

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING December 7 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 December 7, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. 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, Public Works Director Soucie, City Engineer Kottmann, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on November 24, 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 - FIRE DEPARTMENT OFFICERS

Chief Uhl presented the Fire Department Officers for 2011. Councilmember Sheehan made a motion to approve the appointments. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### APPOINTMENT OF FIRE DEPARTMENT RECRUITS – SAMANTHA HUNT, WILLIAM KURZ, CHRISTOPHER PALMER

Chief Uhl presented the following fire department recruits for approval of their appointment: Samantha Hunt, William Kurz, and Christopher Palmer. Councilmember Carlisle made a motion to approve the appointments. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 16, 2010
3. PAY REQUEST FROM DOUGLAS COUNTY ENGINEER – HELL CREEK STREAM  
STABILIZATION – PHASE I - \$8,674.71.
4. PAY REQUEST FROM THOMAS E. STEVENS & ASSOC. – PROFESSIONAL SERVICES –  
THOMPSON CREEK - \$900.00.
5. PAY REQUEST FROM HERITAGE-CRYSTAL CLEAN, LLC – PROFESSIONAL SERVICES  
- \$2,000.00
6. APPROVAL OF CLAIMS

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

3E-ELECTRICAL ENGINEERING, bldg & grnds	364.09
ABE'S PORTABLES, services	217.58
ACTION BATTERIES UNLTD. supplies	262.26
ADAMSON INDUSTRIES, maintenance	304.95
AFTERNOONER'S, training/meals	42.00
ALAMAR UNIFORMS, wearing apparel	575.30

# MINUTE RECORD

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

December 7, 2010

AMERICAN FENCE, bld & grnds	464.02
APPLIED INFORMATION MGMT INST, services	3585.00
ARAMARK UNIFORM, services	413.85
ASPEN EQUIPMENT, maintenance	425.32
ASPHALT & CONCRETE MATERIALS, maintenance	36.70
ASSOCIATED FIRE PROTECTION, services	175.00
BADGER BODY, maintenance	148.82
BAKER & TAYLOR BOOKS, books	201.15
BALDWIN, HEATHER, refund	255.00
BARCO MUNICIPAL PRODUCTS, maintenance	660.00
BARONE SECURITY SYSTEMS, other	23.50
BCDM, services	769.00
BEACON BUILDING SERVICES, services	6712.00
BENNINGTON EQUIPMENT, maintenance	1582.82
BENSON RECORDS MANAGEMENT, services	59.44
BETTER BUSINESS EQUIPMENT, rentals	47.92
BLACK HILLS ENERGY, utilities	3362.90
BOARD OF EXAMINERS, dues	50.00
BOB'S RADIATOR REPAIR, maintenance	226.50
BUETHE, PAM, mileage/phone	61.50
BUILDERS SUPPLY, bld & grnds	79.86
CALENTINE, JEFFREY, phone	30.00
CENTER POINT PUBLISHING, book	248.64
CHILD'S WORLD, books	1792.90
CLARENCE, DAVID, expenses	516.00
CLARENCE, DAVID, expenses	1025.00
COLOMBO/PHELPS COMPANY, concessions	99.21
COMMTOUCH INC, services	2574.00
COMP CHOICE, services	630.50
CONRECO INC, maintenance	97.75
CORE PRODUCTS USA, supplies	408.21
CORNHUSKER INTL TRUCKS, maintenance	60.28
COX COMMUNICATIONS, services	199.73
CPESC, dues	100.00
CREIGHTON EMS EDUCATION, training	50.00
CUMMINS CENTRAL POWER, services	818.76
D & D COMMUNICATIONS, repair	10.19
DATA TECHNOLOGIES, services	10032.96
DIAMOND VOGEL PAINTS, maintenance	118.00
DOUGLAS COUNTY SHERIFF'S OFC, services	50.00
DULTMEIER SALES & SERVICE, maintenance	28.20
EARTHWAY PRODUCTS, equip repair	6.38
EBSCO SUBSCRIPTION SERVICES, books	2636.00
EDGEWEAR SCREEN PRINTING, supplies	58.50
ENSLOW PUBLISHERS, books	275.45
FEDEX, postage	105.74
FEDEX KINKO'S, printing	90.00
FERRELLGAS, utilities	5.00
FILTER CARE, maintenance	60.10
FITZGERALD SCHORR, services	57280.27
FLORATINE CENTRAL TURF PRODS, bldg & grnds	400.00
G I CLEANER & TAILORS, cleaning	181.05
GALE, books	250.07
GASSERT, MIKE, fees	670.00
GOLDMAN, JOHN, phone	85.00
GRAYBAR ELECTRIC, bld & grnds	477.87
GREAT PLAINS UNIFORMS, wearing apparel	258.00
GREEN SOLUTIONS EROSION CNTRL, services	100.00
GUNN, BRENDA, phone	45.00
H & H CHEVROLET, maintenance	157.36

# MINUTE RECORD

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

December 7, 2010

H W WILSON CO, books/periodicals	487.00
HANEY SHOE STORE, wearing apparel	120.00
HEARTLAND PAPER, supplies	105.00
HEIMES CORPORATION, construction	42816.00
HELGET GAS PRODUCTS, supplies	78.00
HOME DEPOT CREDIT SERVICES, equip.	66.23
HOST COFFEE SERVICE, concessions	23.00
HUNDEN STRATEGIC PARTNERS, Consulting	18986.25
HUNTEL COMMUNICATIONS, services	96.00
HY-VEE, supplies	81.17
INLAND TRUCK PARTS, maintenance	38.85
J Q OFFICE EQUIPMENT, services	367.04
JI SPECIAL RISKS INSURANCE, insurance	100.00
JOHN DEERE LANDSCAPES/LESCO, supplies	59.61
KINDIG, DOUGLAS, phone	80.00
KLINKER, MARK A, services	217.00
KOTTMANN, JOHN, phone/mileage	175.50
KRIHA FLUID POWER CO, maintenance	339.53
LA VISTA COMMUNITY FOUNDATION, misc.	50.00
LANDPORT SYSTEMS, services	720.00
LARRY'S BOILER SERVICE, repair	92.00
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LERNER PUBLISHING GROUP, books	1046.21
LIFE ASSIST, supplies	1579.82
LINCOLN NATIONAL LIFE INS, insurance	7897.38
LINWELD, supplies/maint.	161.06
LOGAN CONTRACTORS SUPPLY, maintenance	2962.80
LOVELAND LAWNS, maintenance	27.90
LUKASIEWICZ, BRIAN, phone/supplies	285.00
M E SHARPE INC PUBLISHER, books	249.00
MACHEL, LIA L AND RAINER, expenses	650.00
MACHEL, LIA L AND RAINER, expenses	500.00
MARKOWSKY, THOMAS J, training	70.00
MCCANN PLUMBING SERVICE, bld & grnds	15.95
METROPOLITAN COMMUNITY COLLEGE, utilities/phone	9481.15
MUD, Utilities	2822.93
MICHAEL TODD AND COMPANY, maintenance	11572.32
MID AMERICA PAY PHONES, phone	50.00
MIDLANDS LIGHTING & ELECTRIC, bld & grnds	580.64
MIDWEST RIGHT OF WAY SVCS INC, services	7754.00
MIDWEST TAPE, media	844.88
MILLARD METAL SERVICES, maintenance	31.00
MSC INDUSTRIAL SUPPLY, supplies	26.79
NATIONAL PAPER COMPANY, supplies	618.54
NE DEPT OF LABOR, insurance	85.17
NEBRASKA LIFE MAGAZINE, periodical	19.95
NEBRASKA SALT & GRAIN CO, maintenance	14958.65
NEBRASKA TITLE COMPANY, acquisition	93312.93
NEBRASKA TITLE COMPANY, acquisition	98336.04
NEBRASKA TITLE COMPANY, acquisition	85577.57
NEBRASKA TITLE COMPANY, acquisition	111314.13
NEBRASKA TITLE COMPANY, acquisition	116620.08
NEBRASKA TITLE COMPANY, acquisition	90930.73
NEXTEL COMMUNICATIONS, phone	528.79
NEXTEL COMMUNICATIONS, phone	204.19
NOVA HEALTH EQUIP, services	877.00
NUTS AND BOLTS INC, maintenance	425.46
O & H INVESTMENTS, expenses	1500.00
OABR PRINT SHOP, printing	4046.85

# MINUTE RECORD

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

December 7, 2010

OCLC INC, expense	25.30
OFFICE DEPOT, supplies	2062.60
O'KEEFE ELEVATOR, bld & grnds	155.00
OMAHA COMPOUND CO, supplies	110.41
OMAHA WORLD HERALD COMPANY, advertising	471.79
OMAHA WORLD HERALD COMPANY, advertising	1958.14
OXMOOR HOUSE, books	36.91
PARAMOUNT LINEN & UNIFORM, services/apparel	618.64
PENWORTHY CO, books	1467.03
PERFORMANCE CHRYSLER JEEP, maintenance	492.37
PETTY CASH-PAM BUETHE, supplies/services	215.20
PETTY CASH-PAM BUETHE, supplies/services	87.95
PITNEY BOWES, supplies	221.00
PRINCIPAL LIFE, insurance	236.25
QUILL CORP, supplies	123.12
QWEST, phone	1160.15
QWEST, phone	83.82
RAMIREZ, JOHN, fees	18.00
RAMIREZ, RITA M, phone	43.00
RAY ALLEN MANUFACTURING, apparel	31.45
READY MIXED CONCRETE, maintenance	1213.04
RECORDED BOOKS, media	521.43
REGAL AWARDS, printing/postage	668.93
RHOADES, KEN AND JULIE, expenses	1000.00
RHOADES, KEN AND JULIE, expenses	720.00
ROSE EQUIPMENT, maintenance	333.69
RUSTY ECK FORD, maintenance	96.32
SAFETY VISION, maintenance	74.90
SALEM PRESS, books	396.00
SAPP BROS TRUCK STOPS, supplies	896.00
SARPY COUNTY CHAMBER, meals/mileage	165.00
SARPY COUNTY COURTHOUSE, services	3588.49
SHAMROCK CONCRETE, maintenance	221.85
SHERWIN-WILLIAMS, bld & grnds	398.24
SINNETT, JEFF, mileage/travel	120.00
SMOOTHER CUT ENTERPRISES, services	1320.00
SOUCIE, JOSEPH, phone	60.00
SPRINT, phone	119.62
STOPAK, SCOTT, phone	50.00
SUPERIOR VISION, insurance	359.60
TED'S MOWER SALES & SERVICE, equipment/repair	399.23
TENHAMMER LLC, expenses	5250.00
THOMPSON DREESSEN & DORNER, services	5932.45
THOMPSON DREESSEN & DORNER, services	5796.90
TITAN MACHINERY, maintenance	222.14
TJF CORP, misc.	36.96
TORNADO WASH, maintenance	120.00
TURFWERKS, maintenance	557.26
TY'S OUTDOOR POWER, maintenance	513.00
ULTRAMAX, other	229.00
UNITED PARCEL SERVICE, postage	5.39
UNITED STATES POSTAL SERVICE, postage	75.00
UNITED STATES POSTAL SERVICE, postage	100.00
V & V MANUFACTURING INC, apparel	82.90
VALUATION SERVICES, services	500.00
VERIZON WIRELESS, phone	94.25
VERIZON WIRELESS, phone	110.11
VEST ELECTRIC INCORPORATED, expenses	5250.00
WAL-MART, supplies	1216.47
WASTE MANAGEMENT NEBRASKA, utilities	611.14

# MINUTE RECORD

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

December 7, 2010

WAUGH, BRYAN, training	80.33
WICK'S STERLING TRUCKS, maintenance	149.99

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that the La Vista Police Department will be participating in a holiday drunk driving enforcement program.

Community Development Director Birch informed Council that the old house at the sod form has been demolished and the house at Lillian Ave and Park View Blvd. These were demolished by the owners at no expense to the city.

Library Director Barcal Informed Council that Bellevue University has contacted the library to participate in a financial management program. They will train volunteers and staff who in turn can help train others in better financial management.

Public Works Director Soucie stated that the street crew has been busy with crack sealing and the weather has been cooperative. The parks crew has a stump grinder to remove some old stumps and reseed and re sod those areas. There are still some interference problems with the 108<sup>th</sup> Street Warning Signals and the company has a data logger that will be attached to monitor and find out what is causing the interference. There are still a few punch list items to complete on the Giles road project. The Harrison Street project will be completed this week.

## **B. ZONING TEXT AMENDMENTS – R-3 AND R-4 DISTRICTS**

### **1. PUBLIC HEARING**

At 7:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Zoning Text Amendments – R-2 and R-4 Districts.

At 7:17 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. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember Sell introduced Ordinance No. 1132 entitled: AN ORDINANCE TO AMEND SECTION 5.08 AND SECTION 5.09 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.08 AND SECTION 5.09 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan 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 Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1121 be passed and adopted?" Upon roll call vote the following Councilmember 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. RESOLUTION – MEMORANDUM OF SUPPORT & COMMITMENT – CONTINUING MISSION OF NE INNOVATION ZONE COMMISSION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-144: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AND AUTHORIZING THE CITY ADMINISTRATOR TO SIGN A MEMORANDUM OF SUPPORT AND COMMITMENT (MOSC) TO TRANSFER THE

# MINUTE RECORD

## WORK OF THE NEBRASKA INNOVATION ZONE COMMISSION (NIZC) TO A NEW COALITION GROUP DESIGNATED AS THE "I-80 COUNCIL."

WHEREAS, the Nebraska legislature approved LB 546 in May 2005 which created the Nebraska Innovation Zone Commission to advocate and recommend programs that encourage regional cooperation and foster community sustainability and economic development initiatives; and

WHEREAS, the City of La Vista has participated in the NIZC since its inception; and

WHEREAS, the NIZC is scheduled to sunset on December 31, 2010; and

WHEREAS, the City of La Vista advocates quality growth and development in the I-80 Corridor and supports continuing the work of the Nebraska Innovation Zone Commission through the transition to the I-80 Council.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby approve and authorize the City Administrator to sign a Memorandum of Support and Commitment (MOSC) to transfer the work of the Nebraska Innovation Zone Commission (NIZC) to a new coalition group designated as the "I-80 Council".

Seconded by Councilmember Quick. City Administrator Gunn stated that the commission formed by action of the legislature is ending and they set out what they hoped for regional planning and zoning. This allows entities to continue to work together to maintain the planning and zoning in the I-80 corridor area. Councilmember Carlisle inquired as to why there was not a state representative on the commission. Gunn stated the State had ex-officio representatives. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **D. RESOLUTION – AUTHORIZATION TO PURCHASE BUNKER GEAR**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-145; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$9,375.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and

WHEREAS, funds are provided in the FY 10/11 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; 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 authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$9,375.00.

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

### **E. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT**

Councilmember Gowan moved to table Resolution No. 10-146; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING

# MINUTE RECORD

ALLIANCE (WSCA), DELL, AND VARIOUS VENDORS IN AN AMOUNT NOT TO EXCEED \$31,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of fifteen (15) computers with monitors and software; and

WHEREAS, the FY 2010/11 General, Sewer and Golf Fund budgets did include funds for the purchase of said technology items; 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 fifteen (15) computers with monitors and software, from Dell through the Western States Contracting Alliance (WSCA), and departmental software, printers and projectors from various vendors in an amount not to exceed \$31,000.

Seconded by Councilmember Sell. Councilmember Sheehan asked that the prices be checked again to be sure we are getting the best price. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## F. RESOLUTION – AUTHORIZATION TO PURCHASE POLICE MOTORCYCLE

Councilmember Quick introduced and moved for the adoption of Resolution No. 10-147; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2011 HARLEY DAVIDSON POLICE MOTORCYCLE FOR THE POLICE DEPARTMENT FROM HOLSTEIN'S HARLEY DAVIDSON, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$19,579.60

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Harley Davidson motorcycle for the Police Department is needed; and

WHEREAS, the FY10/11 Budget did include grant funds for the purchase of said motorcycle; and

WHEREAS, proposals have been received and after review by the Police Chief it has been determined that the bid submitted by Holstein's Harley Davidson for a 2011 Harley Davidson "Police Model" FLHTPI was the low, compliant bid; 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 2011 Harley Davidson Police Motorcycle for the Police Department from Holstein's Harley Davidson, Omaha, Nebraska in an amount not to exceed \$19,579.60.

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

## G. CLASS I LIQUOR LICENSE APPLICATION – VIETNAMESE ASIAN RESTAURANT, INC. DBA VIETNAMESE RESTAURANT 1. PUBLIC HEARING

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class I Liquor License Application for Vietnamese Asian Restaurant, Inc. dba Vietnamese Restaurant.

At 7:28 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. Abstain: None. Absent: None. Motion carried.

## 2. RESOLUTION

# MINUTE RECORD

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-148 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 I LIQUOR LICENSE APPLICATION FOR VIETNAMESE ASIAN RESTAURANT, INC. DBA VIETNAMESE RESTAURANT, 8013 S 83RD AVENUE, LA VISTA, SARPY COUNTY, NEBRASKA.

WHEREAS, Vietnamese Asian Restaurant, Inc. dba Vietnamese Restaurant, 8013 S 83rd Avenue, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License, and

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

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 I Liquor License application submitted by Vietnamese Asian Restaurant, Inc. dba Vietnamese Restaurant, 8013 S 83rd Avenue La Vista, Sarpy County, Nebraska.

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

## **H. MANAGER APPLICATION – CLASS B LIQUOR LICENSE – AVP LLC DBA AVP ENERGY #5**

Councilmember Sell moved to approve the Class B Liquor License Manager application for AVP LLC dba AVP Energy #5. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **I. SPECIAL ASSESSMENTS**

#### **1. PUBLIC HEARING**

At 7:29 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

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

### **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-149; 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  
14127 Frederick Circle., Lot 252/Stonybrook South, \$270.60;  
7416 La Vista Drive., Lot 322/La Vista Replat, \$342.37;  
7545 Edward Avenue., Lot 591/La Vista Replat, \$433.39;  
9927 Gary Street, Lot 40/ Mayfair 2<sup>nd</sup> Addition, \$268.31;  
7732 Park View Blvd., Lot 1018/La Vista, \$267.01; and  
7121 Harrison St., Lot 1C EX PT TO RD/La Vista Replat, \$8,500.00  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or 94.06 and/or hazardous waste removal, or the City would do so and bill them accordingly, and

# MINUTE RECORD

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

December 7, 2010

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

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

## COMMENTS FROM THE FLOOR

None.

## J. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:31 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for contract negotiations. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:34 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. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor and Councilmember Quick thanked the Council for the opportunity to go to the National League of Cities Conference. Mayor Kindig reminded Council that the Cahill fundraiser is on December 5, 2010. Mayor Kindig thanked Council for sponsoring the soup feed held in conjunction with the tree lighting event.

At 8:40 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF DECEMBER, 2010

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk