen, representing AECOM, addressed Council to give the 84<sup>th</sup> Street Vision presentation. Councilmember Sheehan stated the profile shows buildings that are more than 2 or 3 stories tall. Friesen stated the profile shows a few, with one building having 8 stories. Councilmember Sheehan asked if the interconnector streets go into school land. Friesen stated the sidewalks will connect. Councilmember Sheehan stated that when the Wal-Mart building was built, residents did not want people walking through their neighborhoods. Friesen stated these concerns were heard but the working group felt there should be trails for connectivity, but when and where is not set in stone. Councilmember Sheehan asked how much public funding would be required. Friesen stated that is a complex question that could not be answered at this time.

Members of the Vision 84 working group addressed Council. Brenda Carlson stated she works in La Vista, but there is nothing to do, play, eat, etc. in the City. Randy Wieseler stated this plan is the next step and an important move for the City. Tim Smith stated there were many different perspectives in the working group. The group focused on the assets of the City; 84<sup>th</sup> Street, the Golf Course, the re-development area. Smith stated he likes to be outdoors and active and this plan is conducive to that. Jake Hansen stated he took a regional look at this concept. The key is local participation.

At 8:25 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-046: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ADOPTING "A VISION PLAN FOR 84<sup>TH</sup> STREET" PREPARED BY AECOM.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, identified the revitalization of the 84<sup>th</sup> Street corridor as their number one priority in their strategic plan; and

WHEREAS, the Mayor and City Council solicited proposals from qualified consulting firms to conduct a visioning process from which a specific Vision Plan would be produced; and

WHEREAS, a contract was awarded to the firm of AECOM (formerly EDAW) in January of 2009 to complete an 84<sup>th</sup> Street Redevelopment Vision Plan; and

WHEREAS, the Planning Commission held a public hearing on April 8, 2010, and recommended approval; and

WHEREAS, AECOM has completed "A Vision Plan for 84<sup>th</sup> Street" as directed.

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NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that "A Vision Plan for 84<sup>th</sup> Street" as prepared and submitted by AECOM and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Carlisle. Councilmember Gowan thanked everyone who worked on the project. It will take courage for the City to move forward. Gowan stated that during his re-election campaign, people wanted to know what we were going to do with 84<sup>th</sup> Street. Gowan thinks the plan is wonderful. He stated it will take time, courage, and dreams, but he supports the plan 100%. Councilmember Ellerbeck stated he likes everything except sacrificing the golf course. He will support the plan. Councilmember Crawford stated he feels the same about losing the golf course, but he is in support of the plan. Councilmember Carlisle, who served on the working group, supports the plan. Councilmember Sheehan stated he has some trepidation about the plan. He would like to see going forward with the interchanging of Plan A and Plan B. This would give developers more of a choice. Sheehan stated he would like to see the golf course remain, but he will let go if developers come forward with money. He will support this plan. Councilmember Quick stated this is a great example of thinking outside of the box. Quick stated that both the citizens and Council want this change. She stated the changes will take time, but she is in support of the plan. Councilmember Ronan stated the plan is fine, but he would like to see the golf course remain. Councilmember Sell stated he was privileged to serve on the working group. His only concern was to stop the "bleeding" on 84<sup>th</sup> Street. Sell stated this plan is a roadmap to let developers and citizens know the City has a vision and will not let the area become a ghost town. Mayor Kindig stated there are still a lot of questions to be answered, but the City has a vision, which is a starting point. When Wal-Mart left the area, other businesses soon followed. This vision plan gives some hope. It is a chance to make 84<sup>th</sup> Street something different. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. ORDINANCES – AMEND CITY CODE**

### **1. ORDINANCE – AMEND SECTION 35.48 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT TAXED**

Councilmember Quick introduced Ordinance No. 1121 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.48; TO REPEAL CONFLICTING ORDINANCES 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 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, 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 Sheehan. The Mayor then stated the question was, "Shall Ordinance No. 1121 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 SECTION 130.02 ABANDONED AUTOMOBILES**

Councilmember Crawford introduced Ordinance No. 1122 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 130.02; TO REPEAL CONFLICTING ORDINANCES 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

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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. 1122 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 – AUTHORIZATION TO ADVERTISE FOR BIDS – RESCUE SQUAD**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-047: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF A 2010 EXTENDED HEAVY DUTY RESCUE UNIT FOR THE FIRE DEPARTMENT.

WHEREAS, the City Council has determined that a need exists for the purchase of an Extended Heavy Duty Rescue Unit for the Fire Department; and

WHEREAS, the FY 2000/10 Capitol Fund Budget will provide funding for the purchase of said rescue unit; and

WHEREAS, the Fire Chief has prepared specifications for said rescue unit.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a 2010 Extended Heavy Duty Rescue Unit for the Fire Department in accordance with specifications prepared by the Fire Chief, and said bids are to be opened and publicly read aloud at 10:00 a.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, on June 4, 2010.

Advertise for Bids – April 29, 2010

Open Bids – June 4, 2010

Award Bid – June 15, 2010

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

## **E. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE – CITY OF LA VISTA – LA VISTA DAZE**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-048: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AT A BEER GARDEN IN CENTRAL PARK ON MAY 28 - 29, 2010, IN CONJUNCTION WITH THE ANNUAL LA VISTA DAZE CELEBRATION.

WHEREAS, Central Park is located within the City of La Vista; and

WHEREAS, the City of La Vista has requested approval of a Special Designated Permit to sell and serve beer at a beer garden in Central Park on May 28 - 29, 2010, in conjunction with the annual La Vista Daze celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer at a beer garden in Central Park on May 28 - 29, 2010, in conjunction with the annual La Vista Daze celebration.

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

## **F. RESOLUTION – LOAN DOCUMENTS FOR CDBG FUNDING – EASYWAY INTERNATIONAL, LLC**

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Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-049: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE THE LOAN DOCUMENTS AND OTHER PROJECT-RELATED DOCUMENTS BETWEEN THE CITY OF LA VISTA AND EASYWAY INTERNATIONAL, LLC, FOR ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, on December 15, 2009, the City Council approved Resolution No. 09-139 authorizing the application for a Community Development Block Grant for the Easyway International, LLC, project; and

WHEREAS, on April 6, 2010, the City Council approved Resolution No. 10-038 authorizing the Mayor to execute a contract between the City and the Nebraska Department of Economic Development for administration of the grant; and

WHEREAS, certain loan documents and other documents related to the project must be executed between the City and Easyway International, LLC, for this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute loan documents and other project-related documents between the City of La Vista and Easyway International, LLC, subject to such changes or additional documents or instruments as the City Administrator determines necessary or advisable in consultation with the City Attorney.

Seconded by Councilmember Quick. Councilmember Sell stated that he has concerns with the policies. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sell. Absent: None. Motion carried.

## **G. RESOLUTION – FIREWORKS PERMIT**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-050: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF CORNERSTONE CHURCH.

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, Cornerstone Church has 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 the application received for the purpose of determining that the application was 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 grants a permit to Cornerstone Church 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 Quick. Jim Hayes, representing Cornerstone Church, addressed Council to state he looks forward to giving back to the community. Councilmember Gowan stated he is not comfortable with adding a seventh vendor. Councilmember Sheehan stated he would vote against additional vendors for reasons given at the last meeting. Councilmembers voting aye: Sell, Quick, Carlisle, Crawford, and Ellerbeck. Nays: Ronan, Sheehan, and Gowan. Absent: None. Motion carried.

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Councilmember Ellerbeck made a motion to move "Comments from the Floor" up on the agenda ahead of Item G. "Executive Session". Seconded by Councilmember Sell. Councilmembers voting 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. There were no comments from the floor.

## G. EXECUTIVE SESSION - PERSONNEL

At 8:45 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. 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 9:56 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## H. DISCUSSION – COUNCIL POLICY STATEMENT

Marla Flentje stated that Council should have received two documents for review. This Council Policy Statement would be the policy by which to evaluate the City Administrator. Councilmembers Gowan and Ellerbeck stated the use of a facilitator is important, and the cost will be discussed during the budget review.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan stated he appreciates Clean-Up Days and feels it is professionally run by the Public Works department.

Councilmember Sheehan stated that if a "big box" company has an interest in coming into the City, he hopes the City will be open to talks with the business. City Administrator Gunn stated she agrees the City should be open to any business that has an interest in the City.

Councilmember Gowan stated he would like to see a report on what City staff is looking for at the upcoming ICSC conference.

Mayor Kindig thanked Councilmember Sell for his attendance at a luncheon which the Mayor was not able to attend. Kindig congratulated Officer John Danderand for his recent Crime Stoppers award. Some Mayors of the United Cities will be meeting with Sarpy County regarding the 911 agreement.

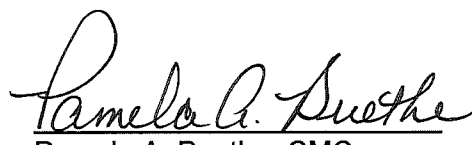
At 10:26 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF MAY 2010

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk