

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 19, 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 October 19, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Assistant Public Works Director/City Engineer Kottmann, Community Development Director Birch, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on October 7, 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

PROCLAMATION – EAGLE SCOUT AWARD – DEREK RUFFNER

Mayor Kindig presented Derek Ruffner with a proclamation for his Eagle Scout award.

COMMENDATION - ROBERTO VILLEGAS-GONZALES

Mr. Villegas-Gonzales was not able to accept his commendation.

SERVICE AWARD – SHEILA LINDBERG – 10 YEARS

Mayor Kindig recognized Sheila Lindberg for 10 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED

2. APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 5, 2010

3. MONTHLY FINANCIAL REPORT – SEPTEMBER 2010

4. REQUEST FOR PAYMENT – INTERSTATE POWER SYSTEMS – REPAIR SERVICES - \$28,981.93

5. REQUEST FOR PAYMENT – KISSEL/E&S ASSOCIATES, LLC – PROFESSIONAL SERVICES - \$6,595.04

6. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES - \$6,732.00

7. REQUEST FOR PAYMENT – OMAHA PUBLIC POWER DISTRICT – INSTALLATION SERVICES - \$2,453.27

8. REQUEST FOR PAYMENT – FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES - \$73.09

9. APPROVAL OF CLAIMS

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

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| 3CMA MEMBERSHIP, dues | \$375.00 |
| ABE'S PORTABLES, rentals | \$125.00 |
| ACTION BATTERIES, vehicle supplies | \$8.32 |
| AMERICAN FENCE, bldg & grnds | \$338.00 |
| ARAMARK, Services | \$468.97 |
| ASSOCIATED FIRE, Services | \$360.00 |
| BAKER & TAYLOR BOOKS, books | \$967.37 |

MINUTE RECORD

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

October 19, 2010

| | |
|---|-------------|
| BARCAL, D.J., mileage/meals | \$250.00 |
| BCDM, services | \$166.25 |
| BENNINGTON EQUIP, supplies/equip/repair | \$617.96 |
| BKD, services | \$2,100.00 |
| BOB'S RADIATOR REPAIR, motor vehicle maint | \$877.00 |
| BRAND, STEVEN, mileage/meals | \$45.00 |
| BUETHE, PAM, phone | \$20.00 |
| BUILDERS SUPPLY, bldg & grnds | \$41.99 |
| CALENTINE, JEFFREY, phone | \$30.00 |
| ELAN, training/phone/lv50 | \$5,854.45 |
| CAVLOVIC, PAT, mileage | \$45.00 |
| CHERECK, TINA, refund | \$60.00 |
| CITY OF OMAHA, services | \$43,974.71 |
| CJ'S HOME CENTER, bld & grnds/vehicle maint | \$621.65 |
| COLOMBO/PHELPS, concessions | \$306.97 |
| COMP CHOICE, services | \$97.50 |
| CONTROL MASTERS, equip. | \$155.00 |
| CORNHUSKER INTL, vehicle maint | \$121.89 |
| COX COMMUNICATIONS, phone | \$79.15 |
| D & B SALVAGE, services | \$796.00 |
| D & D COMMUNICATIONS, equip repair | \$320.00 |
| DAYSRING PRINTING, printing | \$825.00 |
| DECOSTA SPORTING GOODS, supplies | \$135.00 |
| DEMCO, supplies | \$767.24 |
| DIAMOND VOGEL PAINTS, bldg & grnds | \$79.80 |
| DRAPER, DARREL, LV50 | \$135.00 |
| EBSCO SUBSCRIPTION SERVICES, books | \$3,249.07 |
| EDGEWEAR SCREEN PRINTING, wearing apparel | \$310.50 |
| EZRA, GAYLA, refund | \$130.00 |
| FAGIN, KAREN, trianing/travel | \$294.00 |
| FARQUHAR, MIKE, vehicle allowance | \$100.00 |
| FILTER CARE, vehicle maint. | \$40.30 |
| FITZGERALD SCHORR BARMETTLER, services | \$26,999.99 |
| FORT DEARBORN LIFE | \$1,319.50 |
| FOSTER, TERRY, mileage | \$45.00 |
| FROEHLICH, RORY, vehicle allowance | \$100.00 |
| GALE, books | \$125.53 |
| GCR OMAHA TRUCK TIRE, vehicle maint | \$478.29 |
| GENUINE PARTS COMPANY, vehicle maint. | \$1,460.62 |
| GEORGE, ROBERT, mileage | \$240.00 |
| GOLDMAN, JOHN G, mileage | \$130.00 |
| GUNN, BRENDA, training | \$321.00 |
| GUNN, BRENDA, phone | \$45.00 |
| H & H CHEVROLET, vehicle maint | \$255.05 |
| HANEY SHOE STORE, wearing apparel | \$217.90 |
| HEIMES CORP, street maint | \$122.64 |
| HERITAGE CRYSTAL CLEAN, services | \$185.50 |
| HIGHSMITH, supplies | \$190.20 |
| HOBBY LOBBY STORES, LV 50 | \$69.17 |
| HOLMES, MARY, refund | \$85.00 |
| HUNDEN STRATEGIC PARTNERS, services | \$24,420.00 |
| HUNTEL COMMUNICATIONS, services | \$125.00 |
| INLAND TRUCK PARTS, vehicle maint | \$42.66 |
| J Q OFFICE EQUIPMENT, services/rentals | \$376.34 |
| KINDIG, DOUGLAS, phone | \$80.00 |
| KLINKER, MARK, services | \$200.00 |

MINUTE RECORD

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

October 19, 2010

| | |
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| KOTTMANN, JOHN, training/phone/services | \$327.50 |
| KRAFT, TIFFANY, refund | \$95.00 |
| KRIHA FLUID POWER, vehicle maint | \$120.28 |
| LAKELAND ENGINEERING EQUIP, bldg & grnds | \$27.00 |
| LARSEN SUPPLY CO, supplies | \$188.00 |
| LAUGHLIN, KATHLEEN A, TRUSTEE | \$648.00 |
| LAUGHLIN, KATHLEEN A, TRUSTEE | \$648.00 |
| LAUSTEN, ROBERT, training | \$250.00 |
| LEAGUE ASSN OF RISK MGMT, insurance | \$440,465.00 |
| LEAGUE OF NEBRASKA MUNICIPA, dues | \$100.00 |
| LIBRARY ADVANTAGE, supplies | \$380.00 |
| LINCOLN NATIONAL LIFE | \$7,586.06 |
| LINWELD, supplies | \$74.16 |
| LOGAN CONTRACTORS, street maint. | \$1,221.55 |
| LOU'S SPORTING GOODS, equip. | \$116.83 |
| LUKASIEWICZ, BRIAN, phone | \$65.00 |
| MARTIN, ALEX, training | \$264.83 |
| MEADOWBROOK, insurance | \$708.64 |
| METRO AREA TRANSIT, services | \$1,236.00 |
| MIDLANDS COMMUNITY HOSPITAL, publication | \$150.00 |
| MIDLANDS LIGHTING & ELECTRIC, bldg & grnds | \$89.85 |
| MIDWEST FENCE CO, street maint. | \$1,057.64 |
| MIDWEST RIGHT OF WAY, services | \$9,308.00 |
| MILLER, KELLY, refund | \$85.00 |
| MOIS, LISA, refund | \$15.00 |
| MOORE, WAYNE, refund | \$54.00 |
| NEBRASKA CHAPTER APWA training | \$160.00 |
| NEBRASKA CODE OFFICIALS, training | \$100.00 |
| NEBRASKA IOWA SUPPLY, vehicle supplies | \$3,569.37 |
| NEBRASKA LTAP TRAINING, training | \$60.00 |
| NEBRASKA MIDGET FOOTBALL, fees | \$990.00 |
| NEBRASKA NATIONAL BANK, rental | \$1,163.43 |
| NEBRASKA TITLE COMPANY, acquisition | \$95,199.62 |
| NEBRASKA TITLE COMPANY, acquisition | \$94,207.82 |
| NEBRASKA TITLE COMPANY, acquisition | \$93,672.94 |
| NEBRASKA TITLE COMPANY, acquisition | \$77,127.93 |
| NEBRASKA TURF PRODUCTS, supplies | \$369.00 |
| NEUMAN EQUIPMENT, bldg & grnds/veh maint. | \$93.00 |
| NOVA HEALTH EQUIP, equip | \$5,995.00 |
| NWEA, training | \$600.00 |
| OCLC, services | \$27.51 |
| OFFICE DEPOT, supplies | \$337.83 |
| OMAHA WINDUSTRIAL, bldg & grnds | \$21.09 |
| OMAHA WINNELSON, bldg & grnds | \$181.15 |
| PAPILLION SANITATION, services | \$304.11 |
| PAPILLION TIRE INC, vehicle maint | \$81.15 |
| PAPILLION WELDING, equip rep. | \$225.00 |
| PARAMOUNT LINEN & UNIFORM, wearing apparel | \$409.76 |
| PETTY CASH-PAM BUETHE, bldg & grnds | \$23.62 |
| PLUTA, DON, training | \$45.00 |
| PRECISION INDUSTRIES, vehicle maint | \$423.54 |
| QUALITY BRANDS OF OMAHA, concessions | \$240.65 |
| RAINBOW GLASS & SUPPLY, supplies | \$56.00 |
| RAMIREZ, RITA, phone | \$43.00 |
| READY MIXED CONCRETE CO, street maint. | \$2,668.52 |
| ROGERS, AMY, refund | \$95.00 |

MINUTE RECORD

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

October 19, 2010

| | |
|---|-------------|
| RUFFNER, JAMES, training | \$46.00 |
| RUSTY ECK FORD, vehicle maint. | \$127.32 |
| SAM'S CLUB, supplies | \$867.38 |
| SAPP BROS TRUCK STOPS, vehicle supplies | \$224.00 |
| SARPY COUNTY COURTHOUSE, services | \$3,495.03 |
| SARPY COUNTY FISCAL ADMIN, services | \$11,693.00 |
| SARPY COUNTY LANDFILL, rep & maint | \$234.64 |
| SARPY COUNTY REGISTER OF DEEDS, fees | \$31.00 |
| SARPY COUNTY TREASURER, services | \$9,187.50 |
| SARPY COUNTY TREASURER, services | \$16,167.18 |
| SARPY COUNTY TREASURER, services | \$30,910.00 |
| SCARPA, DAN, training | \$45.00 |
| SEVENER, DUTCH, services | \$31.00 |
| SID 195 - MAYFAIR, fees | \$2,640.00 |
| SINNETT, JEFF, training | \$306.00 |
| SMITHERS INC, supplies | \$90.00 |
| SOUCIE, JOE, phone/travel | \$105.00 |
| STERIL MANUFACTURING, rep & maint | \$75.00 |
| STOPAK, SCOTT, training | \$396.00 |
| STOPAK, SCOTT, phone | \$50.00 |
| STRATEGIC INSIGHTS, services | \$675.00 |
| SUBURBAN NEWSPAPERS, subscription | \$39.50 |
| SUPERIOR VISION SVCS | \$327.28 |
| TED'S MOWER SALES & SERVICE, bldg & grnds | \$394.00 |
| THOMAS, SCOTT AND MELANIE, expenses | \$300.00 |
| THOMAS, SCOTT AND MELANIE, expenses | \$1,000.00 |
| THOMPSON DREESSEN & DORNER, services | \$3,165.81 |
| TIEHEN, JAMES, vehicle allowance | \$100.00 |
| TURF CARS LTD, repair | \$85.95 |
| USPS, postage | \$1,426.34 |
| UNIVERSAL STEERING HYDRAULIC, vehicle maint | \$250.00 |
| VAIL, ADAM, vehicle allowance | \$100.00 |
| VALDES, JUAN, refund | \$95.00 |
| WICK'S STERLING TRUCKS, vehicle maint. | \$847.03 |

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that another predator was caught last week. He also stated that Sergeant Waugh completed EVAC training and will be teaching it to officers and employees who work for the City.

Assistant Public Works Director/City Engineer Kottmann reported to Council that leaf day is on November 6 at the Public Works facility. The 108th and Chandler Road project is substantially complete and the Giles Road project is scheduled to be done in 3 weeks.

Recreation Director Stopak reminded Council that Halloween Safe Night is on October 31 from 5:30 to 7:00.

Library Director Barcal informed Council that the community has donated 9,900 items in the last year.

B. THOMPSON CREEK HAZARD MITIGATION PROJECT – PURCHASE OF REAL PROPERTY

1. PUBLIC HEARING

At 7:14 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Thompson Creek hazard mitigation project – purchase of real property.

MINUTE RECORD

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

October 19, 2010

At 7:15 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. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-124; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF ONE HOME FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THIS SITE

WHEREAS, the owners of the home located at 7209 Park View Boulevard (referred to herein as "Site"), desire to sell the Site to the City, and the City desires to purchase the Site from the owners.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Site; and
- (iii) Proposed purchase agreements for the Site have been presented to the City Administrator by the owners of the Site in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price equal to the appraised value or a price within the amounts authorized by the Council for the City Administrator to negotiate, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Site or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Site, to be held during the regular City Council meeting on October 19, 2010; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (vii) The City obtained appraisals of the Site from a certified real estate appraiser, which appraisals established each Site's fair market value at an amount equal to or greater than the price stated in the documents referred to in (iii) above, and which appraisals the City Administrator found satisfactory.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Site as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

C. RESOLUTION – APPROVE RELOCATION AMOUNTS – THOMPSON CREEK HAZARD MITIGATION PROJECT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-125; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE RELOCATION COSTS FOR QUALIFYING TENANTS OF PROPERTIES

MINUTE RECORD

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

October 19, 2010

ASSOCIATED WITH THE THOMPSON CREEK HAZARD MITIGATION PROJECT IN AN AMOUNT NOT TO EXCEED \$5,250.00 PLUS MOVING EXPENSES NOT TO EXCEED \$2,500.00 PER QUALIFYING TENANT

WHEREAS, the qualifying tenants of the homes located in the Thompson Creek Hazard Mitigation project area are eligible for relocation costs and moving expenses; and

WHEREAS, the owners of the properties in which qualifying tenants live have sold their properties to the City of La Vista thus forcing the tenants to relocate; and

WHEREAS, the grant requires payment of these costs and expenses to the tenants who have been interviewed and it is determined they qualify under this program;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council approve and authorize relocation costs for qualifying tenants of properties associated with the Thompson Creek Hazard Mitigation Project in an amount not to exceed \$5,250.00 plus moving expenses not to exceed \$2,500.00 per qualifying tenant in a form satisfactory to the City Administrator.

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

D. RESOLUTION – HAZARDOUS MATERIALS INSPECTION SERVICES – THOMPSON CREEK HAZARD MITIGATION PROJECT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-126; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ACCEPT THE PROPOSAL SUBMITTED BY AQS ENVIRONMENTAL FOR HAZARDOUS MATERIALS INSPECTION SERVICES ASSOCIATED WITH THE THOMPSON CREEK GRANT PROJECT IN AN AMOUNT NOT TO EXCEED \$9,900.00 FOR UP TO 22 HOMES

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 2010/11 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 reviewed the proposals and has recommended AQS Environmental as the most responsible bidder; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to accept the proposal submitted by AQS Environmental for hazardous materials inspection services associated with the Thompson Creek Grant Project in an amount not to exceed \$9,900.00 for up to 22 homes.

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

E. RESOLUTION – REQUEST TO AMEND CONDITIONAL USE PERMIT – LOT 380, CIMARRON WOODS

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-127; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR PEDCOR INVESTMENTS – 2008-CXVIII, L.P. FOR A MULTI-FAMILY RESIDENTIAL DEVELOPMENT GENERALLY LOCATED SOUTHWEST OF 96TH AND HARRISON STREET

WHEREAS, Pedcor Investments, LLC, on behalf of the property owner, Torco Development, Inc., applied for a conditional use permit for the purpose of having a multi-family residential development; and

MINUTE RECORD

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

October 19, 2010

WHEREAS, on March 16, 2010, the City Council approved Resolution No. 10-026 for this purpose; and

WHEREAS, since that time, the applicant has proposed several revisions to the conditional use permit which require approval by the City Council; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a revised conditional use permit.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the October 19, 2010 City Council meeting for Pedcor Investments – 2008-CXVIII, L.P. be, and hereby is approved and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Gowan. Thomas G. Crowe, Executive Vice President, Michael Smith, Vice President and Larry Jobeun, Attorney, representing Pedcor Companies were present to answer any questions. Councilmember Crawford inquired as to why this was not sent back to the Planning Commission for a recommendation. Attorney McKeon stated that this is not an amendment of the conditional use permit. A conditional use permit has not been issued in this case. The Council earlier approved a form of permit that included redlined changes and the developer subsequently requested additional revisions before finalizing and issuing the permit. Unlike the resolution approving the subdivision agreement, which contained language authorizing the City Administrator and City Attorney to make additional modifications before the City executed it, the resolution approving the conditional use permit did not authorize the City Administrator or City Attorney to make further changes before issuing the permit. Consequently, staff felt it needed to bring the permit back to Council for approval of the additional revisions before issuing the permit. The changes primarily deal with refinement of the structure of the transaction, which structure the City Attorney verified with NIFA is consistent with the way developments such as this that use tax credit financing are structured. Further, many of the changes were necessary to reflect the changes made to corresponding provisions of the subdivision agreement. The substance of the development itself, such as layout, dimensions, design, number of apartments, etc. as earlier presented has not changed. Councilmember Sheehan asked about the timing for completion of phase 2 once development of that phase begins. He wanted to ensure that development of phase 2 would be started and completed in a reasonable timeframe and not in a piecemeal fashion. Mr. Jobeun assured the Council that this was the developer's intention, as well. Attorney McKeon added that the developer would need to come back to the Council for a conditional use permit for phase 2 on lot 2 and in that process Council could consider the proposed timeframe for build out of phase 2, to which comment Mr. Jobeun agreed. Councilmember Sheehan also asked if only lot 1 would be graded at this time, with grading of lot 2 to occur when the developer is ready to proceed with phase 2; which Mr. Jobeun confirmed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

F. RESOLUTION – SUPPORT LB 1018

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-128 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO SUPPORT THE LB 1018 INITIATIVE ON THE NOVEMBER 2, 2010 BALLOT.

WHEREAS, the Mayor and City Council have recognized the need for additional economic development tools; and

WHEREAS, the Nebraska Legislature unanimously passed LB 1018 creating the Nebraska Advantage Transformational Tourism and Redevelopment Act (NATTRA) during the 2010 Legislative Session; and

WHEREAS, LB 1018 authority would allow the City to designate an area for redevelopment or tourism development, and as incentive rebate all or a portion of the 1.5% local option sales tax in said area for a period of 10 years; and

WHEREAS, a qualifying project must be transformational in nature and meet minimum investment thresholds of \$10 million for redevelopment and \$50 million for tourism development projects; and

MINUTE RECORD

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

October 19, 2010

WHEREAS, LB 1018 authority will allow the City to provide incentives for otherwise non-feasible development or redevelopment projects in under-utilized areas with the possibility of triggering development in surrounding areas well; and

WHEREAS, the Act requires that prior to the City utilizing the authority to redirect sales tax as granted by the Act, voters in the City must give their approval; and

WHEREAS, the La Vista City Council did unanimously approve placing the issue on the November 2, 2010 general election ballot.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby expresses its support for the LB 1018 initiative that will be on the November 2, 2010 ballot.

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

G. RESOLUTION – ACCEPTANCE OF U.S. DEPARTMENT OF JUSTICE COPS GRANT

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-129; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING A GRANT AWARD FROM THE US DEPARTMENT OF JUSTICE COPS GRANT PROGRAM.

WHEREAS, the City has received notification that it has been awarded a COPS Hiring Program (CHP) grant in the amount of \$231,739 to fund a police officer position for three years; and

WHEREAS, the grant was requested to help fund police officer positions that will need to be created in order to meet the demands of annexation; and

WHEREAS, the City is obligated to retain all sworn officer positions awarded under the CHP grant for a minimum of 12 months following the 36-month federal funding period; and

WHEREAS, it is proposed that the City accept the grant

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor and Police Chief to execute the necessary documents for acceptance of the COPS Grant.

Seconded by Councilmember Carlisle. Councilmember Sell asked if this grant award could be rescinded. Police Chief Lausten said that once the award is made it cannot be rescinded and will pay for the full 3 years. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

H. RESOLUTION – AGREEMENT WITH NEBRASKA DEPARTMENT OF ROADS - NATIONAL BRIDGE INSPECTION STANDARDS NEBRASKA BRIDGE INSPECTION PROGRAM

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-130; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ADOPTING AND APPROVING THE EXECUTION OF AN AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS REGARDING THE NATIONAL BRIDGE INSPECTION STANDARDS RESPONSIBILITIES.

WHEREAS, the City has determined that it is desirable to enter into an agreement with the State of Nebraska Department of Roads regarding the National Bridge Inspection Standards; and

MINUTE RECORD

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

October 19, 2010

WHEREAS, the NDOR has prepared a manual of standard methods and procedures to be followed by local public agencies for inspection and evaluation of all bridges on streets and roadways within their jurisdictions as required by the Federal Highway Administration; and

WHEREAS, the agreement which will allow NDOR to arrange for the inspection and load rating of all fracture critical bridges; and

WHEREAS, NDOR will also continue to coordinate the underwater inspection of bridges as necessary; and

WHEREAS, this resolution will be marked Exhibit "A" and a copy attached to each original agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute said agreement on behalf of the City of La Vista, and the City Clerk is authorized to attest said execution.

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

I. RESOLUTION – AWARD CONTRACT - HARRISON & PARK CREST STORM SEWER REHABILITATION

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-131; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO MIDLANDS CONTRACTING, INC., KEARNEY NE FOR FURNISHING AND INSTALLING A LINER IN THE EXISTING STORM SEWER UNDER HARRISON STREET AT PARK CREST DRIVE IN AN AMOUNT NOT TO EXCEED \$31,740.00.

WHEREAS, the City Council of the City of La Vista has determined that the installation of a liner in the existing storm sewer under Harrison Street at Park Crest Drive is necessary; and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funds for the project; and

WHEREAS, the City Council authorized the solicitation of bids for said project on September 21, 2010, and

WHEREAS, Midlands Contracting, Inc., Kearney Nebraska, has submitted the low, qualified bid, and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures 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 designate Midlands Contracting, Inc., Kearney Nebraska as the low qualified bid for the installation of a liner in the existing storm sewer under Harrison Street at Park Crest Drive in an amount not to exceed \$31,740.00.

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

J. RESOLUTION – PURCHASE OF TURBINE BLOWER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-132; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2010 BUFFALO CKB3 TURBINE BLOWER FROM VAN WALL TURF & IRRIGATION, OMAHA, NEBRASKA, FOR AN AMOUNT NOT TO EXCEED \$5,932.10.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of the Buffalo CKB3 Turbine Blower is necessary; and

MINUTE RECORD

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

October 19, 2010

WHEREAS, the FY 10/11 Golf Maintenance budget includes funding for the proposed purchase; and

WHEREAS, Van Wall Turf & Irrigation was the low-compliant bidder; and

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of one (1) 2010 Buffalo CKB3 Turbine Blower from Van Wall Turf & Irrigation in an amount not to exceed \$5,932.10.

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

K. CORPORATE MANAGER APPLICATION – CLASS CK LIQUOR LICENSE - THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE

Councilmember Ellerbeck moved to approve the Corporate Manager Application for the Class CK Liquor License for the Rendezvous Company dba Houston's Lounge. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

None

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council about the Veteran's Day Dinner on November 11 beginning at 6:00 p.m.

Mayor Kindig stated that there would be more fundraising events coming up to support Randy Cahill who has served on boards and been a recreational coach for the City.

Councilmember Gowan stated that the diamond grinding turned out very smooth on Giles Rd.


At 7:38 p.m. Councilmember Gowan 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. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF NOVEMBER, 2010

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk