

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 15, 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 July 15, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Also in attendance were City Attorney Barmettler, 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 July 3, 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 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.

SERVICE AWARDS – MIKE FARQUHAR – 10 YEARS; JEFF CORBIT, BRIAN JONES, AND MANDY WEST – 5 YEARS

Mayor Kindig presented a certificate and pin to Mandy West for 5 years of service to the City. Mike Farquhar, Jeff Corbit, and Brian Jones were unable to attend the meeting.

APPOINTMENT – FIRE CAPTAIN – NEIL ARCHIBALD

Mayor Kindig stated, with the approval of Council, he would like to appoint Neil Archibald as Fire Captain of the La Vista Volunteer Fire Department. Councilmember Sell motioned to approve the appointment of the new Fire Captain. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PRESENTATION OF BADGES TO FIRE DEPARTMENT PERSONNEL – OLIVER BERGLUND, TYLER GOWAN, GREG GRAHAM, HEATHER LEVI, DON MCKAY, JAMES TIEHEN, JEN VILLOTTA

Fire Chief Uhl introduced and presented badges to the following new full members of the La Vista Volunteer Fire and Rescue Department: Oliver Berglund, Tyler Gowan, Heather Levi, Don McKay, James Tiehen, and Jen Villotta. Greg Graham also became a full member but was unable to attend the meeting. Mayor Kindig congratulated the new full members and thanked them for their service.

PRESENTATION OF LETTERS OF COMMENDATION – T.J. MARKOWSKY, ROB WITT, MELANIE SMITH, AND BO WILSON

Mayor Kindig presented Letters of Commendation to T.J. Markowsky and Rob Witt for lifesaving efforts. Melanie Smith and Bo Wilson were also commended but were unable to attend the meeting. Fire Chief Uhl presented pins to them.

Fire Chief Uhl announced that the La Vista Volunteer Fire Department was presented with an award at the Nebraska State EMS Conference in Kearney. The award was for the Nebraska Emergency Medical Service Provider of the Year. The agencies are nominated by attendees of the conference and judged by the strength of the supporting documentation of those who nominated a particular agency.

A. APPROVAL OF THE AGENDA AS PRESENTED

1. APPROVAL OF CITY COUNCIL MINUTES FROM JULY 1, 2008
2. PAY REQUEST NO. 10 FROM JOHN Q. HAMMONS FOR CONSTRUCTION LOAN - \$1,005,929.89
3. PAY REQUEST FROM BAINBRIDGE LEADERSHIP CENTER FOR LEADERSHIP COACHING - \$7,500.00
4. PAY REQUEST FROM KIRKHAM MICHAEL FOR GIS CONVERSION

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PROFESSIONAL SERVICES - \$3,626.00

5. PAY REQUEST FROM WATER'S EDGE AQUATIC DESIGN, LLC FOR SWIMMING POOL CONCEPT PLAN - \$1,500.00

6. PAY REQUEST NO. 7 FROM LEO A DALY FOR MUNICIPAL FACILITIES PLAN - \$3,000.00

7. APPROVAL OF CLAIMS

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

ACCURATE TESTING, Bldg & Grnds	540.45
ALEX, MARY, Travel	93.17
ALL HOURS LOCKSMITHS, Bldg & Grnds	95.00
AMERICAN PLANNING ASSOCIATION, Dues	695.00
AMSAN, Supplies	386.53
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	77.07
AQUA-CHEM, Supplies	254.50
AQUILA, Utilities	2,921.89
ARAMARK UNIFORM, Contract Services	534.83
ARCOA, Supplies	351.98
BAKER & TAYLOR BOOKS, Books/Media	961.56
BAKER, MARCUS, Travel	384.00
BATTERY ZONE, Supplies	560.80
BAUMGARTEN'S, Squad Supplies	69.94
BBC AUDIOBOOKS, Media	243.59
BENNINGTON IMPLEMENT, Vehicle Maint.	826.88
BEST EXPRESSIONS, Equipment	911.60
BRENTWOOD AUTO WASH, Vehicle Maint.	180.00
BRODART, Books	14.58
BUETHE, PAM, Travel/ Supplies/Travel	260.72
BUILDERS SUPPLY, Bldg & Grnds	28.70
CAPSTONE PRESS, Books	15.95
CARDMEMBER SERVICE, Books/Travel/Training	1,140.49
CAVLOVIC, PAT, Dues	31.25
CDW GOVERNMENT, Supplies	206.62
CENTER POINT PUBLISHING, Books	110.82
CITY OF BELLEVUE, Training	200.00
CITY OF OMAHA, Contract Services	31,288.30
CJ'S HOME CENTER, Bldg & Grnds/Supplies/Vehicle Maint.	951.47
COCA-COLA, Concessions	240.20
COX, Contract Services	198.80
CRANE, RAY, Training	103.00
DULTMEIER, Vehicle Maint.	96.04
ED M. FELD, Repair	225.00
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	71.10
FIREGUARD, Equipment	1,302.88
FITZGERALD SCHORR BARMETTLER, Professional Services	12,323.80
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,249.00
GALL'S, Wearing Apparel	55.99
GCR OMAHA TRUCK TIRE, Vehicle Supplies	860.01
GRAPHIC IMAGINATION, Supplies	70.00
GREAT PLAINS ONE-CALL SVC, Contract Services	459.05
HANEY SHOE STORE, Wearing Apparel	120.00
HEIMES CORPORATION, Street Maint.	37.50
HELGET GAS, Squad Supplies	117.00
HENRY, MARK, Contract Services	18.00
HIGHSMITH, Supplies	253.80
HOME DEPOT, Bldg & Grnds	23.66
JACK'S UNIFORMS & EQUIPMENT, Donations	104.39
KINDIG, DOUGLAS, Travel	92.00
KRIHA FLUID POWER, Vehicle Maint.	100.14
LANDS' END, Wearing Apparel	121.95
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEO A DALY, Planning	3,000.00

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LIFE ASSIST, Squad Supplies	356.94
LITTLE FALLS MACHINE, Vehicle Maint.	180.90
LOGAN CONTRACTORS SUPPLY, Street Maint/Vehicle Maint.	169.46
LOU'S SPORTING GOODS, Equipment	374.00
LOVELAND LAWNS, Bldg & Grnds	1,320.00
LUEBBERT, RAY, Dues	31.25
M. B. WILDER CO, Vehicle Maint.	42.00
MARTIN MARIETTA AGGREGATES, Street Maint.	104.24
MAX I WALKER CLEANERS, Uniform Cleaning	217.65
MCCAIN, JEFF, Contract Services	760.00
MCNAMARA, VICTORIA, Contract Services	60.00
MES-MIDAM, Wearing Apparel	27.55
METAL SUPERMARKETS, Supplies	66.80
METROPOLITAN COMMUNITY COLLEGE, Utilities/Phone	8,315.12
MID CON SYSTEMS, Bldg & Grnds	173.27
MINITEX - CPP, Supplies	126.00
NE DEPT OF LABOR, Insurance	3,126.00
NEBRASKA GOLF & TURF, Cart Rental	480.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	26,029.50
NEBRASKA LANDSCAPE SOLUTIONS, Supplies	1,320.00
NEBRASKA SHERIFFS ASSOCIATION, Training	60.00
NEBRASKALAND CONF BLDG OFFCL, Training	200.00
NEW YORK TIMES, Books	26.00
NEXTEL COMMUNICATIONS, Telephone	488.23
NFPA, Dues	150.00
NIKE USA, Supplies	303.47
NUTS AND BOLTS, Vehicle Maint.	35.75
ODB COMPANY, Vehicle Maint.	2,441.52
OFFICE DEPOT, Supplies	247.00
OMAHA CHILDREN'S MUSEUM, Summer Reading Program	80.00
OMAHA COMPOUND COMPANY, Bldg & Grnds	70.00
OPPD, Utilities	39,241.34
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	323.86
PEPSI COLA, Concessions	386.50
PIONEER GRAPHICS COML PRINTING, Supplies	110.00
PRECISION INDUSTRIES, Vehicle Maint.	625.51
QWEST, Telephone	124.87
RECORDED BOOKS, Media	450.42
RIGHT, TREVOR, Contract Services	60.00
SAM'S CLUB, Concessions	1,490.34
SARPY COUNTY CHAMBER, Travel	225.00
SCOTT'S SIGNS, Signs	59.00
SHEPPARD'S BUSINESS INTERIORS, Supplies	15.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,329.00
SUBURBAN NEWSPAPERS, Legal Advertising	968.12
SUN COUNTRY DISTRIBUTING, Bldg & Grnds	192.17
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,758.82
TED'S MOWER SALES & SERVICE, Repair	907.64
THOMPSON DREESSEN & DORNER, Professional Services	22,184.70
THREE RING ENTERPRISES, Vehicle Maint.	2,214.13
TITLEIST, Supplies	428.80
TODCO BARRICADE, Equipment	175.00
TRUGREEN-CHEMLAWN, Contract Services	3,726.45
TURF CARS, Electric Cart	36.77
U S ASPHALT, Street Maint.	283.36
WHITE CAP CONSTRUCTION SUPPLY, Repair	56.35
WORLD POINT, Training	1,973.13

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council the City received a digital camera and video camcorder during a recent attendance to the NICS (National Instant Criminal Background Check System).

Lausten informed Council the La Vista PD had a team of officers that helped with the investigation of the recent vehicle accident on Highway 370. Fireguard donated a vehicle to the County to use to rebuild a crash site.

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B. ORDINANCE – AMEND SECTION 91.08 OF LA VISTA MUNICIPAL CODE - FIREPLACES AND INDOOR INCINERATORS

Councilmember Gowan introduced Ordinance No. 1064 entitled: AN ORDINANCE TO AMEND SECTION 91.08 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO FIREPLACES AND INDOOR INCINERATORS; TO REPEAL SECTION 91.08 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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, McLaughlin 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1064 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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. RESOLUTION – REQUEST TO OBLIGATE CDBG FUNDING – PLANNING/ENGINEERING STUDY & FOOD PROCESSING CO.

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-063: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE OBLIGATION OF APPROXIMATELY \$230,000 IN CDBG RECOVERED PROGRAM INCOME REUSE FUNDS FROM THE CITY OF LA VISTA, NEBRASKA.

WHEREAS, the City of La Vista is preparing an application for a planning/engineering study for approximately \$200,000 in CDBG Recovered Program Income funds; and

WHEREAS, a food processing company is currently working with the Sarpy County Economic Development Corporation to prepare an application for approximately \$30,000 in CDBG Recovered Program Income funds for equipment and working capital; and

WHEREAS the City of La Vista adopted a CDBG Recovered Program Income – Reuse Plan for Economic Development on May 6, 1997, and amended the Plan on May 18, 2004, and May 6, 2008 for such purpose; and

WHEREAS, according to the Reuse Plan the completed applications will be submitted to the review committee which consists of the executive board of the Sarpy County Economic Development Corporation (SCEDC) for their recommendation; and

WHEREAS, the recommendation of the SCEDC will be submitted to the La Vista City Council prior to the expenditure of any funds; and

WHEREAS, in order to retain the CDBG Recovered Program Income funds it is necessary to obligate them to eligible activities prior to July 31, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the obligation of approximately \$230,000 in CDBG Recovered Program Income Reuse Funds contingent upon the successful completion of the required application and recommendation from the Sarpy County Economic Development Corporation prior to the expenditure of any funds.

Seconded by Councilmember Ellerbeck. Councilmember Sheehan asked if there is a time frame for use of the funds. City Administration Gunn stated that quarterly reports must be submitted to the State detailing the fund usage. The State wants the funds at least earmarked within a reasonable time. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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D. RESOLUTION – AMENDMENT TO EXTEND INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY FOR UNDERAGE DRINKING INVESTIGATION REIMBURSEMENT

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-064: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AMENDING THE INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY FOR OVERTIME REIMBURSEMENT FOR ALCOHOL RELATED INCIDENTS INVOLVING MINORS.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in the best interest of the City to enter into an Interlocal cooperation agreement for the purpose reimbursement of overtime funds spent in the investigation of alcohol related incidents involving minors, and

WHEREAS, the City of La Vista is desirous of actively enforcing underage drinking laws within the City;

WHEREAS, Sarpy County has received a grant for reimbursement of overtime funds spent in the investigation of alcohol related incidents involving minors and has proposed inclusion of the City of La Vista in the grant;

WHEREAS, The City of La Vista and Sarpy County previously entered into an Agreement for underage drinking enforcement on December 20, 2007;

WHEREAS, it is in the best interests of the citizens of La Vista to extend said agreement from July 1, 2008 to June 30, 2009;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby amends the Interlocal Cooperation Agreement with Sarpy County for overtime reimbursement for alcohol related incidents involving minors.

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

SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 7:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

At 7:24 p.m. Councilmember Ellerbeck 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 Ellerbeck introduced and moved for the adoption of Resolution No. 08-065: 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 LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
7421 Ivy Lane Drive, Lot 124, S&S's Harvest Hill, \$204.88,
7808 Park View Blvd., Lot 1270, La Vista, \$848.84 and
7410 Park View Blvd, Lot 757, La Vista, \$255.26
were notified to clean up their property as they were in violation of the City Municipal Code, Sections 133.01 and 130.09, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up 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 Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

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

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

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor and that any person desiring to make comments limit them to 3 – 5 minutes. There were no comments from the floor.

F. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE – KENO LOTTERY

At 7:25 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session/Negotiating Guidance – Keno Lottery. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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 8:41 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session, noting that the discussion in executive session was limited to the subject matter contained in the original motion. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 8:44 p.m. Councilmember Sheehan made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF AUGUST 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

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