

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING February 3, 2009

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on February 3, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: Mayor Kindig. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on January 22, 2009. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

SERVICE AWARD – KRAIG GOMON – 10 YEARS

Acting Mayor Gowan presented a service award to Kraig Gomon for 10 years of service to the City.

APPOINTMENTS:

CIVIL SERVICE COMMISSION – APPOINT SUSAN LEWIS – 5 YEAR TERM

LIBRARY ADVISORY BOARD – REAPPOINT CAROL WESTLUND AND KAREN CAHILL – 2 YEAR TERMS; APPOINT JANICE PODOLL – 2 YEAR TERM

PARK AND RECREATION ADVISORY BOARD – REAPPOINT GEORGE FORST III - 2 YEAR TERM; APPOINT PENNY SELDERS – 2 YEAR TERM; APPOINT JEFF KUPFER – FULFILL VACANCY

BOARD OF ADJUSTMENT – REAPPOINT LORETTA MCNEARNEY – 3 YEAR TERM; APPOINT LENNY BROWN – 3 YEAR TERMS

PERSONNEL BOARD – REAPPOINT LARRY FILBRANDT – 6 YEAR TERM

PLANNING COMMISSION – REAPPOINT MIKE KRZYWICKI AND JODY ANDSAGER – 3 YEAR TERMS; APPOINT JAMES KRAMOLISCH – 3 YEAR TERM

Acting Mayor Gowan stated that with the approval of Council Mayor Kindig would like to make the following appointments and reappointments: Civil Service Commission – Appoint Susan Lewis – 5 Year Term; Library Advisory Board – Reappoint Carol Westlund and Karen Cahill – 2 Year Terms; Appoint Janice Podoll – 2 Year Term; Park and Recreation Advisory Board – Reappoint George Forst III - 2 Year Term; Appoint Penny Selders – 2 Year Term; Appoint Jeff Kupfer – Fulfill Vacancy; Board Of Adjustment – Reappoint Loretta McNearney – 3 Year Term; Appoint Lenny Brown – 3 Year Terms; Personnel Board – Reappoint Larry Filbrandt – 6 Year Term; Planning Commission – Reappoint Mike Krzywicki and Jody Andsager – 3 Year Terms; Appoint James Kramolisch – 3 Year Term; Councilmember Carlisle motioned the approval, seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent:None. Motion carried.

SPECIAL PRESENTATION – PAPILLION/LA VISTA COMMUNITY THEATRE

Jeff Nienhueser, the President of the Papillion/La Vista Community Theatre addressed the Council to ask for the support of the City Council. The Community Theatre is a non-profit organization. This year the Community Theatre will present "South Pacific" in July, with tryouts in May. Nienhueser informed Council that over 16,000 people have attended previous shows. Councilmember Sell and Acting Mayor Gowan stated they each had attended performances; and Acting Mayor Gowan thanked Mr. Nienhueser for addressing the Council.

A. CONSENT AGENDA

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- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 20, 2009**
- 3. APPROVAL OF PLANNING COMMISSION MINUTES FROM JANUARY 22, 2009**
- 4. APPROVAL OF CLAIMS**

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

A C NELSEN RV WORLD, Vehicle Maintenance	219.81
ACTION BATTERIES, Vehicle Supplies	41.75
ADT SECURITY, Contract Services	233.89
AED ZONE, Equipment	5,559.00
AMSAN, Supplies	372.12
APWA-AMER PUBLIC WORKS ASSN, Dues	137.00
ARAMARK UNIFORM, Contract Services	244.97
ARMBRUST, TODD, Travel	620.25
ASPHALT & CONCRETE MATERIALS, Street Maint.	80.52
ASSOCIATED FIRE PROTECTION, Contract Services	728.50
AUSTIN PETERS GROUP, Professional Services	944.00
BAIRD, HOLM, MCEACHERN, PEDERSEN, Training	99.00
BAKER & TAYLOR BOOKS, Books	804.32
BATTERY ZONE, Batteries	257.17
BEACON BUILDING SERVICES, Contract Services	6,437.00
BENNINGTON IMPLEMENT, Vehicle Maint.	251.86
BENSON RECORDS, Contract Services	63.98
BETTER BUSINESS EQUIPMENT, Rental	45.46
BKD LLP, Professional Services	25,000.00
BLACK HILLS ENERGY, Utilities	12,906.25
BOLEY, ANN, Auto Allowance	100.00
BUETHE, PAM, Phones/Travel/Bldg & Grnds/Vehicle Maint.	238.64
CALENTINE, JEFFREY, Phone	30.00
CENTER POINT PUBLISHING, Books	77.88
CITY OF OMAHA, Contract Services	1,230.08
COMP CHOICE, Professional Services	962.50
COX, Phones	63.60
D & D COMMUNICATIONS, Equipment	406.00
DANDERAND, JOHN, Travel	620.25
DEMCO, Supplies	859.83
DIAMOND VOGEL PAINTS, Bldg & Grnds	292.00
DULTMEIER SALES & SERVICE, Repair	83.35
ECCLES, PAT, Auto Allowance	100.00
ED M. FELD EQUIPMENT, Wearing Apparel	122.50
EMBASSY SUITES HOTEL, Travel	307.20
FARQUHAR, MIKE, Equip/Auto Allowance	180.00
FASTENAL COMPANY, Vehicle Maint.	8.11
FEDEX KINKO'S, Printing	33.75
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	50.00
FIREGUARD, Equipment	3,307.40
FITZGERALD SCHORR BARMETTLER, Professional Services	12,102.00
FROEHLICH, RORY, Auto Allowance	100.00
GALE, Books	77.27
GALL'S, Wearing Apparel	429.94
GAMBINO'S PIZZA, Tree Lighting	500.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	27.50
GLENDALE PARADE STORE, Sports Equip.	213.00
GODFATHER'S PIZZA, Supplies	115.90
GOLDMAN, JOHN, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	93.92
GUNN, BRENDA, Travel	58.00
H & H CHEVROLET, Vehicle Maint.	132.41
HANEY SHOE STORE, Wearing Apparel	120.00
HEARTLAND AWARDS, Banquet Awards	649.00
HEARTLAND PAPER, Supplies	116.00
HURST, JEAN, Training	703.80
HY-VEE, Supplies	6.02

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ICSC-INTL COUNCIL OF SHPG CTRS, Travel	50.00
INLAND TRUCK PARTS, Vehicle Maint.	97.37
IAWA PRISON INDUSTRIES, Traffic Signs	1,577.50
J Q OFFICE EQUIPMENT, Contract Services/Supplies	345.02
JONES, DONALD, Banquet	250.00
JUDAH CASTER CO, Bldg & Grnds	30.72
KELLY, KELLY, Books	15.95
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	70.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LAW ENFORCEMENT SUPPLY, Wearing Apparel	261.24
LAWSON PRODUCTS, Vehicle Maint.	281.92
LEXIS NEXIS MATTHEW BENDER, Books	111.40
LINWELD, Supplies	215.92
LOGAN CONTRACTORS SUPPLY, Repair	15.40
LUKASIEWICZ, BRIAN, Phone	50.00
M. B. WILDER CO, Vehicle Maint.	60.00
METRO AREA TRANSIT, Contract Services	605.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	15,338.56
MICHAEL TODD AND COMPANY, Vehicle Maint.	471.41
MID AMERICA PAY PHONES, Phones	100.00
MID CON SYSTEMS, Vehicle Maint.	74.95
MID-STATES UTILITY TRAILER, Vehicle Supplies	97.30
MINITEX - CPP, Supplies	204.00
MOCIC MID-STATES ORGANIZED, Dues	200.00
MUD, Utilities	720.01
NE DEPT OF LABOR-WORKFORCE DEV, Insurance	1,512.00
NE DEPT OF REVENUE, Lottery Taxes	78,500.00
NEBRASKA CLERK INSTITUTE, Training	450.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	17,445.10
NEBRASKA TURF PRODUCTS, Bldg & Grnds	171.00
NEWMAN TRAFFIC SIGNS, Traffic Signs	1,993.75
NEXTEL, Telephone	479.75
NUTS AND BOLTS, Supplies	82.11
OFFICE DEPOT, Supplies	166.06
O'KEEFE ELEVATOR, Contract Services	928.19
OMAHA STANDARD DISTRIBUTION, Repair	222.50
OMAHA WINNELSON, Bldg & Grnds	10.01
PAPILLION LA VISTA SCHL, Speaker	750.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	386.72
PAYLESS, Supplies	223.30
PITNEY BOWES, Supplies	221.00
POLICE CHIEF'S ASSN OF NE, Dues	50.00
PRECISION INDUSTRIES, Vehicle Maint.	117.41
PRESTIGE FLAG, Bldg & Grnds	235.81
PRIME TIME SPORTING GOODS, Wearing Apparel	2,240.00
QWEST, Phone	1,107.68
RAMIREZ, RITA, Phone	43.00
RECORDED BOOKS, Media	2,176.50
RON TURLEY ASSOCIATES, Training	100.00
ROSE EQUIPMENT, Vehicle Maint.	1,137.81
RUSTY ECK FORD, Vehicle Maint.	141.79
SAPP BROS PETROLEUM, Vehicle Maint.	313.90
SARPY COUNTY CHAMBER, Dues	150.00
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SARPY COUNTY TREASURER, Contract Services	26,644.25
SERVICE EXPRESS, Vehicle Maint.	65.33
SMITH, MELANIE, Travel	78.00
SMOOTHER CUT ENTERPRISES, Contract Services	330.00
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	95.14
STANDARD DIGITAL IMAGING, Supplies	52.00
STERIL MANUFACTURING, Flag Repair	125.00
SUBURBAN NEWSPAPERS, Dues	39.50
TARGET BANK, Banquet	344.92
TED'S MOWER SALES & SERVICE, Repair	72.82
USPS, Postage	1,350.00

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VERIZON WIRELESS, Phone	126.29
WAL-MART, Supplies	330.00
WICK'S STERLING TRUCKS, Vehicle Maint.	1,646.62

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reported on the success of the Governance training, which was held on Saturday, January 24th. Buethe updated Council on the progress of the law enforcement interview process.

Assistant City Administrator Ramirez updated Council on the history project for the upcoming 50th Anniversary celebration.

Finance Director Lindberg reported on the status of the Audit.

Police Chief Lausten reported on the success of the Senior Officials Workshop for All-Hazards Preparedness which was held on January 13, 2009. He stated that the Texas A&M University instructors were impressed with the City staff.

Lausten informed Council that Officer Andrew Johnson has been called to active duty and will deploy on April 10th for a year.

Fire Chief Uhl informed Council that a day care program has been started for meetings and training classes. The Department has also established a meal program, which states that if over 4 hours is spent at the station, the personnel will be able to have a meal "on the department".

Public Works Director Soucie updated Council on the Harrison Street project. The steel is up, the heads are up, and they are now waiting on control panels. Soucie stated he is working on the 1 & 6 year road plan. Soucie stated the City is short on salt, but have not reached the critical state. Currently La Vista is 100+ tons short on salt. The dump truck has been delivered to Omaha and is having the equipment installed before the City takes possession.

Building and Grounds Director Archibald informed Council that Park Superintendent Lukasiewicz and his crew trimmed the shrubs and trees at District 2 and it looks very good. The park bench "Conrad" is at the Public Building and Ground office for the winter. The bench has not been repaired (from graffiti vandals) as the City is waiting for restitution for repair.

Recreation Director Stopak informed Council that the "Free Tax Assistance" program began at the Community Center today, with over 50 people in attendance. The program is available for "walk-ins" only, and there was a constant line for the day. Stopak reminded Council the Senior Valentine's Day Lunch will be held on Friday, February 13, 2009.

Library Director Iwan informed Council that tax forms are available at the library and on-line. Iwan reported that 125,000 items were checked out, and came back, last year. The Nebraska Library conference will be at the La Vista Conference Center and they are expecting 650 attendees.

B. RESOLUTION – PURCHASE OF DIGITAL IN-CAR CAMERA SYSTEMS

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-008: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF SIX IN-CAR DIGITAL CAMERA SYSTEMS FROM DIGITAL ALLY, OVERLAND PARK, KS, IN AN AMOUNT NOT TO EXCEED \$27,150.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a in-car digital camera systems for the City's marked police cars is necessary, and

WHEREAS, funding for the purchase was approved and included in the City's FY08-09 municipal budget, and

WHEREAS, the police department has secured the Nebraska State bid price from Digital Ally, Overland Park, KS for the equipment, and

WHEREAS, Paragraph 9 of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of six in-car digital video systems for the police

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department from Digital Ally, Overland Park, Kansas, in an amount not to exceed \$27,150.00.

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

C. RESOLUTION – ADOPT MUNICIPAL FACILITIES PLAN

Chris Rupert, a representative of Leo Daly was in attendance to give an overview of the Municipal Facilities Plan.

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-009: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ADOPTING THE MUNICIPAL FACILITIES PLAN PREPARED BY LEO A. DALY.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, have identified adequate City facilities as part of their vision and priority; and

WHEREAS, the Mayor and City Council determined that a need existed to evaluate current City facilities and develop a comprehensive plan to guide them when making decisions regarding municipal facilities; and

WHEREAS, a contract was awarded to the firm of Leo A. Daly in October of 2007 to complete a Municipal Facilities Study and develop a Municipal Facilities Plan; and

WHEREAS, the Mayor and City Council received a preliminary report in July of 2008 at which time they discussed and gave direction to Leo A. Daly to complete the study; and

WHEREAS, Leo A. Daly has completed the Municipal Facilities Plan as directed.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the Municipal Facilities Plan as prepared and submitted by Leo A. Daly and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

D. CLASS IK LIQUOR LICENSE APPLICATION – LA VISTA CY CATERING CO., INC. DBA COURTYARD BY MARRIOTT OMAHA-LA VISTA

1. PUBLIC HEARING

At 7:50 p.m. Acting Mayor Gowan opened the public hearing and stated the floor was now open for discussion on a Class IK Liquor License Application for La Vista CY Catering Co., Inc. dba Courtyard by Marriott Omaha-La Vista. The manager of the Courtyard by Marriott, Stephanie Grade, was present to answer any questions regarding their application.

At 7:51 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-010: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS IK LIQUOR LICENSE APPLICATION OF LA VISTA CY CATERING CO., INC. DBA COURTYARD BY MARRIOTT OMAHA-LA VISTA, LA VISTA, NEBRASKA.

WHEREAS, La Vista CY Catering Co., Inc. dba Courtyard by Marriott Omaha-La Vista, 12560 Westport Parkway, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class IK Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

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WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class IK Liquor License application submitted by La Vista CY Catering Co., Inc. dba Courtyard by Marriott Omaha-La Vista, 12560 Westport Parkway, La Vista, NE.

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

E. SPECIAL ASSESSMENTS

1. PUBLIC HEARING

At 7:52 p.m. Acting Mayor Gowan opened the public hearing and stated the floor was now open for discussion on Special Assessments. Lori Carritt, a La Vista resident, addressed Council to follow up on her previous concern over a tree trimming assessment. Colleen Gilpin addressed Council with her concern over an invoice she received for tree trimming at 7303 Lillian Avenue, which she owns and at which her son now resides. She stated that her son had trimmed the trees. City staff will review information provided and be in contact with Ms. Carritt and Ms. Gilpin.

At 7:57 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-011, excluding 7303 Lillian Ave: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
7205 S 76th St., Lot 48, Crestview Heights, \$161.43,
7421 Ivy Lane Dr., Lot 124, S & S's Harvest Hill, \$265.23, and
7417 Park View Blvd., Lot 928, La Vista, \$940.17,
were notified to clean up their property as they were in violation of the City Municipal Code, Section 94.06 or 133.01, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

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

F. DISCUSSION – COUNCIL REPRESENTATIVES – VISION 84

City Administrator Gunn informed Council that the City is in the process of finalizing the contract with EDAW. The City is looking for members of the public to join the Vision 84 committee. An "Expression of Interest" Form is on the City website for those interested. The forms must be

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returned to City Hall by February 17th. Acting Mayor Gowan stated that Councilmembers Carlisle and Sell will be the City Council representatives on the committee.

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.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell told staff he appreciated the recent updates on each department.

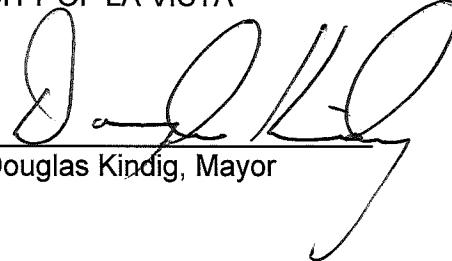
Councilmember Ellerbeck stated he was very pleased with Leo A. Daly and their presentation.

Acting Mayor Gowan stated he attended a reception at Falewitch Construction Services, Inc.

At 8:01 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 17TH DAY OF FEBRUARY 2009.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk