

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 1, 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 July 1, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Absent: McLaughlin. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Street Superintendent Goldman, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on June 19, 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 at City Hall during normal business hours.

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

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM JUNE 17, 2008
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM JUNE 19, 2008
4. APPROVAL OF BOARD OF ADJUSTMENT MINUTES FROM MAY 15, 2008
5. PAY REQUEST NO. 7 FROM LEO A DALY FOR MUNICIPAL FACILITIES
PLAN - \$3,000.00
6. KEYSTONE TRAIL
- a. PAY REQUEST NO. 9 FROM THOMPSON, DREESSEN & DORNER, INC. FOR
ENGINEERING SERVICES - \$250.12
7. APPROVAL OF CLAIMS

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

A & M GREEN POWER, Equipment	73,995.82
AA WHEEL & TRUCK, Vehicle Maint.	138.24
ACTION BATTERIES, Vehicle Supplies	376.63
ALAMAR UNIFORMS, Wearing Apparel	169.96
AMAZING ARTHUR, Summer Reading Program.	200.00
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	248.93
APPLE BOOKS, Books	121.65
APWA-AMER PUBLIC WORKS ASSN, Postage	54.01
AQUA-CHEM, Supplies/Bldg & Grnds	203.50
AQUILA, Utilities	42.39
ARAMARK UNIFORM SERVICES, Contract Services	210.31
ART F/X SCREEN PRINTING, Wearing Apparel	111.25
ASPHALT & CONCRETE MATERIALS, Street Maint.	39.36
ASSOCIATED FIRE PROTECTION, Vehicle Maint.	157.50
BAKER & TAYLOR BOOKS, Books	934.54
BAKER, MARCUS, Auto Allowance	50.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	450.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Bldg & Grnds/Vehicle Maint.	355.96
BETTER BUSINESS EQUIPMENT, Rental	40.30
BIRCH, ANN, Auto Allowance	50.00
BOB'S RADIATOR REPAIR, Vehicle Maint.	139.00
BRADLEY, KIRSTEN, Travel	86.00
BRODART, Books	177.83
BROWN TRAFFIC PRODUCTS, Traffic Signs	48.00
BUETHE, PAM, Auto Allowance/Travel/Supplies/Concessions	212.43

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BUILDERS SUPPLY, Bldg & Grnds	17.08
CAMPBELL, ERIKA, Refund	15.00
CITY OF OMAHA, Contract Services	680.70
CIVIC PLUS, Contract Services	10,100.00
COCA-COLA, Concessions	309.62
COMP CHOICE, Professional Services	3,587.50
CORBIT, JEFF, Auto Allowance	100.00
COX COMMUNICATIONS, Contract Services	39.00
CREIGHTON EMS EDUCATION, Training	145.00
CRESCENT ELECTRIC SUPPLY, Equip.	122.38
CUES, Equip.	146.62
CUMMINS CENTRAL POWER, Contract Services	591.55
D & D COMMUNICATIONS, Equip.	87.25
DIAMOND VOGEL PAINTS, Bldg & Grnds	569.96
DITCH WITCH, Vehicle Maint.	160.92
EDGEWEAR SCREEN PRINTING, Wearing Apparel/Equip.	1,478.50
ELECTRONIC ENGINEERING, Vehicle Maint.	196.41
ENSLOW PUBLISHERS, Books	101.70
ERICKSON, RANDALL, Auto Allowance	100.00
ESTEE, KEN, Travel	86.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	11.44
FEDEX KINKO'S, Supplies	491.97
FIREHOUSE MAGAZINE, Dues	30.00
FITZGERALD SCHORR BARMETTLER, Professional Services	12,367.58
GALE, Books	44.93
GASSERT, MIKE, Contract Services	560.00
GLESMAN, DEVON, Refund	3.99
GOLDMAN, JOHN, Telephone	40.00
GRAYBAR ELECTRIC, Bldg & Grnds	164.03
GUNN, BRENDA, Auto Allowance	300.00
HALL, ERICA, Contract Services	60.00
HALL, LAUREN, Contract Services	110.00
HANEY SHOE STORE, Wearing Apparel	240.00
HIC-UPS THE CLOWN, La Vista Days	50.00
HIGHSMITH CO, Supplies	185.00
HUSKER MIDWEST PRINTING, Supplies	169.00
HY-VEE, Supplies	138.35
ICC HOUSING BUREAU, Travel	121.00
IWAN, ROSE, Auto Allowance	45.00
J H STUCKEY DISTRIBUTING, Equip.	140.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	789.24
JOHNSTONE SUPPLY, Bldg & Grnds	210.05
KINDIG, DOUGLAS, Telephone/Auto Allowance	190.00
KLINKER, MARK, Professional Service	200.00
KRAUCUNAS, VALERIE, Travel	6.82
KRIHA FLUID POWER, Vehicle Maint.	24.82
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEO A DALY, Facilities Study	3,000.00
LIBRA INDUSTRIES, Wearing Apparel	83.75
LIFE ASSIST, Squad Supplies	1,196.88
LINWELD, Supplies	41.27
LOVELAND LAWNS, Supplies	880.00
LUKASIEWICZ, BRIAN, Telephone	40.00
MARKOWSKY, THOMAS, Travel	86.00
MCKILLIP AND ASSOCIATES, Training	708.53
MES-MIDAM, Bunker Gear	8,255.00
METEORLOGIX, Professional Services	2,022.06
METRO AREA TRANSIT, Contract Services	639.00
MICHAEL TODD AND COMPANY, Vehicle Maint.	402.40
MID AMERICA PAY PHONES, Telephone	150.00
MID CON SYSTEMS, Vehicle Maint.	39.20
MILLER BRANDS, Concessions	200.80
MILLER PRESS, Printing	300.00
MOBILE COMMUNICATIONS, Equip.	665.35
MUD, Utilities	1,329.15
MULHALL'S, Supplies	514.50
NE FIRE ADMIN ASSISTANTS, Dues	15.00

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NE GOLF & TURF, Carts	510.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	18,840.88
NEBRASKA NATIONAL BANK, Cart Lease	660.00
NEBRASKA TURF PRODUCTS, Supplies	1,057.50
NEFF TOWING, Vehicle Maint.	190.00
NEW YORK TIMES, Books	26.00
NICREX MACHINE, Vehicle Maint.	75.00
OFFICE DEPOT, Supplies	588.25
OMAHA COMPOUND, Supplies	1,429.46
ON YOUR MARKS, Professional Services	1,039.79
ORIENTAL TRADING, Summer Reading Program.	68.65
PAPILLION SANITATION, Contract Services	200.09
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	314.06
PAYLESS, Supplies	451.29
PEPSI COLA, Concessions	388.50
PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	2,866.43
PREMIER-MIDWEST BEVERAGE, Concessions	104.10
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROPERTY SERVICES, Supplies	139.00
QUALITY AUTO REPAIR & TOWING, Towing	75.00
QUALITY BRANDS, Concessions	622.50
QWEST, Telephone	1,126.64
RACOM CORPORATION, Vehicle Maint.	120.00
RAMIREZ, JOHN, Contract Services	36.00
RAMIREZ, RITA, Auto Allowance	75.00
RECORDED BOOKS, Media	1,750.84
RON TURLEY ASSOCIATES, Contract Services	700.00
SAPP BROS, Vehicle Maint./Vehicle Supplies	1,424.25
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SELDEN, MARY KAY, La Vista Days	50.00
SHEPPARD'S BUSINESS INTERIORS, Furniture	4,118.34
SMITH, MELANIE, Auto Allowance	186.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,470.00
SOUCIE, JOSEPH, Telephone	30.00
SPRINT, Telephone	90.91
STATE FIRE MARSHALL, Training	250.00
STERIL MANUFACTURING, Repair	75.00
STEVENS, MARK, Travel	86.00
SUN VALLEY NATURAL STONE, Repair	480.00
TANGEMAN, JODI, Auto Allowance	33.00
THOMPSON DREESSEN & DORNER, Engineering Design	7,342.88
TRADE WELL PALLET, Bldg & Grnds	200.00
TROUT, DONNA, Summer Reading Program	120.00
TURF CARS, Electric Cart	205.10
TURFWERKS, Vehicle Maint.	9.45
U S ASPHALT COMPANY, Street Maint.	409.75
UNIVERSITY OF LOUISVILLE, Training	650.00
UPSTART, Summer Reading Program	15.00
VERIZON WIRELESS, Telephone	71.18
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Concessions/Bldg & Grnds	956.88
WASTE MANAGEMENT, Bldg & Grnds	514.25
WATER'S EDGE AQUATIC DESIGN, Pool Study	3,500.00
WEST, MANDY, Travel	86.00
WICK'S STERLING TRUCKS, Vehicle Maint.	60.00
YORK, JOHN, Travel	215.50
ZEE MEDICAL SERVICE, Supplies	258.14

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council of the upcoming Budget Workshop on July 14th and July 16th.

Fire Chief Uhl reported to Council on a house fire that occurred last week. He said a dog was saved with the use of an oxygen mask for animals donated to the Fire Department.

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Street Superintendent Goldman informed Council the City had twice as much damage as the previous storm. The area between 72nd Street and 84th Street was the hardest hit. Goldman updated Council on which areas have been cleared and areas which still need attention.

Mayor Kindig, and Councilmembers Gowan and Sell commended the Public Works Department for their good work.

Community Development Director Birch informed Council an inspection of the burned house ruled it uninhabitable.

Building and Grounds Director Archibald informed Council that power at City facilities was out for approximately 16 hours. Archibald was out of town at the time, and Maintenance Assistant Siebels put in the time to get the wireless system up and running. Councilmember Sell asked if communication in the City was affected with the wireless system down. Archibald responded that it was only down for a short period of time. It affected the computer system and a few phone lines at the Police Station. Mayor Kindig asked if the City has generators here. Archibald stated there is a small generator. Mayor Kindig stated the City needs to look at an improved generator and an emergency plan.

Library Director Iwan reported on the decision of the Sarpy County Board to do a feasibility study with regard to a ball park in Sarpy County.

Police Chief Lausten informed Council that a power line was downed during the storm at 7508 Edward. Due to power outages, the Police Department directed traffic on 72nd Street and Harrison Street until Public Works could put up traffic signs. Lausten has been in touch with the Nebraska Humane Society regarding vicious dogs. He was informed there are 17 registered pit bulls in the City of La Vista. The City of La Vista currently has an ordinance relating to potentially dangerous dogs.

B. PRELIMINARY REPORT AND DISCUSSION – MUNICIPAL FACILITIES PLAN

Assistant City Administrator Ramirez introduced Chris Rupert and John Duensing, representatives of Leo A. Daly. Rupert gave a report on the concepts and the space needs of the City. Ramirez informed Council of the needs for the District 1 Fire Station. A discussion was held on concerns for the District 1 Fire Station, including size, location, and room for growth. It was a consensus of the Council that the Fire Station should be independent of the rest of the City Facility.

C. ORDINANCE – VACATION OF A PLAT – PROPERTY WITHIN LA VISTA FALLS GOLF COURSE & CENTRAL PARK (TABLED FROM 6/17/08 MEETING)

Councilmember Ellerbeck introduced Ordinance No. 1060 entitled: AN ORDINANCE VACATING AND RETAINING OWNERSHIP OF LOT 879, LOTS 884 THRU 886 INCLUSIVE, LOTS 991 THRU 1013 INCLUSIVE, LOTS 1302 THRU 1311 INCLUSIVE, LOTS 1340 THRU 1353 INCLUSIVE, LOTS 1355 THRU 1451 INCLUSIVE, LOTS 1923 THRU 1925 INCLUSIVE, LOTS 1940 THRU 1953 INCLUSIVE, LOTS 1975 THRU 1979 INCLUSIVE, LOTS 2032 AND 2036, LOTS 2099 THRU 2100 INCLUSIVE, IN LA VISTA, TOGETHER WITH OUTLOT 5, BRIARWOOD, BOTH BEING SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, TOGETHER WITH A PART OF THE ADJOINING STREETS, ALL LOCATED IN SECTION 14, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; 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, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No.1060 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: McLaughlin. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

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D. RESOLUTION – AGREEMENT FOR PROFESSIONAL SERVICES – CART CORRALS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-061: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ENTERING INTO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH BERINGER CIACCIO DENNELL MAYBREY, INC., (BCDM) FOR THE SCHEMATIC DESIGN, DESIGN DEVELOPMENT, CONSTRUCTION DOCUMENTS (PLANS AND SPECIFICATIONS), BIDDING ASSISTANCE, AND CONSTRUCTION CONTRACT ADMINISTRATION SERVICES FOR THE FUTURE PURCHASE OF CART CORRALS FOR OFF-STREET PARKING DISTRICT I, IN AN AMOUNT NOT TO EXCEED \$10,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of cart corrals is necessary; and

WHEREAS, the proposed design of the cart corrals is not available as a stock item from cart corral vendors; and

WHEREAS, BCDM is capable of providing professional services for the schematic design, design development construction documents (plans and specifications), bidding assistance and construction contract administration services for the proposed purchase of cart corrals; 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, by the Mayor and City Council of La Vista, Nebraska, that an Agreement for Professional Services be executed with Beringer Ciaccio Dennell Mabrey, Inc., for Schematic Design, Design Development, Construction Documents (Plans and Specifications), Bidding Assistance, and Construction Contract Administration Services for the future purchase of cart corrals at Off-Street Parking District I, in an amount not to exceed \$10,000.00.

Seconded by Councilmember Gowan. Councilmember Carlisle inquired as to which type of cart corral the City is going to purchase. City Engineer Kottmann stated that it was option D. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, and Gowan. Nays: Ellerbeck. Abstain: None. Absent: McLaughlin. Motion carried.

E. RESOLUTION – PERMISSION TO CONSUME ALCOHOL AT SWIMMING POOL ON JULY 12, 2008

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-062: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT THE LA VISTA CITY SWIMMING POOL AND SAND VOLLEYBALL COURT ON SATURDAY, JULY 12, 2008, BY CITY EMPLOYEES, VOLUNTEERS AND THEIR GUESTS IN CONJUNCTION WITH THE ANNUAL VOLUNTEER/EMPLOYEE PICNIC.

WHEREAS, the La Vista Employee Activity Committee has requested permission to consume alcohol at the La Vista City Swimming Pool and Sand Volleyball Court in conjunction with the annual volunteer/employee picnic to be held on July 12, 2008, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the consumption of alcohol at the La Vista City Swimming Pool and Sand Volleyball Court on July 12, 2008, in conjunction with the annual volunteer/employee picnic.

Seconded by Councilmember Sell. Councilmember Sell asked if others using the pool are allowed to have alcohol. Recreation Director Stopak stated the City does not rent out the pool and, because the City suffered property damage when an individual was allowed to hold an event on City property at which alcohol was served, City Policy states that you must have a licensed vendor which is responsible for obtaining the liquor license and providing security to have alcohol on municipal property. Chief Lausten added that City Council approval is required

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to hold an event on City property at which alcohol is served and that any person could apply to the City to hold such an event. Councilmembers voting aye: Ronan, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: Sell and Quick. Absent: McLaughlin. Motion carried.

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

COMMENTS FROM THE FLOOR

Dan Williams, a resident in the Cimarron Woods subdivision, address Council with concerns over fireworks. He had a discussion with Sarpy County on a noise ordinance. Mayor Kindig stated the City has a noise ordinance within the City limits.

F. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE – KENO LOTTERY; LITIGATION STRATEGY SESSION – ORIENTAL TRADING COMPANY; AND TO RECEIVE LEGAL ADVICE SUBJECT TO ATTORNEY CLIENT PRIVILEGE – LOT 380, CIMARRON WOODS

At 8:24 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; Litigation Strategy Session – Oriental Trading Company; and To Receive Legal Advice Subject to Attorney Client Privilege – Lot 380, Cimarron Woods. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: McLaughlin. 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 Carlisle 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 Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: McLaughlin. Motion carried.

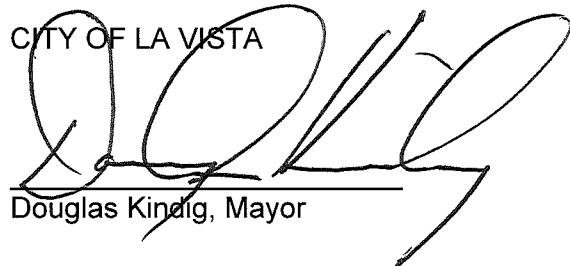
COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 10:11 p.m. Councilmember Ellerbeck made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: McLaughlin. Motion carried.


PASSED AND APPROVED THIS 15TH DAY OF JULY 2008.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk