# LA VISTA CITY COUNCIL
# MEETING
# March 18, 2008

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 March 18, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on March 6, 2008. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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

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

**A. CONSENT AGENDA**
**1. APPROVAL OF THE AGENDA AS PRESENTED**
**2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 4, 2008**
**3. APPROVAL OF CITY COUNCIL STRATEGIC PLANNING RETREAT MINUTES FROM MARCH 8, 2008**
**4. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM FEBRUARY 20, 2008**
**5. KEYSTONE TRAIL – LA VISTA LINK**
**a. PAY REQUEST #5 FROM THOMPSON, DREESSEN & DORNER, INC. FOR PROFESSIONAL SERVICES - $4,756.18**
**6. PAY REQUEST #6 FROM JOHN Q. HAMMONS FOR CONSTRUCTION LOAN - $495,023.47**
**7. APPROVAL OF CLAIMS**

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

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| ALAMAR UNIFORMS, Wearing Apparel | 6.80 |
| ALEXANDER, KATHLEEN, Travel | 139.88 |
| ANDERSON FORD LINCOLN MERCURY, Vehicle Maint. | 99.99 |
| ANDERSON, HAROLD, Contract Services | 282.72 |
| ANN TROE, Printing | 329.50 |
| APWA MID-AMERICA CONFERENCE, Training | 300.00 |
| AQUILA, Utilities | 4,071.03 |
| ARAMARK UNIFORM, Contract Services | 232.69 |
| ASPHALT & CONCRETE MATERIALS, Street Maint. | 87.20 |
| BAKER & TAYLOR BOOKS, Books | 65.90 |
| BAKER, MARCUS, Travel | 147.66 |
| BBC AUDIOBOOKS, Media | 142.38 |
| BENNINGTON IMPLEMENT, Vehicle Maint. | 40.83 |
| BIRCH, ANN, Travel | 138.37 |
| BLUE CROSS BLUE SHIELD, Rescue Revenue | 282.95 |
| BRENTWOOD AUTO WASH, Vehicle Maint. | 155.00 |
| BRODART, Books | 350.41 |
| BUETHE, PAM, Travel | 52.40 |
| BUILDERS SUPPLY, Bldg & Grnds | 14.00 |
| CAKE GALLERY, Deferred Revenue | 175.97 |
| CALIBRE PRESS, Training | 597.00 |
| CAPSTONE PRESS, Books | 1,220.20 |
| CARDMEMBER SERVICE-ELAN, Travel/Training/Supplies | 6,578.10 |
| CAVLOVIC, PAT, Wearing Apparel | 120.00 |

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| CDW GOVERNMENT, Internet Equipment | 10,361.00 |
| CHILD'S WORLD, Books | 716.00 |
| CITY OF OMAHA, Contract Services | 534.62 |
| CJ'S HOME CENTER, Bldg & Grnds/ Maint. | 870.12 |
| CONTROL MASTERS, Bldg & Grnds | 439.81 |
| COX, Contract Services | 242.75 |
| D & D COMMUNICATIONS, Equipment | 194.05 |
| DANKO EMERGENCY EQUIPMENT, Vehicle Maint. | 117.47 |
| DAYMARK SOLUTIONS, Contract Services | 230.00 |
| DIAMOND VOGEL PAINTS, Vehicle Maint. | 23.25 |
| DON'S PIONEER UNIFORMS, Wearing Apparel | 193.75 |
| DULTMEIER SALES & SERVICE, Vehicle Maint. | 128.11 |
| EAGLE ENGRAVING, Wearing Apparel | 155.54 |
| FBINAA-FBI NATL ACAD ASSOCS, Training | 75.00 |
| FERRELLGAS, Street Maint. | 44.85 |
| FILTER CARE, Vehicle Maint. | 240.95 |
| FOLLETT SOFTWARE, Supplies | 660.00 |
| FORT DEARBORN LIFE INSURANCE, Employee Benefits | 1,208.50 |
| GALE, Books | 81.86 |
| GASSERT, MIKE, Contract Services | 285.00 |
| GATEWAY, Contract Services | 249.00 |
| GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies | 967.97 |
| GRAYBAR ELECTRIC COMPANY, Bldg & Grnds | 537.49 |
| GRETNA WELDING, Equipment | 60.00 |
| GUNN, BRENDA, Travel | 90.99 |
| HALPAIN, LEAH, Contract Services | 146.25 |
| HANNEBAUM GRAIN, Street Maint. | 2,854.91 |
| HOLIDAY INN, Travel | 458.75 |
| HOME DEPOT, supplies | 299.00 |
| HUNTEL, Equipment | 11,646.40 |
| HY-VEE, Supplies | 19.00 |
| ICMA-INTL CITY/COUNTY MANAGE, Dues | 654.42 |
| IOWA STATE UNIVERSITY, Training | 60.00 |
| IVERSON, DENNIS, Wearing Apparel | 120.00 |
| J Q OFFICE EQUIPMENT, Contract Services/Supplies | 983.25 |
| KLINKER, MARK, Professional Services | 32.00 |
| KORTUS, LEE, Contract Services | 285.00 |
| KRIHA FLUID POWER, Repair | 42.09 |
| KROGER, Supplies | 170.59 |
| LANDS' END. Deferred Revenue | 40.50 |
| LAUGHLIN, KATHLEEN, Payroll Withholdings | 372.00 |
| LEAGUE ASSN OF RISK MGMT, Insurance | 508.00 |
| LEO A DALY, Planning & Study | 3,000.00 |
| LIEN TERMITE & PEST CONTROL, Contract Services | 230.00 |
| LINDBERG, SHEILA, Travel | 364.99 |
| LINWELD, Street Maint/Supplies | 157.20 |
| LITTLE FALLS MACHINE, Vehicle Maint. | 173.65 |
| LODES, CHRIS, Contract Services | 210.00 |
| MAX I WALKER, Uniform Cleaning | 242.30 |
| METAL SUPERMARKETS, Vehicle Maint. | 51.16 |
| MIDWEST SERVICE AND SALES, Traffic Signs | 2,659.95 |
| MIDWEST TAPE, Media | 59.97 |
| MUNICIPAL PIPE TOOL, Vehicle Maint. | 381.97 |
| NE DEPT OF LABOR, Contract Services | 252.00 |
| NE DEPT OF REVENUE-50G GAMING, Contract Services | 100.00 |
| NEBRASKA FOREST TREE SERVICE, Training | 30.00 |
| NEBRASKA TURF PRODUCTS, Bldg & Grnds | 357.75 |
| NOVA HEALTH EQUIPMENT, Equipment | 4,028.00 |
| NPZA-NE PLANNING/ZONING ASSN, Training | 510.00 |
| OABR PRINT SHOP, Printing | 215.51 |
| OFFICE DEPOT, Supplies | 912.69 |
| OPPD, Utilities | 33,726.23 |
| OVERHEAD DOOR, Bldg & Grnds | 579.00 |
| PAPILLION SANITATION, Contract Services | 220.61 |
| PAPILLION TIRE, Vehicle Maint. | 309.83 |
| PARAMOUNT LINEN & UNIFORM, Uniform Cleaning | 312.16 |
| PAYLESS, Supplies | 263.10 |
| PERFORMANCE DODGE, Vehicles | 74,664.00 |
| PRECISION INDUSTRIES, Street Maint. | 265.00 |
| PUSH PEDAL PULL, Repair | 100.00 |
| QWEST, Telephone | 128.53 |
| RECORDED BOOKS, Media | 765.86 |

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| SAM'S CLUB, Supplies | 136.73 |
| SCHOLASTIC LIBRARY PUBLISHING, Books | 323.05 |
| SINNETT, HELEN, Supplies | 80.00 |
| SINNETT, JEFF, Travel | 29.99 |
| SPEEDY PATCH DRYWALL, Bldg & Grnds | 550.00 |
| SPRINT, Telephone | 87.40 |
| STRITTMATTER, BRAD, Travel | 143.42 |
| SUBURBAN NEWSPAPERS, Legal Advertising | 664.50 |
| TED'S MOWER SALES & SERVICE, Repair | 402.00 |
| THREE RING ENTERPRISES, Vehicle Maint. | 2,975.05 |
| TURFWERKS, Vehicle Maint. | 154.58 |
| U S ASPHALT COMPANY, Street Maint. | 176.28 |
| WASTE MANAGEMENT NEBRASKA, Contract Services | 688.29 |
| WHITE CAP CONSTRUCTION SUPPLY, Bldg & Grnds/Repair | 143.00 |
| WHITTAKER, VICKI, Deferred Revenue | 100.00 |

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council at a Capital Improvement Program workshop will be held on Tuesday, April 1, 2008 at 6:00 p.m., prior to the 7:00 p.m. City Council meeting.

City Clerk Buethe informed Council of the Annual Southeast Area Clerk's Official's night which will be held on Wednesday, April 23, 2008. She asked them to mark their calendars and more information would be given at a later time.

Police Chief Lausten informed Council that St. Patrick's Day was quiet in La Vista, with no alcohol related incidents.

Public Works Director Soucie informed Council the Lane Mile Report has been submitted to the state. There are 171.22 lane miles in La Vista, as compared to 101 lane miles in 1998. He stated that two roads which do not have names were named for the report – Civic Plaza Road by City Hall and Frontage Road by Sol's. These names were for report purposes only. Soucie stated that the power pole seen on the Thompson Creek tour has been stabilized by OPPD.

Community Development Director Birch informed Council that the Building Inspectors expressed their appreciation for being allowed to attend a conference in Denver. They also passed certifications tests. Jeff Sinnett obtained his mechanical code certification while Doug Dahl and Don Simon obtained certifications in residential codes.

Recreation Director Stopak reminded Council that the Park and Recreation Advisory Board will meet tomorrow, Wednesday, March 19, 2008. He also reminded Council of the Annual Easter Egg Hunt which will be held on Saturday, March 22, 2008. Volunteers are needed.

## B. RESOLUTION - FY 2006/2007 AUDIT REPORT – ORIZON GROUP CPA'S LLC

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-021: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2006 - 2007 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF ORIZON CPAs, LLC, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of ORIZON CPAs, LLC, Omaha, Nebraska, to complete an audit of the City's fiscal year 2006-2007 municipal operations; and

WHEREAS, ORIZON CPAs, LLC has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the 2006-2007 municipal audit is hereby accepted and approved.

Seconded by Councilmember Quick. Jodi Rinne, from Orizon Group, gave an overview of the services provided. She talked about upcoming requirements which will put more burden on staff. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## C. BOARD OF EQUALIZATION – LEVY OF SPECIAL ASSESSMENTS - SOUTHPORT WEST (ADJOURNED FROM 2/5/2008 MEETING)

### 1. PUBLIC HEARING (CONTINUED FROM 2/5/2008 MEETING)

Mayor Kindig stated that the Mayor and Council were now meeting as a Board of Equalization and in public hearing with regard to proposed special assessments in Southport West, continued and adjourned from February 5, 2008. He asked if there was anyone in the audience who

wanted to come forward and comment on the matter. Larry Jobeun addressed Council on behalf of Southport West Partners, LLC and requested a further continuation of the hearing and meeting to consider adjustments he had proposed.

Mayor Kindig stated that the City has received a letter from Southport West Partners, LLC requesting adjustments to the special assessments proposed for Southport West. Staff is recommending a continuation and adjournment of this meeting and hearing of the Board of Equalization to give the City Engineer the opportunity to review and make a recommendation on the proposed adjustments. The Board of Equalization will meet on May 6, 2008 to levy the special assessment.

Councilmember Carlisle motioned to continue and adjourn the hearing and meeting of the Board of Equalization until the May 6th City Council meeting; and direct that notice be provided in accordance with applicable law Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 2. RESOLUTION – LEVY SPECIAL ASSESSMENTS

The Levy of Special Assessments will be taken up at the May 6, 2008 meeting.

## 3. RESOLUTION – CITY ENGINEER TO REVIEW/REVISE COSTS AND PROPOSED ASSESSMENTS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-022: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DIRECTING THE CITY ENGINEER TO PLACE ON FILE WITH THE CITY CLERK A REVISED STATEMENT OF COSTS AND SCHEDULE OF PROPOSED SPECIAL ASSESSMENTS FOR SOUTHPORT WEST, FORMERLY SID NO. 253; AND ORDERING NOTICE BE PROVIDED.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. Findings. The Mayor and City Council find and determine as follows:

1. A certificate of acceptance of the City Engineer was filed upon completion of the work within the territory of former Sanitary and Improvement District No. 253 of Sarpy County, Nebraska, known as Southport West ("Southport West") as annexed and now located in the City, which certificate the Council approved by resolution on January 2, 2008.

2. Council required and the City Engineer on January 2, 2008 made and filed with the City Clerk a complete statement of all costs of improvements, plat of the property in Southport West, and schedule of the amount proposed to be assessed against each separate piece of property in Southport West.

3. As directed, the City Clerk provided notice of the statement of costs, plat and schedule of proposed assessment, and manner of filing and time and place for consideration of any objections.

4. Southport West Partners, LLC filed a protest to the schedule of the amount proposed to be specially assessed with respect to Lots 4, 15, 16 and 27.

5. At the scheduled hearing and meeting of the Mayor and City Council as a Board of Equalization on February 5, 2008, Southport West Partners, LLC requested that the Mayor and City Council continue and adjourn said hearing and meeting to allow Southport West Partners, LLC additional time to analyze and understand the proposed special assessments, which request the Mayor and City Council granted until March 18, 2008.

6. Southport West Partners, LLC recently filed proposed adjustments to the proposed special assessments in Southport West. To consider said proposal, the Mayor and City Council further continued and adjourned the hearing and meeting of the Mayor and City Council as a Board of Equalization until the May 6, 2008 City Council meeting, at which meeting the hearing will be concluded and special assessments equalized and levied. The Mayor and City Council desire to direct the City Engineer to prepare, file and give notice of recommended revisions to the statement of costs and schedule of proposed special assessments in Southport West, if any.

Section 2. The Mayor and Council hereby order the City Engineer to revise as necessary or advisable and make a complete statement of all costs of any public improvements or other work on the properties within Southport West and a schedule of the amount proposed to be assessed

against each separate piece of property in Southport West, and place them on file with the City Clerk, along with the plat of the properties within Southport West previously filed. After the statement and schedule with any recommended revisions have been made and filed, the City Clerk is hereby ordered to give notice of the same, as well as the plat and related matters, in the same manner as provided with respect to the statement, schedule and plat originally filed.

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

## D. THOMPSON CREEK
### 1. PUBLIC COMMENT

Ben Thompson, 7544 Valley Road, addressed Council and stated that he had not received a survey. Mayor Kindig assured him that a survey will be mailed to him. Brenda Tillman, 7414 Park View Blvd, addressed Council and stated that she thought the residents would get the results of the surveys. Marilyn Medley, 7725 Park View Blvd, addressed Council and asked who controls the creek. City Engineer Kottmann stated, in his opinion it's a drainage way. Mrs. Medley stated that Option 4 is the choice of her and her neighbor. She asked if the City could put up a "No Trespassing" sign along the creek to keep kids out. Mayor Kindig stated staff will consider the need for a sign.

City Engineer Kottmann then gave an overview of the 4 Options and reiterated staff and engineer's recommendation of Option 3.

### 2. COUNCIL DISCUSSION REGARDING PREFERRED OPTION

Councilmembers discussed the four options in depth regarding long term solutions, maintenance costs, affect downstream, ability to fund each option, acquisition of homes, time frames for each option, social impact, permits, park plans, and possible funding eligibility and sources. City Administrator Gunn asked the Council for direction as to what option staff should use to begin looking for funding opportunities. City Attorney McKeon clarified that the Council only was giving direction at this time so Staff could prioritize and efficiently focus its search for funding. Once available funding was determined, the matter would be brought back at a Council meeting and Council would vote on an option and associated funding. Councilmembers Sell, Ronan, Quick, Sheehan, Carlisle, and McLaughlin stated that they would be in favor of first seeing what funding is available for Option 3. Councilmember Ellerbeck was in favor of focusing on funding availability for Option 1, and Councilmember Gowan said that he would be fine seeing what funding is available for either Option 3 or Option 4.

City Administrator Gunn stated the City will investigate possible funding sources for Option 3 and will continue to keep the public informed. Any further action and information will come before the Mayor and Council.

## E. RESOLUTION - LB 371

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-023: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO OPPOSE LB 371 WITH PROPOSED STANDING COMMITTEE AMENDMENTS – AM 1857, WHICH WOULD ADOPT THE NEBRASKA PEACE OFFICER RETIREMENT ACT.

WHEREAS, LB 371 with proposed standing committee amendments – AM 1857 would enact the Nebraska Peace Officer Retirement Act (NPORA), an unfunded statewide defined benefit retirement plan for all law enforcement personnel not currently enrolled in a defined benefit retirement plan; and

WHEREAS, the report funded by the proponents of LB 371 indicates that the projected "Unfunded Actuarial Accrued Liability (UAAL) would at a minimum create an unfunded accrued liability of $88 million"; and

WHEREAS, there is no knowledge of an actuarial analysis regarding the impact of AM 1857; and

WHEREAS, LB 371 with AM 1857 provides that the State of Nebraska would administer, invest and govern the statewide peace officers retirement system and obligates the respective political subdivision to provide a supplemental appropriations sufficient to pay for the difference; and

WHEREAS, the State of Nebraska moved away from a defined benefit pension plan requirement for law enforcement officers in 1984; and

WHEREAS, municipalities across the country have financial problems rooted in similar pension programs as evidenced by the City of Omaha; and

WHEREAS, LB 371 with AM 1857 will create a significant financial burden for the City of La Vista, likely resulting in a reduction of services to the taxpayers of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby expresses its opposition to LB 371 with proposed standing committee amendments — AM 1857, which would adopt the Nebraska Peace Officer Retirement Act.

BE IT FURTHER RESOLVED, that the Mayor is hereby directed to communicate this position to our representative in the Legislature and such other parties as may be desirable to further these purposes.

Seconded by Councilmember Sell. Mayor Kindig stated that one member of the Fraternal Order of Police could have the opportunity to address Council. Jeremy Kinsey, on behalf of the Nebraska State FOP and FOP La Vista #28, addressed Council. He stated LB 371 enhances retirement to stay comparable with other states. A discussion was held by Council, with concerns about the language in LB 371. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, McLaughlin, and Gowan. Nays: Carlisle and Ellerbeck. Absent: None. Motion carried.

**F. RESOLUTION – AWARD CONTRACT – 78TH STREET AND HARRISON STREET RETAINING WALL RECONSTRUCTION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-024: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO LINHART CONSTRUCTION, INC., OMAHA, NEBRASKA, FOR THE 78TH & HARRISON STREET RETAINING WALL RECONSTRUCTION PROJECT IN AN AMOUNT NOT EXCEED $62,743.65.

WHEREAS, the City Council of the City of La Vista has determined that proposed reconstruction improvements is necessary; and

WHEREAS, the FY 2007/08 Capital Fund provides funding for the proposed project.

WHEREAS, on February 5, 2008 the City Council authorized the advertisement of bids for said project in accordance with plans and specifications as prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids and recommends that a contract be awarded to Linhart Construction, Inc., as the low qualified 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, that a contract be awarded to Linhart Construction, Inc., Omaha, Nebraska, for the 78th & Harrison Street Retaining Wall Reconstruction Project in an amount not to exceed $62,743.65, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Ellerbeck. Councilmmeber Sheehan inquired as to whether we would use all new materials. Engineer Kottmann stated that all new materials would be used however the existing wall would be left in place except for the top layers which would be covered with dirt. Mayor Kindig asked about the warranty of this work. Engineer Kottmann stated that there is a two year warranty. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

**G. RESOLUTION – AUTHORIZATION TO ADVERTISE FOR BIDS – MOWING TRACTORS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-025: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE ADVERTISMENT FOR BIDS FOR TWO 4-WHEEL DRIVE FRONT MOWERS WITH 72" MOWER DECK, CAB, SNOW BLADE AND SNOW BLOWER;

ONE 4-WHEEL DRIVE FRONT MOWER WITH 72" MOWER DECK AND ONE Z-TRAK MOWER WITH A 60" MOWER DECK FOR THE PUBLIC WORKS DEPARTMENT.

WHEREAS, the City Council has determined that the proposed mower purchases are necessary; and

WHEREAS, the FY 2007/08 General Fund Budget provides funding for the proposed purchases; and

WHEREAS, the Public Works Park Superintendent has prepared specifications for the proposed equipment.

NOW, THEREFORE BE IT RESOLVED, that City Administrator is hereby authorized to advertise for bids for purchase of two 4-Wheel Drive Front Mowers with 72" mower deck, cab, snow blade and snow blower; one 4-Wheel Drive Front Mower with 72" mower deck; and one Z-Trak Mower with a 60" mower deck; in accordance with specifications prepared by the Public Works Park Superintendent and said bids are to be opened and publicly read aloud at 3:00 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska, on April 8, 2008.

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

## H. RESOLUTION – EXTENSION OF CONTRACT FOR GOLF MERCHANDISE CONSIGNMENT

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-026: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR CONTRACT WITH FAIRWAY GOLF LLC., OMAHA, NEBRASKA, TO FURNISH AND SUPPLY THE LA VISTA FALLS GOLF COURSE WITH GOLF CLUBHOUSE MERCHANDISE ON A CONSIGNMENT BASIS.

WHEREAS, the City has determined that it is desirable to contract for the furnishing and supplying of golf merchandise on a consignment basis at La Vista Falls Golf Course Clubhouse; and

WHEREAS, Fairway Golf LLC., supplied said golf merchandise on a consignment basis to the City during 2007; and

WHEREAS, the current contract with Fairway Golf LLC will expired in March of 2008; and

WHEREAS, the Recreation Director recommends extending the current contract with Fairway Golf LLC for one year; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the Mayor to sign a one-year contract with Fairway Golf LLC., Omaha, Nebraska, to furnish and supply the La Vista Falls Golf Course Clubhouse with golf merchandise on a consignment basis.

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

## I. RESOLUTION – EXTENSION OF CONTRACT FOR CONCESSION STAND OPERATIONS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-027: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR CONTRACT WITH HAMS, INC., OMAHA, NEBRASKA, FOR THE OPERATION OF CONCESSIONS AT THE SPORTS SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER.

WHEREAS, the City has determined that it is desirable to contract for the operation of concession stands at various recreation sites in the City with HAMS Inc.; and

WHEREAS, HAMS, Inc. operated concessions at various recreation sites in the City during 2007; and

WHEREAS, the current contract with HAMS, Inc. will expire in April of 2008; and

WHEREAS, the Recreation Director recommends extending the current contract with HAMS, Inc. for one year; and

WHEREAS, the contract provides for Hams Inc. to make payments of 10% of the gross revenues from all sales to the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign a one-year contract with HAMS Inc., Omaha, Nebraska, for the operation of the concessions at the Sports Softball Complex , Soccer Complex, City Park and Community Center.

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

## J. STRATEGIC PLAN UPDATE

Councilmember Gowan moved to receive and file the Strategic Plan Update. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## K. RESOLUTION – SPECIAL DESIGNATED LICENSE - LA VISTA AREA CHAMBER JUNE 6-7, 2008

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-028: 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 JUNE 6-7, 2008, IN CONJUNCTION WITH THE ANNUAL LA VISTA DAYS CELEBRATION.

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

WHEREAS, the La Vista Chamber of Commerce has requested approval of a Special Designated Permit to sell and serve beer at a beer garden in Central Park June 6-7, 2008, in conjunction with the annual La Vista Days celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the La Vista Chamber of Commerce 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 June 6-7, 2007, in conjunction with the annual La Vista Days celebration.

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

## L. CLASS B LIQUOR LICENSE APPLICATION FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2454

### 1. PUBLIC HEARING

At 8:30 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class B Liquor License Application for Casey's Retail Company dba Casey's General Store 2454. Tina Krings, district manager of Casey's General Stores, addressed Council to answer any questions.

At 8:31 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-029: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS B LIQUOR LICENSE APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE 2454, LA VISTA, NEBRASKA.

WHEREAS, Casey's Retail Company dba Casey's General Store 2454, 9542 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class B Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class B Liquor License application submitted by Casey's Retail Company dba Casey's General Store 2454, 9542 Giles Road, La Vista, NE.

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

## M. CLASS D LIQUOR LICENSE APPLICATION FOR RALSTON INVESTMENT GROUP, INC. DBA EDDY'S CONVENIENCE STORE

### 1. PUBLIC HEARING

At 8:32 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class D Liquor License Application for Ralston Investment Group, Inc. dba Eddy's Convenience Store. Jim Sill, the manager at Eddy's Convenience Store, addressed Council to answer any questions.

At 8:33 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-030: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION OF RALSTON INVESTMENT GROUP, INC. DBA EDDY'S CONVENIENCE STORE, LA VISTA, NEBRASKA.

WHEREAS, Ralston Investment Group, Inc. dba Eddy's Convenience Store, 9849 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class B Liquor License application submitted by Ralston Investment Group, Inc. dba Eddy's Convenience Store, 9849 Giles Road, La Vista, NE.

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

## COMMENTS FROM THE FLOOR

Bryan Waugh, the La Vista FOP President, addressed Council; and thanked Councilmembers Carlisle and Ellerbeck for their support. He stated the unfunded portion of retirement would not be on the City. La Vista may lose members to Omaha because of their retirement. He stated that not having defined benefits would lead to a reduction in services because officers would work longer and be less able to do the job.

Mary Harper, of the La Vista Chamber of Commerce, addressed Council to give the quarterly report on the Chamber. She informed Council of the recent relocation of the office to Brentwood Square. There has been a resurgence of membership, with a 25% increase in 2007. The La Vista Chamber has built a relationship with all Chambers in the Metro Area. There have been 14 new members since January 2008.

Leslie McQuade, 7504 Valley Road, addressed Council regarding Thompson Creek. She stated the channel projects do not work. She suggested letting channeling run its course.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell welcomed "The Chatty Squirrel", a new restaurant in La Vista, to the area. He has eaten at the restaurant and said the food is good.

Mayor Kindig congratulated the recreation department for the St. Patrick's Day Senior lunch, especially Sue Tangeman for spending many hours cooking the corned beef.

Councilmember Sheehan asked about the date of the next swimming pool committee meeting. City Administrator Gunn will supply that date when it has been set.

Councilmember Ellerbeck stated that he would like to see the report from the Chamber of Commerce scheduled on a regular basis each quarter.

## ADJOURNMENT

At 8:45 p.m. Councilmember Ellerbeck made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF APRIL 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\March 18, 2008