

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING February 15, 2011

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on February 15, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Public Works Director Soucie, Public Buildings and Grounds Director Archibald, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on February 3, 2011. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 1, 2011
3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM JANUARY 13, 2011
4. MONTHLY FINANCE REPORT – JANUARY 2011
5. PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES - \$4,720.00
6. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick reviewed the claims for this period and reported that she 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.

ADT, Services	260.31
ALAMAR UNIFORMS, wearing apparel	568.43
ALL STAR PRO GOLF, sales	827.23
APWA, dues	435.00
ARAMARK UNIFORM, services	288.98
ARCHIBALD, P., per diem	142.00
BABER, B., per diem	330.00
BADGER BODY, maintenance	328.70
BAKER & TAYLOR BOOKS, books	289.15
BCDM, services	630.00
BENNINGTON EQUIP, maintenance	391.82
BILL'S ICE SCULPTURE, misc	200.00
BLACK HILLS ENERGY-utilities	8,930.92
BRENTWOOD AUTO WASH, maintenace	175.00
BRODERSEN, S., refund	5.99
CASEY, L., per diem	122.00
CITY OF OMAHA, services	47,244.56
CJ'S HOME CENTER, supplies	775.84
CLARK, C., travel	87.62
CORNHUSKER INTL TRUCKS, maintenance	78.70
COX COMMUNICATIONS, services	20.50
D & D COMM., repair	95.00
DANIELSON/TECH SUPPLY, repair	528.85

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DE LAGE LANDEN FINANCIAL SVCS, services	136 29
DEMCO INC , supplies	79 85
DOUGLAS COUNTY SHERIFF'S, services	75 00
EASTERN LIBRARY SYS., training	15 00
EDGEWEAR SCREEN PRINTING, wearing apparel	204 25
ELAN, supplies/training/meals/services	10,722 29
ELECTRIC MACHINERY, repair	73 02
EYMAN PLUMBING, service	1,017 50
FASTENAL CO , supplies	8 20
FILTER CARE, maintenance	25 55
FITZGERALD SCHORR, services	24,462 30
FORT DEARBORN LIFE INSURANCE	1,314 50
GALE, books	238 51
GENUINE PARTS COMPANY, supplies	1,626 12
GOLDMAN, J., travel/training	94 02
GRAYBAR ELECTRIC CO , bldg & grnds	30 30
GREAT PLAINS ONE-CALL , services	106 69
GUNN, B., travel	119 22
HENDERSON, J , per diem	122 00
HOBBY LOBBY, supplies	94 91
HOLIDAY INN, travel	568 00
HOME DEPOT, supplies	162 82
HORNUNG'S GOLF PROD , supplies	72 60
HUNDEN STRATEGIC PARTNERS, services	9,478 75
IACP, dues	360 00
ICSC, dues	150 00
IVERSON, D., travel	42 00
J Q OFFICE EQUIP , rental	51 51
KERIMBEKOV, B , refund	10 99
KRIHA FLUID POWER, maintenance	78 79
KUSSMAUL ELECTRONICS, maintenance	172 59
LA VISTA CHAMBER, meal	12 00
LAUGHLIN, KATHLEEN A, TRUSTEE	648 00
LEAGUE ASSN OF RISK MGMT, premiums	4,431 00
LINCOLN NATIONAL LIFE INS CO	9,092 05
LOU'S SPORTING GOODS, equip	651 77
MATHESON TRI-GAS, supplie	167 70
METRO AREA TRANSIT, services	675 00
MICHAEL TODD AND CO., maintenance	344 00
MID-STATES UTILITY TRAILER, supplies	371 84
MIDWEST TAPE, media	12 24
NE DEPT OF LABOR, services	396 00
NEBRASKA SALT & GRAIN CO , maintenance	4,467 38
NEBRASKA TITLE COMPANY, acquisition	125,126 00
NEBRASKA TURF PROD , supplies	379 70
NEFF TOWING, maintenance	115 00
NIKE USA, supplies	9 02
NLA LEGISLATIVE DAY, training	20 00
NOTARY PUBLIC UNDERWRITERS, services	100 00
NUTS AND BOLTS INC., maintenance	75 74
O'DONNELL , services	2,300 00
OFFICE DEPOT, supplies	1,328 66
O'KEEFE ELEVATOR, bldg & grnds	318 00
OMAHA COMPOUND CO ,supplies	42 39
OPPD, Utilities	42,396 39
OMAHA WORLD HERALD, advertising	482 01
O'REILLY AUTOMOTIVE INC, supplie	1,029 61

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ORIENTAL TRADING, supplies	18 97
OVERHEAD DOOR, repair	453 40
PAPILLION SANITATION, services	304 11
PARAMOUNT LINEN & UNIFORM, services	330 40
PARKER, S., relocation expense	2,604 00
PERFORMANCE CHRYSLER JEEP, maintenance	5,308 34
PERFORMANCE CHRYSLER JEEP, maintenance	18 30
PETTY CASH, travel/postage/misc.	104 47
PINTER, A., refund	4 99
PLUTA, D., training	284 00
QUILL CORP., supplies	122 13
QWEST, phone	138 18
QWEST, phone	96 94
RECORDED BOOKS, media	367 18
RON TURLEY ASSOC., services	3,960 00
SAM'S CLUB, supplies	99 70
SAPP BROS, supplies	10,208 30
SCARPA, D., training	284 00
SIMON, D., travel/training	330 00
SINNETT, J., travel/training	330 00
SUPERIOR VISION	359 60
SUSPENSION SHOP, maintenance	220 18
T ROWE TRAINING, training	185 00
THERMO KING, maintenance	253 95
TD2, services	13,000 00
TORNADO WASH, maintenance	115 00
UPSTART, supplies	317 05
VIERREGGER ELECTRIC, supplies	533 69
WASTE MANAGEMENT NE, services	909 01
WICK'S STERLING TRUCKS, maintenance	188 44
ZIMCO SUPPLY CO., supplies	367 50

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn asked Council to work with Mary on dates that work for a work session in March.

Police Chief Lausten stated that Andrew Johnson, who has been in Iraq since July of 2009 will be returning to the country in the spring to a base to reacclimatize and then will be returning to the police department possibly in April. Lausten stated that they have the new dog. He is a 15 month old Dutch Sheppard and his name is Tar. Officer Lloyd will be his handler and they are in training from 8 p.m. to 4 a.m. This will give the city a dog on both the day and night shifts. DARE graduation is at La Vista West on February 23 at 8:30 a.m. and at Parkview Heights on February 24 at 8:30 a.m.

Public Works Director Soucie reported that Anderson Excavating is working on salvage on six homes in the Thompson Creek project and will begin demolition sometime next week. Keys have also been received for eight additional homes for the second round of demolition. Lausten stated that street sweeping operations are in effect and the street crew is working to fill potholes.

Library Director Barcal reported that a new data base is available called Mango and it teaches languages.

B. RESOLUTION – APPLICATION FOR CDBG FUNDING – EPOWER ENGINE SYSTEMS, LLC

Councilmember Gowan introduced and moved for the adoption of Resolution No. 11-015; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT AND AUTHORIZING THE MAYOR TO EXECUTE ANY RELEVANT DOCUMENTS REFERENCING THE EPOWER ENGINE SYSTEMS, LLC, PROJECT.

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WHEREAS, the City of La Vista, Nebraska is an eligible local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of La Vista, Nebraska has obtained its citizen's comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application in the amount of \$505,000 to assist with working capital expenses for a For Profit Business, and Grant Administration Costs,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska to hereby approve the application for a Community Development Block Grant and authorize the Mayor to execute any relevant documents referencing the ePower Engine Systems, LLC, project and all contracts, documents, or other memoranda between the City of La Vista, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

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

C. LOTS 1 & 2, PARSLEY PLACE (SE CORNER 84TH & HARRISON)

1. RESOLUTION - APPROVE APPLICATION FOR REPLAT

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-016; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1282-A, 1282-B1, 1282-I1A, 1282-I1B, 1282-J1A and 1282-J1B, LA VISTA, TO BE REPLATTED AS LOTS 1 AND 2, PARSLEY PLACE, A SUBDIVISION LOCATED IN THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA

WHEREAS, the owners of the above described piece of property have made application for approval of a Replat for Lots 1282-A, 1282-B1, 1282-I1A, 1282-I1B, 1282-J1A and 1282-J1B, La Vista, to be replatted as Lots 1 and 2, Parsley Place; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on December 9, 2010, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lots 1282-A, 1282-B1, 1282-I1A, 1282-I1B, 1282-J1A and 1282-J1B, La Vista, to be replatted as Lots 1 and 2, Parsley Place, a subdivision located in the Northwest ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located southeast of 84th and Harrison Streets, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. The proposed access easement that runs east-west along the common lot line between Lots 1 and 2 needs to be extended to the east line of Lots 1 and 2. This is needed to provide for circulation to the existing commercial property to the east since it will most likely be needed to reduce congestion problems that are expected with the entrance at the northeast corner of Lot 1. While not an issue for the plat, the applicant needs to be aware that the City will be requesting a driveway to be constructed in this easement extension to the east line of Lots 1 and 2.
2. The granting of the new access easement needs to be done by a separate instrument from the plat that fully addresses who will be responsible to operate and maintain the shared access roadway in this easement area.
3. The Subdivision Agreement is under review by the City Attorney.

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

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Larry Jobeun was available to answer any questions. Councilmember Crawford had a concern about the ingress and egress to the property. Mr. Jobeun stated that the right in right out only should help traffic flow and the de-acceleration lane will help take traffic off Harrison sooner. City Engineer Kottmann explained the changes to the entrances of the property. Councilmember Carlisle asked how soon building could begin. Jobeun stated the goal is to begin in the spring. Councilmember Sell asked if this would meet the 84th Street design guidelines. City Administrator Gunn stated that it will.

2. RESOLUTION – APPROVE SUBDIVISION AGREEMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-017: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 AND 2, PARSLEY PLACE SUBDIVISION IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on February 15, 2011, approve the replat for Lots 1 and 2 Parsley Place Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, Susan Sandelman, Trustee of the Esan Trust, has agreed to execute a Subdivision Agreement satisfactory in form to the City Attorney and City Administrator; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the February 15, 2011, City Council meeting for the Parsley Place Subdivision be, and hereby is approved and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Crawford. 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 4X4 PICKUP TRUCK

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-018: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2011 FORD SUPER DUTY F-350 4WD PICKUP TRUCK FROM SID DILLON CHEVROLET BUICK, WAHOO, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$48,055.00.

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

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

WHEREAS, the purchase will be from the State of Nebraska 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, due hereby award the purchase of a 2011 Ford Super Duty F-350 4 WD Pickup Truck from Sid Dillon Chevrolet Buick, Wahoo, Nebraska, in an amount not to exceed \$48,055.00.

Seconded by Councilmember Crawford. 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 AIR COMPRESSOR

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) D185JD SULLIVAN COMPRESSOR

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FROM LOGAN CONTRACTORS SUPPLY, INC., OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$16,998.00.

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

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

WHEREAS, the purchase will be from the State of Nebraska bid – Contract #12770 OC; 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 D185JD Sullivan Compressor from Logan Contractors Supply, Inc., Omaha, Nebraska, in an amount not to exceed \$16,998.00.

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

F. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE – GLORY DAYS INC DBA J-BIRDS – CAHILL BENEFIT

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-020; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A FUNDRAISING EVENT AT 8116 PARK VIEW BOULEVARD ON MARCH 5, 2011.

WHEREAS, 8116 Park View Boulevard is located within the City of La Vista; and

WHEREAS, Glory Days Inc dba J-Birds has requested approval of a Special Designated License to serve beer and wine at a fundraising event at 8116 Park View Boulevard on March 5, 2011 from 6:30 p.m. to 11:50 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Glory Days Inc dba J-Birds to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve beer and wine at 8116 Park View Boulevard, at a fundraising event on March 5, 2011.

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

G. SPECIAL ASSESSMENT

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Special Assessment

At 7:27 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. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-021; 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 7004 Gertrude/Lot 57 La Vista Replat, \$238.77; were notified to clean up their property as they were in violation of the City Municipal Code, Section 50.03, or the City would do so and bill them accordingly, and

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

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

H. EXECUTIVE SESSION – PERSONNEL; CONTRACT NEGOTIATIONS

At 7:30 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of an individual for personnel and for 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 8:20 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. 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 Kindig thanked Councilmembers Sell and Crawford for helping with the Senior Valentine's Day lunch. He also thanked staff that helped serve.

Mayor Kindig stated that he has been talking to children at the schools about government, and he will be speaking at the Chamber lunch on Wednesday.

At 8:23 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. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF MARCH, 2011

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

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