



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO MICHAEL CZARNICK, of the La Vista Police Department, FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Mike Czarnick, has served the City of La Vista since May 22, 1995, and

WHEREAS, Mike Czarnick's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to Mike Czarnick on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 1ST DAY OF JUNE, 2010.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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





## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO ROBERT GEORGE, of the La Vista Public Works Department, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Rob George, has served the City of La Vista since May 31, 2005, and

WHEREAS, Rob George's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to Rob George on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 1ST DAY OF JUNE, 2010.

Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 18, 2010

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on May 18, 2010. Present were Councilmembers: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: Ronan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Deputy City Clerk Lupomech, Library Director Barcal, Police Chief Lausten, City Engineer Kottmann, Fire Chief Uhl, Recreation Director Stopak, Community Development Director Birch, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on May 6, 2010. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

### PROCLAMATIONS – NATIONAL PUBLIC WORKS WEEK, EMERGENCY MEDICAL SERVICES WEEK, SCOUT PROJECT RECOGNITION

Acting Mayor Gowan presented a proclamation for National Public Works Week to Public Works Director Joe Soucie, a proclamation for Emergency Medical Services Week to Fire Chief Uhl, and a scout project recognition to Eagle Scout Connor Wirth-Murray.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MAY 4, 2010
3. MONTHLY FINANCIAL REPORT – APRIL 2010
4. APPROVAL OF CLAIMS

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

ABE'S PORTABLES, Vehicle Maint.	86.00
ACTION BATTERIES, Vehicle Maint.	139.90
AECOM TECHNICAL, Planning	556.88
AFTERNOONER'S, Travel	63.32
ALAMAR UNIFORMS, Wearing Apparel	418.97
AMERICAN FENCE COMPANY, Backstop	5,821.87
AMERICAN LEGAL, Contract Services	1,404.00
ANN TROE, Professional Services	490.00
ARAMARK, Contract Services	112.83
ASPHALT & CONCRETE MATERIALS, Street Maint.	130.57
ASSOCIATED FIRE, Contract Services	53.50
BAKER & TAYLOR BOOKS, Books	1,909.39
BARCAL, ROSE, Travel	66.30
BENNINGTON EQUIPMENT, Vehicle Maint.	990.97
BENSON RECORDS, Contract Services	54.62
BLACK HILLS ENERGY, Utilities	289.27
BOB'S RADIATOR REPAIR, Vehicle Maint.	1,240.00
BROTHERHOOD INSTRUCTORS, Training	1,200.00
BUETHE, PAMELA, Contract Services/Travel/Concessions	354.95
BUILDERS SUPPLY, La Vista Daze	295.04
CARDMEMBER SERVICE, Travel/Training/Professional Services	8,287.65
CITY OF OMAHA SHOW MOBILE, La Vista Daze	480.00

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

May 18, 2010

CITY OF OMAHA, Contract Services	45,611.89
CITY OF PAPILLION, Flag Football	36.00
CJ'S HOME CENTER, Bldg & Grnds/Street Maint.	1,080.01
COLOMBO/PHELPS, Concessions	54.86
COMMERCIAL TURF SERVICES, Maintenance	1,015.00
COMP CHOICE, Professional Services	240.50
CORNHUSKER INTL TRUCKS, Vehicle Maint.	399.77
COX, Contract Services	237.80
CTSS, Travel	95.00
D & D COMMUNICATIONS, Vehicle Maint./Repair	259.00
DAGANAAR, MONTY, Contract Services	500.00
DIVERSE MEDIA, Media	25.36
EASTERN LIBRARY SYSTEM, Training	20.00
ED M. FELD EQUIPMENT, Contract Services	2,400.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,387.00
ENGLE, GARY, Refund	85.00
FILTER CARE, Vehicle Maint.	94.15
FISCUS, TRACY, Refund	50.00
FLEET US LLC, Bldg & Grnds	2,212.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,315.00
G I CLEANER & TAILORS, Uniform Cleaning	150.20
GALE, Books	1,346.80
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	508.29
GENUINE PARTS CO, Vehicle Maint.	1,297.47
GRAYBAR ELECTRIC, Bldg & Grnds	231.60
GREENKEEPER COMPANY, Supplies	395.25
GUNN, BRENDA, Travel	142.00
H & H CHEVROLET, Vehicle Maint.	43.97
HAMILTON COLOR LAB, Professional Services/LV50	2,945.79
HAMILTON, HOWARD, LV50	125.00
HANEY SHOE STORE, Wearing Apparel	130.95
HARLEY DAVIDSON, Vehicle Maint.	20.70
HOBBY LOBBY, Wearing Apparel/Supplies	92.10
HOLIDAY INN, Travel	416.00
HOPE HEALTH/IHAC, Dues	171.36
HUNTEL, Contract Services	628.40
HY-VEE, Supplies	59.76
ICMA-INTL CITY/COUNTY MGMT, Dues	961.29
INLAND TRUCK PARTS, Vehicle Maint.	277.40
INZAURO, SHANNON, Refund	20.00
IOWA PRISON INDUSTRIES, Traffic	83.50
J Q OFFICE EQUIPMENT, Contract Services	596.45
JOHN DEERE LANDSCAPES/LESCO, Supplies	540.06
JONES AND BARTLETT PUBLISHERS, Training	623.50
KRIHA FLUID POWER, Vehicle Maint.	75.36
LA VISTA CHAMBER, Travel	12.00
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LINCOLN NATIONAL LIFE INS, Employee Benefits	15,733.27
LINWELD, Supplies	112.10
LOCATE, Dues	40.00
LOU'S SPORTING GOODS, Supplies	191.23
LOVELAND LAWNS, Street Maint.	2,116.90
MARKOWSKY, THOMAS, Travel	466.17
MC DONALD AND ASSOCIATES, Contract Services	44.45
MCKINNEY, LUKE, Refund	50.00
MES-MIDAM, Wearing Apparel	228.42
MIDWEST RIGHT OF WAY, Acquisition Services	1,200.00
MIDWEST TAPE, Media	233.14
MONEY, SAMUEL, Refund	75.00
NE DEPT OF LABOR, Insurance	4,296.25
NEBRASKA IOWA SUPPLY, Vehicle Supplies	17,214.99
NEBRASKA NOTARY ASSN, Dues	100.23
NEBRASKA SOFTBALL ASSN, Registrations	2,024.00
NUTS AND BOLTS, La Vista Daze/Vehicle Maint.	138.38
OABR PRINT SHOP, La Vista Daze	241.50
ODB COMPANY, Vehicle Maint.	334.28
OFFICE DEPOT, Supplies	286.94

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OFFUTT YOUTH CENTER, Referee Fees	864.00
OMAHA WORLD HERALD, Legal Advertising	1,620.37
OPPD, Utilities	42,986.02
O'REILLY AUTOMOTIVE, Vehicle Maint.	2,482.26
PAPILLION SANITATION, Contract Services	304.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	220.34
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	229.50
QUALITY BRANDS, Concessions	353.85
QWEST, Phone	35.45
RAY ALLEN MANUFACTURING, Forfeiture Funds	1,437.90
REGAL AWARDS, Plaque	59.99
ROBERTS, TRACY, Refund	390.00
SAM'S CLUB, Supplies/LV50 Tree Planting	116.22
SAPP BROS PETROLEUM, Vehicle Supplies	795.00
SARPY COUNTY LANDFILL, Spring Clean-Up	72.84
SIEVERS, MICHAELA, Refund	60.00
SMITH, MELANIE, Supplies	200.00
STEVENS, MARK, Travel	66.00
SUN COUNTRY DISTRIBUTING, Bldg & Grnds	118.94
SUPERIOR VISION, Employee Benefits	801.12
SUSPENSION SHOP, Vehicle Maint.	44.60
THERMO KING CHRISTENSEN, Vehicle Maint.	118.00
THOMPSON DREESSEN & DORNER, Professional Services	7,558.66
TRACTOR SUPPLY CREDIT PLAN, LV50 Movie Night/Supplies	156.34
TRADE WELL PALLET, Bldg & Grnds	450.00
TURF CARS LTD, Electric Cart	101.50
U S ASPHALT COMPANY, Street Maint.	964.89
V & V MANUFACTURING, Wearing Apparel	299.85
VIERREGGER ELECTRIC, Contract Services	8,037.45
WALKER, DOUG, Refund	20.00
WASTE MANAGEMENT, Contract Services/Bldg & Grnds	932.30
WEATHER OR NOT, Professional Services	250.00
WICK'S STERLING TRUCKS, Vehicle Maint.	219.47
WOODHAVEN COUNSELING ASSOCS, Contract Services	380.00
WORLD POINT, Training	908.45
ZIMCO SUPPLY, Supplies	1,612.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that she recently attended the SEI Leadership training in Virginia. She said it is a very intense program, but very worthwhile. She thanked Council for the opportunity to attend.

Community Relations Coordinator Beaumont updated the Council on the plans for the upcoming La Vista Daze. He stated the Mayor's luncheon would begin at 11:30 on the tennis courts in Central Park. Council members will be transported to the parade route from there and will drive golf carts in the parade. After the parade, Council members are to proceed to the Junior High where they will be transported back to their vehicles.

Police Chief Lausten informed Council there would be a heavy police presence on Friday and Saturday, during La Vista Daze. They are trying something different, by combining forces with Papillion and Sarpy County. La Vista Police will reciprocate during Papillion Days and the Sarpy County Fair.

Fire Chief Uhl informed Council that Barb Witkovski of La Vista Volunteer Fire and Rescue, who is employed at the Sarpy County 911 Center, received a Sarpy County Lifesaver Award. The award was the result of assisting a caller by talking the caller through the CPR process on a "shaken" baby. The infant survived.

Public Works Director Soucie informed Council the "50 trees for 50 years" project is complete. The City was awarded a \$2,500.00 grant for "Celebrate Trees". Soucie informed Council a new BBQ grill was installed in Center Park. Soucie stated that in celebration of National Public Works Week, the staff had public works had a luncheon on Tuesday, and they will complete in a golf tournament on Thursday.

Community Development Director Birch informed Council a new City Inspector will join the staff on Monday. She will introduce him at the next City Council meeting.

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Building and Grounds Director Archibald informed Council that he also applied for and received a \$2,500.00 "Celebrate Trees" grant, and he will use to replace trees around the facility. Archibald informed Council that FEMA will pay to replace 6 of the 9 damaged awnings on City facilities.

Recreation Director Stopak informed Council a Park and Recreation Meeting will be held on Wednesday. Stopak stated the City pool will open on Saturday, May 29<sup>th</sup> at 3:00 p.m.

Library Director Barcal informed Council that Adult Mystery Night is being held today at the Library, from 6:00 p.m. – 8:00 p.m. This is the 2<sup>nd</sup> Adult Mystery Night at the library, due to its popularity.

## **B. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – HUNDEN STRATEGIC PARTNERS**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-055: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUNDEN STRATEGIC PARTNERS.

WHEREAS, as part of the strategic planning and analysis of future economic development opportunities it is deemed in the best interest of the City to have access to specialized professional services; and

WHEREAS, Hunden Strategic Partners, Chicago, Illinois, has expertise in assisting municipalities with development or redevelopment processes that can often be complex; and

WHEREAS, Hunden Strategic Partners is able to provide technical assistance in the areas of planning, financing, and evaluating economic development opportunities on an "as needed or requested" basis.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, authorizes the Mayor to execute a professional services agreement with Hunden Strategic Partners, Chicago, Illinois, in form and content acceptable to the City Administrator and City Attorney.

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

## **C. RESOLUTION – ADVERTISEMENT OF BIDS – PEDESTRIAN OVERPASS PAINTING**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-056: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PEDESTRIAN OVERPASS PAINTING.

WHEREAS, the City Council has determined that the painting of the pedestrian overpass is necessary, and

WHEREAS, the FY 2009/10 Capital Improvement Budget provides funding for the purchase of said painting, and

WHEREAS, the City Engineer, in conjunction with Thompson, Dreessen & Dorner, Inc., has prepared specifications for said painting.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the painting of the pedestrian overpass in accordance with specifications prepared by the City Engineer and said bids are to be opened and publicly read aloud at 10 a.m. at the office of Thompson, Dreessen & Dorner, Inc, 10836 Old Mill Road, Omaha Nebraska on June 7, 2010.

Advertise for Bids – May 27 and June 3, 2010

Open Bids – June 7, 2010

Award Bid – June 15, 2010

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

## **D. RESOLUTION – AUTHORIZATION TO PURCHASE – MUD PUMP**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-057: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2009 USED DOUBLE PISTON MUDJACKING PUMP FROM MIDWEST MUDJACKING, INC., 14807 S 27<sup>TH</sup> STREET, BELLEVUE, NE IN AN AMOUNT NOT TO EXCEED \$9,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mud pump for the Public Works Department is necessary; and

WHEREAS, the FY 2009/10 General Fund Street Operating Budget did include funds for the purchase of said mudjacking pump; and

WHEREAS, Midwest Mudjacking, Inc. has submitted the lowest most responsible quote for a used double piston mudjacking pump.

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, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2009 used double piston mudjacking pump in an amount not to exceed \$9,000.00.

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

## **E. RESOLUTION – AUTHORIZATION TO PURCHASE – MORTAR MIXER**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-058: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) E Z GROUT MMH12 MOBILE MUD HOG FROM NEBRASKA RENTS, 10608 SAPP BROS DRIVE, OMAHA, NE IN AN AMOUNT NOT TO EXCEED \$5,747.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mortar mixer for the Public Works Department is necessary; and

WHEREAS, the FY 2009/10 General Fund Street Operating Budget did include funds for the purchase of said mortar mixer; and

WHEREAS, Nebraska Rents of Omaha, NE has submitted the low, compliant quote, 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, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) E Z grout MMH12 mobile hog in an amount not to exceed \$5,747.00.

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

## **F. COUNCIL POLICY STATEMENTS – PROGRAMS, SERVICES, AND ACTIVITIES RELATED TO ADA/SECTION 504**

### **1. RESOLUTION – APPROVE COUNCIL POLICY STATEMENT – SECTION 504 OF THE REHABILITATION ACT OF 1973/AMERICANS WITH DISABILITIES ACT OF 1990**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-059: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES

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AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: City of La Vista desires to continue to participate in Federal-Aid transportation construction programs;

WHEREAS: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: City of La Vista as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of City of La Vista; and

WHEREAS: City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in City of La Vista being required to repay some or all of the federal funds expended for a project(s).

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of City of La Vista.

BE IT FURTHER RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: City Clerk

Seconded by Councilmember Carlisle. Councilmember Quick asked if a definition of ADA compliance on streetlights, specifically on 84<sup>th</sup> Street, had been determined. Public Works Director Soucie stated he has had several conversations with the County on this matter, with the discussion focused on “countdown” or “tone”. The issue has not gotten out of the “discussion phase”. Councilmember Quick stated it is sometimes difficult to cross in time for someone who has no disabilities. Councilmember Sell stated he thinks the time as 84<sup>th</sup> Street and Brentwood is longer than at 84<sup>th</sup> Street and Harrison. Soucie stated the timing can vary depending on the location of the signal, if there’s a turn lane, etc. Councilmember Sheehan asked if this policy would be available on our website. City Administrator Gunn stated the information will be on the City website. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## **2. RESOLUTION – APPROVE COUNCIL POLICY STATEMENT – TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-060: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE CIVIL RIGHTS RESTORATION ACT OF 1987 AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: Certain transportation facilities (roads, streets, trails, and others) in City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto;

WHEREAS: City of La Vista desires to continue to participate in Federal-Aid transportation construction programs;

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WHEREAS: The Nebraska Department of Roads as a recipient of said Federal funds is charged with oversight of the expenditures of said funds;

WHEREAS: City of La Vista as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of City of La Vista; and

WHEREAS: City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project(s) being declared ineligible for federal funds, which could result in City of La Vista being required to repay some or all of the federal funds expended for a project(s).

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of City of La Vista.

BE IT FURTHER RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby designate the following as responsible for the management of the Title VI – Civil Rights process: City Clerk

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

## G. POSITION DESCRIPTION

Assistant City Administrator Ramirez addressed Council to answer questions about the position description for Code Enforcement. Councilmember Crawford stated he wants to make sure the applicant knows this is a pro-active position. Councilmember Carlisle asked if this position would go through the Civil Service process. Assistant City Administrator Ramirez stated it would not, as it is not a law enforcement position. Councilmember Quick asked if this employee would be able to submit to Council a quarterly report. Ramirez stated this employee would be better equipped for more updates for Council. Police Chief Lausten stated his desire is to incorporate information from Code Enforcement into the Current Monthly police report. Lausten stated he is also working with the City Clerk to update procedures for parking violations. Councilmember Gowan asked if this new employee could document photos more to scale – grass height, tree height, etc. Lausten stated that a file would be set up for each code enforcement issue, and all documentation on a specific case would be easily accessible. Lausten said the administrative staff at the police station will be able to assist with some of the paperwork related to this job position. This position will not be an 8:00 – 5:00 job, but will include evening and weekend work also. Councilmember Gowan stated he feels this is a positive move for the City. It can be a good community liaison for the City. Councilmember Sell stated he would like to see the employee try to assist the resident in correcting the issue before a ticket is issued.

Councilmember Carlisle made a motion to approve the position description. Councilmember Crawford seconded the motion. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## H. DISCUSSION – MUNICIPAL CODE § 114.46 – HOURS OF SALE

City Administrator Gunn stated this item was added to the agenda, as the new law goes into effect in July. She did not know if this was something Council wanted, but a discussion was held at a United Cities of Sarpy Council and it was decided the cities would like some consistency. The determination is for Council to decide. Councilmember Sell stated he would like to offer the opportunities to the businesses to be able to stay open until 2:00 a.m. Councilmember Gowan stated he has not problem with a change to 2:00 a.m. Councilmember Crawford asked what the impact would be for the police department. Police Chief Lausten stated the highest percentage of DUI arrests are issued between 11:00 p.m. and 4:00 a.m., and fights usually happen before midnight. It is difficult to make a determination of an increase in drunk drivers. If Omaha bars stay open later, traffic will still be coming into this area.

Rich Bellino, the owner of La Vista Keno, addressed Council to let them know the Department of Revenue is going to extend Keno hours until 2:00 a.m. Councilmember Sheehan asked if keno

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hours aren't regulated by ordinance. City Attorney McKeon stated the hours are specified in the contract. Bellino stated if other area cities did not extend their hours to 2:00 a.m., he also would not. There is a large cost involved with keep the business open.

Councilmember Ellerbeck stated he does not have a problem giving business owners in La Vista the option to stay open until 2:00 a.m. Councilmember Crawford states he does not think it's a good idea, but he is okay with the change, since all cities will jump on board. Bellino stated Sunday through Thursday, the extra hour is not beneficial, cost-wise. Councilmember Carlisle asked if La Vista Keno might have a different closing time during the week as opposed to the weekend. Bellino stated that is a possibility.

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

## COMMENTS FROM THE FLOOR

Acting Mayor Gowan 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.

## I. EXECUTIVE SESSION – LITIGATION

At 7:40 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for a litigation session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried. Acting Mayor Gowan stated the executive session would be limited to the subject matter contained in the motion.

At 7:55 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Carlisle asked what color shirt they were supposed to wear during the parade. Community Relations Coordinator Beaumont stated the gold t-shirts were to be worn to the parade. City Administrator Gunn stated it was their decision as to which shirts they wanted to wear. It was determined that gold shirts would be worn during the parade.

At 7:56 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. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF JUNE 2010

CITY OF LA VISTA

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

ATTEST:

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

MEETING OF THE LIBRARY ADVISORY BOARD  
CITY OF LA VISTA

MINUTES OF MEETING  
May 13, 2010

Members Present:	Rose Barcal	Janice Podoll	Valerie Russell
	Kim Schmit-Pokorny	Carol Westlund	

Agenda Item #1: Call to Order

The meeting was called to order at 5:32 p.m.

Agenda Item #2: Announcement of Location of Posted Open Meetings Act

An announcement was made of the location of the posted copy of the Open Meetings Act for public reference.

Agenda Item #3: Introductions

There were no introductions made.

Agenda Item #4: Approval of Minutes of January 14, 2010 Meeting

It was moved by Westlund and seconded by Schmit-Pokorny that the minutes be accepted as presented. Ayes: all. Nays: none. Motion carried.

Agenda Item #5: Library Director's Report

- a. Programs: an update on the Summer Reading Program for 2010.
- b. Employee updates were given.
- c. Library Meetings were reviewed including the National Public Library Association Conference in late March.
- d. General Library Information was reviewed including the doll house generously donated by Betty Nelson.

Agenda Item #6: Circulation Report

Library Director Barcal distributed the circulation report. The report was discussed and accepted.

Agenda Item #7: Old Business

- a. Current grants were reviewed. The American Recovery and Reinvestment Act for the Nebraska Library Commission Broadband Technology Opportunities Program was reviewed. 13 computers for the library were requested.
- b. State Aid Letter. A letter was received from the Nebraska Library Commission stating the La Vista Public Library was awarded \$2,676 in State Aid. This money has assisted with the purchase of Overdrive: the downloadable audio books, the leisure chair replacements, and library carts.

Agenda Item #8: New Business

- a. Budget FY10/11 was reviewed. The library budget has been submitted to City Administration. The library budget meeting is scheduled for June.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

There were no comments from the Board.

There was a motion by Westlund and seconded by Podoll to adjourn the meeting at 6:05 p.m.

The next meeting is scheduled for July 8, 2010 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.

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1	Bank of Nebraska (600-873)								
		46088			Payroll Checks				
Thru		46089							
		46090			Gap in Checks				
Thru		100027							
100028	5/19/2010	615 MILLER BRANDS OF OMAHA INC				237.90			**MANUAL**
100029	5/19/2010	1270 PREMIER-MIDWEST BEVERAGE CO				189.10			**MANUAL**
100030	5/19/2010	1194 QUALITY BRANDS OF OMAHA				530.90			**MANUAL**
100031	5/19/2010	1830 NE DEPT OF LABOR-WORKFORCE DEV				29.65			**MANUAL**
100032	5/19/2010	3531 LUPOMECH, CATHY				221.00			**MANUAL**
100033	5/19/2010	292 SAM'S CLUB				35.00			**MANUAL**
100034	5/27/2010	3702 LAUGHLIN, KATHLEEN A, TRUSTEE				809.00			**MANUAL**
100035	5/27/2010	1821 PETTY CASH-PAM BUETHE				2,000.00			**MANUAL**
100036	5/27/2010	1194 QUALITY BRANDS OF OMAHA				6,229.55			**MANUAL**
100037	6/01/2010	2892 AA WHEEL & TRUCK SUPPLY INC				111.81			
100038	6/01/2010	459 ABANTE MARKETING				.00	**CLEARED**	**VOIDED**	
100039	6/01/2010	459 ABANTE MARKETING				1,123.80			
100040	6/01/2010	762 ACTION BATTERIES UNLTD INC				28.26			
100041	6/01/2010	4298 AGRIM ADVANCED TECHNOLOGIES				3,712.50			
100042	6/01/2010	2868 AIR POWER OF NEBRASKA				13.71			
100043	6/01/2010	571 ALAMAR UNIFORMS				65.00			
100044	6/01/2010	106 ALL MAKES OFFICE EQUIPMENT CO				101.00			
100045	6/01/2010	4271 AMERA-CHEM INC				76.90			
100046	6/01/2010	87 AMERICAN FENCE COMPANY INC				28.00			
100047	6/01/2010	2661 AMERICAN LIBRARY ASSOCIATION				72.50			
100048	6/01/2010	1973 ANN TROE				760.00			
100049	6/01/2010	1302 AOI CORPORATION				1,571.18			
100050	6/01/2010	557 APWA-AMER PUBLIC WORKS ASSN				141.00			
100051	6/01/2010	536 ARAMARK UNIFORM SERVICES INC				287.22			
100052	6/01/2010	188 ASPHALT & CONCRETE MATERIALS				341.34			
100053	6/01/2010	3754 AUSTIN PETERS GROUP INC				3,000.00			
100054	6/01/2010	201 BAKER & TAYLOR BOOKS				1,696.88			
100055	6/01/2010	2554 BARCAL, ROSE				100.00			
100056	6/01/2010	849 BARONE SECURITY SYSTEMS				648.00			
100057	6/01/2010	4325 BARTON SOLVENTS INCORPORATED				480.45			
100058	6/01/2010	1839 BCDM-BERINGER CIACCIO DENNELL				2,025.00			
100059	6/01/2010	4168 BCR-BIBLIOGRAPHICAL				23.97			
100060	6/01/2010	929 BEACON BUILDING SERVICES				6,712.00			
100061	6/01/2010	3965 BEAUMONT, MITCH				79.00			
100062	6/01/2010	1784 BENNINGTON EQUIPMENT INC				2,104.72			
100063	6/01/2010	228 BEST CARE EMPLOYEE ASST PROGRM				.00	**CLEARED**	**VOIDED**	
100064	6/01/2010	228 BEST CARE EMPLOYEE ASST PROGRM				2,175.00			
100065	6/01/2010	410 BETTER BUSINESS EQUIPMENT				52.65			
100066	6/01/2010	196 BLACK HILLS ENERGY				1,316.82			
100067	6/01/2010	220 BLUE CROSS BLUE SHIELD				363.36			
100068	6/01/2010	1242 BRENTWOOD AUTO WASH				42.00			
100069	6/01/2010	4341 BROWN, RON				500.00			
100070	6/01/2010	3760 BUETHE, PAM				20.00			

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100072	4024 CALENTINE, JEFFREY	6/01/2010		30.00					
100073	2285 CENTER POINT PUBLISHING	6/01/2010		248.04					
100074	3450 CITY OF BELLEVUE	6/01/2010		900.00					
100075	3683 CITY OF OMAHA SHOW MOBILE	6/01/2010		1,180.00					
100076	3176 COMP CHOICE INC	6/01/2010		140.00					
100077	468 CONTROL MASTERS INCORPORATED	6/01/2010		525.00					
100078	836 CORNHUSKER INTL TRUCKS INC	6/01/2010		8.07					
100079	2102 CREIGHTON EMS EDUCATION	6/01/2010		1,870.00					
100080	3136 D & D COMMUNICATIONS	6/01/2010		55.26					
100081	4119 D & J BEVERAGE SERVICE INC	6/01/2010		280.00					
100082	1432 DEETER FOUNDRY INCORPORATED	6/01/2010		586.00					
100083	77 DIAMOND VOGEL PAINTS	6/01/2010		41.95					
100084	3334 EDGEWEAR SCREEN PRINTING	6/01/2010		813.75					
100085	4329 EPPERSON, NICK	6/01/2010		20.00					
100086	3463 FARQUHAR, MIKE	6/01/2010		100.00					
100087	3460 FEDEX	6/01/2010		24.96					
100088	1235 FEDEX KINKO'S	6/01/2010		1,860.25					
100089	1245 FILTER CARE	6/01/2010		31.50					
100090	4035 FLORATINE CENTRAL TURF PRODS	6/01/2010		270.00					
100091	4310 FREEDOM FIGHTERS	6/01/2010		250.00					
100092	4050 FROEHLICH, RORY	6/01/2010		100.00					
100093	1344 GALE	6/01/2010		97.19					
100094	4340 GIFF PROPERTY SERVICES	6/01/2010		3,000.00					
100095	35 GOLDMAN, JOHN G	6/01/2010		85.00					
100096	285 GRAYBAR ELECTRIC COMPANY INC	6/01/2010		388.99					
100097	3105 GREAT AMERICAN LEASING CORP	6/01/2010		527.76					
100098	385 GREAT PLAINS ONE-CALL SVC INC	6/01/2010		365.02					
100099	4086 GREAT PLAINS UNIFORMS	6/01/2010		41.00					
100100	71 GREENKEEPER COMPANY INC	6/01/2010		353.80					
100101	1624 GUNN, BRENDA	6/01/2010		45.00					
100102	387 HARM'S CONCRETE INC	6/01/2010		137.25					
100103	3775 HARTS AUTO SUPPLY LLC	6/01/2010		540.00					
100104	4331 HEARTLAND AQUA-TECH	6/01/2010		441.90					
100105	3657 HEARTLAND PAPER	6/01/2010		143.00					
100106	1403 HELGET GAS PRODUCTS INC	6/01/2010		108.00					
100107	2871 HEWLETT PACKARD COMPANY	6/01/2010		733.00					
100108	2307 INFO USA MARKETING INC	6/01/2010		1,250.00					
100109	1760 INTERSTATE ALL BATTERY CENTER	6/01/2010		226.98					
100110	835 IVERSON, DENNIS	6/01/2010		120.00					
100111	1896 J Q OFFICE EQUIPMENT INC	6/01/2010		438.15					
100112	831 JOHN DEERE LANDSCAPES/LESCO	6/01/2010		95.95					
100113	2653 JONES AUTOMOTIVE INC	6/01/2010		40.00					
100114	788 KINDIG, DOUGLAS	6/01/2010		80.00					
100115	1054 KLINKER, MARK A	6/01/2010		200.00					
100116	4328 KOTTMANN, JOHN	6/01/2010		256.00					
100117	2394 KRIHA FLUID POWER CO INC	6/01/2010		626.48					
100118	2057 LA VISTA COMMUNITY FOUNDATION	6/01/2010		50.00					
100119	927 LANGLEY ANIMAL HOSPITAL	6/01/2010		117.00					
100120	4300 LINCOLN TENT	6/01/2010		500.00					
100121	2297 LINDBERG, SHEILA	6/01/2010		103.00					
100122	2124 LUKASIEWICZ, BRIAN	6/01/2010		50.00					
100123	544 MAPA-METRO AREA PLANNING AGNCY	6/01/2010		5,100.00					

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100124	6/01/2010	153 METRO AREA TRANSIT	545.00			
100125	6/01/2010	3884 METRO LANDSCAPE MATERIALS &	2,170.00			
100126	6/01/2010	872 METROPOLITAN COMMUNITY COLLEGE	6,202.89			
100127	6/01/2010	553 METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
100128	6/01/2010	553 METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
100129	6/01/2010	553 METROPOLITAN UTILITIES DIST.	1,312.98			
100130	6/01/2010	98 MICHAEL TODD AND COMPANY INC	249.63			
100131	6/01/2010	2497 MID AMERICA PAY PHONES	150.00			
100132	6/01/2010	3921 MID-STATES UTILITY TRAILER	12.44			
100133	6/01/2010	3957 MIDLANDS CARRIER TRANSICOLD	113.87			
100134	6/01/2010	1526 MIDLANDS LIGHTING & ELECTRIC	189.15			
100135	6/01/2010	1306 MIDWEST PLASTICS INCORPORATED	67.39			
100136	6/01/2010	2299 MIDWEST TAPE	172.92			
100137	6/01/2010	1046 MIDWEST TURF & IRRIGATION	46.57			
100138	6/01/2010	4339 MIERS, RAYMOND	457.69			
100139	6/01/2010	3352 NE DEPT OF LABOR-WORKFORCE DEV	100.00			
100140	6/01/2010	2685 NEBRASKA TURF PRODUCTS	113.75			
100141	6/01/2010	3303 NEBRASKA WELDING LTD	43.99			
100142	6/01/2010	1936 NELSON & SONS GLASS INC	133.44			
100143	6/01/2010	2631 NEXTEL COMMUNICATIONS	201.36			
100144	6/01/2010	2631 NEXTEL COMMUNICATIONS	474.63			
100145	6/01/2010	440 NMC EXCHANGE LLC	182.00			
100146	6/01/2010	408 NOBBIES INC	116.87			
100147	6/01/2010	179 NUTS AND BOLTS INCORPORATED	23.65			
100148	6/01/2010	3415 OABR PRINT SHOP	.00	**CLEARED**	**VOIDED**	
100149	6/01/2010	3415 OABR PRINT SHOP	5,252.94			
100150	6/01/2010	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
100151	6/01/2010	1014 OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
100152	6/01/2010	1014 OFFICE DEPOT INC-CINCINNATI	532.20			
100153	6/01/2010	46 OMAHA WORLD HERALD COMPANY	308.00			
100154	6/01/2010	401 PAPILLION LA VISTA SCHL DISTR	50.00			
100155	6/01/2010	2686 PARAMOUNT LINEN & UNIFORM	549.02			
100156	6/01/2010	1769 PAYLESS OFFICE PRODUCTS INC	.00	**CLEARED**	**VOIDED**	
100157	6/01/2010	1769 PAYLESS OFFICE PRODUCTS INC	449.92			
100158	6/01/2010	3058 PERFORMANCE CHRYSLER JEEP	84.05			
100159	6/01/2010	1821 PETTY CASH-PAM BUETHE	112.32			
100160	6/01/2010	1821 PETTY CASH-PAM BUETHE	93.78			
100161	6/01/2010	4304 PHYSICIANS MUTUAL	942.90			
100162	6/01/2010	74 PITNEY BOWES INC-KY	.00	**CLEARED**	**VOIDED**	
100163	6/01/2010	74 PITNEY BOWES INC-KY	221.00			
100164	6/01/2010	159 PRECISION INDUSTRIES	175.92			
100165	6/01/2010	1910 PRESTIGE FLAG	304.32			
100166	6/01/2010	1921 PRINCIPAL LIFE-FLEX SPENDING	235.50			
100167	6/01/2010	219 QWEST	1,148.04			
100168	6/01/2010	58 RAINBOW GLASS & SUPPLY	346.12			
100169	6/01/2010	427 RAMIREZ, RITA M	43.00			
100170	6/01/2010	2703 RON'S CUSTOM LETTERING SVC INC	250.00			
100171	6/01/2010	1063 ROSE EQUIPMENT INCORPORATED	454.34			
100172	6/01/2010	2240 SARPY COUNTY COURTHOUSE	3,495.03			
100173	6/01/2010	1652 SCHOLASTIC BOOK FAIRS	103.06			
100174	6/01/2010	503 SCHOLASTIC LIBRARY PUBLISHING	481.00			
100175	6/01/2010	3990 SENTRY ARMOR SYSTEMS INC	1,507.96			
100176	6/01/2010	1483 SHEPPARD'S BUSINESS INTERIORS	4,071.80			

## BANK NO BANK NAME

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VENDOR NO VENDOR NAME

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CLEARED VOIDED MANUAL

APPROVED BY COUNCIL MEMBERS 6-1-10

100177	6/01/2010	738 SIGN IT	723.75
100178	6/01/2010	4324 SIOUXLAND LIBRARIES	16.99
100179	6/01/2010	2704 SMOOTHER CUT ENTERPRISES INC	990.00
100180	6/01/2010	533 SOUCIE, JOSEPH H JR	60.00
100181	6/01/2010	3838 SPRINT	120.08
100182	6/01/2010	3499 SQUAD-FITTERS INC	344.90
100183	6/01/2010	2634 STERIL MANUFACTURING CO	4,355.00
100184	6/01/2010	871 STOPAK, SCOTT	50.00
100185	6/01/2010	47 SUBURBAN NEWSPAPERS INC	499.20
100186	6/01/2010	4276 SUPERIOR VISION SVCS INC	367.60
100187	6/01/2010	3800 T-SHIRT ENGINEERS	107.23
100188	6/01/2010	3511 TAB HOLDING COMPANY INC	19,964.25
100189	6/01/2010	913 TARGET BANK	219.86
100190	6/01/2010	2366 TEE'S PLUS	538.92
100191	6/01/2010	4224 TIEHEN, JAMES	100.00
100192	6/01/2010	4179 TITAN MACHINERY	242.81
100193	6/01/2010	1122 TURF CARS LTD	620.00
100194	6/01/2010	62 UNITED RENTALS INC	860.18
100195	6/01/2010	4223 VAIL, ADAM	100.00
100196	6/01/2010	809 VERIZON WIRELESS, BELLEVUE	94.33
100197	6/01/2010	809 VERIZON WIRELESS, BELLEVUE	102.83
100198	6/01/2010	1174 WAL-MART COMMUNITY BRC	.00
100199	6/01/2010	1174 WAL-MART COMMUNITY BRC	859.24
100200	6/01/2010	78 WASTE MANAGEMENT NEBRASKA	4,040.14
100201	6/01/2010	968 WICK'S STERLING TRUCKS INC	451.35
100202	6/01/2010	3836 ZOO BOOKS MAGAZINE	25.95

BANK TOTAL	135,818.63
OUTSTANDING	135,818.63
CLEARED	.00
VOIDED	.00

COUNCIL MEMBERCOUNCIL MEMBERCOUNCIL MEMBER\*\*CLEARED\*\* \*\*VOIDED\*\*

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
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01 GENERAL FUND	92,616.59	92,616.59	.00	.00
02 SEWER FUND	3,843.86	3,843.86	.00	.00
05 CONSTRUCTION	19,964.25	19,964.25	.00	.00
08 LOTTERY FUND	11,724.84	11,724.84	.00	.00
09 GOLF COURSE FUND	5,592.23	5,592.23	.00	.00
15 OFF-STREET PARKING	2,076.86	2,076.86	.00	.00

REPORT TOTAL	135,818.63
OUTSTANDING	135,818.63
CLEARED	.00
VOIDED	.00

+ Gross Payroll 5/28/10 221,784.14

GRAND TOTAL \$357,602.77

COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 1, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND MUNICIPAL CODE SECTION 114.46	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAMELA A. BUETHE CITY CLERK

**SYNOPSIS**

An ordinance has been prepared to amend Section 114.46 of the Municipal Code to change the hours of sale for serving alcohol on the premises of a licensed establishment.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval

**BACKGROUND**

In the last session of the Nebraska State Legislature, LB 861 which allows municipalities the option of allowing the retail sale or dispensing of alcoholic liquor for consumption on the premises until 2 a.m. passed. The previous law allowed such until 1 a.m.

This item was discussed at the May 18, 2010 meeting and direction was given to present the change to the City Council for possible action. This ordinance may only be adopted by a vote of at least two thirds of the members of the governing body.

An amendment to the lottery operator agreement is also being presented to allow the city's keno lottery operator to adjust the hours of closing.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.46; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

**SECTION 1.** Section 114.46. Section 114.46 of the La Vista Municipal Code is amended to read as follows:

**§ 114.46 HOURS OF SALE.**

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**OFF SALE.** Alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

**ON SALE.** Alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment.

(B) It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the city except during the hours provided herein, ~~provided that such limitations shall not apply after 12:00 p.m. noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Neb. RS 53-124(5)(C) and (H)~~.

HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Secular Days

Off Sale 6:00 a.m. to 1:00 a.m.

On Sale 6:00 a.m. to ~~42~~:00 a.m.

Sundays

Off Sale 12:00 noon to 1:00 a.m.

On Sale 12:00 noon to ~~42~~:00 a.m.

Beer and Wine

Secular Days

Off Sale 6:00 a.m. to 1:00 a.m.

On Sale 6:00 a.m. to ~~42~~:00 a.m.

Sundays

Off Sale 6:00 a.m. to 1:00 a.m.

On Sale 6:00 a.m. to ~~42~~:00 a.m.

(C) ~~It shall be unlawful on premises licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in the possession or control of any person for purposes of consumption. No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises.~~

(D) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

**SECTION 2.** Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 3.** Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or

invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

CITY OF LA VISTA

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

ATTEST:

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

two years continuously prior to making of application for license and (b) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

(2) If a proposed location for the sale at retail of any alcoholic liquor is within one hundred fifty feet of any church, a license may be issued if the commission gives notice to the affected church and holds a hearing as prescribed in section 53-133.

(2) (3) No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state, except that this section:

(a) Does not prohibit a nonpublic college or university from contracting with an individual or corporation holding a license to sell alcoholic liquor at retail for the purpose of selling alcoholic liquor at retail on the campus of such college or university at events sanctioned by such college or university but does prohibit the sale of alcoholic liquor at retail by such licensee on the campus of such nonpublic college or university at student activities or events; and

(b) Does not prohibit sales of alcoholic liquor by a community college culinary education program pursuant to section 53-124.15.

Sec. 77. Section 53-179, Reissue Revised Statutes of Nebraska, is amended to read:

53-179 (1) No alcoholic liquor, including beer, shall be sold at retail or dispensed on any day between the hours of 1 a.m. and 6 a.m., except that the local governing body of any city or village with respect to area inside the corporate limits of such city or village, or the county board with respect to area outside the corporate limits of any city or village, may by ordinance or resolution (a) require closing prior to 1 a.m. on any day or (b) if adopted by a vote of at least two-thirds of the members of such local governing body or county board, permit retail sale or dispensing of alcoholic liquor for consumption on the premises, excluding sales for consumption off the premises, later than 1 a.m. and prior to 2 a.m. on any day.

(2) Except as provided for and allowed by ordinance of a local governing body applicable to area inside the corporate limits of a city or village or by resolution of a county board applicable to area inside such county and outside the corporate limits of any city or village, no alcoholic liquor, including beer, shall be sold at retail or dispensed between the hours of 6 a.m. Sunday and 1 a.m. Monday. No ordinance or resolution allowed by this subsection shall permit alcoholic liquor, other than beer and wine, to be sold at retail or dispensed between the hours of 6 a.m. Sunday and 12 noon Sunday. This subsection shall not apply after 12 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

(3) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between the hours of 1:15 a.m. fifteen minutes after the closing hour applicable to the licensed premises and 6 a.m. on any day. When any city or village provides by ordinance or any county provides by resolution for an earlier closing hour, the provisions of this subsection shall become effective fifteen minutes after such closing hour instead of 1:15 a.m.

(4) Nothing in this section shall prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.

Sec. 78. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104 (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2) When an order suspending a license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period if such election is not prohibited by order of the commission. Except as otherwise provided in subsection (3) of this section, for the first such suspension for any licensee, the penalty shall be fifty dollars per day, and for a second or any subsequent suspension, the penalty shall be one hundred dollars per day.

(3) (a) For a second suspension for violation of section 53-180 or 53-180.02 occurring within four years after the date of the first suspension,

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 1, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND LOTTERY OPERATOR AGREEMENT – HOURS OF OPERATION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAMELA A. BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to amend the Lottery Operator Agreement to allow the extension of hours of operation on any day beyond 1:00 a.m. to any time between 1:00 a.m. and 2 a.m.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval

**BACKGROUND**

Currently the Lottery Operator Agreement allows the hours of operation seven days a week until 1:00 a.m. This amendment would authorize the contractor extend hours of operation on any day beyond 1:00 a.m. to any time between 1:00 a.m. and 2:00 a.m. provided such change of closing time shall be subject to prior approval of the City Administrator.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR AGREEMENT.

WHEREAS, the Nebraska State Legislature has recently passed legislation allowing the hours of sale for serving alcohol on the premises of a licensed establishment from 1:00 a.m. to 2:00 a.m.; and

WHEREAS, an amendment to the Lottery Operator Agreement has been prepared to allow the Contractor to extend hours of operation on any day beyond 1:00 a.m. to any time between 1:00 a.m. and 2:00 a.m. subject to prior approval of the City Administrator.

WHEREAS, the City of La Vista has amended City Code Section 114.46 to change the hours of sale of liquor on the premises of a licensed establishment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Lottery Operator Agreement dated August 8, 2008 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of La Vista Nebraska that this amendment will go into effect on the same date as the ordinance allowing extended bar hours which will be July 15, 2010 or 15 days after passage of the ordinance whichever is last.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_ 2010.

CITY OF LA VISTA

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

ATTEST:

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

**LOTTERY OPERATOR AGREEMENT  
AMENDMENT NO. 1**

THIS AMENDMENT NO. 1 TO LOTTERY OPERATOR AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by and between La Vista Keno, Inc., a Nebraska corporation (hereinafter referred to as "Contractor") and the CITY OF LA VISTA, Sarpy County, Nebraska, a municipal corporation (hereinafter referred to as "City").

**R E C I T A L S:**

WHEREAS, a majority of the vote by the registered voters of the City of La Vista was cast in favor of authorizing the establishment of a municipal lottery in 1989; and

WHEREAS, the Mayor and City Council established a keno-type lottery and awarded successive contracts to operate said lottery, the current of which is the Lottery Operator Agreement between City and Contractor dated \_\_\_\_\_ ("Lottery Operator Agreement" or "Agreement"); and

WHEREAS, the Mayor and City Council of the City of La Vista and Contractor desire to amend said Lottery Operator Agreement to allow expanded hours of operation between 1 a.m. and 2 a.m.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge and agree, the parties hereto agree as follows:

I. Paragraph 8 of the Lottery Operator Agreement is hereby deleted and replaced in its entirety with the following:

"8. Hours of Operation. The Contractor shall operate the lottery only on the days and during the times set forth below:

Seven days per week from 9:00 a.m. to 1:00 a.m., with the following exceptions:

Closing will be 6:00 p.m. on Christmas Eve

Opening will be 6:00 p.m. on Christmas Day and Thanksgiving Day

Opening at 7:00 a.m. on Saturdays and Sundays

Any reduction in hours of operation requires City approval.

Notwithstanding anything in this Paragraph 8 to the contrary, Contractor shall be authorized to extend hours of operation on any day beyond 1:00 a.m. to any time between 1:00 a.m. and 2:00 a.m., and thereafter to periodically adjust closing time between 1:00 a.m. and 2:00 a.m.; provided, however, that any such change of closing time shall be subject to prior approval of the City Administrator.”

II. Except as expressly modified herein, the Lottery Operator Agreement shall continue and remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the Contractor and the City have executed this Amendment No. 1 on the date first written above.

ATTEST:

La Vista Keno, Inc., a Nebraska corporation

Witness

By \_\_\_\_\_  
Richard T. Bellino, President

ATTEST:

CITY OF LA VISTA, NEBRASKA, a Municipal Corporation

City Clerk

By \_\_\_\_\_  
Mayor

**GUARANTY**

By signing below, I, Richard T. Bellino, hereby personally guaranty full performance and all debts and obligations of La Vista Keno, Inc. ("Contractor") arising out of or resulting from the Lottery Operator Agreement between Contractor and the City of La Vista ("City"), as modified by Amendment No. 1 above; and I agree to hold the City harmless from, and indemnify it against, any and all claims, liabilities, losses, suits, judgments and expenses whatsoever (including, but not limited to, attorneys fees and court costs) arising out of or resulting from any breach, negligence, act or omission of, arising out of or resulting from said Agreement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Richard T. Bellino, Guarantor

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JUNE 1, 2010 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PAPIO-MISSOURI RIVER NRD HAZARD MITIGATION PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ ASST. PW DIRECTOR

**SYNOPSIS**

A resolution has been prepared approving participation of the City of La Vista in the Papio-Missouri River Natural Resources District Multi-Hazard Mitigation Plan.

**FISCAL IMPACT**

None

**RECOMMENDATION**

Approval

**BACKGROUND**

Participation in the Papio-Missouri River NRD Hazard Mitigation plan is a prerequisite to being eligible to receive Federal funds for mitigation projects in the City of La Vista. An example of this is the funding received for the voluntary property acquisition program for Thompson Creek.

The request to participate from the Papio-Missouri River Natural Resources District will allow for updating the Multi-Hazard Mitigation Plan that was previously prepared in 2006. Updating the plan is required by FEMA in order to maintain eligibility for receiving federal funds. All communities within the NRD are being asked to participate in this plan.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA APPROVING PARTICIPATION IN THE PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT MULTI-HAZARD MITIGATION PLAN.**

WHEREAS, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure, and

WHEREAS, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters, and

WHEREAS, the Papio-Missouri River Natural Resource District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby approves participation in the proposed Multi-Hazard Mitigation Planning process described above, and pledges to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve.

PASSED AND APPROVED THIS 1ST DAY OF JUNE 2010.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk