

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING November 16, 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 November 16, 2010. Present were Councilmembers: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Bueth, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Public Works Director Soucie, City Engineer Kottmann, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on November 4, 2010. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

### PROCLAMATION – EAGLE SCOUT AWARD – STEVEN WARNER

Mayor Kindig presented the proclamation for the Eagle Scout Award to Steven Warner.

### SERVICE AWARD – BRENDA CARLISLE – 20 YEARS

Mayor Kindig recognized Brenda Carlisle for 20 years of service to the City

- A. CONSENT AGENDA
- B. APPROVAL OF THE AGENDA AS PRESENTED
- C. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 2, 2010
- D. MONTHLY FINANCIAL REPORT – OCTOBER 2010
- E. REQUEST FOR PAYMENT – THOMPSON DREESSEN & DORNER INC. – PROFESSIONAL SERVICES - \$5,796.90.
- F. REQUEST FOR PAYMENT – HEIMES CORPORATION – LA VISTA FALLS STORM WATER FILTER NO. 1 - \$42,816.00.
- G. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK - \$7,754.00.
- H. REQUEST FOR PAYMENT – VALUATION SERVICES – PROFESSIONAL SERVICES – THOMPSON CREEK - \$500.00.
- I. APPROVAL OF CLAIMS

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

ACI-NEBRASKA CHAPTER, Dues/subscriptions	85.00
ACTION BATTERIES, Supplies	56.85
ADT SECURITY SERVICES, Services	260.31
AFTERNOONER'S, Meals	7.00
ANN TROE, Printing	670.00
ARAMARK UNIFORM, Services	483.55
ASPHALT & CONCRETE MATERIALS, Services	170.20
AVI8ORS ENSEMBLE, LV50	956.25
BAKER & TAYLOR BOOKS, Books/Periodicals	1877.84
BCDM, Services	892.50
BENNINGTON EQUIP, Maintenance	1064.87
BENSON RECORDS Mgmt, Services	34.32

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BLACK HILLS ENERGY, Utilities	1682.16
BNA, Dues/Subscriptions	415.00
BOSTON, JIM, Services	18.00
BRENTWOOD AUTO WASH, Maintenance	119.00
BUILDERS SUPPLY, Bldg & Grnds.	27.60
CARDMEMBER SERVICE, Travel/Training/Meals/Supplies	13036.30
CHARLES SCHWAB & CO, Financial fees	200.00
CITY OF BELLEVUE, Training	200.00
CJ'S HOME CENTER, Supplies	929.45
COLOMBO/PHELPS COMPANY, Concessions	202.81
COMP CHOICE, Services	586.00
COX COMMUNICATIONS, Phone	58.65
CREW OMAHA METRO, Dues	275.00
DANKO EMERGENCY EQUIP, Maintenance	384.27
DULTMEIER SALES & SERVICE, Repair	13.14
EARTHWAY PRODUCTS, Equip.	36.24
EASTERN LIBRARY SYSTEM, Training	15.00
ED M. FELD EQUIP, repair	2124.79
EDGEWEAR SCREEN PRINTING, Wearing apparel	304.00
FAGIN, KAREN, Travel/Meals/Lodging	442.80
FERRELLGAS, Utilities	173.71
FILTER CARE, Maintenance	35.35
FORT DEARBORN LIFE, Insurance	1315.00
FOSTER, TERRY. Wearing Apparel	120.00
GALE, Books	102.29
GALLS, Wearing apparel	12.75
GCR OMAHA TRUCK TIRE, Supplies	615.68
GENUINE PARTS COMPANY, Maintenance	916.58
GEORGE, ROBERT. Travel/Meals	115.31
GRAYBAR ELECTRIC COMPANY, Bldgs & Grnds	55.29
GREAT PLAINS ONE-CALL, Services	538.05
GREAT PLAINS UNIFORMS, Wearing Apparel	139.50
GREENKEEPER COMPANY, Supplies	225.00
HANEY SHOE STORE, wearing Apparel	240.00
HEIMES CORP, Maintenance	67.74
HOTSY EQUIPMENT, Repair	14.42
INSIGHT PUBLIC SECTOR, Services	202.64
INTERSTATE ALL BATTERY, Supplies	64.80
INTERSTATE POWER SYSTEMS, Maintenance	99.56
J Q OFFICE EQUIP, Contract services	797.27
KIMBALL MIDWEST, Maintenance	120.00
KINDIG, DOUGLAS, Meals/Training/Lodging	248.00
KRIHA FLUID POWER, Maintenance	450.53
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LINCOLN NATIONAL LIFE, Insurance	7906.87
LINWELD, Supplies	285.55
LOGAN CONTRACTORS, Maintenance	2852.80
LOU'S SPORTING GOODS, Supplies	234.00
MAPA, Meals	60.00
METRO AREA TRANSIT, Services	638.00
METROPOLITAN COMMUNITY COLLEGE, Utilities/Phone	25231.74
METROPOLITAN UTILITIES DIST, Utilities	503.11
MIDLANDS LIGHTING & ELECTRIC, Bldgs & Grnds	97.42
MID-STATES UTILITY TRAILER, Maintenance	35.76
MIDWEST TAPE, Media	123.68
MONARCH OIL, Maintenance	546.00

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NATIONAL ARBOR DAY FOUNDATION, Dues	15.00
NATIONAL IMPRINT CORPORATION, Supplies	380.15
NEBRASKA GOLF COURSE SUPERIN, Training	35.00
NEBRASKA LAW ENFORCEMENT, Training/Meals/Mlg	86.00
NEBRASKA MUNICIPAL CHIEFS ASSN, Dues	50.00
NEBRASKA MUNICIPAL CLERKS ASSN, Dues	35.00
NEBRASKA NATIONAL BANK, lease	1163.43
NEBRASKA SALT & GRAIN CO, Maintenance	28253.57
NEBRASKA TITLE COMPANY, Acquisition	77613.50
NEBRASKA TITLE COMPANY, Acquisition	95573.17
NEBRASKA TURF PRODUCTS, Bldgs & Grnds.	1875.60
NUTS AND BOLTS INC, Maintenance	47.43
OABR PRINT SHOP, Printing	4111.42
ODEY'S INCORPORATED, Supplies	59.50
OMAHA PUBLIC POWER DISTRICT, Utilities	43208.81
OMAHA WINNELSON, Supplies	319.75
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	172.93
O'REILLY AUTOMOTIVE, Maintenance	537.37
PAPILLION SANITATION, Services	304.11
PARAMOUNT LINEN & UNIFORM, Services	358.26
PAYLESS OFFICE PRODUCTS, Supplies	563.37
PERFORMANCE CHRYSLER JEEP, Maintenance	197.41
PETTY CASH-PAM BUETHE, Meals/Mileage/Travel/LV50	179.72
PETTY CASH-PAM BUETHE, Meals/Mileage/Travel/LV50	74.80
PROSOURCE OF OMAHA, Bldgs & Grnds	80.40
QUALITY BRANDS OF OMAHA, Concessions	130.00
QUICK, TERRILYN, Meals/Mileage/Travel/Training	314.00
QUILL, Supplies	42.88
QWEST, Phone	139.74
QWEST, Phone	11.37
RAINBOW GLASS & SUPPLY, Bldgs & Grnds	78.00
RALSTON ADVERTISING, Supplies	293.19
REGAL AWARDS OF DISTINCTION, Misc.	47.95
RIGHT, RICHARD, Services	80.00
RIGHT, TREVOR, Services	60.00
SAM'S CLUB, Supplies	138.76
SAPP BROS PETROLEUM, Supplies/Fuel	27894.04
SAPP BROS TRUCK STOPS, Supplies/Fuel	896.00
SELECT VAN & STORAGE CO, Relocation	737.50
SOUTHEAST AREA CLERK'S ASSN, Dues	10.00
SUBURBAN NEWSPAPERS INC, Advertising	126.00
SUMMER KITCHEN CAFÉ, Supplies	36.52
TEAM SIDELINE, Services	499.00
TED'S MOWER SALES & SERVICE, Equip repair	112.77
U S ASPHALT COMPANY, Maintenance	70.74
ULTRAMAX, Supplies	1990.00
UNITED STATES POSTAL SERVICE, Postage	200.00
VAN-WALL EQUIP, Equip.	5932.10
WASTE MANAGEMENT NE, Services	1007.71
WELCH, BARBARA J, Relocation	5250.00
WELCH, BARBARA J, Relocation	1150.00
WELLS, DAVID, LV50	135.00
ZOLL MEDICAL CORPORATION, Contract	6061.00

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## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council that their donations could be made at any time for the Chili Feed on November 29 and if they wish to volunteer to help they should let staff know.

Finance Director Lindberg informed Council that the City will begin accepting credit cards for payment and the Library, City Hall and the Community Center beginning November 17 and the minimum will be posted at \$10.00.

Public Works Director Soucie stated that the snow plow training run was done on November 8, 2010 and that crews were called out for snow removal on November 12. Bridge inspections have been completed for the year. Another stormwater grant has been awarded for \$28,000.00 and public works is working on a project for that money. The Harrison Street bridge repairs between 118<sup>th</sup> and 124<sup>th</sup> have begun and should be completed in December. The Giles Road project is substantially complete. There is work being done on the warning signals as there is some interference with the wireless. Leaf collection day was successful. The traffic signals on Brentwood intersections will change to yellow flashing from east to west as there doesn't appear to be the traffic counts to make vehicles sit at those lights and wait. I will be monitored.

Public Buildings and Grounds Director Archibald reported that the new work order system is almost in place and ready to use. It will be simpler to use and better for tracking work orders. Archibald stated the annual shredding event was at the same time as the leaf collection at public works and over 2 tons of paper was shredded. The wireless dishes between facilities were aligned today.

Recreation Director Stopak informed Council that the Park and Recreation board would be holding the second special meeting on November 17, 2010 to present some of the proposed park plans for individual parks within the mater park plan.

Library Director Barcal Informed Council that \$335.00 was raised for the library during the Great books for Great kids event at Runza. Grants have been received for adult education programs and for computers and training of staff and the public on these computers.

## B. THOMPSON CREEK HAZARD MITIGATION PROJECT – PURCHASE OF REAL PROPERTY

### 1. PUBLIC HEARING

At 7:15 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Thompson Creek hazard mitigation project – purchase of real property.

At 7:16 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### 2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-139; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF SEVEN HOMES FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THESE SITES

WHEREAS, the owners of the homes located at 7213 Park View Blvd., 7301 Park View Blvd, 7413 Park View Blvd., 7603 Park View Blvd, 7602 S. 73<sup>rd</sup> Ave., 7409 Park View Blvd., and 7608 Valley Rd (together the homes are referred to herein as "Sites"), desire to sell the Sites to the City, and the City desires to purchase the Sites from the owners.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Sites; and.

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- (iii) Proposed purchase agreements for the Sites have been presented to the City Administrator by the owners of the Sites in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price approved by the City Administrator, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Sites or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Sites, to be held during the regular City Council meeting on November 4, 2010; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (vii) The City obtained appraisals of the Sites from a certified real estate appraiser, which appraisals established each Site's fair market value, and which appraisals the City Administrator found satisfactory.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Sites as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

## **C. RESOLUTION – DEPARTMENT OF ROADS MAINTENANCE AGREEMENT – 84<sup>TH</sup> STREET**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-140: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AGREEMENT #112 WITH THE NEBRASKA DEPARTMENT OF ROADS FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84TH STREET).

WHEREAS, the Nebraska Department of Roads is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84<sup>th</sup> Street) which lies within the City of La Vista's corporate boundaries; and

WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Roads for maintenance of that portion of Highway N-85 (84<sup>th</sup> Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2011 to December 31, 2011.

Seconded by Councilmember Crawford. Councilmember Carlisle asked when the City would have possession of the 84<sup>th</sup> Street in La Vista. City Administrator Gunn stated that a letter had been sent to the state which was the next step in the process the City was instructed to do so we are anticipating this will happen in the near future. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## **D. RESOLUTION – SURPLUS EQUIPMENT**

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Councilmember Sell introduced and moved for the adoption of Resolution No. 10-141; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE.

WHEREAS, the Public Works Director has recognized the following equipment as surplus; #452, #418, #511, #1113, #1124 and #7739; and

WHEREAS, the City Administrator and Public Works Director recommend that the above mentioned equipment be declared surplus and sold.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that equipment numbers 452, 418, 511, 1113, 1124 and 7739 be declared surplus property and sold.

AND BE IT FURTHER RESOLVED that the revenue from the sale will be deposited into the general funds of the City.

Seconded by Councilmember Gowan. Public Works Director Soucie stated that they will not be selling the Crown Victoria yet as they have another one and are working to salvage parts to make one vehicle in running order to be used by the parks and street departments. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## **E. RESOLUTION – LOADER TIRE PURCHASE**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-142; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF FOUR (4) NEW LOADER TIRES FOR THE PUBLIC WORKS DEPARTMENT FROM HEARTLAND TIRES & TREADS FOR APPROXIMATELY \$7,433.60.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of four new loader tires is necessary, and

WHEREAS, Shop Foreman Ray Crane has solicited bids, and

WHEREAS, the Fiscal Year 2010/11 General Fund Street Operating Budget provides funding for said purchase, 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.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of four (4) new loader tires for the Public Works Department from Heartland Tires & Treads, Omaha, Nebraska for approximately \$7,433.60

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

## **F. SPECIAL ASSESSMENTS** **1. PUBLIC HEARING**

At 7:19 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:20 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-143; 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

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TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
12907 Chandler St., Lot 73/Millard Highlands South 2<sup>nd</sup> Platting, \$512.35;  
7354 S. 70<sup>th</sup> St., Lot 202/La Vista Replat, \$416.86;  
12948 Chandler St., Lot 49/Millard Highlands South 2<sup>nd</sup> Platting, \$372.56;  
12958 Margo St., Lot 15/ Millard Highlands South 2<sup>nd</sup> Platting, \$275.54;  
7312 Lillian Ave., Lot 533/La Vista Replat, \$303.69; and  
7501 Lillian Ave., Lot 547/La Vista Replat, \$171.17  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or 94.06, 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. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

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

## COMMENTS FROM THE FLOOR

None.

## G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:22 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for contract negotiations. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:04 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmembers Sheehan and Gowan commented on how well the Veteran's Day Event went. Mayor Kindig reminded the Council that the Gala is coming up on December 31<sup>st</sup> and encouraged them to tell people about attending the event and sponsoring the event. City Administrator Gunn stated that it is hoped this will be a signature event for the La Vista Community Foundation.

At 8:09 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

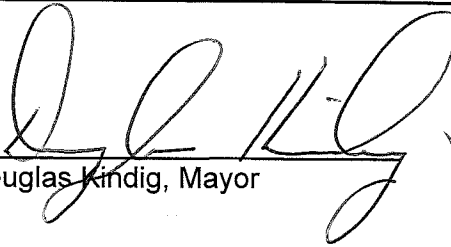
PASSED AND APPROVED THIS 7TH DAY OF DECEMBER, 2010

CITY OF LA VISTA

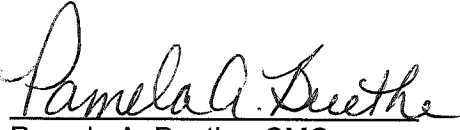
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Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk