

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING January 20, 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 January 20, 2009. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. 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 8, 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.

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.

### **SERVICE AWARD – MARK STEVENS – 15 YEARS**

Mark Stevens received a service award for 15 years of service to the City. He was unable to attend.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 6, 2009**
- 3. APPROVAL OF CLAIMS**

Councilmember Crawford made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Sheehan 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.

ABANTE MARKETING, Banquet	704.18
ACTION BATTERIES, Vehicle Supplies	387.00
ACW MANUFACTURING, Vehicle Maint.	58.00
AIR POWER, Vehicle Maint.	106.73
ANDERSON FORD LINCOLN MERCURY, Vehicle	13,870.00
ARAMARK UNIFORM, Contract Services	205.60
BAIRD, HOLM, MCEACHERN, PEDERSEN, Training	99.00
BAKER & TAYLOR BOOKS, Books	468.07
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,703.75
BENNINGTON IMPLEMENT, Vehicle Maint.	108.30
BLACK HILLS ENERGY, Utilities	495.21
BOATWRIGHT, JASON, Refund	40.00
BOB'S RADIATOR REPAIR, Vehicle Maint.	116.50
BRAND, STEVEN, Travel	25.00
BRENTWOOD AUTO WASH, Vehicle Maint.	150.00
BUETHE, PAM BUETHE, Bldg & Grnds/Travel/Postage	135.35
CALENTINE, JEFFREY, Travel	280.00
CARDMEMBER SERVICE, Training/Travel/Phone	2,947.75
CARSTENSEN, RICH, Equip	52.17
CITY OF OMAHA, Contract Services	32,806.86
CJ'S HOME CENTER, Bldg & Grnds/Supplies	1,197.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	225.30
COX COMMUNICATIONS, Contract Services	228.70
CUMMINS CENTRAL POWER, Vehicle Maint.	353.89
CZARNICK, MICHAEL, Training	1,500.00
DEMCO, Supplies	102.72
DIAMOND VOGEL PAINTS, Bldg & Grnds	292.00

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DOYLE, MIKE, Travel	88.00
ELECTRONIC CONTRACTING, Bldg & Grnds	135.50
ENVIRO TECH SERVICES, Ice Control Liquid	4,319.00
FASTENAL, Vehicle Maint/Street Maint.	236.72
FILTER CARE, Vehicle Maint.	83.30
FITZGERALD SCHORR BARMETTLER, Professional Services	11,048.37
FOSTER, TERRY, Travel	25.00
G I CLEANER & TAILORS, Uniform Cleaning	128.95
GALE, Books	23.37
GALL'S, Wearing Apparel	158.49
GCSAA, Dues	320.00
GENERAL TRAFFIC CONTROLS, Traffic Signs	36.68
GENUINE PARTS, Vehicle Maint/Supplies	1,462.34
GRAYBAR ELECTRIC, Bldg & Grnds	231.06
GREAT PLAINS ONE-CALL SVC, Contract Services	163.73
HANEY SHOE STORE, Wearing Apparel	120.00
HARROD, RAYMOND, Training	1,500.00
HOBBY LOBBY STORES, Supplies	33.39
HY-VEE, Supplies	42.75
IIMC, Dues	125.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	398.29
JO DON'S, SB Trophies	400.00
JOHNSON FARM EQUIPMENT, Vehicle Maint.	1,408.07
KELLY'S AWARDS, Awards	617.60
KINSEY, JEREMY, Training	863.75
KROEGER, CRYSTAL, Refund	40.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	775.91
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEAGUE OF NEBR MUNICIPALITIES, Training	195.00
LERNER PUBLISHING GROUP, Books	323.67
LIBRARY ADVANTAGE, Supplies	925.00
LINWELD, Supplies	44.95
LOU'S SPORTING GOODS, Equipment	40.47
MALLARD SAND & GRAVEL, Repair	6,396.28
MARKOWSKY, THOMAS, Travel	88.00
METRO AREA TRANSIT, Contract Services	519.00
MICHAEL TODD AND COMPANY, Vehicle Maint.	382.50
MID AMERICAN SIGNAL, Traffic Signs	1,115.23
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	39.76
MILLER PRESS, Printing	145.00
MINITEX - CPP, Supplies	246.00
MUNICIPAL PIPE TOOL, Vehicle Maint.	43.01
MYERS TIRE, Capital Outlay	3,683.86
NATIONAL LEAGUE OF CITIES, Dues	1,489.00
NE GOLF COURSE SUP, Dues	75.00
NE TURF PRODUCTS, Supplies	171.00
NERPA MEMBERSHIP, Dues	200.00
NEUMAN EQUIPMENT, Bldg & Grnds/Supplies	118.00
NMC, Equipment	1,051.98
NOBBIES, Supplies	78.35
NORTHERN WATER WORKS SUPPLY, Equipment	505.00
NOVA HEALTH EQUIPMENT, Contract Services	798.00
OABR PRINT SHOP, Printing	390.48
OFFICE DEPOT, Supplies	361.99
OMB EXPRESS POLICE, Wearing Apparel	56.98
OPPD, Utilities	35,355.18
PAPILLION SANITATION, Contract Services	200.09
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	409.68
PAYLESS OFFICE, Supplies	29.45
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	1,191.08
PRECISION INDUSTRIES, Bldg & Grnds	80.56
PROGRESSIVE BUSINESS, Contract Services	395.00
RUSTY ECK FORD, Vehicle Maint.	234.74
SALEM PRESS, Books	291.00
SAM'S CLUB, Supplies	224.22
SARPY COUNTY CHAMBER, Travel	210.00
SARPY COUNTY ELECTION COMM, Election Costs	2,036.28
SCARPA, DAN, Travel	25.00

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STATE STEEL, Vehicle Maint.	58.85
SUBURBAN NEWSPAPERS, Legal Advertising	374.04
SUN LIFE & HEALTH INSURANCE, Payroll Withholding	1,719.72
TEAMBANK, Fees	479.00
THERMO KING CHRISTENSEN, Vehicle Maint./Electric Cart	350.99
UPS, Postage	17.92
WALKER, TINA, Refund	35.00
WASTE MANAGEMENT, Bldg & Grnds	738.99
WILSON, DAVID, Travel	88.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council of the League's Midwinter Conference, which will be held on February 23 – 24, 2009. She asked them to notify Mary Alex before February 3<sup>rd</sup> to avoid paying the higher registration fee.

Police Chief Lausten informed Council of the vandalism to property in Papillion, La Vista, and Ralston, which occurred on Wednesday and Thursday. He stated the crime stoppers received tips, which led to the arrest of two individuals, for 68 counts of vandalism. There are three other possible suspects. Councilmember Quick asked if they would be required to pay restitution. Lausten responded that a judge can call for restitution in the sentencing. The City will send copies of bills in as evidence.

Lausten informed Council the murder trial will start in February for the murder which occurred in La Vista.

Public Works Director Soucie informed Council that he and Brian Lukasiewicz have been in contact with Foresters, Sarpy/Cass County extension office, and a professor with Iowa State University with regard to the tree damage. The consensus at this time is to leave the tree as it may heal itself. Public Works will continue to monitor the tree.

## **B. PRIMARY PRIVATE CLUBS FOR SOCCER AND BASEBALL**

### 1. ESTABLISH CRITERIA FOR IDENTIFYING PRIMARY PRIVATE CLUBS

Recreation Director Stopak gave the background on the reason for establishing criteria for identifying primary private clubs in the standard policy for scheduling, priority of scheduling, and regulating the use of the City of La Vista's ball fields. He informed Council the La Vista Lancers and the La Vista Panthers have paid fees. Mayor Kindig asked the amount of the fees that were charged last year. Stopak informed Council these teams were charged the same fee as all other teams in past years and they paid for their own equipment and uniforms. Councilmember Sheehan asked if official's fees were covered. Stopak responded that official's fees were covered by the fees.

Councilmember Ellerbeck motioned to table this agenda item, stating that the issue should be taken back to the Park & Recreation Advisory Board to determine recommended criteria for the "Primary Private Club" designation. Seconded by Councilmember Gowan. Councilmember Sheehan asked if this was a select club. Recreation Director Stopak stated that the club is competitive, meaning teams have tryouts beginning at certain ages; same as recreation department teams. Councilmember Sell stated that he wants to be sure that every La Vista child has an opportunity to play if possible. Stopak explained that tryouts will result in exclusion for some players due to number of teams and players per team. Randy Cahill representing the La Vista Panthers was in attendance to answer questions. Mr. Cahill stated that the Panthers wanted to keep some control because they want to be sure this does not become a "super" select team. Councilmember Gowan stated that he would like to see the club programs continue to work toward merger into the recreation department before the leadership and viability of the clubs drop off because Mr. Cahill and other volunteers involved don't have youth in the program. Councilmember Crawford asked if the clubs could develop a timeline [with the recreation department] to show the steps in the transition to being operated by the recreation department. Mr. Cahill said that would be possible. Stopak will bring something back to the Council as soon as they work out the details of the issues mentioned. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried to table the agenda item.

## **C. RESOLUTION – CONSULTANT SELECTION – 84<sup>TH</sup> STREET REDEVELOPMENT VISION PLAN**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-006: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

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NEBRASKA, APPROVING A CONTRACT WITH EDAW INC. FOR PROVIDING PLANNING SERVICES ASSOCIATED WITH THE 84<sup>TH</sup> STREET REDEVELOPMENT VISION PLAN IN AN AMOUNT NOT TO EXCEED \$199,806.

WHEREAS, on August 19, 2008, the City Council approved Resolution No. 08-076 authorizing the advertisement for bids for the preparation of the 84<sup>th</sup> Street Redevelopment Vision Plan; and

WHEREAS, the advertisement was published and mailed to various firms, seven of which submitted proposals and four of those firms were interviewed; and

WHEREAS, following the evaluation of the proposals, interviews and references, staff has recommended EDAW Inc. of Fort Collins, Colorado, to provide the planning services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve a contract with EDAW Inc. for providing planning services associated with the 84<sup>th</sup> Street Redevelopment Vision Plan in an amount not to exceed \$ 199,806 and in form and content presented at this meeting subject to such modifications as the City Administrator determines necessary or advisable in consultation with the City Attorney.

Seconded by Councilmember Sell. Mayor Kindig stated that 2 Councilmembers will be on the working committee. The committee will meet about 4 times during the process for approximately four hours each time. He stated that anyone who is interested needs to inform Councilmember Gowan and if there are more than 2 that put in their name, Councilmembers will vote at the next meeting. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

At 7:41 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments. Lori Carritt, a resident of La Vista who is being assessed a fee for tree trimming, addressed Council. She stated that her trees were trimmed this summer by a neighbor's son who works for a tree trimming service. She will provide documentation to staff for review.

At 7:49 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Sheehan. 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. 09-007 excluding 7921 Marisu Lane: 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  
8016 Park View Blvd., Lot 1279 La Vista, \$182.06,  
7410 Park View Blvd., Lot 757 La Vista, \$182.06,  
7332 Frederick Ave., Lot 412 La Vista Replat, \$181.90,  
8812 Pine Dr., Lot 183 Park View Heights 2<sup>nd</sup> Addition, \$176.43,  
7501 S 76<sup>th</sup> Ave., Lot 559 La Vista Replat, \$179.15,  
7425 Josephine St., Lot 120 Crestview Heights, \$179.15,  
7222 Joseph Ave., Lot 358 La Vista Replat, \$181.90,  
6905 Josephine St., Lot 171 La Vista Replat, \$177.78,  
6905 Gertrude St., Lot 85 La Vista Replat, \$182.06,  
7107 Monterrey Dr., Lot 167 Park View Heights 2<sup>nd</sup> Addition, \$179.18, and  
7505 Diane Ct., Lot 740 La Vista, \$189.81  
were notified to clean up their property as they were in violation of the City Municipal Code, Section 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

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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.

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

## COMMENTS FROM THE FLOOR

Mayor Kindig 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.

## E. EXECUTIVE SESSION – STRATEGY SESSION REGARDING POTENTIAL LITIGATION

At 7:50 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session regarding Potential Litigation. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, 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 8:46 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan asked that staff make sure the MFP packet was prepared prior to the strategic planning sessions to give Councilmembers time to review it.

Councilmember Ronan stated that Council agreed to approve a \$500.00 reward, from the community betterment fund, for information leading to the arrest of the individual who vandalized the City tree.

At 8:51 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF FEBRUARY 2009.

CITY OF LA VISTA

  
Anthony J. Gowan, Acting Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk