

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 5, 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 May 5, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney Cannella, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Community Development Director Birch, Chief Building Inspector Sinnett, 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 April 23, 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.

### **PROCLAMATIONS – BUILDING SAFETY WEEK, PUBLIC SERVICE RECOGNITION WEEK, MUNICIPAL CLERKS' WEEK, NATIONAL POLICE WEEK**

Mayor Kindig presented a proclamation for Building Safety Week to Chief Building Inspector Jeff Sinnett; a proclamation for Public Service Recognition Week to the entire City of La Vista staff; a proclamation for Municipal Clerks' Week to City Clerk Pam Buethe; and a proclamation for National Police Week to Police Chief Bob Lausten.

### **A. CONSENT AGENDA** **1. APPROVAL OF THE AGENDA AS PRESENTED** **2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 21, 2009** **3. APPROVAL OF CLAIMS**

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

|                                             |          |
|---------------------------------------------|----------|
| ACTION BATTERIES, Supplies                  | 28.44    |
| ADT SECURITY, Contract Services             | 233.89   |
| ALAMAR UNIFORMS, Wearing Apparel            | 1,518.89 |
| AMSAN, Supplies                             | 290.58   |
| APWA-AMER PUBLIC WORKS ASSN, Dues           | 137.00   |
| ARAMARK UNIFORM, Contract Services          | 238.24   |
| ASPHALT & CONCRETE MATERIALS, Street Maint. | 84.18    |
| AUSTIN PETERS GROUP, Training               | 2,600.00 |
| AVI SYSTEMS, Contract Services              | 2,700.00 |
| BAINBRIDGE LEADERSHIP CENTER, Training      | 2,500.00 |
| BAKER & TAYLOR BOOKS, Books                 | 823.47   |
| BAKER, MARCUS, Travel                       | 180.57   |
| BEACON BUILDING SERVICES, Contract Services | 6,437.00 |
| BENNINGTON EQUIPMENT, Vehicle Maint.        | 511.79   |
| BIRCH, ANN, Travel                          | 305.00   |
| BLACK HILLS ENERGY, Utilities               | 5,216.55 |
| BLUVAS, CHAUNDRA, Refund                    | 65.00    |
| BOLEY, ANN, Auto Allowance                  | 100.00   |
| BRAY, CONNIE, Refund                        | 10.00    |

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| BUETHE, PAM, Phone/Travel/Supplies                  | 76.00     |
| BUILDERS SUPPLY, Bldg & Grnds                       | 35.99     |
| BULLET HOLE, Wearing Apparel                        | 1,189.94  |
| CALENTINE, JEFFREY, Phone                           | 30.00     |
| CAPSTONE PRESS, Books                               | 690.59    |
| CENTER POINT PUBLISHING, Books                      | 77.88     |
| CHRISTENSEN, COREY, Travel                          | 71.00     |
| CITY OF PAPILLION, Fee                              | 30.00     |
| CLASSIC REFRIGERATION, Bldg & Grnds                 | 515.95    |
| COLOMBO/PHELPS, Concessions                         | 197.05    |
| CONTROL MASTER, Bldg & Grnds                        | 1,490.05  |
| COX, Phone                                          | 58.65     |
| CROP PRODUCTION SERVICES, Supplies                  | 7,452.50  |
| DASH MEDICAL GLOVES, Supplies                       | 59.90     |
| DAVIDSON TITLE, Books                               | 336.34    |
| DIAMOND VOGEL PAINTS, Bldg & Grnds                  | 247.60    |
| DULTMEIER SALES & SERVICE, Supplies/Vehicle Maint.  | 97.20     |
| ECCLES, PAT, Auto Allowance                         | 100.00    |
| EDGEWEAR SCREEN PRINTING, Wearing Apparel           | 1,563.00  |
| EMERGENCY SERVICES MARKETING, Contract Services     | 850.00    |
| ENTERPRISE LOCKSMITHS, Bldg & Grnds                 | 57.96     |
| ERICKSON, RANDY, Travel                             | 71.00     |
| FARQUHAR, MIKE, Auto Allowance                      | 100.00    |
| FITZGERALD SCHORR BARMETTLER, Professional Services | 13,599.41 |
| FROEHLICH, RORY, Auto Allowance                     | 100.00    |
| G I CLEANER & TAILORS, Uniform Cleaning             | 145.80    |
| GALE, Books                                         | 62.28     |
| GAMETIME, Bldg & Grnds                              | 70.24     |
| GASSERT, ADAM, Contract Services                    | 60.00     |
| GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies       | 245.40    |
| GILBERT, JAMES, Travel                              | 71.00     |
| GOLDMAN, JOHN, Telephone                            | 85.00     |
| GOVERNMENT FINANCE OFFICER'S, Training              | 525.00    |
| GRAINGER, Bldg & Grnds                              | 10.74     |
| GRAPHIC IMAGINATION, Graphics                       | 161.00    |
| GRAYBAR ELECTRIC, Bldg & Grnds                      | 17.53     |
| GUNN, BRENDA, Travel/Phone                          | 405.00    |
| HALL, CHRIS, Travel                                 | 71.00     |
| HEIMES CORPORATION, Street Maint.                   | 53.47     |
| HELGET GAS PRODUCTS, Squad Supplies                 | 10.00     |
| HOME DEPOT, Bldg & Grnds                            | 147.88    |
| HOPE HEALTH/IHAC, Dues                              | 138.60    |
| HURST, JEAN, Travel                                 | 30.00     |
| HUSKER MIDWEST PRINTING, Printing                   | 382.73    |
| HY-VEE, Supplies                                    | 28.38     |
| INDUSTRIAL SALES CO., Bldg & Grnds                  | 173.48    |
| J P COOKE, Supplies                                 | 49.25     |
| J Q OFFICE EQUIPMENT, Contract Services             | 229.87    |
| KIEFFER, DANIELLE, Refund                           | 65.00     |
| KINDIG, DOUGLAS, Travel/Phone                       | 271.00    |
| KLINKER, MARK, Professional Services                | 200.00    |
| LA VISTA COMMUNITY FOUNDATION, Payroll Deductions   | 90.00     |
| LAUGHLIN, KATHLEEN, Payroll Withholdings            | 372.00    |
| LAWSON PRODUCTS, Supplies                           | 108.02    |
| LEAGUE ASSN OF RISK MGMT, Insurance                 | 1,172.00  |
| LEWIS, HEATH, Travel                                | 71.00     |
| LIFE ASSIST, Squad Supplies                         | 685.95    |
| LINDBERG, SHEILA, Travel                            | 305.00    |
| LOVELAND LAVNS, Street Maint.                       | 79.75     |
| LUKASIEWICZ, BRIAN, Phone                           | 50.00     |
| LUPOMECH, CATHY, Travel                             | 256.00    |
| M. B. WILDER, Vehicle Maint.                        | 66.00     |
| MARSHALL CAVENDISH, Books                           | 752.95    |
| MARTIN MARIETTA AGGREGATES, Bldg & Grnds            | 406.10    |
| METRO AREA TRANSIT, March Fees                      | 596.00    |
| MID AMERICA PAY PHONES, Phones                      | 100.00    |
| MIDWEST MUDJACKING, Bldg & Grnds                    | 1,380.00  |

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| MIDWEST TAPE, Media                               | 690.13    |
| MONARCH OIL, Street Maint.                        | 390.00    |
| MOTOROLA, Radio Batteries                         | 758.60    |
| MUD, Utilities                                    | 867.45    |
| MULLEN & MULLEN, Professional Service             | 4,960.00  |
| NATIONAL ENTERTAINMENT, Supplies                  | 467.88    |
| NE DEPT OF REVENUE-LOTTERY, Lottery Tax           | 83,140.57 |
| NE FIRE ADMIN ASSISTANTS, Dues                    | 15.00     |
| NE LIBRARY COMMISSION, CD Rom                     | 1,974.00  |
| NE SOFTBALL ASSN, Fees                            | 1,760.00  |
| NEXTEL, Phone                                     | 655.19    |
| NLA PUBLIC LIBRARY SECTION, Training              | 15.00     |
| ODB COMPANY, Vehicle Maint.                       | 342.89    |
| ODEY'S, Bldg & Grnds                              | 225.12    |
| OFFICE DEPOT, Supplies                            | 710.24    |
| OFFUTT YOUTH CENTER, Contract Services            | 720.00    |
| ON YOUR MARKS, Professional Services              | 2,684.08  |
| OVERHEAD DOOR, Bldg & Grnds                       | 20.00     |
| PAPILLION TIRE, Vehicle Maint.                    | 20.30     |
| PARAMOUNT LINEN & UNIFORM, Uniform Cleaning       | 393.96    |
| PAUL CONWAY SHIELDS, Wearing Apparel              | 208.00    |
| PAYLESS, Supplies                                 | 287.12    |
| PITNEY BOWES, Supplies                            | 221.00    |
| QWEST, Phone                                      | 1,212.53  |
| RAINBOW GLASS & SUPPLY, Bldg & Grnds              | 160.99    |
| RAMIREZ, RITA, Travel/Phone                       | 348.00    |
| READY MIXED CONCRETE, Street Maint.               | 691.66    |
| RUTHERFORD, BECKY, Refund                         | 75.00     |
| SARPY COUNTY CHAMBER, Travel                      | 280.00    |
| SARPY COUNTY COURTHOUSE, Contract Services        | 3,487.34  |
| SARPY COUNTY ECONOMIC DEV, Travel                 | 180.00    |
| SMITHERS, Street Maint.                           | 3,065.00  |
| SNITILY CARR, Professional Services               | 2,175.00  |
| SOUCIE, JOSEPH, Phone                             | 60.00     |
| SPRINT, Phones                                    | 92.33     |
| STANDARD IRON WORKS, Street Maint.                | 216.00    |
| STATE OF NEBRASKA LEGISLATIVE, Supplies           | 17.25     |
| STOPAK, SCOTT, Travel                             | 305.00    |
| SUPERIOR LAMP, Bldg & Grnds                       | 244.56    |
| SUTPHEN, Vehicle Maint.                           | 33,526.00 |
| TARGET BANK, Other                                | 18.14     |
| THOMPSON DREESSEN & DORNER, Professional Services | 19,277.35 |
| TIEHEN, JAMES, Travel                             | 71.00     |
| TRIVELY, ANGELA, Refund                           | 40.00     |
| UPSTART, Summer Reading Prog.                     | 45.95     |
| USPS, Postage                                     | 1,350.99  |
| VERIZON, Phones                                   | 94.09     |
| WAL-MART, Supplies                                | 1,333.71  |
| WASTE MANAGEMENT, Bldg & Grnds                    | 544.01    |

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that she just returned from the Senior Executive Leadership Institute sponsored by ICMA University and University of Virginia in Charlottesville VA. The institute was very beneficial and she learned many things to help the organization which she will inform council of in the near future.

Finance Director Lindberg introduced the new part-time accountant, Chuck Weight, to Council.

Police Chief Lausten thanked Council for their recognition of National Police Week. All police personnel will be wearing a black band for the week in honor of fallen officers. A ceremony will be held on Friday, May 15<sup>th</sup> at 10:00 at the Douglas County Sheriff's Department. A law enforcement memorial dedication will be held at Fonner Park in Grand Island on May 11<sup>th</sup>.

Public Works Director Soucie informed Council that the street light project on 96<sup>th</sup> Street from Portal Road to Giles Road is completed and the light project on Eastport Parkway is about one-

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half completed. Soucie thanked Council for allowing his employees to attend the North America Snow Conference last Monday. APWA will be hosting this conference in Omaha next year so he should be able to send a number of his employees.

Library Director Iwan informed Council the Library had 14 children and 5 adults attend the recent May Day Craft Event. Iwan informed Council a new system which has been implemented at the Library to allow patrons the ability to log in from home to place requests, ask questions, etc is working well.

## **B. ORDINANCE – AMEND MASTER FEE ORDINANCE**

Councilmember Sell introduced Ordinance No. 1092 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1066, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE 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, 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.

Community Development Director Birch gave an overview of the change to the ordinance.

Pastor Roger Criser, from the Harrison Street Baptist Church, addressed Council to thank them for the changes to the sign permit fee.

Said ordinance was then read by title and thereafter Councilmember Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Pastor Criser also asked about consideration for the type of sign they put on their property to allow more than two events per year. Birch will talk to staff regarding a 2 sided sign with three posts being one sign. The Mayor then stated the question was, "Shall Ordinance No.1092 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **C. CDBG LOAN – AMERICAN MARKING**

### **1. PUBLIC HEARING**

At 7:32 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the CDBG Loan – American Marking. Jake Hansen, of MAPA and Toby Churchill, representing SCEDC addressed Council to give an overview.

At 7:35 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-041: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE TRANSFER OF APPROXIMATELY \$30,000 IN CDBG RECOVERED PROGRAM INCOME REUSE FUNDS FROM THE CITY OF LA VISTA, NEBRASKA, TO SARPY COUNTY, NEBRASKA, TO BE USED SOLELY FOR THE AMERICAN MARKING CORPORATION APPLICATION FOR CDBG FUNDING.

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- WHEREAS, American Marking Corporation has submitted an application to Sarpy County and the City of La Vista for \$50,000 in CDBG Recovered Program Income funds; and
- WHEREAS, the City of La Vista adopted an amended CDBG Recovered Program Income – Reuse Plan for Economic Development on May 6, 2008, for such purpose; and
- WHEREAS, according to the Reuse Plan the application was submitted to the review committee which consists of the executive board of the Sarpy County Economic Development Corporation (SCEDC); and
- WHEREAS, the SCEDC executive board reviewed the application and program requirements and has unanimously voted to recommend approval of the request; and
- WHEREAS, the City of La Vista has approximately \$30,000 in the CDBG Reuse Funds account and will conditionally committed funds for this project based upon the creation of 10 new FTE positions.
- NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the transfer of approximately \$30,000 in CDBG Recovered Program Income funds from the City of La Vista to Sarpy County to be used solely for American Marking Corporation upon successful execution of a Memorandum of Understanding with Sarpy County and other contract documents necessary to approve the expenditure of CDBG Recovered Program Income Reuse funds.

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. RESOLUTION – AWARD CONTRACT - STREET SWEEPER**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-042: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2009 ALLIANZ MX450 STREET SWEEPER FROM ROSE EQUIPMENT COMPANY, LINCOLN NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$165,975.00.

- WHEREAS, the City Council of the City of La Vista has determined that the purchase of one new Street Sweeper for the Public Works Department is necessary; and
- WHEREAS, the FY08/09 General Fund – Street Operating budget does include funds for the lease/purchase of said equipment; and
- WHEREAS, Rose Equipment Company, Lincoln, Nebraska, is 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 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 2009 Allianz MX450 Street Sweeper for the Public Works Department from Rose Equipment Company, Lincoln, Nebraska, in an amount not to exceed \$165,975.00.

Seconded by Councilmember Quick. Public Works Director Soucie informed Council the old vehicle will be retained for parts. 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. RESOLUTION – PERMISSION TO CONSUME ALCOHOL AT SWIMMING POOL ON JULY 11, 2009**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-043: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT THE LA VISTA CITY SWIMMING POOL AND SAND VOLLEYBALL COURT ON SATURDAY, JULY 11, 2009, BY CITY

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EMPLOYEES, VOLUNTEERS AND THEIR GUESTS IN CONJUNCTION WITH THE ANNUAL VOLUNTEER/EMPLOYEE PICNIC.

WHEREAS, the La Vista Employee Activity Committee has requested permission to consume alcohol at the La Vista City Swimming Pool and Sand Volleyball Court in conjunction with the annual volunteer/employee picnic to be held on July 11, 2009, and

WHEREAS, City Council approval must be obtained prior to allowing the consumption of alcoholic beverages on city property.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the consumption of alcohol at the La Vista City Swimming Pool and Sand Volleyball Court on July 11, 2009, in conjunction with the annual volunteer/employee picnic.

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

## **F. RESOLUTION – APPLICATION FOR ADDITION TO LIQUOR LICENSE – THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-044: 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 ADDITION TO THE CLASS CK LIQUOR LICENSE APPLICATION OF THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE, LA VISTA, NEBRASKA.

WHEREAS, The Rendezvous Company dba Houston's Lounge, 12040 McDermott Plaza, Suite 100, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their Class CK Liquor License to add an outdoor area, 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.

WHEREAS, the City Council approves the waiver of the Beer Garden Fencing requirement as it meets the City's design guidelines and has been approved by the City of La Vista Chief of Police.

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 addition to the Class CK Liquor License application submitted by The Rendezvous Company dba Houston's Lounge, 12040 McDermott Plaza, Suite 100, La Vista, NE.

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. John Houston, the owner of Houston's Lounge addressed Council to inform Council that bar is one of the most beautiful in the metro area and everyone should stop in to see it. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **G. SPECIAL ASSESSMENT** **1. PUBLIC HEARING**

At 7:44 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a special assessment.

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At 7:45 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 09-045: 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  
7216 S. 71<sup>st</sup> Ave., Lot 18/La Vista Replat, \$122.37  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, 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.

Seconded by Councilmember Carlisle. Councilmember Crawford stated the new pictures included with the Council packet are an improvement. 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 Crawford made a motion to move "Comments from the Floor" up on the agenda ahead of Item H. "Executive Session". Seconded by Councilmember Gowan. 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. Pastor Roger Criser informed Council that the National Day of Prayer is on Thursday, May 7, 2009. He thanked the Council for allowing the use of the Council Chamber to say a prayer for the Mayor and Council of La Vista.

## **H. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE**

At 7:46 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 Ellerbeck. 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 9:04 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig informed Council that La Vista West PTO is looking for volunteers to participate in their Reading in the Park/Summer Safety Day on May 15<sup>th</sup> from 12:00 noon to 2:05 p.m. They are hoping for four to five volunteers.

At 9:07 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF MAY 2009.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\May 5, 2009