

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING April 7, 2009

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 April 7, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on March 26, 2009. 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 of the location of the posted copy of the Open Meetings Act for public reference.

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

### SERVICE AWARDS -TIM KELLER, DON WARD, RICHARD BAKER – 5 YEARS; RICHARD ULRICH – 10 YEARS; JEREMY KINSEY -15 YEARS

Mayor Kindig presented service awards to Tim Keller, Don Ward, and Richard Baker for 5 years of service; to Richard Ulrich for 10 years of service; and to Jeremy Kinsey for 15 years of service.

### PROCLAMATIONS – PARKINSON’S DISEASE AWARENESS MONTH, NATIONAL LIBRARY WEEK

Mayor Kindig presented a proclamation for Parkinson’s Disease Awareness Month to Members of the Parkinson Foundation. Mayor Kindig presented a proclamation for National Library Week to Library Director Rose Iwan.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 17, 2009
3. APPROVAL OF CITIZEN ADVISORY REVIEW COMMITTEE MINUTES FROM MARCH 9, 2009
4. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM MARCH 12, 2009
5. PAY REQUEST FROM DOSTALS CONSTRUCTION COMPANY INC. – CART CORRALS - \$45,650
6. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Ellerbeck. Councilmember Gowan 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. Absent: None. Motion carried.

ACTION BATTERIES, Contract Services	80.85
ALAMAR UNIFORMS, Wearing Apparel	206.41
ALLIED ELECTRONICS, Repair	125.25
AMSAN, Supplies	736.26
ARAMARK UNIFORM SERVICES, Contract Services	480.46
ASI-ADVANCED SECURITY, Bldg & Grnds	92.69
ASPHALT & CONCRETE MATERIALS, Street Maint.	80.52
BAKER & TAYLOR BOOKS, Books	1,169.61
BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	925.00

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BENNINGTON EQUIPMENT, Vehicle Maint.	589.37
BETTER BUSINESS EQUIPMENT, Rental	47.50
BIBLIONIX, Subscription/Equip.	3,200.00
BKD, Professional Services	4,500.00
BLACK HILLS ENERGY, Utilities	9,146.07
BLUE CROSS BLUE SHIELD, Rescue Revenue	76.24
BOLEY, ANN, Auto Allowance	100.00
BRODART, Books	607.14
BUETHE, PAM, Travel/Phone/Drug Fund	2,956.57
BUILDERS SUPPLY, Bldg & Grnds	31.60
BURT, STACIA, Training	360.00
CALENTINE, JEFFREY, Phone	30.00
CENTER POINT PUBLISHING, Book	77.88
CITY OF OMAHA, Contract Services	29,274.50
COCA-COLA, Concessions	1,113.40
COMMISSION ON POST-TPS/CPTN, Training	198.00
COMP CHOICE, Professional Services	1,035.00
CORNHUSKER INTL, Vehicle Maint.	151.18
COX, Phone	58.65
DAGANAAR, MONTY, Contract Services	470.00
DAHL, DOUG, Travel	245.00
DESGANTIS HOLSTER & LEATHER, Wearing Apparel	108.01
DOUGLAS COUNTY SHERIFF, Contract Services	150.00
EASTERN LIBRARY SYSTEM, Training	35.00
ECCLES, PAT, Travel/Auto Allowance	200.00
ECOLAB, Resurface	472.12
ED ROEHR SAFETY PRODUCTS, Equip	209.70
EDGEWEAR SCREEN PRINTING, Wearing Apparel	181.00
EDUCATIONAL RECORD CENTER, Books	55.94
EMBASSY SUITES HOTEL, Travel	571.25
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX KINKO'S, Printing	148.50
FEDEX, Postage	11.16
FILTER CARE, Vehicle Maint.	84.55
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	91.30
FIREGUARD, Equipment	271.50
FIREHOUSE MAGAZINE, Dues	29.95
FITZGERALD SCHORR BARMETTLER, Professional Services	18,333.31
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,235.50
FROEHLICH, RORY, Auto Allowance	100.00
G I CLEANER & TAILORS, Uniform Cleaning	464.40
GALE, Books	98.21
GALL'S, Wearing Apparel	18.89
GAMETIME, Bldg & Grnds	369.00
GASSERT, ADAM, Contract Services	112.50
GASSERT, MIKE, Contract Services	22.00
GAYLORD BROS, Supplies	326.32
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	323.55
GENUINE PARTS COMPANY, Vehicle Maint.	2,294.45
GLS SALES, Supplies	87.60
GOLDMAN, JOHN, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	113.97
GREAT PLAINS UNIFORMS, Wearing Apparel	499.95
GREAT WESTERN BANK, Fees	250.00
GUNN, BRENDA, Phone	45.00
H & H CHEVROLET, Vehicle Maint.	39.58
HANEY SHOE STORE, Wearing Apparel	120.00
HARM'S CONCRETE, Bldg & Grnds	223.50
HEARTLAND TIRES AND TREADS, Vehicle Supplies	1,085.00
HELGET GAS PRODUCTS, Squad Supplies	100.50
HONEYMAN RENT-ALL, Bldg & Grnds	49.05
HOST COFFEE SERVICE, Concessions	21.50
HUMANA, Rescue Revenue	371.00
HUNTEL, Contract Services	95.00
HUSKER MIDWEST PRINTING, Printing	688.50
HY-VEE, Supplies	92.84
INLAND TRUCK PARTS, Vehicle Maint.	172.03

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INTERSTATE ALL BATTERY CENTER, Batteries	59.94
IPMA, Dues	360.00
IVERSON, DENNIS, Wearing Apparel	120.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	991.34
JOHNSON CONTROLS, Bldg & Grnds	1,440.27
JOHNSON FARM EQUIPMENT, Vehicle Maint.	136.30
JOHNSTONE SUPPLY, Bldg & Grnds	124.72
JUSTIN THYME CAFÉ, Supplies	195.00
KAPCO-KENT ADHESIVE PRODS, Supplies	35.19
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	280.00
KRIHA FLUID POWER, Vehicle Maint.	698.21
KUSTOM SIGNALS, Capital Outlay	2,283.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	90.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	398.40
LAUGHLIN, KATHLEEN, Payroll Withholdings	744.00
LEAGUE OF NEBRASKA MUN, Books	57.50
LEXIS NEXIS MATTHEW BENDER, Books	267.10
LIBRARY ADVANTAGE, Supplies	375.00
LIFE ASSIST, Squad Supplies	509.64
LINWELD, Wearing Apparel	278.14
LODES, CHRIS, Contract Services	150.00
LOGAN CONTRACTORS SUPPLY, Street Maint.	4,065.60
LOVELAND LAWNS, Supplies	335.00
LUKASIEWICZ, BRIAN, Phone	50.00
LUPOMECH, CATHY, Travel	81.65
MAPA-METRO AREA PLANNING AGNCY, Travel	60.00
MCCANN PLUMBING, Bldg & Grnds	105.30
METRO AREA TRANSIT, February Fees	586.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	11,433.42
METROPOLITAN CHIEFS ASSN, Dues	25.00
MICHAEL TODD AND COMPANY, Vehicle Maint.	726.41
MID AMERICA PAY PHONES, Phones	100.00
MID CON SYSTEMS, Vehicle Maint.	60.60
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	182.28
MID-STATE DISTRIBUTING, Vehicle Maint.	11.68
MIDWEST TURF & IRRIGATION, Bldg & Grnds/Vehicle Maint.	200.21
MNJ TECHNOLOGIES DIRECT, Contract Services	561.66
MONARCH OIL, Street Maint./Vehicle Maint.	575.75
MPH INDUSTRIES, Capital Outlay	1,199.00
MUD, Utilities	850.99
MULLEN & MULLEN, Professional Services	42,384.00
NE LIBRARY COMMISSION, Training/CD	1,989.00
NE SALT & GRAIN COMPANY, Ice Control Salt	4,048.55
NEBRASKA FOREST TREE SERVICE, Training	60.00
NEUMAN EQUIPMENT COMPANY, Bldg & Grnds	391.50
NEW YORK TIMES, Subscriptions	176.80
NEXTEL COMMUNICATIONS, Phones	645.51
NOVA HEALTH EQUIPMENT, Repair	75.00
NPZA-NE PLANNING/ZONING ASSN, Training	210.00
NUTS AND BOLTS, Repair	617.75
ODB, Vehicle Maint.	317.28
ODEY'S, Supplies	419.33
OFFICE DEPOT, Supplies	1,657.53
OMAHA COMPOUND, Supplies	43.51
OMAHA NEWSPAPER, Ads	397.50
OMAHA WORLD HERALD, Legal Advertising	25.00
OMB EXPRESS POLICE, Wearing Apparel	1,142.54
OPPD, Utilities	1,446.41
ORIN, ANGELA, Refund	29.38
PAPILLION SANITATION, Contract Services	212.11
PAPILLION TIRE, Vehicle Maint.	289.10
PAPIO-MO RVR NATURAL RESOURCES, Watershed Agrmt	5,000.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	491.15
PAYLESS OFFICE PRODUCTS, Supplies	350.90
PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	421.19

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PREMIER-MIDWEST BEVERAGE, Concessions	125.65
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	209.25
QUALITY BRANDS, Concessions	535.50
QWEST, Phone	1,192.53
RACOM, Vehicle Maint.	214.09
RADIO SHACK, Equipment	14.98
RAMIREZ, RITA, Phone	43.00
REW MATERIALS, Bldg & Grnds	20.64
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SCHMIDT, LORI, Refund	30.00
SCHOLASTIC LIBRARY PUBLISHING, Books	449.80
SIMON, DON, Travel	245.00
SIMPLEX GRINNELL, Bldg & Grnds/Vehicle Maint.	1,267.10
SINNETT, HELEN, Supplies	45.00
SINNETT, JEFF, Travel	245.00
SMITH, MELANIE, Travel	188.00
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	95.88
ST COLUMBKILLE SHEPHERDS, Refund	770.00
STANDARD IRON WORKS, Bldg & Grnds	70.76
SUBURBAN NEWSPAPERS, Legal Advertising/Books	776.40
SUCCESS FACTORS, Professional Services	4,250.00
SUN LIFE & HEALTH, Payroll Withholdings	4,046.36
SUSPENSION SHOP, Vehicle Maint.	451.97
SUTPHEN, Vehicle Maint.	90.40
TARGET BANK, Supplies	8.76
TED'S MOWER SALES & SERVICE, Repair	100.64
TRACTOR SUPPLY, Vehicle Maint./Wearing Apparel	732.37
TURFWERKS, Vehicle Maint.	107.40
TURNER, WILEY, Contract Services	22.00
TY'S OUTDOOR POWER & SVC, Vehicle Maint.	22.50
U S ASPHALT, Street Maint.	924.48
UNITED SEEDS, Bldg & Grnds	320.00
VANGUARD INDUSTRIES, Bldg & Grnds/Vehicle Maint.	424.50
VERIZON WIRELESS, Phone	93.98
VIERREGGER ELECTRIC, Street Maint.	3,229.29
WAL-MART, Supplies	393.28
WASTE MANAGEMENT, Bldg & Grnds	220.59
WHITTAKER, VICKI, Travel	188.00
WOODHAVEN COUNSELING ASSN, Contract Services	380.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that Department Heads will be having a cookout for city employees on Friday, April 17<sup>th</sup>, at the Police Station.

Assistant City Administrator Ramirez informed Council the LARM board's dividend program will pay the City of La Vista \$54,000.

Police Chief Lausten informed Council that Officer Andrew Johnson has been deployed effective April 8<sup>th</sup>, for a one year tour of duty.

Public Works Director Soucie informed Council the Federal highway bridge audit review has been completed and our bridges passed.

Soucie informed Council there are two (2) projects funded with federal stimulus money, with full federal oversight. He does not have a timetable as to when these projects will begin.

Soucie informed Council the annual spring clean-up days will be held on Friday, April 17<sup>th</sup> and Saturday, April 18<sup>th</sup>.

Building and Grounds Director Archibald informed Council that Maintenance Assistant Siebels and Maintenance Worker Keller attended a tree trimming seminar in Lincoln.

Recreation Director Stopak informed Council the annual Easter Egg Hunt will be held on Saturday, April 11<sup>th</sup>.

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Stopak informed Council the City of La Vista has been recognized for the 19<sup>th</sup> year for Tree City USA. A ceremony will be held on April 14<sup>th</sup> at 2:15 p.m. in Lincoln.

Library Director Iwan informed Council that she has two metro students helping at the library under federal funding for a savings of \$728.00 to the City.

## **B. ORDINANCE - AMEND CITY CODE – BUILDING BOARD OF APPEALS**

### **1. PUBLIC HEARING**

At 7:34 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Amending the City Code – Board of Appeals.

Community Development Director Birch introduced this agenda item, stating that the intent of the ordinances is for the board of adjustment to also serve as the board of appeals under the various codes of Chapter 150.

At 7:34 p.m. Councilmember Carlisle 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. 1088 entitled: AN ORDINANCE TO AMEND SECTION 32.03 OF THE LA VISTA MUNICIPAL CODE RELATING TO THE BOARD OF ADJUSTMENT AND BOARD OF APPEALS; TO REPEAL SECTION 32.03 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 Sell seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick 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 Gowan. The Mayor then stated the question was, "Shall Ordinance No.1088 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.

Councilmember Quick introduced Ordinance No. 1089 entitled: AN ORDINANCE TO AMEND SECTION 150.01(D) OF THE LA VISTA MUNICIPAL CODE RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS; TO REPEAL SECTION 150.01(D) AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Gowan 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, Sheehan, Carlisle, Crawford, Ellerbeck, Quick 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1089 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.

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## **C. CITIZEN ADVISORY REVIEW COMMITTEE**

### **1. EDP REPORT**

#### **A. PUBLIC HEARING**

Assistant City Administrator Ramirez introduced this agenda item.

At 7:36 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the EDP Report. Lynda Shafer addressed Council to present the Committee report.

At 7:37 p.m. Councilmember Carlisle 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 - AMENDED CAR COMMITTEE RULES AND OPERATING PROCEDURES**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-027: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO THE EXISTING RULES AND OPERATING PROCEDURES OF THE LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE.

WHEREAS, The La Vista Citizen Advisory Review Committee was formed as an advisory committee to the Mayor and City Council to review the function and progress of the Economic Development Program; and

WHEREAS, The La Vista Citizen Advisory Review Committee has recommended some minor amendments to the Rules and Operating Procedures of the Committee; and

WHEREAS, The City Council must approve any changes to the Rules and Operating Procedures of the Citizen Advisory Review Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to the existing Rules and Operating Procedures of the Citizen Advisory Review Committee.

Seconded by Councilmember Quick. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. SUPPORT OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

### **1. PUBLIC HEARING**

Police Chief Lausten introduced this agenda item, describing the grant and stating that the opportunity for public input is necessary to comply with grant application requirements.

At 7:38 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on support of Edward Byrne Memorial Justice Assistance Grant. Police Chief Lausten introduced the item.

At 7:39 p.m. Councilmember Crawford made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – SUPPORT OF APPLICATION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-028: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA SUPPORTING THE APPLICATION FOR THE “EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT”.

WHEREAS, funding for equipment has been made available to the La Vista Police Department through the “American Recovery and Reinvestment Act of 2009”;

WHEREAS, a grant application for the funds through the “Edward Byrne Memorial Justice Assistance Grant” has been made by the police department;

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WHEREAS, the grant application must be submitted to the U.S. Department of Justice along with certifications and assurances;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby support the police department's application for the "Edward Byrne Memorial Justice Assistance Grant".

Seconded by Councilmember Quick. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. ORDINANCE – AMEND CITY CODE – ADOPT INTERNATIONAL PROPERTY MAINTENANCE CODE (TABLED AT MARCH 17, 2009 MEETING)**

Councilmember Sell introduced Ordinance No. 1086 entitled: AN ORDINANCE TO AMEND SECTION 150.03 OF THE LA VISTA MUNICIPAL CODE RELATING TO HOUSING CODES; TO REPEAL SECTION 150.03 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Public hearing was held at the March 17, 2009 Council meeting. Community Development Director Birch and Chief Building Inspector Sinnott gave a review of the ordinance. Sinnott gave a summary of what other government entities in the area are doing. Councilmember Sheehan asked why all the cities in Sarpy County couldn't agree to one code and asked that this be brought up at the next Mayor's meeting.

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, Sheehan, Carlisle, Crawford, Ellerbeck, Quick 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1086 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **F. ORDINANCES – AMEND CITY CODE**

City Clerk Buethe introduced this agenda item, stating that modifications were recommended to reflect amendments to state statutes.

### **1. ORDINANCE - AMEND SECTION 33.22 – PUBLIC PARTICIPATION**

Councilmember Gowan introduced Ordinance No. 1090 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.22; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell 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, Sheehan, Carlisle, Crawford, Ellerbeck, Quick 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Sheehan. Councilmember Crawford asked for confirmation and City Clerk Buethe confirmed that procedures the City recently implemented to facilitate expanded public comment do not conflict with the changes made to state statute. The Mayor then stated the question was, "Shall

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Ordinance No.1090 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.

## **2. ORDINANCE – AMEND SECTION 70.001 – DEFINITIONS**

Councilmember Carlisle introduced Ordinance No. 1091 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.001; TO REPEAL CONFLICTING ORDINANCES 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 Sheehan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick 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.1091 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.

## **G. RESOLUTION – ISSUE FIREWORKS PERMIT – LA VISTA YOUTH BASEBALL ASSOCIATION**

City Clerk Buethe introduced this agenda item, explaining that the Council previously had voted to allow the La Vista Youth Baseball Association two weeks to find an alternate site and resubmit the application accordingly.

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-029: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF THE, LA VISTA YOUTH BASEBALL ASSOCIATION

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, La Vista Youth Baseball Association has applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed the application received for the purpose of determining that the application was compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

La Vista Youth Baseball Association

to sell fireworks within the City of La Vista for the 2009 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other

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applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. Steve Hayden, a board member for the La Vista Youth Baseball Association addressed Council to thank the Council for giving the Association a chance to propose an alternate site. Councilmember Sheehan stated that a precedent for denial was set in the past, so he would not vote to approve the resolution. He had no issues with the Association. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **H. RESOLUTION – WASTEWATER SERVICE AGREEMENT AND ADDENDUM**

Finance Director Lindberg introduced this item.

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-030: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE 2009 WASTEWATER SERVICE AGREEMENT AND ADDENDUM BETWEEN THE CITY OF OMAHA AND THE CITY OF LA VISTA.

WHEREAS, the City of La Vista and City of Omaha entered into the first wastewater service agreement on February 11, 1975; and

WHEREAS, that agreement has been renewed and amended several times; and

WHEREAS, this new agreement will supersede the existing wastewater service agreement and addendums; and

WHEREAS, this new agreement will allow the City of La Vista to define and establish an expanded retail wastewater service area;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, the new Wastewater Service Agreement and Addendum is hereby approved subject to review by the City Attorney as to form and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Councilmember Sheehan asked if the agreement included the City's ETJ. Finance Director Lindberg confirmed that it did beginning in 2011. Councilmember Ellerbeck thanked City Engineer John Kottmann for his many years of work for the City. City Administrator Gunn commended Lindberg for her perseverance. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **I. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)**

City Clerk Buethe introduced this agenda item, stating that the City can realize a premium discount by extending the term of coverage with LARM to September 30, 2012.

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 09-031: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RELATING TO THE TERM OF PARTICIPATION IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT.

WHEREAS the City of La Vista is a member of the League Association of Risk Management (LARM); and

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least 90 days prior to the desired termination date and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates, and efficiency in operation of LARM; and

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WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM; and

WHEREAS, the Mayor and City Council have determined that it is in the best financial interest of the City to extend the term of agreement by three years and establish notice of termination terms in order to receive participation discounts.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2012, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

Seconded by Councilmember Sell. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **J. RESOLUTION – AWARD CONTRACT – INSTALL AIR CONDITIONER IN COMPUTER/COMMUNICATIONS ROOM AT CITY HALL**

Public Building and Grounds Director Archibald introduced this agenda item, stating that the air conditioning unit will allow cooling of the computer/communications room without running the entire large unit all of the time as is currently being done.

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-032: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO AWARD A CONTRACT TO STANDARD HEATING AND AIR CONDITIONING, OMAHA, NEBRASKA, FOR INSTALLATION OF A 2 TON INDIVIDUAL AIR CONDITIONING UNIT IN THE COMPUTER/COMMUNICATIONS ROOM AT CITY HALL IN AN AMOUNT NOT TO EXCEED \$5,190.00.

WHEREAS, the City Council of the City of La Vista has determined that the proposed improvement is necessary; and

WHEREAS, the FY 2008/09 General Fund provides funding for the proposed project.

WHEREAS, the Director of Public Buildings and Grounds solicited bids and recommends that a contract be awarded to Standard Heating and Air Conditioning, as the most responsible bidder; 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, that a contract be awarded to Standard Heating and Air Conditioning, Omaha, Nebraska, for installation of a 2 ton individual air conditioning unit in an amount not to exceed \$5,190.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Carlisle. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **K. RESOLUTION – ADVERTISEMENT FOR BIDS – STREET SWEEPER**

Public Works Director Soucie introduced this agenda item.

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-033: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF A NEW STREET SWEEPER FOR THE PUBLIC WORKS DEPARTMENT.

WHEREAS, the City Council has determined that the purchase of a new Street Sweeper for the Public Works Department is necessary, and

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WHEREAS, the FY 2008/09 Street Operating Budget provides funding for the purchase of said Street Sweeper, and

WHEREAS, the Public Works Street Superintendent has prepared specifications for said Street Sweeper.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a new Street Sweeper in accordance with specifications prepared by the Public Works Street Superintendent and said bids are to be opened and publicly read aloud at 2 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska on April 23, 2009.

Advertise for Bids – April 8, 2009

Open Bids – April 23, 2009

Award Bid – May 5, 2009

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## L. RESOLUTION – RECONSIDER ASSESSMENT PER RESOLUTION 09-007

City Clerk Buethe introduced this item and explained the process the Council must follow in order to reconsider this item.

Councilmember Sell made a motion to suspend the rules and allow reconsideration of the assessment of the property in the original resolution. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-034, with the assessment of 6905 Josephine St. to be reduced to \$0: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECONSIDERING AND ADJUSTING THE ORIGINAL ASSESSMENT OF A PROPERTY PURSUANT TO RESOLUTION 09-007 AND AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER AN ADJUSTMENT TO THE SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNT CITED HEREIN.

WHEREAS, the Mayor and City Council passed Resolution 09-007 on January 20, 2009 authorizing the City Clerk to file with the Sarpy County Treasurer a special assessment for property clean up at 6905 Josephine Street, Lot 171 La Vista Replat in the amount of \$177.78 ("6905 Josephine St. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on March 13, 2009 requesting the Council's action and 6905 Josephine St. Assessment be reconsidered and adjusted; and

WHEREAS, the City has verified that the owner did make an attempt to trim the branches in compliance with notice of the code enforcement officer; and

NOW THEREFORE BE IT RESOLVED, that, in consideration of the foregoing, exceptional circumstances and interests of equity:

1. Resolution 09-007 is hereby reconsidered to the extent of the 6905 Josephine St. Assessment.

2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 6905 Josephine St. Assessment, which is hereby adjusted and set at the following amount \$0.00.

3. The La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer an adjustment to the 6905 Josephine St. Assessment in accordance with the actions approved herein.

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Seconded by Councilmember Sell. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **M. RESOLUTION – ADOPTION - STRATEGIC PLAN**

City Administrator Gunn introduced this agenda item.

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT THE STRATEGIC PLAN FOR 2009-2011 AS ATTACHED.

WHEREAS, the Mayor and City Council recognize the importance and value of having a deliberate planning process to help guide all facets of city government; and

WHEREAS, the Mayor and City Council believe that it is essential to set goals and review them periodically to ensure progress; and

WHEREAS, the Mayor and City Council held their annual strategic planning work session on Saturday, February 28, 2009 to:

1. Align the city's priorities with changing conditions and new opportunities.
2. Create shared commitments among council members and city staff concerning short-term and long-term endeavors.
3. Assess the city's present and future strengths, weaknesses, opportunities and threats; and

WHEREAS, the attached Strategic Plan for 2009-2011 as developed as a collaborative effort between the Mayor and City Council and the city's management team and establishes the organizational priorities for a two year planning period.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Strategic Plan for 2009-2011 as attached and presented at the April 7, 2009 City Council meeting.

Seconded by Councilmember Ellerbeck. Mayor Kindig stated he is anxious to see the expanded program list for the Senior Center. Councilmember Sheehan stated he would like a discussion on individual items during council meetings. City Administrator Gunn stated that all discussions would be during city council meetings. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Gowan made a motion to move "Comments from the Floor" up on the agenda ahead of Item N. "Executive Session". Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Crawford, and Gowan. Nays: None. Absent: None. 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. There were no comments from the floor.

## **N. EXECUTIVE SESSION – STRATEGY SESSION /NEGOTIATING GUIDANCE**

At 8:13 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session and Negotiating Guidance. 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 8:41 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. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig informed Council that the Vision 84 project will "kick off" next week. He thanked Councilmembers Sell and Carlisle for their input in meetings with the consultants.

At 8:44 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\April 7, 2009