

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 16, 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 June 16, 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, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on June 4, 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.

### **SERVICE AWARD – PATRICK CAVLOVIC – 10 YEARS, JAMES RUFFNER – 15 YEARS**

Mayor Kindig presented service awards to Patrick Cavlovic for 10 years of service to the City and to James Ruffner for 15 years of service to the City.

### **PRESENTATION OF BADGES TO FIRE DEPARTMENT PERSONNEL – CHRIS HALL, JERAD HENDERSON, STEVE LEIGHTON, HEATH LEWIS, TROY LITTLE, DAWN MASTRA, ALYSSA STUBBS, CHRIS WIEKER**

Mayor Kindig and Fire Chief Uhl recognized Chris Hall, Jerad Henderson, Steve Leighton, Heath Lewis, Troy Little, Dawn Mastra, Alyssa Stubbs, Chris Wieker as full members of the La Vista Volunteer Fire Department after completing one year of training. Badges were presented and pinned on by Chief Uhl.

### **SPECIAL PRESENTATION – SAFE COMMUNITIES AWARD**

Police Chief Lausten informed Council the City of La Vista received the Safe Communities Award from the National Safety Council on May 13, 2009. He thanked Bob Perry from LARM for nominating the City. A video was then shown to the Mayor and Council.

### **CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM JUNE 2, 2009**
- 3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM MAY 14, 2009**
- 4. MONTHLY FINANCIAL REPORT - MAY 2009**
- 5. APPROVAL OF CLAIMS**

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

ABE'S PORTABLES, Rentals	222.03
ACTION BATTERIES, Vehicle Supplies	87.95
ALAMAR UNIFORMS, Wearing Apparel	679.92
APPLE BOOKS, Books	82.59
AQUA-CHEM, Supplies	146.00
ARAMARK UNIFORM SERVICES, Contract Services	260.53

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AVI SYSTEMS, Supplies	25.00
BAKER & TAYLOR BOOKS, Books	1,423.65
BCDM, Professional Services	448.75
BENNINGTON EQUIPMENT, Vehicle Maint.	1,554.69
BENSON RECORDS, Contract Services	53.54
BLACK HILLS ENERGY, Utilities	2,070.26
BLUE CROSS BLUE SHIELD, Rescue Revenue	425.33
BOB'S RADIATOR REPAIR, Vehicle Maint.	169.00
BRODART, Supplies	141.72
BUETHE, PAMELA, Vehicle Maint./Street Maint.	126.13
CARDMEMBER SERVICE, Professional Services/Travel/Training	9,672.42
CARL JARL LOCKSMITHS, Bldg & Grnds	12.00
CITY OF COUNCIL BLUFFS, Mobile Stage	530.00
CJ'S HOME CENTER, Bldg & Grnds/Street Maint./Vehicle Maint.	1,046.62
COLOMBO/PHELPS COMPANY, Concessions	836.56
COMP CHOICE, Professional Services	3,535.00
COX, Contract Services	198.80
D & D COMMUNICATIONS Vehicle Maint.	9.45
DAVIS & STANTON, Wearing Apparel	39.00
DAVIS, FRANKLIN TODD, Wearing Apparel	27.50
DULTMEIER SALES & SERVICE, Vehicle Maint.	46.20
EDAW, Planning	24,999.24
EDGEWEAR SCREEN PRINTING, Wearing Apparel/Supplies	740.70
FAVORABLE IMPRESSIONS, Books	39.96
FILTER CARE, Vehicle Maint.	82.70
FLEETPRIDE, Vehicle Maint.	20.10
GALE, Books	149.14
GALL'S, Supplies	157.99
GASSERT, ADAM, Contract Services	30.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	23.95
GLENDALE PARADE STORE, Wearing Apparel	48.20
GRAYBAR ELECTRIC, Bldg & Grnds	431.78
GREAT PLAINS ONE-CALL SVC, Contract Services	397.62
GREAT PLAINS UNIFORMS, Wearing Apparel	256.50
GREENKEEPER COMPANY, Supplies	300.00
HALLETT AUTO BODY, Vehicle Supplies	983.60
HANEY SHOE STORE, Wearing Apparel	101.95
HEARTLAND PAPER, Supplies	156.00
HEIMES CORPORATION, Repair	107.87
HOST COFFEE SERVICE, Concessions	21.50
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	69.62
INDUSTRIAL SALES COMPANY, Bldg & Grnds	408.90
INLAND TRUCK PARTS, Vehicle Maint.	185.54
J Q OFFICE EQUIPMENT, Supplies	843.55
JOHN DEERE LANDSCAPES/LESCO, Supplies	218.44
JOHNSON CONTROLS, Bldg & Grnds	239.00
LANDS' END, Wearing Apparel	553.73
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEYPOLDT, SUZANNE, Refund	45.00
LINWELD, Street Maint.	252.29
LOGAN CONTRACTORS, Street Maint.	2,902.91
LOU'S SPORTING GOODS, Wearing Apparel	98.84
LOVELAND LAWNS, Street Maint.	107.76
LUPOMECH, CATHY, Travel	788.21
MAPES, HANNAH, Contract Services	20.00
MAPES, RYAN, Contract Services	80.00
MES-MIDAM, Bunker Gear	12,740.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	7,042.04
METRO LANDSCAPE MATERIALS, Supplies	1,400.00
MIDWEST MUDJACKING, Street Maint.	1,835.00
MIDWEST TAPE, Media	235.67
MIDWEST TURF & IRRIGATION, Repair	154.68
MILLER BRANDS, Concessions	275.70
MONARCH OIL, Street Maint.	139.75
MUD, Utilities	396.37
MULHALL'S, Bldg & Grnds	880.20
NE DEPT OF LABOR, Bldg & Grnds	100.00
NEBRASKA AIR FILTER, Bldg & Grnds	210.24
NEBRASKA GOLF & TURF, Electric Cart	2,128.63
NEBRASKA LIBRARY COMMISSION, CD Rom	444.00
NEBRASKA LTAP TRAINING, Training	300.00

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NEBRASKA SOFTBALL ASSN DIST#10, Registration Fee	176.00
OABR PRINT SHOP, Printing	692.00
OFFICE DEPOT, Supplies	624.59
O'KEEFE ELEVATOR, Equipment	185.00
OMAHA COMPOUND, Bldg & Grnds/Supplies	171.51
OMAHA NEWSPAPER, Advertising	397.50
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	403.91
OPPD, Utilities	38,656.09
PAPILLION SANITATION, Contract Services	212.11
PARAMOUNT LINEN & UNIFORM, Wearing Apparel/Uniform Cleaning	402.46
PAYLESS, Supplies	241.85
PEPSI COLA, Concessions	308.50
POKORNY, KEVIN, Travel	61.20
PRECISION INDUSTRIES, Vehicle Maint.	18.11
QUALITY BRANDS, Concessions	573.45
QWEST, Phone	134.37
READY MIXED CONCRETE, Bldg & Grnds	233.98
RECREONICS INC ETAL, Supplies	39.72
REGAL AWARDS, Supplies	10.56
REPUBLIC NATIONAL DISTR, Concessions	219.35
RUSTY ECK FORD, Vehicle Maint.	60.00
SAM'S CLUB, Membership	35.00
SAPP BROS PETROLEUM, Vehicle Supplies	15,653.11
SMITH MANUFACTURING, Traffic Signs	1,880.26
SMOOTHER CUT ENTERPRISES, Contract Services	1,320.00
SNITILY CARR, Professional Services	995.00
SQUAD-FITTERS, Wearing Apparel	334.95
STANDARD HEATING AND AIR, Bldg & Grnds	2,609.00
STAPLES, Supplies	50.97
SUBURBAN NEWSPAPERS, Legal Advertising	909.17
SUN COUNTRY DISTRIBUTING, Bldg & Grnds	59.70
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	2,072.28
TARGET BANK, Supplies	17.96
TED'S MOWER SALES & SERVICE, Repair & Maint.	234.43
THERNKA, DAMON, Contract Services	35.00
THOMPSON DREESSEN & DORNER, Professional Services	19,505.10
TRACTOR SUPPLY, Bldg & Grnds/Vehicle Maint./Wearing Apparel	424.57
TURFWERKS, Repair & Maint.	50.19
U S ASPHALT COMPANY, Street Maint.	1,483.78
UPS, Supplies	26.63
USI, Supplies	101.99
UTILITY EQUIPMENT, Repair & Maint.	112.08
V & V MANUFACTURING, Wearing Apparel	285.90
VIERREGGER ELECTRIC, Bldg & Grnds	458.96
WASTE MANAGEMENT, Contract Services	955.77
WHITE CAP CONSTRUCTION, Repair	57.16
ZEE MEDICAL SERVICE, Supplies	129.95

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council the first Community Workshop for Vision 84 will be held on Tuesday, June 23<sup>rd</sup> at 6:30 p.m. The working group will take a bus tour to the Kansas City area on Wednesday, leaving City Hall at 7:30 a.m.

Police Chief Lausten informed Council the City received \$16,000 in stimulus funds for in-car computers. Traffic control during the Slumpbuster tournament went well with the temporary restriction of traffic and speed limit decreases on 66<sup>th</sup> Street.

Public Works Director Soucie thanked everyone for their help with La Vista Days this past weekend.

Library Director Iwan informed Council that 267 children registered for the Summer Reading Program on Tuesday June 9, 2009 and a total of 451 have signed up to date.

## **B. ZONING TEXT AMENDMENTS – PERMITS AND LICENSES FOR HOME OCCUPATIONS**

### **1. PUBLIC HEARING**

Community Development Director Birch introduced the agenda item. Councilmember Gowan asked why this change was brought up. He likes the idea of neighbors knowing about a home

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occupation. Community Development Director Birch stated that Deputy Clerk Lupomech, who handles home occupation licenses, asked if the Home Occupation II requirements could be lessened. Currently, if a home owner wants to have a business office in their home, they are required to get approval of their neighbors by obtaining signatures within a 200 ft radius of their home. Councilmember Sheehan thought a permit requirement based on the number of days of retail sales would be difficult to enforce, and further stated he was not concerned about a license for a homeowner whose home occupation is conducted entirely on-line. Councilmember Crawford thought the requirement for this type of home occupation should be removed from the ordinance. Staff was requested to research the number of people who call regarding a Home Occupation II license and what types of businesses they have.

At 7:36 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendments – Permits and Licenses for Home Occupations

At 7:37 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. ORDINANCE TO APPROVE REVISIONS**

Councilmember Ellerbeck introduced Ordinance No. 1093 entitled: AN ORDINANCE TO AMEND SECTION 2.02.155, SECTION 2.02.156, AND SECTION 7.10 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02.155, SECTION 2.02.156, AND SECTION 7.10 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Upon further discussion Councilmember Ellerbeck withdrew the motion for final passage. Carlisle withdrew the second for this motion also. Councilmember Sell moved to table any further action on this item which motion was seconded by Councilmember Crawford. Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. Motion carried.

## **C. CONDITIONAL USE PERMIT – OUTDOOR STORAGE**

### **1. PUBLIC HEARING**

Community Development Director Birch introduced the agenda item.

At 7:50 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit – Outdoor Storage.

At 7:51 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**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-054: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR THE WALDINGER CORPORATION FOR OUTDOOR STORAGE ON LOT 4, PAPIO VALLEY 2 BUSINESS PARK.

WHEREAS, The Waldinger Corporation, represented by Jack Wilhelmi, on behalf of the property owner, Bell Avenue Properties, Inc., has applied for a conditional use permit for the purpose of having outdoor storage of materials on Lot 4, Papio Valley 2 Business Park; and

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

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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. A barrier and/or landscape screening shall be constructed around the gravel surface to reduce the chance of gravel dust going airborne due to unnecessary driving or parking on the gravel area.
2. Visual screening of the outdoor storage area shall meet the requirements of Section 7.17.04 of the Zoning Ordinance.
3. All landscaping requirements in Section 7.17.03 shall be satisfied.

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 the Waldinger Corporation, represented by Jack Wilhelmi, for the purpose of having outdoor storage of materials on Lot 4, Papio Valley 2 Business Park, subject to the conditions listed in the last recital above.

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.

## **D. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – IT SERVICES**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-055: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR INFORMATION TECHNOLOGY SERVICES.

WHEREAS, the City Council has determined that a need exists to contract for Information Technology Services; and

WHEREAS, the City's current contract for Information Technology Services expires on June 30, 2009; and

WHEREAS, Sarpy County has the resources and technology to provide said Information Technology Services; and

WHEREAS, Sarpy County has proposed an Interlocal agreement between the City of La Vista and the County for a period of three years to provide Information Technology Services to the City;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the proposed Interlocal agreement between Sarpy County and the City of La Vista regarding Information Technology Services for the City of La Vista is hereby approved subject to review by the City Attorney as to form, and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Carlisle. Councilmember Carlisle asked if the City was still using Windows XP. Finance Director Lindberg stated all computers in the City have Windows XP. Councilmember Crawford asked if the City would go over the budgeted hours. Finance Director Lindberg stated that it was not probable to exceed the contracted usage. Councilmember Crawford asked if the City has looked at other vendors. Finance Director Lindberg stated that other vendors have not been reviewed. City Administrator Gunn stated the City went with Sarpy County after experiencing problems with other vendors. 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, Ellerbeck, and Gowan. Nays: Crawford. Absent: None. Motion carried.

## **E. RESOLUTION – COUNCIL POLICY STATEMENT – ASSET CONTROL PROGRAM**

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-056: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO THE ASSET CONTROL PROGRAM OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a recommendation by the Finance Director to the City Administrator, in consultation with staff, has been made regarding procedures pertaining to the Asset Control Program

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement pertaining to the Asset Control Program of the City and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

Seconded by Councilmember Gowan. 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.

## **F. RESOLUTION – APPROVE AGREEMENT – UPDATE OF MASTER FACILITIES PLAN – CIVIC CAMPUS CONCEPT**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 09-057: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH LEO A. DALY FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE FEDERAL APPLICATION PROCESS FOR THE FIRE STATION CONSTRUCTION GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, the Leo A. Daly firm completed work on the City's Municipal Facilities Plan (MFP) in the fall of 2008; and

WHEREAS, the MFP identified the District 1 Fire Station as the City's first priority facility project; and

WHEREAS, the 2009 Federal stimulus funding package includes a grant program for fire station construction; and

WHEREAS, in order to meet the application timeline and the technical requirements of the grant submittal, some professional architectural, engineering and planning services will be necessary; and

WHEREAS, Leo A. Daly and FGM Architects have agreed to collaborate to provide said services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve an agreement with Leo A. Daly to provide professional services associated with the Federal application process for the Fire Station Construction Grant Program in an amount not to exceed \$10,000 in the form and content presented at this meeting.

Seconded by Councilmember Carlisle. 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.

## **G. RESOLUTION – AUTHORIZATION TO PURCHASE – MOWING EQUIPMENT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-058: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) 2009 JOHN DEERE 1445 FRONT MOWERS; TWO (2) 72" COMMERCIAL SIDE DISCHARGE MOWER DECKS; ONE (1) HARD CAB; ONE (1) 60" HEAVY-DUTY HYDRAULIC ANGLING FRONT BLADE; ONE (1) WINTER WHEEL AND TIRE PACKAGE; AND TWO (2) LIGHT PACKAGES FROM A & M GREEN POWER, 15508 2<sup>ND</sup> AVENUE, PLATTSMOUTH, NE 68048, IN AN AMOUNT NOT TO EXCEED \$43,772.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mowing equipment for the Public Works Department is necessary; and

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WHEREAS, the FY 2008/09 General Fund Parks Operating Budget did include funds for the purchase of said mowing equipment; and

WHEREAS, the City Council authorized the solicitation of bids for said mowing equipment on May 19, 2009, and

WHEREAS A & M Green Power of Plattsmouth, Nebraska, has submitted the low, compliant bid, and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska designate A & M Green Power, Plattsmouth, Nebraska as the low compliant bid for two (2) 2009 John Deere 1445 front mowers; two (2) 72" commercial side discharge mower decks; one (1) hard cab; one (1) 60" heavy-duty hydraulic angling front blade; one (1) winter wheel and tire package; and two (2) light packages in an amount not to exceed \$43,772.00.

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.

## H. STRATEGIC PLAN PROGRESS REPORT

City Administrator presented the strategic plan progress report to Council. Gunn stated that staff was open to feedback on the new layout.

Councilmember Carlisle made a motion to accept the strategic plan progress report. 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.

## I. SPECIAL ASSESSMENTS 1. PUBLIC HEARING

At 8:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 8:10 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

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-059: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of 7121 Harrison Street, Lot 1C EX PT TO RD La Vista Replat, \$111.88 were under an order to keep the building secure, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to keep the building secure, thus necessitating the City to do so, and

WHEREAS, the City sent the property owners bills for said work to secure the building which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

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NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer a Special Assessment for Improvements in the amount and against the property specified above, located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. 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.

Councilmember Gowan made a motion to move "Comments from the Floor" up on the agenda ahead of Item J. "Executive Session". Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Crawford, 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.

Public Works Director Soucie stated that the decreased speed limit which Councilmember Crawford asked about would stay in place until the Slumpbuster tournament is concluded.

## J. EXECUTIVE SESSION – LITIGATION STRATEGY

At 8:10 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Litigation Strategy. Seconded by Councilmember Crawford. 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 8:40 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

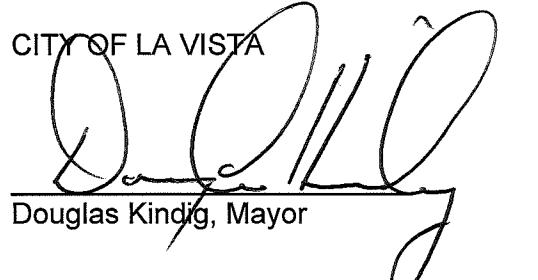
Councilmember Ronan stated a neighbor of his loved the Barbeque class that was recently held at the La Vista Community Center.

Councilmember Sheehan asked if the City has an architect for designs. City Administrator Gunn stated the City uses BCDM. Councilmember Sheehan asked if Crestview Village is in the Gateway Corridor. City Administrator Gunn stated the Crestview Village is not in the Gateway Corridor, but the City can use a design consultant with the conditional use permit. Mayor Kindig asked if the developer pays the fee for the consultant. There was no response. City Administrator Gunn asked if Council wants to consider a design review in more areas of the City. The City could bring back recommendations for expanded design standards from the staff.

Mayor Kindig thanked the staff for their help with the success of La Vista Days.

At 8:50 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 7TH DAY OF JULY 2009.

CITY OF LA VISTA  
  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC

City Clerk