

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING March 3, 2009

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 3, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, 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 February 19, 2009. 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 of the location of the posted copy of the Open Meetings Act for public reference.

Mayor Kindig made an announcement regarding the new agenda policy statement providing for expanded opportunity for public comment on agenda items.

PRESENTATION TO MARV CARCICH FOR SERVICE TO THE CITY

Planning Commission Chairperson Mike Kryzwicki presented a commemorative clock to Marv Carcich for his years of service to the City. Mayor Kindig presented the key to the city to Carcich and stated that a sign would be place on Harrison Street for 3 months naming it after Marv in honor of his service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 17, 2009
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM FEBRUARY 19, 2009
4. APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC MINUTES FROM FEBRUARY 2, 2009
5. APPROVAL OF CLAIMS

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

ACI-NEBRASKA CHAPTER, Dues	60.00
ALAMAR UNIFORMS, Wearing Apparel	485.00
ALEX, MARY, Travel	138.92
ALL MAKES, Repair	78.00
AMERICAN PLANNING ASSN, Dues	319.00
AMSAN, Supplies	616.28
ARAMARK UNIFORM, Contract Services	348.68
ASAP SOFTWARE, Contract Services	1,016.81
ASPHALT & CONCRETE MATERIALS, Street Maint.	114.68
AVI SYSTEMS, Equipment	496.91
BAKER & TAYLOR BOOKS, Books	1,033.67
BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	1,100.00
BENNINGTON EQUIPMENT, Vehicle Maint.	659.11
BEST CARE EMPLOYEE ASST PROGRM, Contract Services	2,175.00
BLACK HILLS ENERGY, Utilities	18.17
BOLEY, ANN, Auto Allowance	100.00
BRODART, Books	237.09
BUETHE, PAM, Phone	20.00
BUILDERS SUPPLY, Bldg & Grnds	51.66

MINUTE RECORD

March 3, 2009

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

CALENTINE, JEFFREY, Phone/Travel	756.28
CENTER POINT PUBLISHING, Books	79.08
CITY OF OMAHA, Contract Services	33,320.58
CONTROL MASTERS, Control System	12,950.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	326.29
COX, Contract Services	52.00
CREATIVE PRODUCT SOURCING, D.A.R.E.	1,551.38
D & D COMMUNICATIONS, Pagars	7,110.00
DANIELSON/TECH SUPPLY, Bldg & Grnds	1,766.60
DELL, Office Equip	4,444.57
DEMCO, Supplies	96.89
DIAMOND VOGEL PAINTS, Bldg & Grnds	152.83
DITCH WITCH, Vehicle Maint.	68.57
DOSTALS CONSTRUCTION, Cart Corrals	37,350.00
DULTMEIER SALES & SERVICE, Repair	36.60
EASTERN LIBRARY SYSTEM, Training	30.00
ECCLES, PAT, Auto Allowance	100.00
EMBASSY SUITES, Travel/Training/	4,336.50
FARQUHAR, MIKE, Auto Allowance	100.00
FILTER CARE, Vehicle Maint.	9.10
FIREGUARD, Repair	25.50
FITZGERALD SCHORR BARMETTLER, Professional Service	24,223.83
FLOHR ELECTRIC, Equipment	175.58
FROEHLICH, RORY, Auto Allowance	100.00
GALL'S, Wearing Apparel	55.99
GAMETIME, Bldg & Grnds	545.74
GASSERT, ADAM, Contract Services	60.00
GASSERT, MIKE, Contract Services	364.00
GOLDMAN, JOHN, Phone	85.00
GRAPHIC IMAGINATION, Vehicle Maint.	439.00
GRAYBAR ELECTRIC, Bldg & Grnds	188.94
GUNN, BRENDA, Phone	45.00
HELGET GAS, Squad Supplies	110.50
HIGHSMITH, Supplies	204.84
HY-VEE, Supplies	70.17
J Q OFFICE EQUIPMENT, Contract Services	286.72
JINECO EQUIPMENT, Vehicle Maint.	49.00
JUSTIN THYME CAFÉ, Supplies	601.71
KIMBALL MIDWEST, Equipment	93.45
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	342.00
KRIHA FLUID POWER, Repair	312.61
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	70.00
LARRY'S BOILER SERVICE, Bldg & Grnds	144.21
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEXIS NEXIS MATTHEW BENDER, Books	920.35
LIEN TERMITE & PEST CONTROL, Contract Services	230.00
LIFE ASSIST, Squad Supplies	174.70
LINWELD, Supplies	185.81
LIVE OAK MEDIA, Media	20.99
LODES, CHRIS, Contract Services	97.50
LUKASIEWICZ, BRIAN, Phones	50.00
MALLARD SAND & GRAVEL, Supplies	2,106.14
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	10,653.33
MID AMERICA PAY PHONES, Phones	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	197.16
MID-STATES UTILITY TRAILER, Vehicle Supplies	315.56
MIDWEST TURF & IRRIGATION, Bldg & Grnds	305.80
MILLER PRESS, Printing	605.00
MIRACLE RECREATION EQUIPMENT, Bldg & Grnds	401.50
MORGAN MANUFACTURING, Traffic Signs	86.00
MPH INDUSTRIES, Supplies	51.79
MUD, Utilities	820.64
NE FURNITURE MART, Supplies	198.97
NE LANDSCAPE SOLUTIONS, Supplies	1,964.00
NE TURF PRODUCTS, Ice Control Salt	7,285.08
NEBRASKA AIR FILTER, Contract Services	393.00
NEFSMA-NE FLOODPLAIN/STORMWTR, Dues	35.00
NEUMAN EQUIPMENT, Bldg & Grnds/Vehicle Maint.	952.66
NEXTEL COMMUNICATIONS, Phone	619.31
NOBBIES, Recognition Dinner	90.39

MINUTE RECORD

March 3, 2009

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

NUTS AND BOLTS, Vehicle Maint.	27.84
OABR, Printing	3,990.09
ODB COMPANY, Vehicle Maint.	1,818.23
OFFICE DEPOT, Supplies	112.95
OMAHA COMPOUND, Supplies	40.30
OMNIGRAPHICS, Books	61.63
ON YOUR MARKS, Printing	423.56
ORIZON CPAS, Professional Services	3,095.75
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	382.46
PAYLESS OFFICE, Supplies	155.05
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	21.00
PITNEY BOWES, Postage/Supplies	440.42
PRECISION INDUSTRIES, Vehicle Maint.	277.38
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	208.50
QWEST, Phone	1,154.44
RAMIREZ, RITA Phone	43.00
REGAL AWARDS, Recognition Dinner	504.90
RUSTY ECK FORD, Vehicle Maint.	91.09
SAPP BROS PETROLEUM, Vehicle Maint.	640.50
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SINNETT, HELEN, Supplies	105.00
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	90.00
SUSPENSION SHOP, Vehicle Maint.	161.83
TED'S MOWER, Equipment	149.59
TURF CARS, Electric Cart	47.50
TURNER, WILEY, Contract Services	117.00
U S ASPHALT COMPANY, Street Maint.	279.72
UNIVERSITY OF NE LINCOLN, Training	690.00
VERIZON, Phone	120.16
WAL-MART, Supplies/Equipment/Supplies	562.69
WASTE MANAGEMENT, Contract Services	858.02
WICK'S STERLING TRUCKS, Vehicle Maint.	763.79

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that City Clerk Buethe and she recently attended the Mid-Winter League Conference in Lincoln. She thanked Council for their opportunity to attend and gave an overview of the sessions they had attended and the information received from Governor Heineman concerning the stimulus package.

Police Chief Lausten informed Council of the Body for Life award, recently won by some members of the La Vista Police Department. Officer John York addressed Council to explain the Body for Life challenge that was sponsored by EAS Sports. K-9 handlers in the area joined in a 12-week contest to transform their bodies. The local K-9 handlers won an award in the large group category. They lost a combined 249 lbs and 40 percentage points in body fat.

Fire Chief Uhl informed Council that the Sarpy County LEPC (Local Emergency Planning Committee) will fund hazardous material training. The Fire Department also has possible training with a burn of an old house on the sod farm.

Recreation Director Stopak informed Council that a new treadmill was delivered to the Recreation Center today, bringing the number of treadmills in the workout room to four.

Stopak informed Council the Seniors St. Patrick's Day luncheon will be held on Tuesday, March 17, 2009 at 11:30 a.m. The cost is \$6.00 per person.

Stopak informed Council that the Slumbuster tournament begins on June 11, 2009.

Library Director Iwan informed Council that Library had two events recently in honor of the birthday of Dr. Seuss. Iwan stated that Teddy Bear Hollow is writing a grant through the Midlands Foundation to have book bags available at the local libraries with items in them to help children deal with grief.

B. ONE AND SIX YEAR STREET IMPROVEMENT PLAN

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan. Public Works Director Soucie introduced this agenda item stating that Street Superintendent would give an overview of the plan and Soucie would help answer any questions the Council might have. Soucie stated that the

MINUTE RECORD

March 3, 2009

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

format for this year's presentation has been revised. Street Superintendent Goldman gave an overview of the One and Six Year Street Improvement Plan, reviewing projects completed last year and showing projects for the 09/10 season. Councilmember Sell asked when counts are done on 96th Street to determine if signalization needs to occur. Public Works Director Soucie stated that 96th Street will be monitored for 6 months. Councilmember Sheehan asked if construction on 66th Street will result in tearing up the Keystone Trail. Soucie responded that the Keystone Trail will not be torn up during the construction on 66th Street. Street Superintendent Goldman gave an overview of projects scheduled for the 10/11 year, as well. Public Works Director Soucie explained the funding of the 66th Street construction project. Councilmember Sell asked about the truck traffic on 66th Street. Public Works Director Soucie stated that was no longer a problem. Mayor Kindig asked if there would be any warning lights installed at the Sports Complex with the widening of 66th Street. Public Works Director stated that we will look at traffic calming devices and speed limits at that time. Councilmember Gowan asked about stimulus projects. Public Works Director Soucie stated there are two guaranteed projects. Councilmember Sheehan asked if there were any concerns with 96th Street from Harrison Street to Portal Road, as both La Vista and Papillion are involved. Public Works Director Soucie stated that La Vista has full control of the road.

At 7:59 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-016: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

C. FIREWORKS PERMITS

City Clerk Buethe introduced this agenda item and gave an overview of the process which occurred in order to make recommendations to Council regarding the issuance of fireworks stand permits.

1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-017: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA,

MINUTE RECORD

March 3, 2009

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

ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2009.

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2009 shall not exceed five (5).

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

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

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

Seconded by Councilmember Crawford.

Mayor Kindig asked City Clerk Buethe if any requests to speak on this item had been received. Buethe stated that requests had been received. Mayor Kindig asked those that wished to speak to come forward and print their name and address on the sign in sheet and to hold comments to three minutes.

Randy Cahill and Steve Hayden representing La Vista Youth Baseball Association came forward to ask the Council to give them additional time to find and alternate sight.

Mike Williams representing St. Columbkille Shepherds, Inc. came forward to address the Council regarding the recommendation to deny their permit as he feels they meet the requirement of the ordinance regarding community betterment as they support youth and youth activities which include youth and families from La Vista, and membership of St. Columbkille Church includes La Vista residents.

Councilmember Crawford stated that he would like to see the Council give the La Vista Youth Baseball Association the opportunity to find a different location where fireworks stands are permitted and to change the number of permits to six (6). Councilmember Sell commented that the situation with the St. Columbkille Shepherds, Inc. seemed similar to that of the Shriners previously.

Council member Gowan amended his motion to amend resolution 09-017 to allow for six (6) permits to be issued. Councilmember Crawford accepted the amendment with his second. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-018: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF THE, LA VISTA YOUTH FOOTBALL AND CHEERLEADING, LA VISTA AREA CHAMBER OF COMMERCE, LA VISTA YOUTH, LA VISTA LANCERS SOCCER CLUB, LA VISTA VIPERS WRESTLING CLUB

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

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

MINUTE RECORD

March 3, 2009

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

WHEREAS, five (5) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2009 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

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

La Vista Youth Football and Cheerleading, La Vista Area Chamber of Commerce, La Vista Youth, La Vista Lancers Soccer Club, La Vista Vipers Wrestling Club

to sell fireworks within the City of La Vista for the 2009 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

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

Councilmember Crawford made a motion to issue a permit to La Vista Youth Baseball Association provided they can find a site within the next two weeks which meets the City's zoning criteria. Councilmember Gowan seconded the motion. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

D. RESOLUTION - PURCHASE SPRAY RIG – GOLF COURSE

Public Works Director Soucie introduced this agenda item and stated that this is coming back to the council for approval again as the first time it was approved to purchase at a time when it was determined we could do this fiscally. We are now able to purchase this item but the price has increased since the first approval.

Mayor Kindig asked City Clerk Buethe if any requests to speak on this item had been received. Buethe stated that no requests had been received.

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A TORO WORKMAN 3200 SPRAY RIG FROM MIDWEST TURF & IRRIGATION, 14201 CHALCO VALLEY PARKWAY, OMAHA, NEBRASKA, FOR AN AMOUNT NOT TO EXCEED \$29,293.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a spray rig is necessary; and

WHEREAS, the FY 2008/09 Golf Fund Budget provides funding for said purchase; and

WHEREAS, the purchase will be made from the National Intergovernmental Purchasing Alliance (National IPA); which Midwest Turf & Irrigation is a participating agency; 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, that the Mayor and City Council of the City of La Vista, do hereby award the purchase of a Toro Workman 3200 Spray Rig to Midwest Turf & Irrigation, Omaha, Nebraska, for an amount not to exceed \$29,293.00.

Seconded by Councilmember Quick. Councilmember Ronan asked if this was a replacement for the old spray rig. Public Works Director Soucie stated that this spray rig will replace the previous one. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

MINUTE RECORD

March 3, 2009

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

E. RESOLUTION – RECONSIDER ASSESSMENT PER RESOLUTION 09-007

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-020, with the assessment of 7107 Monterrey Dr. to be reduced to \$0: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECONSIDERING AND ADJUSTING THE ORIGINAL ASSESSMENT OF A PROPERTY PURSUANT TO RESOLUTION 09-007 AND AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER AN ADJUSTMENT TO THE SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNT CITED HEREIN.

WHEREAS, the Mayor and City Council passed Resolution 09-007 on January 20, 2009 authorizing the City Clerk to file with the Sarpy County Treasurer a special assessment for property clean up at 7107 Monterrey Dr., Lot 167 Park View Heights 2nd Addition in the amount of \$179.18 ("7107 Monterrey Dr. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on February 13, 2009 requesting the Council's action and 7107 Monterrey Dr. Assessment be reconsidered and adjusted; and

WHEREAS, the City has verified that the owner did make an attempt to trim the branches in compliance with notice of the code enforcement officer; and

NOW THEREFORE BE IT RESOLVED, that, in consideration of the foregoing, exceptional circumstances and interests of equity:

1. Resolution 09-007 is hereby reconsidered to the extent of the 7107 Monterrey Dr. Assessment.
2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 7107 Monterrey Dr. Assessment, which is hereby adjusted and set at the following amount \$0.
3. The La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer an adjustment to the 7107 Monterrey Dr. Assessment in accordance with the actions approved herein.

Seconded by Councilmember Sheehan. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

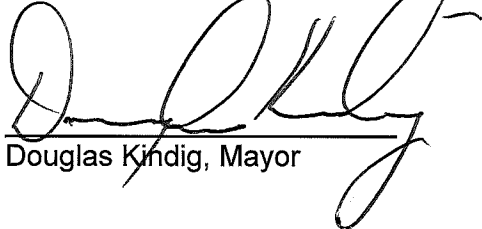
COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 8:23 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF MARCH 2009.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk