

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING August 17, 2010

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 August 17, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Buethe, Assistant Library Director Linhart, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Public Works Director Soucie, Community Development Director Birch, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on August 5, 2010. 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

### APPOINTMENT – BRENDA CARLSON – CITIZEN ADVISORY REVIEW COMMITTEE – FILL VACANCY

Mayor Kindig stated that with the approval of Council he would like to appoint Brenda Carlson to the Citizen Advisory Review committee to fill a vacancy. Councilmember Sell motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 3, 2010
3. MONTHLY FINANCIAL REPORT – JULY 2010
4. REQUEST FOR PAYMENT – MCGILL RESTORATION, INC. – PEDESTRIAN  
OVERPASS REPAINTING - \$34,900.00
5. REQUEST FOR PAYMENT – NEOGOV – LICENSE FEE - \$7,999.00
6. REQUEST FOR PAYMENT – CITY OF OMAHA – HARRISON STREET  
IMPROVEMENTS - \$30,703.63
7. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Sell reviewed the claims for this period and reported that he found everything to be in order. Councilmember Crawford asked why the pedestrian overpass was done without the road closure leaving paint on the road. City Engineer Kottmann explained the process and reasoning for this work. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

3M, Contract Services	4127.00
AA WHEEL & TRUCK SUPPLY, Vehicle Maint.	70.47
ACCO UNLIMITED, Supplies	615.55
ACTION BATTERIES, Supplies	412.69
ALAMAR UNIFORMS, Wearing Apparel	42.99
APA, Dues/Subscriptions	1109.00
ARAMARK UNIFORM, Contract Services	302.18
ASPHALT & CONCRETE MATERIALS, Street Maint.	201.87
BCR-BIBLIOGRAPHICAL, June charges	29.73
BEAUMONT, MITCH, Mileage	58.50
BENNINGTON EQUIP., Vehicle Maint.	1433.77

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BLACK HILLS ENERGY, Utilities	898.30
BRENTWOOD AUTO WASH, Vehicle Maint.	63.00
CARDMEMBER SERVICE, Travel/Training/Vehicle Maint.	2255.23
CITY OF COUNCIL BLUFFS, Contract Services	120.00
CJ'S HOME CENTER, Bldg & Grnds/Supplies/Vehicle Maint.	583.45
COLOMBO/PHELPS, Concessions	429.61
COX COMMUNICATIONS, Phone/Contract Services	20.61
D & D COMMUNICATIONS, Rado repair	27.03
DELL MARKETING., Contract Services	174.72
DREWEL, RANDY,Professional Service	350.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	37.01
ED M. FELD EQUIPMENT Equipment	3494.00
ELLIOTT EQUIPMENT, Vehicle Maint.	553.39
FAC PRINT & PROMO, Wearing Apparel	252.00
FASTENAL, Maint/Lab/Medical Tool Supply	27.02
FILTER CARE, Vehicle Maint.	156.80
FITZGERALD SCHORR BARMETTLER, Professional Services	16400.30
G I CLEANER, Uniform Cleaning	105.65
GENUINE PARTS COMPANY-OMAHA, Vehicle Maint./Bldg & Grnds	693.38
GRAYBAR ELECTRIC, Bldg & Grnds Maint.	196.70
GREAT PLAINS ONE-CALL, Contract Services	323.83
GREENKEEPER COMPANY, Supplies	931.75
HARM'S CONCRETE, Street Maint.	94.00
HEARTLAND AWARDS, Name Plates	13.55
HELGET GAS PRODUCTS, Squad Supplies	30.00
HOLSTEIN'S HARLEY DAVIDSON, Vehicle Maint.	157.45
HOST COFFEE SERVICE, Concessions	21.50
HUNTEL, Contract Services	353.85
IAFC-INTL ASSN OF FIRE CHIEFS, Dues	204.00
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Service	3300.00
IVERSEN, BEN, Training	70.00
J Q OFFICE EQUIPMENT INC, Contract Services	71.33
JOHN DEERE LANDSCAPES/LESCO, Supplies	537.60
KRIHA FLUID POWER CO, Vehicle Maint.	121.30
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	215.50
LARSEN SUPPLY COMPANY, Supplies	58.00
LAUGHLIN, KATHLEEN	611.00
LEAGUE ASSN OF RISK MGMT, Insurance	462.00
LEO A DALY, Professional Service	3029.72
LIBRARY ADVANTAGE, Supplies	150.00
LIFE ASSIST.Supplies	54.60
LINWELD, Supplies	453.44
LOGAN CONTRACTORS SUPPLY, Street Maint.	35.92
LYMAN-RICHEY SAND & GRAVEL, Supplies	196.78
M B WILDER CO, Vehicle Maint.	36.00
MAPES, HANNAH,Contract Service	80.00
MAPES, RYAN, Contract Service	100.00
MARTIN MARIETTA AGGREGATES, Street Maint.	160.20
MASA, Equipment	4561.15
MENARDS, Street Maint.	418.80
METRO LANDSCAPE MATERIALS, Supplies	210.00
MID-STATES UTILITY TRAILER, Supplies	255.86
MILLER BRANDS OF OMAHA, Concessions	168.95
MILLER PRESS, Printing	405.00
NATIONAL PAPER COMPANY, Supplies	648.42
NEBRASKA IOWA SUPPLY, Vehicle Maint./Supplies	9343.90
NEBRASKA LAW ENFORCEMENT, Training	50.00
NEXTEL COMMUNICATIONS,Phone	738.07
NMC EXCHANGE, Vehicle Maint.	640.59
NOTARY PUBLIC UNDERWRITERS, Dues	92.50
OFFICE DEPOT,Supplies	62.93
OPPD, Utilities	48634.80
OMAHA SLINGS, Vehicle Maint.	105.00
OMAHA WINNELSON, Maint.	109.68

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OMAHA WORLD HERALD, Advertising	1231.40
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O'REILLY AUTOMOTIVE, Vehicle Maint.	1010.59
PAPILLION SANITATION, Contract Service	304.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	370.98
PAUL CONWAY SHIELDS, Wearing Apparel	302.65
PAYLESS OFFICE PROD., Supplies	204.88
PEPSI COLA, Concessions	385.50
PERFORMANCE, Vehicle Maint.	78.71
PAM BUETHE, Printing/Supplies, Vehicle Maint.	183.78
PAM BUETHE, Printing/Supplies, Vehicle Maint.	44.17
PRECISION INDUSTRIES, Maintenance	76.13
PREMIER-MIDWEST BEVERAGE, Concessions	126.00
PRO-SIGN & SCREEN PRINTING, Equipment	188.00
QUALITY BRANDS OF OMAHA, Concessions	469.05
QUALITY RESOURCE GROUP, La Vista Daze	1004.00
QWEST, Phone	60.51
QWEST, Phone	13.95
RAMIREZ, JOHN, Contract Service	36.00
READY MIXED CONCRETE, Street Maint.	2788.13
RECORDED BOOKS, Supplies	43.87
RECREONICS, Supplies	41.95
RUSTY ECK FORD, Vehicle Maint.	181.48
SAM'S CLUB, Dues/Supplies/Concessions	2028.36
SEI, Maint.	160.00
SENTRY ARMOR SYSTEMS, Apparel	106.93
SIGNAL 88 SECURITY GROUP, Training	350.00
STEVENS, MARK, Travel	40.00
TED'S MOWER SALES & SERVICE, Maint.	62.64
THOMPSON, JAMES, Training	70.00
TRACTOR SUPPLY CREDIT, Supplies	337.67
TRADE WELL PALLET, Bldg & Grnds	862.50
U S ASPHALT, Street Maint.	1367.96
UPS, Postage	113.31
VIERREGGER ELECTRIC, Maint.	2580.96
VOGEL, KELLY, Training	225.00
WASTE MANAGEMENT, Contract Service	1239.76
WICK'S, Vehicle Maint.	448.11
WILLARD AUTO MACHINE, Maint.	492.00
WINGATE INNS, Lodging	492.00
ZIMCO SUPPLY, Supplies	450.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council the band "1964...The Tribute" will perform at PayPal on Friday, August 20<sup>th</sup> at 8:30.

Fire Chief Uhl informed Council there was a major equipment failure when engine 650 was on the way to a training exercise. Assessing the extent and cost of the failure.

Public Works Director Soucie informed Council he attended the annual APWA delegates meeting in Boston which was paid through the association. Streets Superintendent Goldman will be attending educational sessions at his conference. A dog waste station, donated by a vendor, has been placed in the Southwind Park and will be monitored. Removal of bridge approaches on the inside lane should be done next week and they will begin on the outside lanes on Giles Road.

Buildings and Grounds Director Archibald they had some breaks in the sprinkler lines at District 2 and the police station. He stated a couple of the trees planted as part of the grant died but have been replaced.

Assistant Library Director Linhart informed Council that another 50<sup>th</sup> Anniversary event will be a guest speaker at the Library on Saturday at 1:00 to help teach people how to write personal history and about genealogy.

## B. CDBG APPLICATION – GRAEPEL NORTH AMERICA (tabled from 8/3/2010 meeting)

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## RESOLUTION – APPROVAL TO PROCEED WITH APPLICATION

Councilmember Crawford introduced and moved for adoption of Resolution No. 10-087 subject to conditions and changes entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT AND AUTHORIZING THE MAYOR TO EXECUTE ANY RELEVANT DOCUMENTS REFERENCING THE GRAEPEL NORTH AMERICA, INC. PROJECT.

Seconded by Councilmember Carlisle. City Attorney McKeon stated that they are waiting for a couple changes in the MOU regarding the project numbers. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## C. RESOLUTION – BALLOT QUESTION – LB 1018 (TABLED FROM 8/3/2010 MEETING)

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-088: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, PURSUANT TO THE NEBRASKA ADVANTAGE TRANSFORMATIONAL TOURISM AND REDEVELOPMENT ACT, PROPOSING THE DIRECTION OF PROCEEDS OF THE LOCAL OPTION SALES TAX AS AUTHORIZED BY THE ACT FOR SUBMISSION TO THE VOTERS OF LA VISTA ON NOVEMBER 2, 2010.

WHEREAS, the Nebraska State Legislature authorized cities who levy a local option sales tax, through the passage of LB1018 during the 2010 session which was entitled the "Nebraska Advantage Transformational Tourism and Redevelopment Act" and now is found in Nebraska Statutes, Sections 77-1001 et seq, to utilize that sales tax to assist in development or redevelopment at the local level by giving cities the authority to rebate local option sales tax dollars generated in one or more qualifying tourism development or redevelopment project areas as an incentive; and

WHEREAS, LB1018 requires that the municipality get approval by their citizens to direct local option sales taxes as permitted thereunder; and

WHEREAS, LB 1018 creates minimum investment and net employment increases for an applicant to qualify for incentives, with the investment requirement being a tiered system based on the level of net taxable sales within the county during the preceding calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the direction of local option sales tax within one or more redevelopment or tourism development project areas designated by the City will be presented to the voters of the City for approval pursuant to Neb. Rev. Stat. section 77-1001 et seq on November 2, 2010 at the general election. The following question shall appear on the ballot:

### **"LA VISTA ADVANTAGE TRANSFORMATIONAL TOURISM AND REDEVELOPMENT PROGRAM**

If authorized by the voters at an election, the City of La Vista, Nebraska may direct that some or all of the local option sales taxes – that is, the City's sales taxes – collected in a designated area be distributed to qualifying businesses to encourage investment in redevelopment or tourism development in those areas. Shall the municipality – the City of La Vista – direct the local option sales tax collected within an area defined by the municipality to require redevelopment or as a tourism development project for the benefit of that area?

       YES

       NO

A "YES" vote will authorize the City of La Vista to direct some or all of the City's sales taxes collected in a designated area to be distributed to qualifying businesses to encourage investment in redevelopment or tourism development in those areas.

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A "NO" vote will deny authority to the City of La Vista to direct some or all of the City's sales taxes collected in a designated area to be distributed to qualifying businesses to encourage investment in redevelopment or tourism development in those areas

SECTION 3. That a copy of this resolution for the Program of the City of La Vista, Nebraska shall be filed with the City Clerk who shall make it available for public review at City Hall, 8116 Park View Boulevard, La Vista, Nebraska during regular business hours.

SECTION 4. That the City Clerk is hereby directed to submit the question of adoption of the Program to the registered voters at the general election to be held November 2, 2010 by filing a certified copy of this resolution with the election commissioner or Sarpy County Clerk within the time required by law, but in any event not later than September 1, 2010, at which the question will be considered by voters, and to make all notices and take such further actions as required of her by law regarding such election.

SECTION 5. That all resolutions or parts of resolutions in conflict herewith are hereby repealed. Seconded by Councilmember Sheehan. Councilmember Sheehan stated that this ballot language is much easier to read and understand. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## D. FISCAL YEAR 10/11 MUNICIPAL BUDGET

### 1. APPROPRIATIONS ORDINANCE – SECOND READING

City Clerk Buethe read Ordinance No. 1126 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, 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; 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.

Councilmember Ellerbeck made a motion to approve Ordinance No. 1126 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Gowan. Councilmember Sheehan stated he would vote no because of the pay package. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

### 3. MASTER FEE ORDINANCE – FIRST READING

City Clerk Buethe read Ordinance No. 1127 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1109, 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. 1127 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## E. ADOPTION OF NEW BUILDING, PLUMBING, MECHANICAL & ELECTRICAL CODES

### 1. PUBLIC HEARING

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At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the adoption of new Building, Plumbing, Mechanical & Electrical Codes.

At 7:26 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 2. ORDINANCE – ADOPT CODES WITH AMENDMENTS

Councilmember Carlisle introduced Ordinance No. 1128 entitled: AN ORDINANCE TO AMEND SECTIONS 150.01, 150.02, 150.04, AND 150.05 OF THE LA VISTA MUNICIPAL CODE RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS, STRUCTURES, MECHANICAL, PLUMBING, ELECTRICAL AND RELATED WORK, MATERIALS AND REQUIREMENTS; TO REPEAL SECTIONS 150.01, 150.02, 150.04, AND 150.05 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. Councilmember Sheehan stated that he had the impression that all cities would have the same codes. Chief Building Official Jeff Sinnett stated that most are the same. With regard to the plumbing code, Omaha has a different code they operate by. The Mayor then stated the question was, "Shall Ordinance No.1128 be passed and adopted?" 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. 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.

## F. CLASS CK LIQUOR LICENSE APPLICATION – LA VISTA CY CATERING CO., INC. DBA COURTYARD BY MARRIOTT OMAHA-LA VISTA

### 1. PUBLIC HEARING

At 7:29 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class CK Liquor License Application for La Vista CY Catering Co., Inc. dba Courtyard by Marriott Omaha-La Vista.

At 7:30 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION – APPROVE APPLICATION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-089 entitled; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS CK LIQUOR LICENSE APPLICATION FOR LA VISTA CY CATERING CO., INC. DBA COURTYARD BY MARRIOTT OMAHA-LA VISTA, LA VISTA, NEBRASKA.

WHEREAS, La Vista CY Catering Co., Inc. dba Courtyard by Marriott Omaha-La Vista, 12560 Westport Parkway, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class CK Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

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WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class DK Liquor License application submitted by La Vista CY Catering Co., Inc. dba Courtyard by Marriott Omaha-La Vista, 12560 Westport Parkway, La Vista, NE.

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

## G. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE APPLICATION – THE RENDEZVOUS CO. DBA HOUSTON'S LOUNGE

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-090: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A FUNDRAISING EVENT AT 12501 GILES ROAD ON OCTOBER 2, 2010.

WHEREAS, the 12501 Giles Road is located within the City of La Vista; and

WHEREAS, The Rendezvous Co. dba Houston's Lounge has requested approval of a Special Designated Permit to serve beer at a fundraising event at 12501 Giles Road on October 2, 2010 from 5:00 p.m. to 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize The Rendezvous Co. dba Houston's Lounge to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell serve alcohol at 12501 Giles Road, in conjunction with a fundraising event.

Seconded by Councilmember Sell. Councilmember Quick asked where the event would be held. It will be at the Haunted House on Giles Road. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## H. RESOLUTION – AWARD BID – LA VISTA FALLS GOLF COURSE STORM WATER FILTER NO. 1

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-091: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO HEIMES CORPORATION, OMAHA NE FOR INSTALLATION OF STORM FILTER NO.1 (ONE), IN AN AMOUNT NOT TO EXCEED \$39,312.00.

WHEREAS, the City Council of the City of La Vista has determined that the Golf Course Storm Filter No. 1 is necessary; and

WHEREAS, the FY 2009/10 Storm Water Management Program did include funds for the Storm Filter; and

WHEREAS, the City Council authorized the solicitation of bids for said overpass on July 20, 2010, and

WHEREAS Heimes Corp. 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.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska designate Heimes Corp. Omaha Nebraska as the low qualified bid for the installation of Storm Filter No. 1, in an amount not to exceed \$39,312.00

Seconded by Councilmember Carlisle. Councilmember Sheehan asked how there are funds available when this amount exceeds the engineers estimate. City Engineer stated that the storm water grant money will cover this difference and it will not short us on future projects. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## I. RESOLUTION – AWARD BID – SEWER INSPECTION SYSTEM

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-092: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2010 CUES MULTI CONDUCTOR PIPELINE TELEVISION INSPECTION SYSTEM FROM WOODHOUSE FORD, BLAIR, NE IN AN AMOUNT NOT TO EXCEED \$159,466.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said pipeline television inspection system for the Public Works Department is necessary; and

WHEREAS, the FY 2010/11 Sewer Fund includes funds for the purchase of said pipeline television inspection system; and

WHEREAS, Woodhouse Ford has submitted the lowest most responsible bid for a pipeline television inspection system; 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 purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2010 Cues Multi Conductor Pipeline Television Inspection System in an amount not to exceed \$159,466.00.

Seconded by Councilmember Sheehan. Public Works Director Soucie addressed the Council stating that there are a couple items that still need resolved and he would recommend the Council approve this subject to all issues being addressed or table it until such time as he can get answers to the questions. Councilmember Sheehan withdrew his second and Councilmember Carlisle amended her motion to table this resolution. Councilmember Sheehan seconded this amended motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## J. RESOLUTION – REQUEST FOR PURCHASE – REPLACEMENT COMPRESSOR – DISTRICT 1 FIRE STATION

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-093; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE AND INSTALLATION OF ONE (1) REPLACEMENT 10 TON PACKAGE HEATING AND COOLING UNIT WITH ECONOMIZER AND THERMOSTAT AT THE DISTRICT ONE FIRE STATION FROM AKSARBEN HEATING AND AIR CONDITIONING, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$12,468.00

WHEREAS, the City Council of the City of La Vista has determined that the replacement of the heating and cooling unit at the district one fire station is necessary; and

WHEREAS, the FY 2009/10 General Fund Budget includes funds for the purchase of said heating and cooling unit; and

WHEREAS, Aksarben Heating and Air Conditioning, Omaha, NE, is the most responsible bidder; and

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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 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 one replacement 10 ton package heating and cooling unit with economizer and thermostat from Aksarben Heating and Air Conditioning, Omaha, Nebraska, in an amount not to exceed \$12,468.00.

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

## K. RESOLUTION – SURPLUS EQUIPMENT – 1992 AMBULANCE

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-094; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE.

WHEREAS, the City is replacing its 1992 Road Rescue Ambulance with a 2010 Road Rescue Ambulance and removing from the 1992 squad all equipment and radios which will be placed in the 2010 squad; and

WHEREAS, the City Administrator and Fire Chief recommend that the 1992 squad be declared surplus and sold.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that the 1992 Road Rescue Ambulance is hereby declared surplus property and that the sale of the 1992 Road Rescue Ambulance is approved.

AND BE IT FURTHER RESOLVED that the revenue from the sale be deposited into the general funds of the City.

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

## L. RESOLUTION – SURPLUS EQUIPMENT – PHONE EQUIPMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-095; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE.

WHEREAS, the City upgraded the phone system to an Internet Protocol (IP) system in all departments; and

WHEREAS, numerous Mitel digital multi-line phones were removed; and

WHEREAS, the City Administrator and Public Buildings and Grounds Director recommend that all but 20 of the digital multi-lines phones be declared surplus and sold.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that all but 20 of the Mitel digital multi-line phones are hereby declared surplus property and that the sale of said phones is approved.

AND BE IT FURTHER RESOLVED that the revenue from the sale be deposited into the general funds of the City.

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

## M. SPECIAL ASSESSMENTS

### 1. PUBLIC HEARING

At 7:41 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

# MINUTE RECORD

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

August 17, 2010

At 7:42 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 Crawford introduced and moved for the adoption of Resolution No. 10-096 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 7810 Leafplum Dr., Lot 114/Briarwood/Sarpy County, \$159.50; and 12948 Chandler St., Lot 49 Millard Highlands South 2<sup>nd</sup> Platting, \$469.58; were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, 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.

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 Ellerbeck. Councilmember Quick thanked staff for the memo regarding repeat offenders. Councilmember Ellerbeck asked if the before and after pictures could be taken from the same vantage point. Police Chief said he would talk to the Code enforcement officer. 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 K. "Executive Session". Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. 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. La Vista resident Art McNearney commented on how well the city has done over the years looking ahead and taking care of the City.

## N. EXECUTIVE SESSION – NEGOTIATING GUIDANCE; LITIGATION

At 7:52 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for negotiating guidance and litigation. 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 8:47 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

# MINUTE RECORD

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

August 17, 2010

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig asked the council if they would like to move the November 2, 2010 meeting to a start time of 6:00 p.m. as they have done on past Council agreed to bring it back to a future council meeting and it was suggested to keep the agenda short. Mayor Kindig will be attending the NLC conference in Denver and stated that if any other councilmembers wish to go they should contact Mary.

At 8:49 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Crawford. 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 SEPTEMBER 2010

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\ICITYHALL\10 COUNCIL MINUTES\August 17, 2010