

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 5, 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 October 5, 2010. Present were Councilmembers: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: Sheehan. 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, Assistant Public Works Director/City Engineer Kottmann, Community Development Director Birch, Building and Grounds Director Archibald, and Recreation Program Coordinate Carstensen.

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

SWEAR IN POLICE SERGEANT – JOHN YORK

Mayor Kindig administered the oath of office for police sergeant to John York

A. CONSENT AGENDA

- 1.APPROVAL OF THE AGENDA AS PRESENTED
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 21, 2010
- 3.APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FOR AUGUST 12, 2010
- 4.APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FOR SEPTEMBER 23, 2010
- 5.APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES – SEPTEMBER 15, 2010
- 6.REQUEST FOR PAYMENT – SARPY COUNTY – DATA PROCESSING - \$9,187.50
- 7.REQUEST FOR PAYMENT – SARPY COUNTY – GIS SERVICES - \$11,693.00
- 8.REQUEST FOR PAYMENT – SARPY COUNTY – E-911 COMMUNICATION SERVICES - \$16,167.18
- 9.REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERV. – PROFESSIONAL SERVICES - \$9,308.00
- 10.APPROVAL OF CLAIMS

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

ABE'S PORTABLES, Rentals	125.00
ACCO UNLIMITED, Supplies	159.30
ACTION BATTERIES, Supplies	260.60
ALAMAR UNIFORMS, Wearing Apparel	68.25
ALEX, MARY, Mileage	54.85
AMERICAN RED CROSS, Services	100.00
AOI, Equip.	2013.54
ARAMARK UNIFORM, Services	116.03
ASPHALT & CONCRETE MATERIALS, Street Maint.	117.12
AUSTAD'S GOLF, Supplies	367.60
AUSTIN PETERS GROUP, Training	1920.00
BAKER & TAYLOR BOOKS, books	799.87
BCDM, Services	3525.00

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BEACON BUILDING SERVICES, Services	6712.00
BEAUMONT, MITCH, Mileage	9.50
BENNETT REFRIGERATION, Bldg & Grnds	865.84
BENNINGTON EQUIPMENT, Vehicle Maint.	46.77
BETTER BUSINESS EQUIP, Rentals	47.92
BLACK HILLS ENERGY, Utilities	24.42
BOUND TREE MEDICAL, Supplies	1008.96
BRODART, Supplies	42.28
BUILDERS SUPPLY, Bldg & Grnds	151.50
CENTER POINT PUBLISHING, books	485.28
CITY OF OMAHA, Services	629.46
CITY OF PAPILLION PARKS/RECR, Misc.	36.00
COLOMBO/PHELPS, concessions	323.31
CORNHUSKER INTL TRUCKS, Vehicle Maint.	821.05
COX COMMUNICATIONS, Services	39.00
CPS HUMAN RESOURCE SERVICES, Supplies	424.60
D & D COMMUNICATIONS, Repair	1587.50
D & J BEVERAGE SERVICE, Bldg & Grnds	130.00
DEMCO INC., Supplies	674.41
DOUGLAS COUNTY SHERIFF'S OFF, Services	525.00
DOUGLAS PRODUCTS AND PACKAGING, supplies	4200.00
DULTMEIER SALES & SERVICE, Bldg & Grnds	2623.20
EDGEWEAR SCREEN PRINTING, Wearing Apparel	652.50
ELECTRIC FIXTURE & SUPPLY CO, Bldg & Grnds	72.77
ELLIOTT EQUIPMENT COMPANY, Vehicle Maint.	419.27
FIREGUARD, Equip.	5425.79
FUTUREWARE DISTRIBUTING INC, Repair	350.00
G I CLEANER & TAILORS, Cleaning Service	203.00
GALE, books	505.72
GALLS, LV 50 Concert	192.99
GASSERT, MIKE, Services	1086.00
GAYLORD BROS, Supplies	212.13
GCR OMAHA TRUCK TIRE, Vehicle Maint.	4446.95
GODFATHER'S PIZZA, Reading program supplies	160.77
GREENKEEPER COMPANY INC, Bldg & Grnds	945.00
HEIMES CORPORATION, Street Maint.	56.16
HELGET GAS PRODUCTS INC, Supplies	78.00
HERITAGE CRYSTAL CLEAN LLC, Services	185.50
HIGHSMITH, Supplies	54.42
HOLSTEIN'S HARLEY DAVIDSON, Vehicle Maint.	21.60
HOST COFFEE SERVICE INC, Concessions	21.50
HUNTEL COMMUNICATIONS, Services	783.50
INDUSTRIAL SALES COMPANY INC, Equip	462.00
J Q OFFICE EQUIPMENT, Services	813.82
JNFS ENGINEERING COMPANY, Services	634.38
JONES AUTOMOTIVE INC, Radio repair	4596.42
JONES, MATTHEW "SITTING BEAR, LV 50 services	192.00
LA VISTA COMMUNITY FOUNDATION, Misc.	50.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	179.20
LARRY'S BOILER SERVICE INC, Bldg & Grnds	92.00
LEO A DALY COMPANY, Services	545.18
LINWELD, Supplies	98.67
LOVELAND LAWNS, Bldg & Grnds	56.90
MARTIN MARIETTA AGGREGATES, Street Maint.	148.28
METRO LANDSCAPE MATERIALS, Maint.	840.00
METROPOLITAN COMMUNITY COLLEGE, Services/Utilities	23696.64

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METROPOLITAN UTILITIES DIST, Utilities	6090.29
MID AMERICA PAY PHONES, phone	100.00
MID CON SYSTEMS INCORPORATED, Bldg & Grnds	197.47
MIDLANDS BUSINESS JOURNAL, subscription	140.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	109.64
MIDWEST TURF & IRRIGATION, Bldg & Grnds	240.01
MINITEX - CPP, Supplies	142.00
MOTOROLA, equipment	5295.50
MSC INDUSTRIAL SUPPLY CO, Bldg & Grnds	704.95
MYERS TIRE, Vehicle Maint.	1235.35
NATIONAL PAPER COMPANY, Supplies	265.90
NEBRASKA GOLF COURSE, Training	-35.00
NEBRASKA LAW ENFORCEMENT, Training	200.00
NEBRASKA LIBRARY COMMISSION, Services	23.74
NEBRASKA SOFTBALL ASSN, Misc.	1619.00
NEBRASKA TITLE COMPANY, acquisition	92208.79
NEBRASKA TITLE COMPANY, acquisition	88172.79
NEBRASKA TITLE COMPANY, acquisition	78216.23
NEBRASKA TURF PRODUCTS, Supplies	443.55
NEBRASKA WILDLIFE REHAB, Supplies	50.00
NEW YORK TIMES, book	195.00
NEXTEL COMMUNICATIONS, Phones	204.31
NEXTEL COMMUNICATIONS, Phones	526.39
NIKE USA, Supplies	873.20
NLA/NEMA CONFERENCE, Training	189.00
NMC EXCHANGE LLC, Vehicle Maint.	26.58
OCLC INC, books	31.94
OFFICE DEPOT, Supplies	3335.97
OFFUTT YOUTH CENTER, Services	864.00
OMAHA WORLD HERALD COMPANY, Advertising	43.75
PAPILLION LA VISTA SCHL DISTR, license fees	6825.00
PARAMOUNT LINEN & UNIFORM, Cleaning services	548.62
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	429.14
PETTY CASH, travel/supplies/maint.	145.80
PETTY CASH, Vehicle maint/supplies, travel	127.56
PITNEY BOWES, supplies	500.46
PRINCIPAL LIFE	236.25
PROTEX CENTRAL INCORPORATED, supplies	85.00
PSI PLASTIC GRAPHICS, Supplies	452.79
QUALITY BRANDS OF OMAHA, Concessions	249.70
QWEST, Phone	1090.74
QWEST, Phone	110.93
RAMIREZ, JOHN, Services	18.00
READY MIXED CONCRETE COMPANY, Street Maint.	644.89
REGAL AWARDS OF DISTINCTION, Supplies	869.00
RIOS, SUZANNE, refund	15.00
SAPP BROS PETROLEUM INC, Vehicle Maint.	138.60
SCARPA, DAN, other services	31.00
SHAMROCK CONCRETE COMPANY, Street Maint.	1286.74
SMITHERS INCORPORATED, Bldg & Grnds	90.00
SOCCER INTERNATIONALE, Wearing Apparel	385.00
SPRINT, Phone	162.67
STOLTENBERG NURSERIES, Supplies	2348.00
SUN COUNTRY DISTRIBUTING LTD, Bldg & Grnds	118.94
SUTPHEN CORPORATION, Services	2400.00

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TED'S MOWER SALES & SERVICE, Equip/repair	1890.00
THERMO KING CHRISTENSEN, Equip.	111.86
THOMPSON DREESSEN & DORNER, Services	5646.44
TORNADO WASH LLC, Vehicle Maint.	120.00
UNDERWRITERS LABORATORIES INC, Services	3095.00
VARSITY TRANSPORTATION INC, DARE program	212.00
VERIZON WIRELESS, phone	194.88
VIERREGGER ELECTRIC COMPANY, Maint.	336.17
WAL-MART COMMUNITY, Supplies	411.48
WITMER PUBLIC SAFETY GROUP INC, Wearing Apparel	4279.00
YOST, JOHN, Wearing Apparel	101.24
ZIMCO SUPPLY COMPANY, Supplies	250.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council the process of transitioning Leda to a new handler will begin when a new course becomes available. Lausten reported that project lifesaver was activated and worked as it should have.

Fire Chief Uhl informed Council that the fundraiser for Mark Strong was successful, raising almost \$8,500.00 and thanked everyone for their support.

Assistant Public Works Director/City Engineer Kottmann reported to Council on the 83rd Street demolition, and the Giles Road project.

Community Development Director Birch thanked Council for the opportunity to attend the LEAD Conference. Birch reported that Don Simon passed another certification for inspections.

Recreation program coordinator Carstensen reported on the fall kite festival and the lunch and learn for employees.

Library Director Barcal informed Council that the guest author will be coming to the library on October 9 from 2:00 p.m. to 5:00 p.m.

B. CITIZEN ADVISORY REVIEW COMMITTEE – ECONOMIC DEVELOPMENT PROGRAM BI-ANNUAL REPORT

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Bi-Annual EDP report. Lynda Schafer was present to answer questions.

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

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

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 Thompson Creek hazard mitigation project – purchase of real property.

At 7:24 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-114; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF FIVE HOMES FOR THE THOMPSON

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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 7201 Park View Blvd., 7205 Park View Blvd., 7233 Park View Blvd., 7309 Park View Blvd., and 7405 Park View Blvd (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 October 5, 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 Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

D. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT CONCRETE TRAIL AND 99TH STREET LANE MODIFICATIONS

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-115; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A CONCRETE TRAIL AND 99TH STREET LANE MODIFICATIONS IN SANITARY IMPROVEMENT DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the improvements related to the improvements related to the proposed

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Cimarron Terrace Apartments within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose subject to the following conditions;

1. Providing a corrected bond form naming the City of La Vista as a dual-obligee.
2. Providing and acceptable final design of the retaining wall prior to construction of the wall.
3. The final plat of Cimarron Woods Replat Two being recorded to provide the easement for the trail; and

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications for construction of a concrete trail and 99th Street lane modifications, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Omni Engineering in the amount of \$77,008.80.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

E. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT 2010 PARK IMPROVEMENTS – SECTION II

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-116; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF THE 2010 PARK IMPROVEMENTS – SECTION II IN SANITARY DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning public park improvements within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer who has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose subject to the following conditions:

1. Providing acceptable revisions to the plans per the City Engineer's request.
2. Providing copies of recorded major storm drainage easements over portions of Lots 7, 8, 9 and 10 of Cimarron Woods and damage waivers if applicable.

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3. Providing revisions to the plans for the proposed restroom building per the Chief Building Official's review.
4. Providing a copy of a valid first right of refusal for SID 237 to purchase Lot 285, Cimarron Woods.; and

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications for construction of the 2010 Park Improvements – Section II, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with LawnSmith & Co., Inc in the amount of \$454,327.00.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

**F. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237
TO CONTRACT TRAFFIC SIGNAL IMPROVEMENTS 2010 – 99TH AND HARRISON
STREETS**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-117 A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE 2010 TRAFFIC SIGNAL IMPROVEMENTS AT 99TH AND HARRISON STREETS IN SANITARY IMPROVEMENT DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the improvements related to the improvements related to the proposed Cimarron Terrace Apartments within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose.

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications the 2010 traffic signal improvements at 99th and Harrison Streets, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Vierregger Electric Co. in the amount of \$19,008.82

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

G. RESOLUTION – APPROVE PLANS & SPECIFICATIONS AND AUTHORIZE SID 237 TO CONTRACT STORM SEWER SECTION II

Councilmember Gowan introduced and moved for the adoption of Resolution No. 10-118; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF THE PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF STORM SEWER SECTION II IN SANITARY IMPROVEMENT DISTRICT NO. 237 CIMARRON WOODS, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the improvements related to the improvements related to the proposed Cimarron Terrace Apartments within the zoning jurisdiction of the City ("Subdivision Agreement"); and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by E & A Consulting Group and reviewed by the City Engineer has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose.

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications the the construction of storm sewer section II, copies of which have been filed with the City Clerk, approved by the City Engineer/Assistant Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Jochim Precast Concrete in the amount of \$39,195.00

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall meet the conditions stated above.

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

H. RESOLUTION – AUTHORIZE PURCHASE - SNOW PLOW BLADES

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-119; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF SNOW PLOW BLADES FROM MICHAEL TODD & COMPANY INC., IN AN AMOUNT NOT TO EXCEED \$11,572.32.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of snow plow blades is necessary; and

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; 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 snow plow blades in an amount not to exceed \$11,572.32

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

I. RESOLUTION – AUTHORIZE PURCHASE – ICE CONTROL SALT

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-120; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF 500 TONS OF ICE CONTROL SALT FROM NEBRASKA SALT & GRAIN, INC., IN AN AMOUNT NOT TO EXCEED \$27,500.00.

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 has been included in the FY 2010/11 General Fund; Street Operating Budget; and

WHEREAS, orders for the ice control salt maybe placed at different times over the fiscal year; 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 \$27,500.00.

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

J. RESOLUTION – AUTHORIZE PURCHASE – ICE SLICER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-121; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF 90 TONS OF ICE SLICER GRANULAR ICE MELT FROM NEBRASKA SALT & GRAIN, INC., IN AN AMOUNT NOT TO EXCEED \$15,000.00.

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

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; and

WHEREAS, orders for the ice slicer maybe placed at different times over the fiscal year; 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 slicer granular ice melt in an amount not to exceed \$15,000.00.

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

K. RESOLUTION – AUTHORIZE PURCHASE – APEX LIQUID DEICER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-122; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA

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AUTHORIZING THE PURCHASE OF 6,500 GALLONS OF APEX LIQUID DEICER FROM ENVIRO-TECH SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$7,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of liquid deicer is necessary; and

WHEREAS, the purchase has been included in the FY 2010/11 General Fund; Street Operating Budget; and

WHEREAS, orders for the ice liquid deicer will placed at different times over the fiscal year; 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 APEX Liquid Deicer in an amount not to exceed \$7,000.00.

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

L. 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.

At 7:42 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. . Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-123 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
7109 S 69th St., Lot 120/La Vista Replat/Sarpy County, \$247.29;
7607 Teal St., Lot 489/La Vista, \$232.27;
7708 Briar Court, Lot 167/Granville East, \$476.08;
7002 Michelle Ave., Lot 43/Ardmore, \$469.58;
7421 Ivy Lane Dr., Lot 124/S & S's harvest Hill, \$372.56; and
7780 Greenleaf Dr., Lot 210/Granville, \$470.11
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or 50.03, 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.

MINUTE RECORD

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

October 5, 2010

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

M. DISCUSSION - FIREWORKS

Discussion was held regarding the changes to legislation affecting the days of sale of fireworks. Staff recommended that the Council wait to change the code until we see how this works for other cities and until we can work through changes that would need to be made to other sections of the code along with safety issues. Councilmember agreed that we should wait.

N. MOTION TO CHANGE START TIME OF CITY COUNCIL MEETING ON NOVEMBER 2, 2010 TO 6:00 P.M.

Councilmember Sell made a motion to change the meeting time for the November 2, 2010 City Council meeting to 5:30 upon consensus of the council. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

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

COMMENTS FROM THE FLOOR

None

O. EXECUTIVE SESSION – PERSONNEL

At 7:50 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:32 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, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

COMMENTS FROM MAYOR AND COUNCIL

None.

At 8:33 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried

PASSED AND APPROVED THIS 19TH DAY OF OCTOBER 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk