

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING September 6, 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 September 6, 2011. Present were Councilmembers: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Deputy City Clerk Garrod, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Community Development Director Birch, Assistant Public Works Director Kottmann, Street Superintendent Goldman, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on August 25, 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 AWARD – DENNIS DINAN – 5 YEARS

Mayor Kindig recognized Dennis Dinan for 5 years of service to the City.

### APPOINTMENT OF FIRE DEPARTMENT OFFICERS – TROY LITTLE AND VICKI PFEIFER

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department Officers: Troy Little and Vicki Pfeifer. Fire Chief Uhl introduced the candidates and pinned badges on the new officers. Councilmember Crawford motioned the approval, seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

### A. CONSENT AGENDA

#### 1. APPROVAL OF THE AGENDA AS PRESENTED

#### 2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 16, 2011

#### 3. APPROVAL OF PARKS & RECREATION ADVISORY COMMITTEE MINUTES FROM JULY 20, 2011.

#### 4. APPROVAL OF PLANNING COMMISSION MINUTES FROM JULY 21, 2011.

#### 5. PAY REQUEST – BROWN TRAFFIC PRODUCTS – LED TRAFFIC SIGNALS MODULES - \$31,874.75

#### 6. PAY REQUEST – HANNA:KEELEN ASSOCIATES, P.C. – PROFESSIONAL SERVICES - \$6,000.00

#### 7. APPROVAL OF CLAIMS

ACCO, supplies	439.50
ACTION BATTERIES, bld&grnds	37.90
AKSARBEN HEATING, bld&grnds	361.00
ALL SEASONS POOL, supplies	145.00
ANDERSEN ELECTRIC, refund	65.05
APPLIED CONCEPTS, equip.	120.42
ARAMARK, services	588.85
ARCOA, supplies	252.60
ASPHALT & CONCRETE MATERIALS, maint.	205.89
BABER, B., travel	330.00
BAKER & TAYLOR, books	1,322.59
BCDM-BERINGER CIACCIO DENNELL, services	122.00
BEACON BUILDING, services	6,712.00
BENNINGTON EQUIPMENT, maint.	1,319.60
BERRY DUNN, services	6,378.90

# MINUTE RECORD

NO. 729—REFIELD & COMPANY, INC., OMAHA

September 6, 2011

BLACK HILLS ENERGY, utilities	1,737.23
BLEACH, L., services	90.00
BOB'S RADIATOR REPAIR, maint.	750.00
BOOKPAGE, books	456.00
BRAKE, A., auto	100.00
BUETHE, P., phone	20.00
BUILDERS SUPPLY, maint.	53.77
BURKLAND, A., refund	95.00
CALENTINE, J., phone	30.00
CENTER POINT PUBLISHING, books	211.50
CENTURY LINK, phone	1,191.46
CHAMLEY, C., refund	95.00
CHERECK, T., refund	50.00
CITY OF OMAHA, services	73,354.57
CITY OF PAPILLION PARKS/RECR, services	20.00
CLARK, KAT, refund	60.00
COLOMBO/PHELPS, supplies	588.85
COMP CHOICE, services	210.00
CONRECO INC., maint.	60.00
CORNHUSKER TRUCKS, maint.	710.42
COX, D., services	125.00
COX, phone	78.04
CREIGHTON EMS EDU., training	4,657.50
CUMMINS CENTRAL POWER, maint.	184.00
DANKO EMERGENCY EQUIPMENT, maint.	44.00
DATASPACE, services	306.77
DEVLIN, T., refund	85.00
DIAMOND VOGEL PAINTS, supplies	505.70
DOUBLE EAGLE PROPERTY MGMT, refund	50.00
DXP, maint.	286.47
EASTERN LIBRARY SYSTEM, training	125.00
ECHO GROUP INC., maint.	985.00
EDGEWEAR SCREEN PRINTING, apparel	299.25
ESPINOZA, G., refund	95.00
FAC PRINT & PROMO, apparel	497.50
FEDEX, services	53.33
FIREGUARD, services	1,350.00
FITZGERALD SCHORR BARMETTLER, services	13,880.10
FOCUS PRINTING, printing	1,086.91
FRED, P., maint.	300.00
FROEHLICH, R., auto	100.00
G I CLEANER & TAILORS, services	200.35
GALE, books	254.95
GCR TIRE CENTERS, supplies	415.56
GIFF PROPERTY, services	1,800.00
GODFATHER'S PIZZA, supplies	48.12
GOLDMAN, J., travel & phone	278.00
GRAHAM, D., refund	20.00
GRAHAM, W., services	75.00
GRAYBAR ELECTRIC COMP., bld&grnds	230.89
GREENKEEPER, supplies	1,627.25
GUNN, B., travel&training	305.00
H & H, maint.	281.33
HANEY SHOE STORE, apparel	207.90
HARM'S CONCRETE, maint.	120.00
HEARTLAND AWARDS, apparel	51.65
HEIMES CORP., maint.	569.21
HELGET GAS, supplies	78.00
HERITAGE CRYSTAL CLEAN, services	427.90
HOCHSTEIN, G., refund	60.00

# MINUTE RECORD

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

September 6, 2011

HOLSTEIN'S HARLEY DAVIDSON, equip.	496.28
HOME DEPOT, supplies	11.86
HULTBERG, A., mileage	98.96
HUMMER, E., refund	50.00
HUNTEL, services	123.50
HY-VEE, supplies	47.50
INDUSTRIAL SALES COMP., supplies	219.39
J Q OFFICE, services	756.60
JOHNSTONE SUPPLY, bld&grnds	5.29
KAR SIM KENNEL, services	88.00
KIMBALL MIDWEST, maint.	50.56
KINDIG, D., phone	80.00
KLINKER, M., services	200.00
KOIS, D., services	15.82
KOTTMANN, J., phone	65.00
KRIHA FLUID POWER, maint.	37.86
LA VISTA CHAMBER, membership	12.00
LA VISTA COMMUNITY FOUNDATION	50.00
LA VISTA PHARMACY, supplies	28.88
LANDPORT SYSTEMS, services	125.00
LARRY'S BOILER, bld&grnds	460.15
LARSEN SUPPLY, supplies	53.00
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LAUGHLIN, PETERSON & LANG, services	2,026.72
LINCOLN NATIONAL LIFE INS CO	9,365.13
LOGAN CONTRACTOR, maint.	178.61
LOU'S SPORTING GOODS, bld&grnds	68.65
LUEDERS LOCK & KEY, bld&grnds	60.00
LUKASIEWICZ, B., phone	65.00
MARING, M., services	125.00
MARKOWSKY, T J, auto	100.00
MAT, services	659.00
MATHESON TRI-GAS, maint.	288.21
MCC, services	10,657.08
MCCANN PLUMBING, bld&grnds	267.00
MES-MIDAM, supplies	1,800.00
MID AMERICA, phones	100.00
MID-STATES UTILITY TRAILER, maint.	19.50
MIDWEST DISTRIBUTING, equip.	178.79
MIDWEST RIGHT OF WAY SVCS, services	1,384.00
MIDWEST TURF & IRRIGATION, bld&grnds	181.50
MUD, utilities	13,469.81
NE DEPT OF ROADS, services	68,537.64
NEBRASKA AIR FILTER, bld&grnds	35.64
NEBRASKA IOWA SUPPLY, supplies	21,155.40
NEBRASKA LIBRARY COMMISSION	2,475.00
NEBRASKA NATIONAL BANK, lease	1,858.43
NEBRASKA TURF, supplies	67.37
NEBRASKA WELDING, maint.	27.78
NEXTEL, phone	204.49
NEXTEL, phone	392.26
NLA/NEMA CONFERENCE, training	160.00
NORRIS, C., postage	189.15
NUTS AND BOLTS, maint.	46.42
OCLC, books	33.27
ODB COMPANY, maint.	199.31
OFFICE DEPOT, supplies	850.89
OFFUTT YOUTH CENTER, fees	576.00
O'KEEFE ELEVATOR, bld&grnds	397.50

# MINUTE RECORD

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

September 6, 2011

OMAHA COMPOUND, supplies	337.81
OMAHA WINNELSON, bld&grnds	83.25
OPPD, utilities	46,644.74
PAPILLION TIRE, maint.	81.15
PARAMOUNT LINEN & UNIFORM, apparel	533.61
PERFORMANCE CHRYSLER JEEP, maint.	202.47
PETERSEN, M., refund	50.00
PITNEY BOWES, supplies	221.00
PREMIER-MIDWEST BEV., supplies	258.30
PREMIER-MIDWEST BEV., supplies	369.00
PRINCIPAL LIFE-FLEX SPENDING	216.00
QUALITY BRANDS, supplies	591.15
QUALITY BRANDS, supplies	695.50
RAMIREZ, J., services	18.00
RAMIREZ, R., travel	368.00
RAPTOR RECOVERY NEBRASKA, services	80.00
READY MIXED CONCRETE, maint.	6,139.11
REED, C., refund	40.00
REINKE, J., refund	60.00
REJDA, K., services	36.00
RUSTY ECK FORD, maint.	121.92
SARPY COUNTY COURTHOUSE, services	3,588.49
SEVERSON, R., refund	95.00
SHAMROCK CONCRETE, maint.	897.40
SIMON, D., travel	330.00
SMOOTHER CUT, services	1,320.00
SOUCIE, J., travel & phone	253.00
SOUSA, F., services	36.00
SOUTHWORTH, N., services	99.36
SPRINT, phone	62.01
STOPAK, S., phone	50.00
SUN COUNTRY DISTRIBUTING, maint.	118.94
SUPERIOR VISION SVCS INC	326.96
THOMPSON DREESSEN & DORNER, services	3,851.73
TITAN MACHINERY, maint.	116.55
TOMSU, L., supplies	78.94
TORNADO WASH, services	165.00
TRANE, bld&grnds	350.00
TURFWERKS, equip	274.57
U S ASPHALT, maint.	3,730.23
UHL, R., travel&training	403.00
UNIVERSAL STEERING HYDRAULIC, maint.	150.72
UPS, postage	8.53
VAIL, A., auto	100.00
VARSITY TRANSPORT., services	218.00
VERIZON, phone	189.78
VIERREGGER ELECTRIC, maint.	89.50
WAL-MART, supplies	978.58
WASTE MANAGEMENT NE., services	1,223.71
WATER'S EDGE AQUATIC DESIGN, services	1,675.00
WICK'S STERLING TRUCKS, maint.	229.06
WILDLIFE LEARNING ENCOUNTERS, services	175.00
ZEE MEDICAL SERVICE, equip.	37.60
ZIMCO SUPPLY COMPANY, supplies	149.40

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

# MINUTE RECORD

## PRESENTATION – IT STRATEGIC PLAN UPDATE – BERRY DUNN

Chad Snow and Seth Hedstrom presented the Mayor and Council with an update on the IT Strategic Plan. Hedstrom stated that they had completed the fact finding meetings and delivered a preliminary list of strategic technology issues as well as a current IT environment assessment report. The next steps will involve prioritizing the list of strategic issues and confirming the initiative with staff. With this information they will develop the Information Technology Strategic Plan and conduct ongoing project management.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reported that staff is providing good feedback regarding the HPO training.

Chief Uhl thanked the Mayor and Council for allowing him to attend a recent fire safety training conference. He stated he made good connections, received new ideas and was able to view new equipment. Uhl reminded Councilmembers of the 9/11 10 year memorial on Sunday 9/11/11.

Assistant Public Works Director Kottmann reminded Councilmembers of the tire collection to be held 9/9/11 and 9/10/11. Kottmann also stated that staff has begun attending pre-construction meetings for both the Keystone Trail Project and the Hell Creek Stabilization Project.

Community Development Director Birch stated that they are working with the consultants on the Civic-Center Park Master Plan to develop a time line for the project. Once completed Birch will update the council with those dates.

Library Director Barcal updated the council that residents can now search the Library's Apollo System to check out electronic books on Overdrive.

## B. 2012-2016 CAPITAL IMPROVEMENT PLAN

### 1. PUBLIC HEARING

At 7:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2012-2016 Capital Improvement Plan.

At 07:24 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

### 2. RESOLUTION

Councilmember Carlisle introduced Resolution No. 11-097; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2012-2016 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2012-2016 Capital Improvement Program (CIP) 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 2012-2016 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2012-2016 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

# MINUTE RECORD

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2012-2016 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted 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, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## **C. FISCAL YEAR 2010/2011 AMENDED MUNICIPAL BUDGET**

### **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2010/2011 Amended Municipal Budget.

At 07:27 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

### **2. ORDINANCE**

Councilmember Carlisle introduced Ordinance No. 1154 entitled; AN ORDINANCE TO AMEND ORDINANCE NO. 1126 AND APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; TO REPEAL ORDINANCE NO. 1126 CONFLICT HEREWITH; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Ellerbeck moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Sheehan and Gowan. 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 Crawford. The Mayor then stated the question, "Shall Ordinance No. 1154 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Sheehan and Gowan. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **D. FISCAL YEAR 2011/2012 MUNICIPAL BUDGET**

### **1. APPROPRIATIONS ORDINANCE – FINAL READING**

Deputy City Clerk Garrod read Ordinance No. 1152 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2011 AND ENDING ON SEPTEMBER 30, 2012; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

# MINUTE RECORD

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

September 6, 2011

Councilmember Carlisle made a motion to approve Ordinance No. 1152 on its final reading. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## **2. MASTER FEE ORDINANCE – FINAL READING**

Deputy City Clerk Garrod read Ordinance No. 1153 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1127, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Quick made a motion to approve Ordinance No. 1153 on its final reading. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## **3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY**

### **A. PUBLIC HEARING**

At 7:30 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the increasing the base of restricted funds authority.

At 07:31 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

### **B. RESOLUTION**

Councilmember Ellerbeck introduced Resolution No. 11-098; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2011-12 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2011-12 municipal budget on September 6, 2011; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2011-12 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2011-12 municipal budget by an additional one percent.

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

## **4. SETTING THE PROPERTY TAX LEVY**

### **A. PUBLIC HEARING**

At 7:31 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the property tax levy.

At 07:31 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

# MINUTE RECORD

## B. RESOLUTION

Councilmember Ellerbeck introduced Resolution No. 11-099; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FY 11/12.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 11/12 property tax request be set at \$5,826,357.12 which would require a mill levy of \$0.5500.

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2011.

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

## E. RESOLUTION – AMEND COUNCIL POLICY STATEMENT

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-100; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING COUNCIL POLICY STATEMENT.

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 Council Policy Statement entitled Employee Compensation – Pay for Performance has been reviewed and revisions recommended by a committee of employees to the Assistant City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to Council Policy Statement entitled Employee Compensation – Pay for Performance and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

## F. RESOLUTION – AMENDING THE COMPENSATION RATE AND SETTING THE RATES OF AUTO AND PHONE ALLOWANCES

### 1. ORDINANCE – AMEND THE COMPENSATION ORDINANCE

Councilmember Sell introduced Ordinance No. 1155 entitled; AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

# MINUTE RECORD

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

September 6, 2011

Councilmember Crawford moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Sheehan and Gowan. 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. The Mayor then stated the question, "Shall Ordinance No. 1155 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Sheehan and Gowan. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-101; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY12 municipal budget establishes funds for vehicle and mobile phone allowances for various officers and employees of the City and are recommended by the Finance Director and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

Tier	Monthly Vehicle Allowance	Tier	Monthly Phone Allowance
Tier 1	\$30	Tier 1	\$24
Tier 2	\$60	Tier 2	\$48
Tier 3	\$90	Tier 3	\$72
Tier 4	\$120	Tier 4	\$96
Tier 5	\$150	Tier 5	\$120

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

## **G. ORDINANCE – AMEND MUNICIPAL CODE §72.19, §72.25, §72.26 – PARKING REGULATIONS**

Councilmember Crawford introduced Ordinance No. 1156 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, RELATING TO PARKING OF VEHICLES AND TRAILERS, INCLUDING RECREATIONAL AND COMMERCIAL VEHICLES AND TRAILERS, IN OR ADJACENT TO RESIDENTIAL ZONING DISTRICTS, AND RELATING TO PARKING NONMOTORIZED VEHICLES ON CITY STREETS; TO AMEND SECTIONS 72.19 AND 72.25 OF THE LA VISTA MUNICIPAL CODE; TO ENACT NEW SECTION 72.26 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Sheehan

# MINUTE RECORD

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

September 6, 2011

and Gowan. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question, "Shall Ordinance No. 1156 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Sheehan and Gowan. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

## H. UNITED CITIES OF SARPY COUNTY

### 1. RESOLUTION

Councilmember Crawford introduced and moved for the adoption of Resolution No. 11-102; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITIES OF GRETNNA, PAPILLION AND SPRINGFIELD TO JOINTLY HIRE A LOBBYIST TO LOBBY ON BEHALF OF THE PARTIES IN THE NEBRASKA LEGISLATURE.

WHEREAS, the cities of Gretna, La Vista, Papillion and Springfield desire to promote the common legislative interest of the four cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

WHEREAS, the parameters of such arrangement have been outlined in the interlocal agreement.

NOW THEREFORE, BE IT RESOLVED, that the Interlocal Cooperation Agreement with the cities of Gretna, Papillion and Springfield to jointly hire a lobbyist to lobby on behalf of the parties in the Nebraska Legislature, is hereby approved, and 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: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

### 2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-103; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A LOBBYING AGREEMENT BETWEEN THE UNITED CITIES OF SARPY COUNTY AND KISSEL/E&S, L.L.C. FOR LOBBYING SERVICES BEFORE THE NEBRASKA STATE LEGISLATURE AND GOVERNOR.

WHEREAS, the cities of Gretna, La Vista, Papillion and Springfield (UNITED CITIES OF SARPY COUNTY) desire to promote the common legislative interest of the four cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

WHEREAS, the Mayor and City Council have identified the need for a lobbyist as a strategic initiative and did appropriate funds in the FY 11/12 municipal budget for the hiring of a lobbyist; and

WHEREAS, the mayors of the United Cities of Sarpy County have recommended Joe Kohout with Kissel/E&S L.L.C. to continue serve as their joint lobbyist.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute a lobbying agreement between the

# MINUTE RECORD

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

September 6, 2011

United Cities of Sarpy County and Kissel/E&S L.L.C. for lobbying services before the Nebraska State Legislature and Governor.

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

## **I. RESOLUTION – PURCHASE USED VEHICLE – POLICE DEPARTMENT**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-104; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF (1) ONE USED VEHICLE FOR THE POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$9,385.

WHEREAS, the City Council of the City of La Vista has determined that the acquisition of (1) one used vehicle for the use of the police department is necessary, and

WHEREAS, the FY/11 General Fund budget received reimbursement from insurance claims for damage to two police department vehicles, and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure 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, do hereby authorize the purchase of (1) used vehicle for the use of the police department in an amount not to exceed \$9,385.

Seconded by Councilmember Sell. Councilmember Quick asked if we would be awarded our deductible back and Chief Lausten stated that will be up to the judge at the time. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## **J. RESOLUTION – BID AWARD – THOMPSON CREEK PROPERTY ACQUISITION – PHASE 3 DEMOLITION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-105; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO ANDERSON EXCAVATING COMPANY, OMAHA NE FOR DEMOLITION OF SEVEN (7) HOUSES ACQUIRED AS PART OF THE THOMPSON CREEK HAZARD MITIGATION PROJECT, IN AN AMOUNT NOT TO EXCEED \$70,190.00.

WHEREAS, the City Council of the City of La Vista has determined that the demolition of houses acquired as part of the Thompson Creek Hazard Mitigation Project is necessary; and

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

WHEREAS, the City Council authorized the advertisement of bids for demolition and removal of the third group of seven houses that have been acquired and vacated in the Thompson Creek Voluntary Property Acquisition project on August 2, 2011, and

WHEREAS, Anderson Excavating Company of Omaha, Nebraska, 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 Anderson Excavating Company, Omaha Nebraska as the low qualified bid for the demolition of seven houses acquired as part of the Thompson Creek Hazard Mitigation Project, in an amount not to exceed \$70,190.00.

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

# MINUTE RECORD

## **K. RESOLUTION – NDOR PROGRAM AGREEMENT – GILES ROAD SIGNAL COORDINATION- 1-80 TO 108<sup>TH</sup> STREET**

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-106; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF A PROGRAM AGREEMENT WITH THE STATE OF NEBRASKA, DEPARTMENT OF ROADS FOR INSTALLATION OF SIGNAL COORDINATION AT SIX (6) LOCATIONS ON GILES ROAD FROM INTERSTATE 80 TO 108<sup>TH</sup> STREET

WHEREAS, the City has determined that it is desirable to enter into an agreement with the State of Nebraska Department of Roads for installation of signal coordination at six locations on Giles Road from Interstate 80 to 108<sup>th</sup> Street; and

WHEREAS, the project is eligible for Surface Transportation Program Funds from the Department of Transportation, Federal Highway Administration; and

WHEREAS, the FY 11/12 Capital Improvement Program provides for funding for the project; and

WHEREAS, federal funds will pay for 80% of the project; and

WHEREAS, the project consists of installing upgraded traffic controllers and wireless interconnect equipment; and

WHEREAS, this resolution will be marked Exhibit "B" and a copy attached to each original agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute said agreement on behalf of the City of La Vista, and the City Clerk is authorized to attest said execution.

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

## **L. RESOLUTION – INSTALLATION OF STOP SIGNS – GERTRUDE STREET ALONG HARRISON HEIGHTS SUBDIVISION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-107; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE INSTALLATION OF TWO (2) STOP SIGNS ON GERTRUDE STREET ALONG THE HARRISON HEIGHTS SUBDIVISION

WHEREAS, the Mayor and City Council of the City of La Vista have determined that installing two (2) stop signs on Gertrude Street along the Harrison Heights subdivision; and

WHEREAS, the locations of the stop signs will be at the southeast corner of Emilie Street and Gertrude Street and at the southeast corner of South 75<sup>th</sup> Avenue and Gertrude Street; and

WHEREAS, these locations are proposed private roadways into the Harrison Heights development that will result in these two locations becoming a 4-way intersection; and

WHEREAS, stop signs will be required to be installed by the developers on the opposing legs of the intersections

WHEREAS, the City Engineer has recommended these changes on the basis of limited sight distance due to roadway curvature, existing mature vegetation and topography; and

WHEREAS, Section 70.072 of the La Vista Municipal Code requires City Council approval prior to the placement of any regulatory traffic sign, signal or mechanical devices.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the installation of two (2) stop signs on Gertrude Street along the Harrison Heights subdivision. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell,

# MINUTE RECORD

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

September 6, 2011

Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## **M. RESOLUTION – AUTHORIZE PURCHASE – ICE CONTROL SALT**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-108; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT FROM NEBRASKA SALT & GRAIN COMPANY IN AN AMOUNT NOT TO EXCEED \$58,670.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt is necessary; and

WHEREAS, the purchase will be made from the FY 2010/11 General Fund Street Maintenance Fund; and

WHEREAS, orders for the ice control salt at an earlier than October has become necessary; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice control salt in an amount not to exceed \$58,670.00.

Seconded by Councilmember Ellerbeck. Councilmember Quick asked why the salt needed to be ordered so early. Street Superintendent Goldman stated that the trucks used to haul salt are also used to haul grain, and it is easier to get the salt before harvest season begins. Goldman also stated that if we have a mild winter we may end up with a stock pile of salt, but to also note that gravel is not often used as it is costlier to clean up. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## **N. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 7:50 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:50 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

### **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-109; 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  
7121 Harrison Street/Lot 1C EX PT TO RD La Vista Replat, \$274.00; and  
7358 S 69<sup>th</sup> Street/Lot 155 La Vista Replat, \$169.47;  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or hazard waste removal, 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.

# MINUTE RECORD

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

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:55 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Litigation and Contract Negotiations. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:14 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell asked that the pool bond issue be drafted for the May primary election.

Councilmember Crawford complimented the city staff as he saw no frivolous spending in the new budget.

Mayor Kindig thanked Councilmember Quick for attending Ribbon Cuttings in his place with short notice this summer. Kindig also thanked Councilmember Crawford for helping serve at the employee ice cream social, and encourage other Councilmembers to attend next year as they had quite a fun time.

At 8:17 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Sheehan and Gowan. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF SEPTEMBER, 2011

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk