

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING September 21, 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 September 7, 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 Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Public Works Director Soucie, Building and Grounds Director Archibald, and City Planner Christopher Solberg,

A notice of the meeting was given in advance thereof by publication in the Times on September 9, 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

SERVICE AWARD – SHARON PAULSEN – 20 YEARS

Mayor Kindig recognized Sharon Paulsen for 20 years of service to the City.

APPOINTMENT – COREY JEFFUS AND SHANNON WIIG – PARKS AND RECREATION

ADVISORY BOARD – FILL VACANCIES

Mayor Kindig stated that with the approval of Council he would like to appoint Corey Jeffus and Shannon Wiig to the Parks and Recreation Advisory Board to fill vacancies. Councilmember Carlisle 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 SEPTEMBER 7, 2010

3. MONTHLY FINANCIAL REPORT – AUGUST 2010

4. APPROVAL OF CLAIMS

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

EASYWAY INTN'L, Grant	117,592.00
HERITAGE CRYSTAL CLEAN LLC, Cleaning	8,500.00
VOGEL TRAFFIC SERV., Supplies	6,212.50
BEAM-CLARKE, CHERRIE, Speaker	157.00
LAUGHLIN, KATHLEEN	648.00
84TH STREET CAFÉ, event	544.00
A & C TREE SERV., bldg & grnds	1,200.00
AA WHEEL & TRUCK SUPPLY, vehicle maint.	62.42
AKSARBEN HEATING, bldg & grnds.	12,596.75
ALAMAR UNIFORMS, wearing apparel	166.98
ANN TROE, printing	735.00
AOI CORP., office supplies	1,096.14
ARAMARK UNIFORM, contractual services	276.98
ASPHALT & CONCRETE MTRL. street maint.	147.10

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BCDM, professional services	707.50
BEAUMONT, MITCH, mileage	80.50
BENNETT REFRIGERATION, bldg & grnds	948.00
BENNINGTON EQUIP, vehicle maint	873.34
BENSON RECORDS MGMT, contract service	57.44
BETTER BUSINESS EQUIP, rentals	49.17
BLACK HILLS ENERGY, utilities	21.11
BOB'S RADIATOR REPAIR, vehicle maint	220.00
BOBCAT, vehicle maint	33.82
BRENTWOOD AUTO WASH, vehicle maint	84.00
ELAN, training, travel	10,218.85
CHEMSEARCH, vehicle maint	102.88
CJ'S HOME CENTER, supplies	879.03
CORNHUSKER INTL TRUCKS, vehicle maint	511.57
COX COMMUNICATIONS, contract services	224.25
D & D COMMUNICATIONS vehicle maint	185.50
DELL MARKETING, contract services	10,297.12
DULTMEIER SALES & SERVICE, street maint	2.66
EDGEWEAR SCRIN PRINT, wearing apparel	280.80
EMERGENCY SERVICES MKTING, phone	45.08
FEDEX, postage	16.95
FILTER CARE, vehicle maint	27.40
FORT DEARBORN LIFE INS,	1,328.50
FOSTER, JASON, refund	41.49
FUTUREWARE, contract services	95.00
GCR OMAHA TRUCK TIRE, vehicle maint	207.00
GENUINE PARTS COMPANY, vehicle maint	994.11
GRAYBAR ELECTRIC, bldg & grnds	276.09
GREAT PLAINS ONE-CALL, contract services	366.04
GREENKEEPER COMPANY, bldg & grnds	206.20
FRED PETERSON, vehicle maint	50.00
GROSSENBACHER BROTHERS, supplies	217.50
HEIMES CORP, street maint	220.50
HELGET GAS PRODUCTS, supplies	10.00
HOBBY LOBBY STORES, supplies	26.00
HOME DEPOT, supplies	299.00
HUNTEL, contract services	201.00
INTERNATIONAL CODE COUNCIL, books	852.00
J Q OFFICE EQUIPMENT, contract services	368.28
JOHN DEERE LANDSCAPES, supplies	455.98
JOHNSTONE SUPPLY, bldg & grnds	37.11
KOTTMANN, JOHN, mileage, phone	346.50
LARM, ins & bnnds	6.00
LINCOLN NATIONAL LIFE INS	7,958.74
LINWELD, supplies	125.00
LOGAN CONTRACTORS, street maint	2,824.10
LOU'S SPORTING GOODS, equip.	853.40
LOYA, GABINO, refimd	39.93
MARTIN MARIETTA, street maint	143.21
METRO LANDSCAPE, bldg & grnds	210.00
MUD, utilities	1,207.98
MIDWEST DIST, bldg & grnds	71.30
MIDWEST TURF, equip. repair	3.60
NEBRASKA IOWA SUPPLY, supplies	12,267.95
NEBRASKA MOSQUITO/VECTOR, training	50.00
NEFF TOWING, vehicle maint	225.00
NEWTON VALVE, bldg & grnds.	62.00

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O'DONNELL FICENEC, professional services	4,353.22
O'REILLY AUTOMOTIVE, vehicle maint	23.76
OFFICE DEPOT, supplies	1,407.57
OMAHA COMPOUND CO, supplies	140.61
OPPD, utilities	3,041.85
OMAHA SLINGS, vehicle maint.	170.67
OMAHA WORLD HERALD, advertising	4,357.43
OMAHA WORLD HERALD, advertising	794.13
PALFLEET TRUCK EQUIP, vehicle maint	154.47
PARAMOUNT LINEN cleaning service	165.74
PAYLESS OFFICE PRODUCTS, supplies	683.58
PAM BUETHE, vehicle maint, supplies, travel	74.68
READY MIXED CONCRETE, street maint	3,978.72
SAFETY VISION, vehicle maint	73.92
SAM'S CLUB, supplies	2,421.14
SARPY COUNTY LANDFILL, bld & grnds	7.51
SCHAEFER, ROBERT, refund	44.35
SCHUMACHER, CLARE, refund	40.07
SEI, equip. repair	130.00
SHAMROCK CONCRETE, street maint	354.96
SIEVERS, ALICE, refund	80.50
SMOOTHER CUT ENT, contract services	1,650.00
STEVEN D JOHNSON, Professional services	2,003.12
STOLTENBERG NURSERIES, bldg & grnds	2,325.00
SUPERIOR VISION	367.60
TED'S MOWER, equip., supplies	1,684.50
TD2, contract services	317.35
TURFWERKS, equip rep	121.27
U S ASPHALT CO, street maint	501.85
UNIVERSAL STEERING, vehicle maint	262.00
V & V MANUFACTURING, wearing apparel	48.44
WITMER PUBLIC SAFETY , vehicle maint	1,329.68

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez reminded Council of the joint meeting with the Parks and Recreation Advisory Board on Tuesday September 28, 2010 at 6:30 at the La Vista Library.

Finance Director Lindberg informed Council that the budget book for FY11 will go to print this week and will be in their mailboxes on October 1, 2010

Police Chief Lausten informed Council that there were vehicle break ins in the Harrison Heights area and the 3 suspects have been apprehended. Lausten encouraged everyone to keep their vehicles locked at all times when they are not in them.

Fire Chief Uhl informed Council that a home had been struck by lightning which blew a hole in the roof but did not cause a fire. Uhl also reminded Council of the upcoming fundraising events for Mark Strong which will be a pancake breakfast on September 25, 2010 from 8-11 and a spaghetti feed on September 26, 2010 from 1-5. Free will donations will be accepted.

Public Works Director Soucie that Jim Ruffner from the public works department works with scouts on projects and is working with an eagle scout and Parkview Heights Elementary to create an interactive playground area on the hard surface. Last Friday Jeff Calentine and Donal Fischer from the golf course maintenance department to carts to school for their annual vehicle day.

Library Director Barcal informed Council of the summer reading program numbers. For the children's program there were 523 children registered, 45 schools represented, and 5,630 hours spent reading. There were 154 sessions with 3,650 attendees which was 400 more than last year. For the teen's program there were 35 sessions with 492 attendees which was 400 more than last year. Matthew Sitting Bear Jones will be at the library on September 25th, Darrel Draper

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will be there on October 3rd, and the teen author will be at the library on October 9th, Barcal informed council that the Library has received a grant for 12 computers.

B. AMENDMENT TO CITY OF LA VISTA ZONING ORDINANCE – SECTION 2.02

DEFINITIONS

1. PUBLIC HEARING

At 7:19 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the amendment of the City of La Vista Zoning Ordinance Section 2.02 Definitions.

City Planner Solberg gave an overview of the amendments. Councilmember Sheehan stated that there need to be some changes for signs for small businesses. City Administrator Gunn stated that staff is working on a signage ordinance and that is one of the areas they are looking at.

At 7:21 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. ORDINANCE

Councilmember Gowan introduced Ordinance No. 1130 entitled: AN ORDINANCE TO AMEND SECTION 2.02 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No.1130 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.

C. BROOK VALLEY BUSINESS PARK REPLAT 4

1. PUBLIC HEARING

At 7:22 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Brook Valley Business Park Replat 4

City Planner Solberg gave an overview of the Replat 4. Solberg asked that the resolution be tabled until conditions stated in the blue letter have been completed.

At 7:23 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck moved to table Resolution No. 10-105 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A REPLAT OF PART OF LOT 33A, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE ¼ AND IN THE SE ¼ OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., AND ALSO LOT 55, BROOK VALLEY BUSINESS PARK, A SUBDIVISION LOCATED IN THE NE ¼, SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. CONDITIONAL USE PERMIT – LOT 5, HARRISON HEIGHTS

1. PUBLIC HEARING

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At 7:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the conditional use permit for Lot 5, Harrison Heights.

City Planner Solberg gave an overview of the CUP for Lot 5, Harrison Heights. Councilmember Sheehan asked if there are any amenities for the Seniors. Solberg stated there was the community room. Councilmember Ronan asked what the age requirement is. Solberg stated it is 55. Councilmember Sheehan asked why there are no garages. Solberg stated that they are not required in this PUD. Morgan Sykes of E & A Consulting Group addressed the council stating that when the PUD was approved there were no garages on Lot 5, but there are on Lot 4. Mayor Kindig inquired as to how many units are in the building on Lot 5. Sykes stated 45. Mayor Kindig asked how many garages are planned for the apartments on Lot 4 and how many separate apartments. Sykes stated 40 or 45 garages and approximately 154 apartments.

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

Councilmember Gowan introduced Resolution 10-106 with amendments: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR SENIORS ON PROPOSED LOT 5, HARRISON HEIGHTS

WHEREAS, Chris Collett, on behalf of The Orchards at Wildwood, has applied for a conditional use permit for the purpose of having multiple family dwellings for seniors on proposed Lot 5, Harrison Heights; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit at this meeting for The Orchards at Wildwood, represented by Chris Collett, for the purpose of having multiple family dwellings for seniors on proposed Lot 5, Harrison Heights, in form and content submitted 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 Sell. Councilmember Sell stated that this will provide affordable housing to the elderly. Councilmember Ellerbeck stated that this gives people an option to rent an apartment here without a garage or to rent in another part of the City with a garage. Councilmember Crawford stated he cannot support a project that is a step backward with regard to garages. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. Nays: Sheehan and Crawford. Absent: None. Motion carried.

E. CONDITIONAL USE PERMIT – HOME OCCUPATION – PERSONAL FITNESS SERVICES **1. PUBLIC HEARING**

At 7:37 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the conditional use permit for a Home Occupation – Personal Fitness Services.

City Planner Solberg gave an overview of the Conditional Use Permit for a home occupation – personal fitness services. Councilmember Crawford asked if the neighbors were surveyed regarding this occupation. Solberg stated they were all good with this and a few were in attendance for support.

At 7:39 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

Councilmember Sheehan introduced and moved for adoption of Resolution 10-107: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR A HOME

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OCCUPATION TO OPERATE A FITNESS STUDIO AT 7226 PETERS STREET ON LOT 3, GILES CORNER REPLAT ONE, LA VISTA NEBRASKA.

WHEREAS, Min Yu the property owner has applied for a conditional use permit for a home occupation to operate a fitness studio on Lot 3, Giles Corner Replat One, 7226 Peters Street; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The fitness studio will utilize the basement, approximately 1,000 s.f.
2. The hours of operation will generally be from 7:00 a.m. to 8:00 p.m. Monday through Saturday, by appointment only.
3. Client parking will consist of the owner's driveway.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Min Yu to operate a home occupation fitness studio on Lot 3 in Giles Corner Replat One, 7226 Peters Street, subject to the conditions listed in the last recital above.

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

F. AMENDMENT TO THE CITY OF LA VISTA COMPREHENSIVE PLAN – ANNEXATION PLAN

1. PUBLIC HEARING

At 7:39 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the amendment to the City of La Vista Comprehensive Plan – Annexation Plan.

City Planner Solberg gave an overview of the Annexation Plan. Marvin Zuroski of 7924 S 74th Avenue stated that he lives in Giles Corner and wondered when they would be considered for annexation. City Administrator Gunn stated that Giles Corner is coming up in the near future for consideration for annexation.

At 7:41 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

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-108; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING CHAPTER 9, ANNEXATION PLAN, OF THE COMPREHENSIVE PLAN

WHEREAS, the Comprehensive Plan currently has an Annexation Plan in Chapter 9 which includes a narrative section, a chart and a map; and

WHEREAS, amendments are proposed to update the Plan based on an annual review; and

WHEREAS, the Planning Commission has recommended approval of the amendments to Chapter 9, Annexation Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to Chapter 9, Annexation Plan, of the Comprehensive Plan.

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

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G. THOMPSON CREEK HAZARD MITIGATION PROJECT – PURCHASE OF REAL PROPERTY

1. PUBLIC HEARING

At 7:42 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Thompson Creek hazard mitigation project – purchase of real property.

At 7:43 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

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-109; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF THREE HOMES FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THESE SITES

WHEREAS, the owners of the homes located at 7548 Valley Road, 7602 Valley Road, and 7601 South 73rd Avenue (together the homes are referred to herein as "Sites"), desire to sell the Sites to the City, and the City desires to purchase the Sites from the owners.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Sites; and
- (iii) Proposed purchase agreements for the Sites have been presented to the City Administrator by the owners of the Sites in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price equal to the appraised value, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Sites or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Sites, to be held during the regular City Council meeting on September 21, 2010; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (vii) The City obtained appraisals of the Sites from a certified real estate appraiser, which appraisals established each Site's fair market value at an amount equal to or greater than the price stated in the documents referred to in (iii) above, and which appraisals the City Administrator found satisfactory.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Sites as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

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H. RESOLUTION – ADVERTISEMENT FOR BIDS – STORM SEWER REHABILITATION – HARRISON STREET AND PARK CREST DRIVE

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-110: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE STORM SEWER REHABILITATION HARRISON STREET AND PARK CREST DRIVE.

WHEREAS, the City Council has determined that the rehabilitation of the storm sewer at Harrison Street and Park Crest Drive is necessary, and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funding for the proposed improvements, and

WHEREAS, the City Engineer has prepared specifications for the rehabilitation of the Storm Sewer at Harrison Street and Park Crest Drive.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the rehabilitation of the Storm Sewer at Harrison Street and Park Crest Drive in accordance with specifications prepared by the City Engineer. and said bids are to be opened and publicly read aloud at 10:00 a.m. at the office of the City Clerk 8116 Park View Boulevard, La Vista NE on October 12, 2010.

Publish Notice to Contractors September 30 and October 7, 2010

Open Bids October 12, 2010

Award Contract October 19, 2010

Seconded by Councilmember Quick. Councilmember Sheehan asked if the project would be done this year. City Engineer Kottmann stated that it should be as long as good bids are received. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

I. RESOLUTION – ADVERTISEMENT FOR BIDS – BRIDGE JOINT REPAIRS – HARRISON STREET BRIDGE

Councilmember Sell introduced and moved for adoption of Resolution 10-111: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE BRIDGE JOINT REPAIRS ON THE HARRISON STREET BRIDGE OVER EASTPORT PARKWAY.

WHEREAS, the City Council has determined that the bridge joint repairs on the Harrison Street Bridge over Eastport Parkway are necessary, and

WHEREAS, the FY 2010/11 Capital Improvement Program provides funding for the proposed improvements, and

WHEREAS, the City Engineer, in conjunction with Thompson, Dreessen and Dorner, Inc., has prepared specifications for the bridge joint repairs on the Harrison Street Bridge.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the bridge joint repairs on the Harrison Street Bridge over Eastport Parkway in accordance with specifications prepared by the City Engineer, in conjunction with Thompson, Dreessen and Dorner and said bids are to be opened and publicly read aloud at 10:00 a.m. at the office of the City Clerk 8116 Park View Boulevard, La Vista NE on October 12, 2010.

Publish Notice to Contractors September 30 and October 7, 2010

Open Bids October 12, 2010

Award Contract October 19, 2010

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

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J. RESOLUTION – AUTHORIZATION TO PURCHASE – SINGLE AXLE DUMP TRUCK

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-112; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A 2011 INTERNATIONAL 7300 SFA 4X2 DUMP TRUCK FROM CORNHUSKER INTERNATIONAL TRUCKS, INC., OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$134,100.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said dump truck is necessary; and

WHEREAS, the FY 2010/11 General Fund Street Operating Budget provides funding for said purchase; and

WHEREAS, the purchase will be from the State of Nebraska Contract #12720(OC) and City of Omaha contract #527388; 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, that the Mayor and City Council of the City of La Vista, do hereby award the purchase of a 2011 International 7300 SFA 4x2 Dump Truck from Cornhusker International Trucks, Inc., Omaha, Nebraska, in an amount not to exceed \$134,100.00.

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

K. RESOLUTION – AUTHORIZATION TO PURCHASE – ARC TRAINER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-11; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) CYBEX 750AT TOTAL BODY ARC TRAINER FOR THE LA VISTA COMMUNITY CENTER FROM NOVA HEALTH EQUIPMENT, OMAHA, NE, IN AN AMOUNT NOT TO EXCEED \$5,995.00.

WHEREAS, the mayor and City Council have determined that the purchase of a arc trainer for the Community Center is necessary; and

WHEREAS, the FY 2009/10 Recreation budget did include funds for the purchase of said arc trainer, 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, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) Cybex 750AT Total Body Arc Trainer for the La Vista Community Center from Nova Health Equipment, Omaha, NE, in an amount not to exceed \$5,995.00.

Seconded by Councilmember Sell. Councilmember Quick asked if this was like a treadmill. Recreation Director Stopak said that is a combination of a treadmill, elliptical, and stair climber. Stopak stated that it generates its own battery charge. Stopak said that it is also good for cardio and upper body training. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

L. STRATEGIC PLAN UPDATE – PROGRESS REPORT

City Administrator Gunn gave an update on the progress of the strategic plan.

Motion by Crawford to receive and file the progress report for the Strategic Plan. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

Councilmember Sell made a motion to move "Comments from the Floor" up on the agenda ahead of Item M. "Executive Session". Seconded by Councilmember Gowan. Councilmembers voting

MINUTE RECORD

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

September 21, 2010

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.

M. EXECUTIVE SESSION –CONTRACT NEGOTIATIONS; LITIGATION

At 7:55 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations, 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 8:13 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, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick stated she enjoyed the Corporate Cup race. Councilmember Sell appreciated the memo on the wheel tax issue.

At 8:24 p.m. Councilmember Carlisle 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 5TH DAY OF OCTOBER 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk