

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 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 July 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, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Public Works Director Soucie, Community Development Director Birch, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on July 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

PROCLAMATION – EAGLE SCOUT AWARD – MATT STOLZENBURG

Mayor Kindig presented a proclamation to Eagle Scout Matt Stolzenburg for his Eagle Service Project.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM JULY 6, 2010**
- 3. APPROVAL OF PLANNING COMMISSION MINUTES FROM JUNE 17, 2010**
- 4. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM JULY 8, 2010**
- 5. MONTHLY FINANCIAL REPORT – JUNE 2010**
- 6. PAY REQUEST FROM THOMAS STEVENS & ASSOCIATES FOR PROFESSIONAL SERVICES – THOMPSON CREEK - \$11,400.00**
- 7. PAY REQUEST FROM VALUATION SERVICES FOR PROFESSIONAL SERVICES – THOMPSON CREEK - \$6,000.00**
- 8. APPROVAL OF CLAIMS**

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Ellerbeck 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. Abstain: None. Absent: None. Motion carried.

AA WHEEL & TRUCK, Vehicle Maint.	148.04
ABE'S PORTABLES, Rentals	210.00
ACCO UNLIMITED, Supplies	645.80
ACCURATE TESTING, Contract Services	459.10
ALAMAR UNIFORMS, Wearing Apparel	295.48
ALERT-ALL CORP, School Kits/Supplies	3,595.00
ALEX, MARY, Travel	279.45
ARAMARK UNIFORM, Contract Services	140.35
ASPHALT & CONCRETE MATERIALS, Street Maint.	66.34
AVI8ORS ENSEMBLE, LV50 Event	318.75
BAKER & TAYLOR BOOKS, Books	1,681.92
BEAUMONT, MITCH, Travel	46.50
BENNINGTON EQUIPMENT, Vehicle Maint.	177.12
BENSON RECORDS, Contract Services	54.24
BLACK HILLS ENERGY, Utilities	77.22
BRENTWOOD AUTO WASH, Vehicle Maint.	37.00
BUILDERS SUPPLY, Bldg & Grnds	54.40
CARDMEMBER SERVICE, Travel/Training/La Vista Daze	4,169.48
CENTER POINT PUBLISHING, Books	242.64

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CITY OF OMAHA, Contract Services	640.46
CIVIC PLUS, Contract Services	12,810.00
CJ'S HOME CENTER, Bldg & Grnds/Supplies/Vehicle Maint.	1,131.11
CLEAR CHANNEL RADIO, LV50 Event	1,650.00
COLOMBO/PHELPS, Concessions	458.77
CORNHUSKER INTL TRUCKS, Vehicle Maint.	11.12
COX, Phone/Contract Services	77.00
D & D COMMUNICATIONS, Radio Repair	198.00
DIAMOND VOGEL PAINTS, Traffic Signs	118.00
DULTMEIER SALES & SERVICE, Street Maint.	10.95
DUNKLE, AUBRIANA, Contract Services	60.00
EDGEWEAR SCREEN PRINTING, Sports Equip	144.00
FAGER EXCAVATING	13,310.00
FILTER CARE, Vehicle Maint.	60.65
FUTUREWARE DISTRIBUTING, Contract Services	61.00
G I CLEANER & TAILORS, Uniform Cleaning	123.35
GALE, Books	76.22
GASSERT, MIKE, Contract Services	736.00
GAYLORD BROS, Supplies	244.74
GENUINE PARTS, Vehicle Maint./Bldg & Grnds	1,647.42
GRAINGER, Bldg & Grnds	83.79
GREAT PLAINS ONE-CALL, Contract Services/Locates	323.84
GREEN, KENNETH, Refund	250.00
GREENKEEPER, Supplies	561.38
H & H CHEVROLET, Vehicle Maint.	26.58
HANEY SHOE STORE, Wearing Apparel	84.95
HERITAGE CRYSTAL CLEAN, Contract Services	185.50
HIGHSMITH, Supplies	271.59
HOST COFFEE, Concessions	21.50
HUNDEN STRATEGIC PARTNERS, Contract Services	4,385.00
HUNTEL, Contract Services	123.50
IIMC, Dues	75.00
INDUSTRIAL SALES, Bldg & Grnds	398.82
INSIGHT PUBLIC SECTOR, Contract Services	317.60
J Q OFFICE EQUIPMENT, Contract Services/Rentals	283.12
JOHN DEERE LANDSCAPES/LESCO, Supplies	242.64
JONES AUTOMOTIVE, Vehicle Maint.	325.00
KETV-TV, Advertising	2,500.00
KOTTMANN, JOHN, Phone/Travel	163.00
KRIHA FLUID POWER CO, Vehicle Maint.	85.80
LARSEN SUPPLY, Supplies	58.00
LAUGHLIN, KATHLEEN	611.00
LINWELD, Wearing Apparel	204.26
LOGAN CONTRACTORS SUPPLY, Bldg & Grnds/Vehicle Maint.	380.30
MALLARD SAND & GRAVEL, Street Maint.	26.74
MARTIN MARIETTA AGGREGATES, Street Maint.	237.22
MEADOWBROOK, Bonds	2,790.50
MID CON SYSTEMS, Vehicle Maint.	60.60
MIDWEST TURF & IRRIGATION, Maint./Repair	41.25
NEBRASKA CODE OFFICIALS, Training	450.00
NEBRASKA NATIONAL BANK, Electric Cart	1,163.43
NEBRASKA STATE VOLUNTEER, Dues	915.00
NEBRASKA WELDING, Vehicle Maint.	21.38
NFPA, Dues	150.00
NWTC-NORTHEAST WISCONSIN, Training	175.00
OFFICE DEPOT, Supplies	18.83
OMAHA COMPOUND, Supplies	140.61
OMAHA WORLD HERALD, La Vista Daze	3,075.24
OPPD, Utilities	46,925.95
O'REILLY AUTOMOTIVE, Vehicle Maint.	431.66
PAPILLION SANITATION, Contract Services	304.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	232.09
PEPSI COLA, Concessions	315.50
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	141.22
PRECISION INDUSTRIES, Repair	31.41
PREMIER-MIDWEST BEVERAGE	183.00
QUALITY BRANDS	730.60

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QUINN, JEFF, Summer Reading Program	150.00
RECORDED BOOKS, Media	60.97
REGAL AWARDS, La Vista Daze	43.00
RUSTY ECK FORD, Vehicle Maint.	138.07
SALEM PRESS, Books	712.00
SAM'S CLUB, Concessions/Bldg & Grnds	1,810.47
SAPP BROS PETROLEUM, Vehicle Supplies	217.50
SEACREST & KALKOWSKI PC, Training	200.00
STATE STEEL, La Vista Daze	196.68
STOLLEY, BRIAN, Travel	112.96
SUN COUNTRY DISTRIBUTING, Maintenance	118.94
SUSPENSION SHOP, Vehicle Maint.	572.38
TARGY AUTO PARTS, Vehicle Maint.	438.48
THOMAS E STEVENS & ASSOCS, Professional Services	1,500.00
TRACTOR SUPPLY CREDIT PLAN, Wearing Apparel	264.89
TURF CARS LTD, Electric Cart	53.80
U S ASPHALT, Street Maint.	892.07
UNDERWATER WORLD SCUBA CENTER, Summer Reading	50.00
UNIVERSITY OF NE, LV50 Event	291.25
UPS, Postage	18.00
VIERREGGER ELECTRIC, Bldg & Grnds/Street Maint.	1,036.71
WASTE MANAGEMENT, Contract Services	1,417.51
WATER SHED, Wearing Apparel	175.44
WATKINS CONCRETE BLOCK, Maint. Equip.	49.68
WEMHOFF, LANCE, Contract Services	140.00
WICK'S STERLING TRUCKS, Vehicle Maint.	42.30
ZIMCO SUPPLY, Supplies	450.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that National Night out will be held on July 31st adjacent to Metro Community College. The official National Night Out is on Tuesday, August 3rd. Lausten reminded Council the second summer concert will be held on Friday, July 23rd from 6:30 p.m. to 8:30 p.m. The band "On The Fritz" will perform.

Public Works Director Soucie informed Council that the project completed by Eagle Scout Matt Stolzenburg held the City with a federal mandate to mark storm inlets. Soucie informed Council that the painting of the overpass on 72nd Street is substantially completed. Soucie stated that maintenance of Giles Road, between 107th Street and West Giles Road, will begin August 9th. Soucie stated the City has received a grant from the Nebraska Department of Energy in the amount of \$40,000 for traffic signals. Councilmember Gowan asked if there was any cost share for the City. Soucie stated the City is responsible for \$10,000.

Recreation Director Stopak informed Council the Splash Bash will be held on August 1st at the La Vista Swimming Pool from 1:00 p.m. – 3:00 p.m.

Library Director Barcal informed Council that the Summer Reading Program is in progress. The program on Wednesday was about reptiles and was presented by a local Reptile Ranch. There is a fishing and casting class coming up also.

B. ZONING TEXT AMENDMENT – SECTION 7.12 FENCES

1. PUBLIC HEARING

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a zoning text amendment – Section 7.12 Fences. Community Development Director Birch explained the amendment information. Councilmember Quick asked why the fence height in Commercial and Industrial Districts is 8 foot. Birch stated that is industry standard and provides for additional security.

At 7:16 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. ORDINANCE – AMEND SECTION 7.12 OF THE ZONING ORDINANCE

Councilmember Carlisle introduced Ordinance No. 1124 entitled: AN ORDINANCE TO AMEND SECTION 7.12 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.12

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OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1124 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.

C. CONDITIONAL USE PERMIT – GATEWAY COLLISION AND REPAIR

1. PUBLIC HEARING

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit for Gateway Collision and Repair. Community Development Director Birch introduced the agenda item. Robert Torson, and Ben and Sandy Toscano, addressed Council to present information and answer any questions. After the presentation, Councilmember Ellerbeck stated that he appreciated the information presented. Councilmember Sheehan asked if any cars would be sold from the location. Business owners, Ben and Sandy Toscano, stated there would not be vehicle sold at the location. Councilmember Gowan stated he thought this was a good business plan.

At 7:23 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-070: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR GATEWAY COLLISION AND REPAIR CENTER, LLC TO ALLOW FOR AUTOMOTIVE REPAIR SERVICES ON LOT 47, BROOK VALLEY BUSINESS PARK.

WHEREAS, Gateway Collision and Repair Center, LLC has applied for a conditional use permit for to allow for automotive repair services, specifically collision and mechanical automotive repair within a 15,000 sq. ft. building on Lot 47, Brook Valley Business Park located at the southeast corner of 100th and Harrison Streets; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Gateway Collision and Repair Center, LLC to allow for automotive repair services, specifically collision and mechanical automotive repair within a 15,000 sq. ft. building on Lot 47, Brook Valley Business Park.

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

D. CONDITIONAL USE PERMIT – OMAHA METRO GYMNASTICS

1. PUBLIC HEARING

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At 7:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit for Omaha Metro Gymnastics. Community Development Director Birch introduced the agenda item. Larry Jobeun, representing Omaha Metro Gymnastics addressed Council to explain the expansion of the existing facility.

At 7:27 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.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-071: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDED CONDITIONAL USE PERMIT FOR OMAHA METRO GYMNASTICS TO EXPAND ACTIVITIES INTO AN ADJOINING BAY TO INCREASE THE SPACE FROM 9,000 TO 14,833 SQUARE FEET ON LOT 6, PAPIO VALLEY 1 BUSINESS PARK.

WHEREAS, Omaha Metro Gymnastics has applied for an amendment to their conditional use permit for the purpose of expanding activities into an adjoining bay to increase the space from 9,000 to 14,833 square feet on Lot 6, Papio Valley 1 Business Park, located at 12305 Cary Circle; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The proposed storm sewer and parking lot needs to be completed prior to the Certificate of Occupancy being issued for the expanded facility area.
2. The landscaped area in front of the reconstructed parking lot should be made compatible in appearance to the parking lot in front of the adjoining building to the east on this lot to comply with the Gateway Corridor criteria.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Omaha Metro Gymnastics to expand activities into an adjoining bay to increase the space from 9,000 to 14,833 square feet on Lot 6, Papio Valley 1 Business Park, subject to the condition listed in the last recital above.

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

E. RESOLUTION – AWARD CONTRACT – RESCUE SQUAD (TABLED 7/6/2010)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-072: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO FIREFOX RESCUE EQUIPMENT, YORK NEBRASKA FOR THE PURCHASE OF ONE 2010 ROAD RESCUE BRAND FORD E450 EXTENDED HEAVY DUTY RESCUE UNIT WITH ADDITIONAL EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$145,000.00.

WHEREAS, the Mayor and City Council have determined that the purchase of a new rescue unit for the Fire Department is necessary; and

WHEREAS, funds were included in the FY10 Capital Improvement Fund budget for the purchase of one rescue unit and additional funds would need to be included in the FY11 Capital Improvement Fund for the increase in costs; and

WHEREAS, on April 20, 2010 the City Council authorized the advertisement for bids and the Fire Chief prepared specifications for said rescue unit; and

WHEREAS, proposals have been received and after review by the Fire Chief and the Fire Department Squad Committee it has been determined that FireFox Rescue Equipment, York, Nebraska has submitted the low, compliant bid, and

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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, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to FireFox Rescue Equipment, York, Nebraska, subject to resolution of warranty and other issues to the satisfaction of the City Administrator, in an amount not to exceed \$145,000.00 for the purchase of one 2010 Road Rescue Brand Ford E450 Extended Heavy Duty rescue unit with additional equipment for the Fire Department, and that the Mayor be authorized to execute said contract.

Seconded by Councilmember Ellerbeck. Councilmember Gowan asked why the additional cost of \$20,000. Fire Chief Uhl stated there were additional costs. The original price was too low. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. DECLARATION AS TO USE OF PROPERTY – KEYSTONE TRAIL – LA VISTA LINK – LA VISTA

1. RESOLUTION – APPROVE DECLARATION FOR SPORTS COMPLEX

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-073: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE USE OF A PORTION OF LAND OWNED BY THE CITY OF LA VISTA AT THE LA VISTA SPORTS COMPLEX FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A BICYCLE/PEDESTRIAN TRAIL IDENTIFIED AS KEYSTONE TRAIL – LA VISTA LINK.

WHEREAS: the City of La Vista is the owner of Tax Lot L in the Southeast Quarter of the Northwest Quarter of Section 13, Township 14 North, Range 12 East of the Sixth Principal Meridian, Sarpy County, Nebraska, and

WHEREAS: said Tax Lot L in the Southeast Quarter of the Northwest Quarter of Section 13, Township 14 North, Range 12 East of the Sixth Principal Meridian, Sarpy County, Nebraska, is now being occupied by the La Vista Sports Complex, and

WHEREAS: the City of La Vista hereby wishes to construct, operate, and maintain a bicycle/pedestrian trail across a portion of said property, and

WHEREAS: the bicycle/pedestrian trail is to be constructed as part of Nebraska Department of Roads project ENH-77(50), Control Number 22251, and identified as "Keystone Trail – La Vista Link", and

WHEREAS: to comply with Federal Highway Administration 23 CFR 1.23(a) – "Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project"; It is necessary for the City of La Vista to declare that a portion of said property shall be used for the construction, operation, and maintenance of a bicycle/pedestrian trail for a period of no less than twenty five years from the completion of its construction, and

NOW THEREFORE BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby approves the use of a portion of land owned by the City of La Vista for the construction, operation, and maintenance of a bicycle/pedestrian trail as shown on attached Exhibit "A", and as aligned in project plans and specifications for Nebraska Department of Roads project ENH-77(50), Control Number 22251, and identified as "Keystone Trail – La Vista Link", for a period of no less than twenty five years from the completion of its construction.

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

2. RESOLUTION – APPROVE DECLARATION FOR SOCCER COMPLEX

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-074: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA

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WHEREAS: the City of La Vista is the owner of a portion of the Southwest Quarter of the Northeast Quarter of Section 13, Township 14 North, Range 12 East of the Sixth Principal Meridian, Sarpy County, Nebraska, and

WHEREAS: said portion of the Southwest Quarter of the Northeast Quarter of Section 13, Township 14 North, Range 12 East of the Sixth Principal Meridian, Sarpy County, Nebraska, is now being occupied by the La Vista Soccer Complex, and

WHEREAS: the City of La Vista hereby wishes to construct, operate, and maintain a bicycle/pedestrian trail across a portion of said property, and

WHEREAS: the bicycle/pedestrian trail is to be constructed as part of Nebraska Department of Roads project ENH-77(50), Control Number 22251, and identified as "Keystone Trail – La Vista Link", and

WHEREAS: to comply with Federal Highway Administration 23 CFR 1.23(a) – "Interest to be acquired – The State shall acquire rights-of-way of such nature and extent as are adequate for the construction, operation, and maintenance of a project"; It is necessary for the City of La Vista to declare that a portion of said property shall be used for the construction, operation, and maintenance of a bicycle/pedestrian trail for a period of no less than twenty five years from the completion of its construction, and

NOW THEREFORE BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby approves the use of a portion of land owned by the City of La Vista for the construction, operation, and maintenance of a bicycle/pedestrian trail as shown on attached Exhibit "A", and as aligned in project plans and specifications for Nebraska Department of Roads project ENH-77(50), Control Number 22251, and identified as "Keystone Trail – La Vista Link", for a period of no less than twenty five years from the completion of its construction.

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

G. RESOLUTION – PARKVIEW HTS. ELEMENTARY SCHOOL SAFE ROUTE TO SCHOOL PLAN – NO PARKING ZONE MODIFICATION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-075: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA MODIFYING THE EXTENT OF NO PARKING ZONES IN ACCORDANCE WITH THE PARKVIEW HEIGHTS ELEMENTARY SCHOOL SAFE ROUTE TO SCHOOL PLAN.

WHEREAS, the City Engineer has modified the Parkview Heights Route to School Plan; and

WHEREAS, City staff has reviewed the plan and recommends approval.

NOW, THEREFORE, BE IT RESOLVED, that the School Speed Zones near the Parkview Heights Elementary School are modified as follows:

1. A No Parking Zone on the south side of Granville Parkway from the centerline of 89th Street to the centerline of Elm Drive. The No Parking Zone shall be posted and effective on School Days from ½-hour before to ½-hour after the start and end of the school day as determined from time to time by the Papillion-La Vista School District.

BE IF FURTHER RESOLVED, that the Public Works Department be, and hereby is, authorized to install the appropriate signage and pavement markings in accordance with the aforementioned parking zones.

Seconded by Councilmember Sell. Councilmember Gowan thanked staff for their help to make the School area safer for children. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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H. RESOLUTION – ADVERTISEMENT FOR BIDS – LA VISTA FALLS GOLF COURSE STORM WATER FILTER NO. 1

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-076: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE STORM WATER FILTER NO. 1 AT THE LA VISTA FALLS GOLF COURSE.

WHEREAS, the City Council has determined that the installation of a Storm Water Filter is necessary, and

WHEREAS, the FY 2009/10 Storm Water Management Program provides funding for the Storm Water Filter, and

WHEREAS, the City Engineer, in conjunction with Thompson, Dreessen & Dorner, Inc., has prepared specifications for the installation of the storm water filter.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the installation of the storm water filter in accordance with specifications prepared by the City Engineer in conjunction with Thompson, Dreessen & Dorner, Inc. and said bids are to be opened and publicly read aloud at 10:00 a.m. at the office of Thompson, Dreessen & Dorner, 10836 Old Mill Road, Omaha NE on August 9, 2010.

Publish Notice to Contractors	July 27 and August 5, 2010
Open Bids	August 9, 2010
Award Contract	August 17, 2010

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

I. RESOLUTION – ADVERTISEMENT FOR BIDS – SEWER INSPECTION SYSTEM

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-077: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR A SEWER INSPECTION SYSTEM.

WHEREAS, the City Council has determined that a sewer inspection system is necessary, and

WHEREAS, the FY 2009/10 Sewer Budget provides funding for the purchase of said sewer inspection system, and

WHEREAS, the Sewer Department Staff, Street Superintendent and Shop Foreman., has prepared specifications for proposed sewer inspection system.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a sewer inspection system in accordance with specifications prepared by the Sewer Department Staff, Street Superintendent and Shop Foreman and said bids are to be opened and publicly read aloud at 10 a.m. at La Vista City Hall, 8116 Park View Boulevard on August 9, 2010.

Advertisement of Bids	July 21, 2010
Open Bids	August 9, 2010
Award Contract	August 17, 2010

Seconded by Councilmember Quick. Councilmember Sheehan asked if the equipment would be shared with Papillion. Public Works Director Soucie stated the City is now staff to use the equipment consistently. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

J. DISCUSSION – FIREWORKS REGULATIONS

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Councilmember Quick asked that if the City has a set number of allowed firework stands, how will a determination be made for who is approved. Councilmember Sell stated his agreement. He asked if there should be a limit or should they be allowed a stand as long as they meet the city's requirement.

Councilmember Ellerbeck stated he does not think the City should be limited to six stands. The City needs to look to expand as the area grows. Ellerbeck stated he is not a big fan of the point system, and would rather council looks at the number of applications and then, together, determine which stands will be allowed.

Councilmember Crawford stated he would like to see the sales figures for the seven stands that were allowed this year.

Councilmember Carlisle stated she would like to see the figures for the past two years. Mayor Kindig stated this information would not be available until next year.

Mayor Kindig stated that the Council determined five years ago that if a stand had no violations, broke no laws, and paid their fees they could continue to apply and get a permit indefinitely. He stated the City of Omaha is discussing approving the sale of fireworks, which could have an effect on the stands in La Vista. Kindig stated approval of which group to allow the selling of fireworks is a tough decision. These groups plan their budgets years out. Kindig does not believe in the lottery system. He feels it's an easy way to avoid confronting the problem. Kindig stated that the approval of too many stands will hurt the program.

Councilmember Quick stated she is not suggesting the lottery system and if the number is set at 6 tell the others they need not apply.

Councilmember Sheehan stated that these applicants keep their points year after year as long as they are following the rules.

Councilmember Quick stated she could not support an ordinance that doesn't say what criteria we use.

Councilmember Sell feels the number should be determined by the number turned in each year. Councilmember Sheehan stated that if the number is unlimited then staff should take care of the entire process and only bring it to Council if an applicant falls below the top points number.

Councilmember Carlisle agreed with not setting the number but wouldn't want 40, 50, or 60 stands.

Councilmember Gowan stated that the City has to be the bad guy and say no. Unlimited permits are not good for those who have been loyal to the City. This will hurt existing groups.

Councilmember Crawford was concerned about new groups being able to build loyalty to the City if they don't have the opportunity to have a permit.

Councilmember Sheehan agreed with Gowan that a tough decision might have to be made. We have 7 permit holders this year so leave at that and as long as they have all their points and turn in an application they should be eligible for a permit.

Councilmember Carlisle stated that the ordinance should state a maximum of 12 permits.

Councilmember Quick asked what other cities do. Councilmember Gowan stated that Papillion has a maximum of 10 and they decide by seniority.

Councilmember Sell stated that he could support a maximum of 12 permits with the non-refundable application fee

Councilmember Carlisle asked if there was consensus on limiting the number to 12. Councilmember Sell stated that the market will set the cap and he doesn't feel the City needs to set a cap.

Councilmember Ronan would rather stay at 6 and determine the permits every year.

Councilmember Quick stated that unless we have criteria she would be against a cap.

Councilmember Sheehan can live with 12 but would like to keep cap at 6 or 7.

MINUTE RECORD

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

July 20, 2010

Councilmember Gowan said he would like a cap of 7.

Councilmembers Ellerbeck and Crawford would be in favor of not having a cap.

City Attorney McKeon stated the Council could change from setting maximum number but would want discretion such as having no cap but setting the number.

A poll was taken of council who would agree to have no cap on number of permits. Those in favor were Quick, Ronan, Ellerbeck, Crawford, and Carlisle. Those opposed were Sheehan, Sell, and Gowan.

City Administrator Gunn stated that the law also changed to allow the sale of fireworks for a short period at the end of December but stated there may be some issues with inside sales. Council discussion was held regarding this possibility and the fees involved and whether they would allow the discharge of fireworks in the city during that time. Staff will be researching this option and bring information back to Council for discussion.

Councilmember Gowan made a motion to move "Comments from the Floor" up on the agenda ahead of Item K. "Executive Session". Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. 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.

K. EXECUTIVE SESSION – STRATEGY SESSION AND NEGOTIATING GUIDANCE

At 8:25 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for a litigation 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.

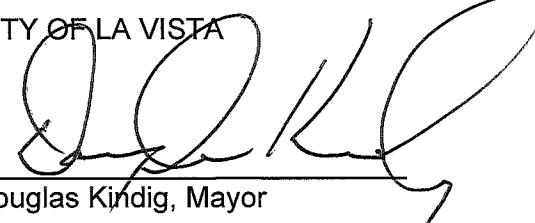
At 9:03 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan commented that he was pleasantly surprised at the quality of the Movie Night and the attendance.

At 9:05 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF AUGUST 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL10 COUNCIL MINUTES\July 20, 2010