

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING May 6, 2008

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 6, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, 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 24, 2008. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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.

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

Mayor Kindig presented a proclamation to City Clerk Pam Buethe for Municipal Clerks' Week.

Mayor Kindig presented a proclamation to Community Director Ann Birch for Building Safety Week.

Mayor Kindig presented a proclamation to Police Chief Bob Lausten for National Police Week.

Mayor Kindig presented a proclamation for Public Service Recognition Week to all City employees.

PRESENTATIONS – LEADERSHIP SARPY CLASS PROJECTS

Two groups from Leadership Sarpy gave presentations to the Mayor and Council on 84th Street rejuvenation ideas. One presentation featured a Farmer's Market in the parking lot at the old Wal-Mart or Brentwood Square, the other a complete renovation of the Wal-Mart property with office, retail, and green space.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 15, 2008**
- 3. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM
APRIL 16, 2008**
- 4. PAY REQUEST NO. 5 FROM LEO A DALY FOR MUNICIPAL FACILITIES PLAN -
\$15,000.00**
- 5. PAY REQUEST FROM DOUGLAS COUNTY ENGINEER FOR BRIDGE
REHAB – 93RD & HARRISON - \$23,096.70**
- 6. KEYSTONE TRAIL**
- a. PAY REQUEST NO. 7 FROM THOMPSON, DRESSEN & DORNER, INC. FOR
PROFESSIONAL SERVICES - \$2,137.45**
- 7. APPROVAL OF CLAIMS**

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Ellerbeck. 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

ACCENT DRYWALL SUPPLY, Bldg & Grnds	99.84
ACTION BATTERIES, Vehicle Supplies	96.74
ADT SECURITY, Contract Services	221.69

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AIR POWER, Equip. Repair	55.50
ALADDIN CUSTOM SPORTSWEAR, Wearing Apparel	29.46
ALAMAR UNIFORMS, Wearing Apparel	119.98
AMERICAN LEGAL, Contract Services	250.00
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	132.73
APWA-AMER PUBLIC WORKS ASSN, Dues	133.00
AQUILA, Utilities	19.72
ARAMARK UNIFORM, Contract Services	176.22
ASPHALT & CONCRETE MATERIALS, Street Maint.	253.97
ASSOCIATED FIRE PROTECTION, Inspection	53.50
AUSTIN PETERS GROUP, Professional Services	3,697.50
BAKER & TAYLOR BOOKS, Books	1,389.48
BAKER, MARCUS, Auto Allowance	50.00
BARONE SECURITY SYSTEMS, Contract Services	780.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	909.95
BETTER BUSINESS EQUIPMENT, Rentals	41.31
BIRCH, ANN, Travel/Auto Allowance	247.00
BOLEY, MIKE, Travel	71.00
BRENTWOOD AUTO WASH, Vehicle Maint.	184.00
BRODART, Books	514.71
BUETHE, PAM, Auto Allowance/ Travel/Supplies/Training	467.76
BUILDERS SUPPLY, Bldg & Grnds	198.89
CANFIELD'S SPORTING GOODS, Equipment	659.98
CAREERTRACK, Training	195.00
CARSTENSEN, RICH, Travel	95.60
CITY OF OMAHA, Contract Services	38,401.44
COMP CHOICE, Professional Services	525.00
CORBIT, JEFF. Auto Allowance	100.00
DANIELSON/TECH SUPPLY, Bldg & Grnds	260.00
DILLON BROS HARLEY DAVIDSON, Vehicle Maint.	535.52
DIVERSE MEDIA, Media	115.60
DON'S PIONEER UNIFORMS, Wearing Apparel	5,234.47
EBEL, TY, Travel	71.00
ED M. FELD EQUIPMENT, Vehicle Maint.	55.52
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,300.50
ELECTRIC FIXTURE & SUPPLY, Bldg & Grnds	100.24
ELECTRIC SPECIALTIES, Contract Services	120.00
ELECTRONIC ENGINEERING, Vehicle Maint.	104.41
ENSLOW PUBLISHERS, Books	24.95
ENTERPRISE LOCKSMITHS, Bldg & Grnds	248.00
ERICKSON, RANDALL, Auto Allowance	100.00
ERICKSON, RANDY, Travel	71.00
ESRI, Contract Services	2,100.00
EYE ON AMERICA TV, Professional Services	19,700.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	11.01
FEDEX KINKO'S, Printing	20.45
FEDEX, Postage	42.60
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	28.00
FLEET US, Bldg & Grnds	2,224.40
GALE, Books	94.47
GALL'S, Wearing Apparel	942.19
GASSERT, MIKE, Contract Services	66.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	122.00
GLESMANN, SABRINA, Refund	15.00
GOLDMAN, JOHN, Telephone	40.00
GRAYBAR ELECTRIC, Bldg & Grnds	487.68
GUNN, BRENDA, Travel	475.00
H & H CHEVROLET, Vehicle Maint.	95.27
HAMILTON COLOR LAB, Professional Services	485.00
HANEY SHOE STORE, Wearing Apparel	120.00
HANNEBAUM GRAIN, Ice Control Salt	2,663.99
HARM'S CONCRETE, Street Maint.	68.00
HELGET GAS, Squad Supplies	73.00
HENKE MANUFACTURING, Equipment	393.00
HIGHSMITH CO, Supplies	785.34
HOSE & HANDLING, Vehicle Maint.	39.84

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HUSKER MIDWEST PRINTING, Printing	166.60
HY-VEE, Supplies	45.00
INLAND TRUCK PARTS, Vehicle Maint.	1,497.55
INSIGHT TECHNOLOGY, Contract Services	1,600.80
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	955.68
JOE'S TOWING & REPAIR, Vehicle Maint.	84.00
KAVALEC, NANCY, Fees	65.00
KILE, TIM, Refund	35.00
KINDIG, DOUGLAS, Travel/Telephone/Auto Allowance	405.00
KLINKER, MARK, Professional Services	200.00
LAMP RYNEARSON/ASSOCIATES, Professional Services	318.84
LANDS' END, Wearing Apparel	50.50
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	308.00
LEO A DALY, Planning	9,000.00
LIBRA SAFETY PRODUCTS, Supplies	24.00
LINDBERG, SHEILA, Travel	305.00
LINWELD, Street Maint/Supplies	263.90
LODES, CHRIS, Contract Services	90.00
LOGAN CONTRACTORS SUPPLY, Bldg & Grnds	276.36
LONG, JULIE, Fees	65.00
LOU'S SPORTING GOODS, Wearing Apparel	600.00
LUKASIEWICZ, BRIAN, Telephone	40.00
LYMAN-RICHEY SAND & GRAVEL, Bldg & Grnds	191.26
MAX I WALKER CLEANERS, Uniform Cleaning	146.45
MCKAY, DONALD, Travel	71.00
MENARDS-BELLEVUE, Equip Repair	199.99
METAL SUPERMARKETS, Bldg & Grnds/Vehicle Maint.	169.26
METROPOLITAN COMM COLLEGE, Trng/Utilities/Phone/Cont. Serv.	14,544.61
MICHAEL TODD AND COMPANY, Vehicle Maint.	480.00
MID AMERICA PAY PHONES, Telephone	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	19.78
MIDWEST TAPE, Media	14.99
MIDWEST TURF & IRRIGATION, Equip Maint.	900.18
MILLER BRANDS, Concessions	169.90
MILLER, RALPH, Travel	52.59
MISCHO, SHEILA, Refund	30.00
MONARCH OIL, Street Maint.	231.00
MOORE WALLACE, Printing	487.52
MUCKEY, CHRIS, Contract Services	135.00
MUD, Utilities	763.95
MYERS TIRE, Vehicle Maint.	607.93
NATIONAL IMPRINT, Supplies	346.03
NE DEPT OF LABOR, Insurance	3,186.00
NE DEPT OF REVENUE, Lottery Tax	79,411.70
NE LANDSCAPE SOLUTIONS, Supplies	5,544.10
NE NATIONAL BANK, Cart Lease	660.00
NE SNOW EQUIPMENT, Vehicle Maint.	117.98
NEBRASKA IOWA SUPPLY, Vehicle Supplies	36,662.54
NEBRASKA TURF PRODUCTS, Supplies	4,835.75
NEW YORK TIMES, Books	26.00
NEXTEL, Telephone	471.25
NLA PUBLIC LIBRARY SECTION, Training	15.00
OFFICE DEPOT, Supplies	854.46
O'KEEFE ELEVATOR, Bldg & Grnds	867.50
OMAHA COMPOUND COMPANY, Bldg & Grnds	149.71
OMG MIDWEST, Bldg & Grnds	225.66
OMNIGRAPHICS, Books	61.63
ORIENTAL TRADING COMPANY, Supplies	50.19
OVERHEAD DOOR, Bldg & Grnds	287.00
PAPILLION SANITATION, Contract Services	221.52
PAPILLION TIRE, Vehicle Maint.	182.55
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	463.74
PARTEE TYME STAGES, Reviewing Stand	300.00
PAYLESS, Supplies	372.10
PERFORMANCE DODGE, Vehicle/Equip.	31,499.00
PITNEY BOWES, Meter Lease	221.00

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PRECISION INDUSTRIES, Bldg & Grnds	316.25
PREMIER-MIDWEST BEVERAGE, Concessions	104.10
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROJECT HARMONY, Contract Services	300.00
PROPERTY SERVICES, Supplies	198.00
PRUCH, DAN, Fees	85.00
PSI PLASTIC GRAPHICS, Supplies	446.46
QUALITY BRANDS, Concessions	548.90
QUILL CORPORATION, Supplies	62.82
QWEST, Telephone	2,347.90
RAMIREZ, JOHN, Contract Services	66.00
RAMIREZ, RITA, Auto Allowance/Travel	380.00
READY MIXED CONCRETE, Street Maint.	137.20
REINSCH, DARLENE, Refund	165.00
SAFE KIDS WORLDWIDE, Training	60.00
SALEM PRESS, Books	396.00
SAPP BROS PETROLEUM, Equip Maint.	122.96
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SCHOLASTIC LIBRARY PUBLISHING, Books	247.00
SID 195 - MAYFAIR, Sewer Fees	4,956.00
SMITH, MELANIE, Auto Allowance	100.00
SNITILY CARR, Professional Services	633.70
SOFTCHOICE, Software	529.65
SOUCIE, JOSEPH, Telephone	30.00
SOUTHEAST AREA CLERK'S ASSN, Travel	80.00
SOUTHEAST LIBRARY SYSTEM, Training	10.00
SPRINT, Telephone	122.86
STERIL MANUFACTURING, Bldg & Grnds	75.00
STOPAK, SCOTT, Travel	371.66
SUBURBAN NEWSPAPERS, Legal Advertising	152.40
SUN COUNTRY, Bldg & Grnds	150.53
SUTPHEN, Vehicle Maint.	275.03
TARGET BANK, Supplies	83.55
TED'S MOWER SALES & SERVICE, Equip Maint.	64.08
THOMAS, BROOKE, Fees	65.00
THOMPSON DREESSEN & DORNER, Designs/Prof. Services	17,022.19
TURF CARS, Golf Carts	52.14
U S ASPHALT COMPANY, Street Maint.	672.02
UNITED RENTALS, Rentals	27.36
UNITED SEEDS, Supplies	150.00
UNIVERSITY OF NE LINCOLN, Training	100.00
USPS, Postage	1,296.91
VERIZON, Telephone	35.59
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equip	835.20
WASTE MANAGEMENT, Bldg & Grnds/Contract Services	972.70
WATKINS CONCRETE BLOCK, Bldg & Grnds	64.80
WHITE CAP CONSTRUCTION, Street Maint.	194.83
WORLD POINT ECC, Training	888.05
YANKEE HILL BRICK & TILE, Bldg & Grnds	30.57
ZIMCO SUPPLY COMPANY, Supplies	1,287.65

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that Thompson Creek survey results will go out later this week, or the first of next week. She stated that part of the Thompson Creek funding will be for elevations of properties, which will be surveyed next week.

Police Chief Lausten thanked Councilmember Gowan for his presentation at the D.A.R.E program. Lausten stated that a lot of traffic, due to the closing of Harrison Street, has been diverted to Giles Road. The police department is working to cover the additional traffic.

Recreation Director Stopak informed Council of a new youth recreational competitive baseball league at the Recreation Center. Fees will be added for competitive leagues. Councilmember Sheehan asked about the possibility of having former Husker players teach a youth football camp. He also mentioned doing this, at the Sports Complex during a fund raiser for NETV, which will be at the Conference Center. Councilmember Sell asked if financial aide was available for this new youth baseball league. Stopak responded that financial aide is available

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so that all income levels have an opportunity to try out. Mayor Kindig asked about having businesses provide shirts for the youth leagues. Stopak stated that the Recreation Department is trying to arrange for sponsorships.

Public Works Director Soucie informed Council that the water feature, at the City parking lot, is up and running. Soucie informed Council that the City has received a \$52,000 grant from the NRD for state enhancement, with the funds being split evenly with the Keystone Trail project. Soucie stated that the retaining wall on Harrison Street between 78th Street and 80th Street will be repaired beginning May 19th. Soucie informed Council that Harrison Street is closed due to a street project headed up by the City of Omaha for this street widening project and will be closed until August. This has caused a problem for River City Recycling, which cannot go north or east. Councilmember Sell asked if the company would take their smaller trucks to the North or East and Soucie said they would, this alternate route would only be for the large trucks that are not able to go the other way. Councilmember Carlisle asked about additional signs in the area telling people about the construction. Soucie stated that the Public Works department is working with Omaha on solutions to the issues.

Public Works Director Soucie reported that Brady Small won 3rd place in the backhoe competition and Dennis Iversen placed 2nd in the skid loader competition at the recent Snow Plow Rodeo.

B. BOARD OF EQUALIZATION – LEVY OF SPECIAL ASSESSMENTS - SOUTHPORT WEST **(ADJOURNED FROM 3/18/2008 MEETING)**

1. PUBLIC HEARING (CONTINUED FROM 3/18/2008 MEETING)

At 8:04 Mayor Kindig stated that the Mayor and Council were now meeting as a Board of Equalization and in public hearing with regard to proposed special assessments in Southport West, continued and adjourned from March 18, 2008. Councilmember Ellerbeck abstained due to a conflict of interest. Mayor Kindig asked if there was anyone in the audience who wanted to comment on the matter. There were no comments from the audience.

At 8:05 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Gowan. Nays: None. Abstain: Ellerbeck. Absent: None. Motion carried.

2. RESOLUTION – LEVY SPECIAL ASSESSMENTS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-039: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA EQUALIZING AND LEVYING SPECIAL ASSESSMENTS TO PAY FOR THE IMPROVEMENTS TO SOUTHPORT WEST, FORMERLY SID NO. 253

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:

Section 1. The Mayor and Council find and determine: (a) that by ordinance duly passed and approved, the territory located in former Sanitary and Improvement District No. 253 of Sarpy County, Nebraska, ("Southport West") has been annexed and that public improvements benefiting properties within Southport West have been constructed; (b) that in accordance with Neb. Rev. Stat. Section 31-763 (Reissue 2004), the City may exercise the authority to levy special assessments for such improvements to the same extent as the district may have levied; (c) that the public improvements in Southport West have been completed and accepted, as evidenced by the certificate of acceptance on file with the City Clerk and approved by the Mayor and City Council, and a statement of costs, plat of area in Southport West and schedules for proposed assessment (the "Schedule"), including any recommended revisions, have been prepared, presented to the Mayor and Council and received and placed on file with the City Clerk; (d) that the Mayor and Council have heretofore designated this time and place to sit as a Board of Equalization for holding a public hearing and considering levying special assessments upon property located in Southport West; (e) that notice of the time and place of holding this meeting and public hearing for said purposes has been duly given as provided by statute by publication in the *Papillion Times*, a newspaper published and of general circulation in this City; for not less than twenty (20), nor more than thirty (30), days before the time designated therein for holding this meeting and said public hearing, said publication being made on the same day in each week for two consecutive weeks in the issues of said paper published on April 10 and April 17, 2008 and by mailing a copy of such notice and a copy of the schedule of proposed assessments to each record owner or mortgagee of property proposed to be specially assessed or other interested person; (f) that the Mayor and Council have at this session heard all persons who desired to be heard in reference to the proposed assessments, special benefits or damages by reason of the construction of said improvements; and (g) that, based upon the advice of the

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City's engineer, the Mayor and Council hereby determine that the amounts shown on the Schedule represent, as to each listed property, the special benefit to such property as served by such improvements within Southport West and should be specially assessed against such property.

Section 2. The Mayor and Council, acting as a Board of Equalization pursuant to Neb. Rev. Stat. Section 16-707 (Reissue 1997), find and determine, after hearing, that all of the benefited properties are as set forth in the Schedule and none of the properties in Southport West have been damaged by said improvements, and such amounts as set forth in the Schedule for each property are hereby determined and equalized and it is further declared and determined that none of such assessments exceeds the benefits upon the respective properties as set forth in the Schedule, which Schedule is hereby incorporated in this resolution by reference.

Section 3. The special assessments as shown in the Schedule for each benefited property are hereby levied upon the respective properties to which they apply as set forth in the Schedule. Said special assessments shall be a lien on each of said properties against which they are assessed as shown on said Schedule from and after the date of levy and shall become due within fifty (50) days after the date of this levy and may be paid within that time without interest but if not so paid shall bear interest at the rate of 6% per annum (or at any lower rate as may be required by law) until delinquent. Said special assessments shall become delinquent in equal annual installments over a period of ten (10) years in accordance with Neb. Rev. Stat. Section 31-753 (Reissue 2004), with the first such installment due fifty (50) days after the date of adoption of this resolution. Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. If three or more installments shall be delinquent, the Mayor and City Council may declare all of the remaining installments to be at once delinquent, as permitted under applicable law, and such installments declared delinquent shall bear interest at the rate specified in Neb. Rev. Stat. Section 45-104.01 (Reissue 2004), as such rate may from time to time be adjusted by the Legislature, until paid and may be collected the same as other delinquent installments may be collected. The assessments hereby levied shall be collected in the same manner as general taxes and shall be subject to the provisions of Neb. Rev. Stat. Section 77-1917.01 (Reissue 2003).

Section 4. The Mayor and Council hereby direct that notice that special assessments are due shall be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institutions or other party responsible for paying such special assessments, along with such other notice as necessary or advisable.

Section 5. This resolution shall be in force and effect immediately and shall be certified as provided by law to the County Clerk and County Treasurer of Sarpy County for entry upon the proper tax lists.

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

At 8:06 p.m. Councilmember McLaughlin made a motion to adjourn as a Board of Equalization. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Gowan. Nays: None. Abstain: Ellerbeck. Absent: None. Motion carried.

C. CALL FOR REDEMPTION OF BONDS AND REFUNDING SERIES 2008 BOND ISSUE

City Administrator Gunn asked Council to table the 4 resolutions and 1 Ordinance.

1. RESOLUTION – CALL OF VARIOUS PURPOSE BONDS, 2001 SERIES FOR REDEMPTION

Tabled

2. RESOLUTION – CALL OF VARIOUS PURPOSE BONDS, 2002 SERIES FOR REDEMPTION

Tabled

3. RESOLUTION – CALL OF GENERAL OBLIGATION BONDS, 2001 SERIES FOR REDEMPTION

Tabled

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4. RESOLUTION – CALL OF GENERAL OBLIGATION BONDS, 2002 SERIES FOR REDEMPTION

Tabled

5. ORDINANCE – REFUNDING SERIES 2008 BOND ISSUE

Tabled

Dan Smith with D.A. Davison reported to Council that this refunding will be a cost savings to the City of over \$900,000.00 and the City rating is very good. They are currently seeking the insurance to back these bonds and hope to have this before the next Council meeting.

Councilmember Ellerbeck made a motion to table the resolutions and ordinance in Agenda Item C. until the May 20, 2008 City Council meeting. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. ORDINANCES – AMEND AND ADD SECTIONS TO CHAPTER 91: FIRE REGULATIONS OF THE MUNICIPAL CODE

1. ORDINANCE – AMEND SECTION 91.08 OF MUNICIPAL CODE – FIREPLACES AND INDOOR INCINERATORS

Councilmember Carlisle introduced Ordinance No. 1057 entitled: AN ORDINANCE TO AMEND SECTION 91.08 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO FIREPLACES AND INDOOR INCINERATORS; TO REPEAL SECTION 91.08 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. Councilmember Ellerbeck stated that he felt the City was going a bit overboard with the amended ordinance. The Mayor then stated the question was, "Shall Ordinance No.1057 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Gowan. The following voted nay: Ellerbeck. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

2. ORDINANCE – ADD SECTION 91.061 AND 91.062 TO MUNICIPAL CODE – DEFINITIONS AND RESTRICTIONS

Councilmember Quick introduced Ordinance No. 1058 entitled: AN ORDINANCE TO PROVIDE FOR OPEN BURNING: OUTDOOR RECREATIONAL FIRES; AND TO PROVIDE FOR 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, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance. Councilmember Sell seconded the motion for final passage. Councilmember Ellerbeck stated he would like time to go through the ordinance. Councilmember Sheehan stated he felt the City is being too restrictive. Fire Chief Uhl stated that currently it is against the law for any type of open burning which includes fire pits, except as provided in Ordinance 1058. He stated that this ordinance would allow such activity and would give requirements in order to protect the safety and health of the residents and their property and provide appropriate standards for the City to assess situations when responding to complaints.

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Council discussed the additions of section 91.061 and 91.062 to the Municipal Code and indicated a desire for more time to analyze Ordinance No. 1058. Councilmember Carlisle then amended her motion of final passage to a motion to table the Ordinance at this time, to which amendment Councilmember Sell agreed. Councilmembers voting aye on the motion as amended: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

3. ORDINANCE – ADD SECTION 91.09 TO MUNICIPAL CODE – BURNING MATERIALS ALLOWED AND NOT ALLOWED

Councilmember Gowan introduced Ordinance No. 1059 entitled: AN ORDINANCE TO PROVIDE FOR OPEN BURNING: OUTDOOR RECREATIONAL FIRES; AND TO PROVIDE FOR 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, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Quick. Councilmember Ellerbeck stated the he felt this ordinance needs some fine tuning. The Mayor then stated the question was, "Shall Ordinance No.1059 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Gowan. The following voted nay: Ellerbeck. 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.

E. RESOLUTION – AWARD CONTRACT – GOLF COURSE CART PATHS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-044: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO TAB CONSTRUCTION COMPANY, OMAHA, NEBRASKA, FOR INSTALLATION OF CONCRETE CART PATHS ON FAIRWAY #2 AND #3 AT THE GOLF COURSE IN AN AMOUNT NOT TO EXCEED \$13,561.00.

WHEREAS, the City Council of the City of La Vista has determined that the proposed construction improvements are necessary; and

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

WHEREAS, the Public Works Department solicited bids and recommends that a contract be awarded to TAB Construction Company, as the low qualified bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to TAB Construction Company, Omaha, Nebraska, for installation of concrete cart paths on fairway #2 and #3 at the Golf Course in an amount not to exceed \$13,561.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember McLaughlin. City Administrator Gunn explained the drawing in the Council packet which is marked out at \$10,000 and the additional \$3,561.00. Councilmember Sheehan asked if the City would make up funds with fees by the end of the fiscal year. Councilmember McLaughlin stated the City should complete the work for the amount budgeted and not rely on fees. A discussion was held on the costs, the layout and possible changes to the path. Councilmember Sell stated that the cost of materials will continue to rise at a rapid pace and feels now is the time to complete this path. Councilmember Sheehan stated he would be more comfortable if there was a current source from which to take the additional money rather than to rely on fees not yet collected. Gunn stated that the Lottery Fund contribution could be increased to cover this cost. Sheehan stated he would rather see that. Councilmembers voting

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aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. Nays: Sheehan and McLaughlin. Absent: None. Motion carried.

F. AMENDMENT TO CDBG RECOVERED PROGRAM INCOME REUSE PLAN

1. PUBLIC HEARING

At 8:43 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Amendment to CDBG Recovered Program Income Reuse Plan.

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

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AMENDING THE CDBG RECOVERED PROGRAM INCOME REUSE PLAN FOR ECONOMIC DEVELOPMENT TO ADD THE NATIONAL OBJECTIVE OF THE ELIMINATION OF SLUMS AND BLIGHT AND TO ALLOW PROJECTS INVOLVING PUBLIC INFRASTRUCTURE FOR ECONOMIC DEVELOPMENT ACTIVITIES OR THE REMOVAL OF BLIGHTED CONDITIONS, INCLUDING THE PLANNING OR ENGINEERING STUDIES NECESSARY TO DESIGN A PROJECT.

WHEREAS, the City of La Vista adopted a CDBG Recovered Program Income Reuse Plan for Economic Development on May 6, 1997; and

WHEREAS, on May 18, 2004, the City Council approved Resolution No. 04-054 to amend the Plan to allow loan servicing costs as an eligible cost; and

WHEREAS, based on discussions with the Metropolitan Area Planning Agency, staff is recommending amendments to the Plan to add the national objective of the elimination of slums or blight and to allow projects involving public infrastructure for economic development activities or the removal of blighted conditions, including the planning/engineering studies necessary to design a project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby amend the CDBG Recovered Program Income Reuse Plan for Economic Development by adding amendments to Parts II and III which add the national objective of the elimination of slums or blight and to allow projects involving public infrastructure for economic development activities or the removal of blighted conditions, including the planning/engineering studies necessary to design a project.

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

G. RESOLUTION – SPECIAL DESIGNATED LICENSE – GLORY DAYS INC. DBA J-BIRDS FOOD & SPIRITS LOUNGE – MAY 31, 2008

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-046: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOL AT GLORY DAYS INC DBA J BIRDS FOOD AND SPIRITS LOUNGE MAY 31, 2008, IN CONJUNCTION WITH THE ANNUAL LA VISTA FIRE DEPARTMENT GOLF TOURNAMENT.

WHEREAS, Glory Days Inc dba J Birds Food and Spirits Lounge is located within the City of La Vista; and

WHEREAS, Glory Days Inc dba J Birds Food and Spirits Lounge has requested approval of a Special Designated Permit to sell alcohol in an outdoor area at their establishment May 31, 2008 from 11:00 a.m. to 3:00 p.m., in conjunction with the annual La Vista Fire Department Golf Tournament.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Glory Days Inc dba J Birds Food and Spirits Lounge to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell alcohol in an outdoor area at their

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establishment on May 31, 2008, in conjunction with the annual La Vista Fire Department Golf Tournament.

Seconded by Councilmember McLaughlin. Jay Brown, representing Glory Days, Inc. was in attendance to answer any questions. Councilmember Sell inquired as to where the tournament will be held. The tournament will be held at Tara Hills Golf Course. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Sheehan 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor and that any person desiring to make comments limit them to 3 – 5 minutes. Martin Ware, of La Vista, addressed Council and stated that he has been working 40 years to keep the City from becoming run-down. He stated the La Vista Police Department informs people they were asked to go to a scene because of him. Mr. Ware said there is a federal law to keep the sidewalk for pedestrian use only. He also sees vehicles parked on the side of the street which is designated as a no parking area. Mr. Ware stated that he is doing what he can to make sure City ordinances are properly followed.

Mary Vinzant, 8010 S. 66th Ave in La Vista, addressed Council to tell them she votes for council to protect her rights. Two weeks ago she received a note from people who are moving into her neighborhood. She said up to 6 residents will live in the home. With a group home in the neighborhood, there will be a decrease in property value and her property will see a \$50,000 decrease in value. She would like to be compensated for the difference.

Tony Harris, 8016 S. 66th Ave in La Vista, addressed Council to echo the words of Ms. Vinzant. His house is his investment, and he has concerns that the property value will decrease with the group home. He stated the covenant in Hunters Creek is for family units. This will not be a family household.

Tracy Hartman, 8021 S. 66th Ave in La Vista, addressed Council to inform them her residence is next door to the property in question. She stated the subdivision covenants talk about changes which cannot be done. She wants to know if the city is going to look at construction changes to be sure they are in compliance with building regulations.

Mayor Kindig responded that the City will listen to residence comments and will review the situation.

Mo Moravec, addressed Council to state that fair housing does not preempt zoning. The subdivision covenants allow for single family dwellings and that no home should be altered.

H. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE – KENO LOTTERY; STRATEGY SESSION/NEGOTIATING GUIDANCE - INTERLOCAL AGREEMENT

At 9:07 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session/Negotiating Guidance – Keno Lottery and Strategy Session/Negotiating Guidance – Interlocal Agreement. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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 10:10 p.m. the Council came out of executive session. Councilmember McLaughlin made a motion to reconvene in open and public session, noting that the discussion in executive session was limited to the subject matter contained in the original motion. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan asked if Council could receive a copy of the internal incident report of the Safety Committee. City Administrator Gunn stated that staff would supply that information. Councilmember Sheehan also stated that discussion needs to be held regarding the future of Fire Station 1 which was discussed with the Municipal Facility Plan Group. Councilmember

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Ellerbeck feels the Group for the Municipal Facility Plan had good discussion and this Plan will be a good tool moving into the future.

Councilmember McLaughlin stated he would like to revisit the possibility of having City Hall open on Friday afternoons. City Administrator Gunn stated that having the office closed on Friday afternoons helps staff concentrate on projects, filing, and other administrative duties which require time spent in other areas of the building and away from the phones and counter. Councilmember McLaughlin stated that citizen's should have access to City Hall on Friday afternoons. Gunn will have staff compile information for council regarding the benefit of this.


At 10:24 p.m. Councilmember McLaughlin made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF MAY 2008.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\May 6, 2008