

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 17, 2011

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 May 3, 2011. Present were Councilmembers: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Absent: Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Deputy City Clerk Garrod, Assistant Library Director Linhart, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Community Development Director Birch, Public Works Director Soucie, Public Buildings and Grounds Director Archibald, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on May 5, 2011. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

### SERVICE AWARDS – STEVE BRAND – 25 YEARS: MIKE RICHARDSON – 5 YEARS

Mayor Kindig recognized Steve Brand for 25 years of service to the City, and Mike Richardson for 5 years of service to the City.

### APPOINTMENT – BOARD OF ADJUSTMENTS – RE-APPOINT DEAN PAULSEN – 3 YEAR TERM

Mayor Kindig stated that with the approval of Council Mayor Kindig would like to make the following reappointment: Board of Adjustments –Dean Paulsen – 3 year term. Councilmember Crawford motioned the approval of the Board of Adjustment reappointment, seconded by Councilmember Sheehan. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sell. Motion carried.

#### A. CONSENT AGENDA

- 1.APPROVAL OF THE AGENDA AS PRESENTED
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM MAY 3, 2011
- 3.APPROVAL OF PLANNING COMMISSION MINUTES FROM FEBRUARY 17, 2011
- 4.APPROVAL OF PLANING COMMISSION MINUTES FROM APRIL 21, 2011
- 5.APPROVAL OF LIBRARY ADVISORY BOARD MINUTS FROM MARCH 10, 2011
- 6.MONTHLY FINANCIAL REPORT – APRIL
- 7.PAY REQUEST – MULLEN & MULLEN ATTORNEYS AT LAW – PROFESSIONAL SERVICES - \$12426.51
- 8.PAY REQUSSET NO. 1 ANDERSON EXCAVATING CO. DEMOLITION SERVICES – THOMPSON CREEK PROJECT - \$57316.40
- 9.PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES, INC – PROFESSIONAL SERVICES - \$1,700.00
- 10.APPROVAL OF CLAIMS

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

3E-ELECTRICAL ENG., bld&grnds	46.27
A.S.P. ENTERPRISES, bld&grnds	40.00
AA WHEEL & TRUCK SUPPLY, maint.	108.69
AAT, supplies	4766.00
ACTION BATTERIES, services	56.85

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KAR SIM KENNEL, services	48.00
KIRCHER, M., refund	15.00
KRIHA FLUID POWER, maint.	297.03
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LEAGUE ASSN OF RISK MGMT, ins.	78.00
LIFE ASSIST, supplies	499.60
LINCOLN NATIONAL LIFE INS CO	9177.65
LOCATE, dues	50.00
LOGAN CONTRACTORS SUPPLY, maint	285.35
LOU'S SPORTING GOODS, supplies	2993.51
MARTIN MARIETTA, maint.	272.86
MAT, services	598.00
MCC, utilities	12842.65
MUD, utilities	382.39
MIDLANDS LIGHTING & ELECTRIC, maint.	26.32
MID-STATES UTILITY TRAILER, maint.	269.24
MIDWEST RIGHT OF WAY SVCS, services	680.00
MIDWEST TAPE, maint.	33.98
MIDWEST TURF & IRR., bld&grnds.	166.65
NE DEPT OF MOTOR VEHICLE, supplies	6.60
NE DEPT OF ROADS, construction costs	43638.00
NE LANDSCAPE SOLUTIONS, supplies	1791.80
NE LIBRARY COMM., books	1403.60
NE TITLE COMPANY, services	97548.00
NE TURF PROD., supplies	360.00
NEXTEL COMM., phone	484.06
NUTS AND BOLTS, maint.	2.34
OFFICE DEPOT, supplies	940.52
OMAHA COMPOUND, supplies	239.97
OPPD, utilities	42453.52
OMNIGRAPHICS, books	81.85
ON YOUR MARKS, services	862.89
PAPILLION SANITATION, services	304.11
PAPIO-MO RVR NRD, misc.	5000.00
PAYLESS OFFICE PROD., supplies	187.26
BUETHE, P., petty cash	100.76
PREMIER-MIDWEST BEV., concession	430.80
PUBLIC AGENCY TRAINING CNCL., training	250.00
QUALITY BRANDS, concessions	719.95
QWEST, phone	132.09
READY MIXED CONCRETE, maint.	280.25
RECORDED BOOKS, books	426.75
REGAL AWARDS, misc.	38.59
ROSE EQUIPMENT, maint.	298.41
SAM'S, concessions	744.53
SAPP BROS, supplies	967.68
SARPY COMMUNITY YMCA, training	50.00
SARPY COUNTY LANDFILL, services	56.43
SARPY COUNTY REG. OF DEEDS, service	236.00
SHANK, C., services	16.00
SOLBERG, C., travel	1048.36
SUPERIOR VISION	351.36
TED'S MOWER SALES & SERVICE, maint.	10.53
THOMPSON DREESSEN DORNER, services	752.25
TORNADO WASH LLC, maint.	165.00
TRACTOR SUPPLY, maint.	221.32

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## 2. ORDINANCE AMEND SECTION 7.01.05 SIGNS

Councilmember Carlisle introduced and moved for adoption of Ordinance 1145 entitled: AN ORDINANCE TO AMEND SECTION 7.01.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.01.05 OF ORDINANCE NO. 848 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: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question, "Shall Ordinance No. 1145 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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. AMEND ZONING TEXT SECTION 7.05 AND 7.06 OFF-STREET PARKING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendment – Section 7.05 and 7.06 Off Street Parking. Anyone desiring to comment was asked to keep their comments to three minutes.

At 7:22 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sell. Motion carried.

Councilmember Crawford introduced Ordinance No. 1146 entitled: AN ORDINANCE TO AMEND SECTION 7.05 AND SECTION 7.06 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.05 AND SECTION 7.06 OF ORDINANCE NO. 848 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: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question, "Shall Ordinance No. 1146 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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.

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## 2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-059; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE CALL FOR REDEMPTION OF REFUNDING BONDS, SERIES 2002.

BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. The following obligations of the City of La Vista, Nebraska in accordance with their option provisions are hereby authorized to be called for redemption on such date as set forth in the Designation of Call Date (as defined below), after which date interest on the bonds will cease:

General Obligation Bonds, Series 2002, originally issued by Sanitary and Improvement District No 214 of Sarpy County, Nebraska, in the principal amount of One Hundred Sixty Thousand Dollars (\$160,000), numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due and bearing interest as follows:

Principal Amount	<u>Maturity Date:</u>	
	<u>June 1 15,</u>	<u>Interest Rate</u>
\$35,000	2012	5.20%
40,000	2013	5.30
40,000	2014	5.40
45,000	2015	5.50

Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are currently subject to redemption at any time, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used for the purpose of financing various infrastructure improvements for SID 214, and such Refunded Bonds are obligations of the City by virtue of annexation of SID 214 by the City.

Section 2. The Refunded Bonds are to be paid at the office of First National Bank of Omaha, as paying agent and registrar.

Section 3. The Mayor or Clerk of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Refunded Bonds on behalf of the City and such determination, when made in writing (the "Designation of Call Date"), shall constitute the action of the City without further action of the Mayor and Council of the City. The Call Date shall be set for any date prior to September 1, 2011, and after such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of the Designation of Call Date shall be filed at least thirty days prior to the Call Date with First National Bank of Omaha as Paying Agent for the Refunded Bonds, and said Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance and authorizing the Refunded Bonds.

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

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Said bonds are hereinafter referred to as the "Refunded Bonds."

The Refunded Bonds are subject to redemption at any time on or after April 15, 2011, at par and accrued interest, and said interest is payable semiannually. The proceeds of the Refunded Bonds were used for the purpose of paying the costs of off-street parking facilities in Vehicle Off-Street Parking District No. 1 of the City of La Vista.

Section 2. The Refunded Bonds are to be paid at the office of the Treasurer of the City of La Vista, in La Vista, Nebraska, as paying agent and registrar.

Section 3. The Mayor or Clerk of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the Call Date for said Bonds on behalf of the City and such determination, when made in writing (the "Designation of Call Date"), shall constitute the action of the City without further action of the Mayor and Council of the City. The Call Date shall be set for any date prior to September 1, 2011, and after such date the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A true copy of the Designation of Call Date shall be filed at least thirty days prior to the Call Date with the Treasurer of the City of La Vista as Paying Agent for the Refunded Bonds, and said Paying Agent is hereby instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance and authorizing the Refunded Bonds.

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

## 2. ORDINANCE

Councilmember Quick introduced Ordinance No. 1148 entitled: AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS (OFF-STREET PARKING PROJECT), SERIES 2011B, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION FOUR HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$6,495,000) FOR THE PURPOSE OF PROVIDING FUNDS WHICH WILL PAY AND REDEEM GENERAL OBLIGATION OFF-STREET PARKING BONDS, SERIES 2006, OF THE CITY; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Crawford seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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 Gowan. The Mayor then stated the question, "Shall Ordinance No. 1148 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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.

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## H.RESOLUTION - APPROVE NRD INTERLOCAL AGREEMENT THOMPSON CREEK ACQUISITION AND DEMOLITION PROJECT

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-062; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN INTERLOCAL AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FOR PARTIAL REIMBURSEMENT FOR ACQUISITION AND DEMOLITION OF 24 HOUSES ALONG THE THOMPSON CREEK.

WHEREAS, the City Council of the City of La Vista has determined that the acquisition and demolition of 24 houses along the Thompson Creek is necessary; and

WHEREAS, the FY 10/11 Capital Improvement Program contains funds for this expenditure; and

WHEREAS, the Papio-Missouri River Natural Resources District will reimburse the City 12.5% of the total project costs up to a maximum of \$340,155.00 for acquisition and demolition; and

WHEREAS the NRD Board of Directors approved participation in this project at their February 11, 2011 meeting with payments to be made over a 3-year period; and

WHEREAS the NRD is requesting to enter into an Interlocal Agreement with the City of La Vista,

NOW, THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with the Papio-Missouri River Natural Resources District for partial reimbursement for the acquisition and demolition of 24 houses along the Thompson Creek is approved and that the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

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

## I. RESOLUTION – AWARD BID LED TRAFFIC SIGNAL MODULES

Councilmember Gowan introduced and moved for the adoption of Resolution No. 11-063; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO BROWN TRAFFIC PRODUCTS, DAVENPORT, IA FOR LED TRAFFIC SIGNAL MODULES EECBG AWARD NO. 9/10-E062, IN AN AMOUNT NOT TO EXCEED \$31,874.75.

WHEREAS, the City Council of the City of La Vista has determined that the replacement of existing lamps with LED traffic signal modules is necessary; and

WHEREAS, the FY 10/11 General Fund Budget contains funds for this expenditure; and

WHEREAS, the City Council authorized the advertisement of bids for LED Traffic Signal Modules on April 19, 2011, and

WHEREAS Brown Traffic Products of Davenport, Iowa, has submitted the low, qualified 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 Brown Traffic Products of Davenport, Iowa as the low qualified bidder for LED traffic signal modules EECBG Award No. 9/10-E062, in an amount not to exceed \$31,874.75.

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

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## COMMENTS FROM MAYOR AND COUNCIL

At 8:10 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: Sell. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF JUNE, 2011

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk