

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING August 5, 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 August 5, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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 July 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 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.

APPOINTMENT – CITIZEN ADVISORY REVIEW COMMITTEE – COURTNEY DUNBAR - FILL VACANCY

Mayor Kindig stated that with the approval of Council he would like to appoint Courtney Dunbar to the Citizen Advisory Review Committee to fill a vacancy. Councilmember Gowan motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM JULY 14, 2008
 3. APPROVAL OF CITY COUNCIL MINUTES FROM JULY 15, 2008
4. APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM JULY 16, 2008
5. APPROVAL OF SAFETY COMMITTEE MEETING MINUTES FROM APRIL 8, 2008
 6. KEYSTONE TRAIL – LA VISTA LINK
 - a. PAY REQUEST NO. 10 FROM THOMPSON, DREESSEN & DORNER INC. FOR PROFESSIONAL SERVICES - \$2014.28
7. PAY REQUEST FROM BERINGER CIACCIO DENNELL MABREY FOR PROFESSIONAL SERVICES – CART CORRAL DESIGN - \$471.25
8. PAY REQUEST FROM LEAGUE OF NEBRASKA MUNICIPALITIES FOR MEMBERSHIP DUES - \$21,867.00
9. PAY REQUEST NO. 1 FROM LINHART CONSTRUCTION, INC. FOR 78TH & HARRISON STREET RETAINING WALL RECONSTRUCTION - \$58,714.23
10. PAY REQUEST FROM YDM, INC. PROFESSIONAL SERVICES - \$7,847.00
11. APPROVAL OF CLAIMS

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

A.S.P. ENTERPRISES, Street Maint.	33.00
ACTION BATTERIES, Vehicle Supplies	74.95
ADT SECURITY, Contract Services	228.16
AMERICAN PLANNING ASSN, Dues	365.00
AMERICAN RED CROSS, Contract Services	100.00
AMSAN, Supplies	90.24
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	39.02
AQUA-CHEM, Chemical Supply	172.50
AQUILA, Utilities	50.48
ARAMARK UNIFORM, Contract Services	328.87
ASPHALT & CONCRETE MATERIALS, Street Maint.	84.29

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ASSOCIATED FIRE PROTECTION, Supplies	222.00
BAKER & TAYLOR BOOKS, Books/Media	2,480.22
BAKER, MARCUS, Auto Allowance	50.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	667.86
BENSON RECORDS MANAGEMENT, Contract Services	56.56
BEST EXPRESSIONS, Supplies	135.15
BETTER BUSINESS EQUIP. Equip Rental	40.30
BIRCH, ANN, Auto Allowance	50.00
BOBCAT, Vehicle Maint.	50.01
BRODART, Books	12.13
BUETHE, PAM, Auto Allowance	100.00
BUSINESS INTERIORS, Furniture	3,613.96
CARDMEMBER SERVICE, Training/Supplies/Travel	2,470.07
COCA-COLA, Concessions	810.02
COMP CHOICE, Professional Services	1,504.50
CONTROL MASTERS, Bldg & Grnds	652.50
CORNHUSKER INTL, Vehicle Maint.	34.86
COX, Contract Services	102.60
D & D COMMUNICATIONS, Vehicle Maint.	549.56
DIAMONDS GROUNDSKEEPER, Vehicle Maint.	448.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	19.38
ED M. FELD EQUIPMENT, Equip Repair	225.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	395.00
ELECTRONIC ENGINEERING, Vehicle Maint.	15.41
ERICKSON, RANDALL, Auto Allowance	100.00
FAGIN, KAREN, Travel	470.84
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL, Vehicle Maint.	39.54
FEDEX KINKO'S, Printing	166.75
FILTER CARE, Vehicle Maint.	90.00
FIRMATURE, STEVE, Contract Services	72.00
FISHER EQUIPMENT, Traffic Signs	753.56
FITZGERALD SCHORR BARMETTLER, Professional Services	21,760.62
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,249.00
GALE, Books	46.43
GALL'S, Wearing Apparel	134.99
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	384.00
GOLDMAN, JOHN, Travel/Phone	276.00
GRAINGER, Bldg & Grnds	361.05
GRAYBAR ELECTRIC, Bldg & Grnds	12.10
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	78.55
HANEY SHOE STORE, Wearing Apparel	120.00
HARLEY DAVIDSON, Vehicle Maint.	11.00
HEARTLAND AWARDS, Supplies	26.00
HEARTLAND TIRES AND TREADS, Vehicle Maint.	900.00
HELGET GAS, Squad Supplies	73.00
HOCKENBERGS, Bldg & Grnds	10.02
HOLIDAY INN, Travel	267.80
HOST COFFEE, Concessions	24.00
HUSKER MIDWEST PRINTING, Printing	537.25
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	60.84
HY-VEE, Supplies	159.63
IAFC-INTL ASSN OF FIRE CHIEFS, Dues	190.00
IIMC, Dues	75.00
INDUSTRIAL SALES, Bldg & Grnds	355.54
INTERNATIONAL CODE COUNCIL, Training	495.00
INTERSTATE ALL BATTERY, Equip.	22.49
IOWA STATE UNIVERSITY, Books	999.00
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services	838.60
JOHN DEERE LANDSCAPES, Supplies	207.44
KINDIG, DOUGLAS, Phone/Auto Allowance	250.00
KLINKER, MARK, Professional Services	200.00
KRIHA FLUID POWER, Vehicle Maint.	111.18
LANDSHIRE, Concessions	287.38
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00

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LIFE ASSIST, Squad Supplies	101.71
LINDBERG, SHEILA, Travel	90.90
LINWELD, Supplies	97.93
LOGAN CONTRACTORS, Wearing Apparel/Street Maint.	160.94
LUKASIEWICZ, BRIAN, Phone	40.00
MAX I WALKER CLEANERS, Uniform Cleaning	162.85
METRO AREA TRANSIT, June Fees	527.00
METROPOLITAN COMMUNITY COLLEGE, Utilities//Contract Services	13,075.89
MID AMERICA PAY PHONES, Phone	150.00
MID CON SYSTEMS, Bldg & Grnds	173.70
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	508.80
MILLER BRANDS, Concessions	169.80
MILLER PRESS, Printing	156.00
MINITEX - CPP, Supplies	445.00
MOCIC MID-STATES ORGANIZED, Training	460.00
MOTOROLA, Equipment	222.48
MUD, Utilities	1,372.00
NE DEPT OF REVENUE, Lottery Tax	74,230.11
NEBRASKA AIR FILTER, Bldg & Grnds	589.32
NEBRASKA FIRE CHIEF'S ASSN, Dues	20.00
NEBRASKA NATIONAL BANK, Cart Lease	660.00
NEBRASKA STATE VOLUNTEER, Dues	960.00
NEBRASKA TURF PRODUCTS, Supplies	214.75
NEWMAN TRAFFIC SIGNS, Traffic Signs	66.52
NEXTEL COMMUNICATIONS, Phone	564.47
NOBBIES, Deferred Revenue	40.38
OFFICE DEPOT, Supplies	882.33
OMAHA COMMUNITY PLAYHOUSE, Summer Reading Program	200.00
OMAHA COMPOUND, Bldg & Grnds	242.62
PACIFIC REALTY COMMERCIAL, Contract Services	500.00
PAPILLION SANITATION, Contract Services	200.09
PAPILLION TIRE, Vehicle Maint.	40.60
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	503.18
PAULSON, KATJA, Refund	39.00
PAYLESS OFFICE PRODUCTS, Supplies	446.60
PETTY CASH-PAM BUETHE, Vehicle Maint/Supplies/Travel	188.30
PITNEY BOWES, Supplies	275.48
PRECISION INDUSTRIES, Vehicle Maint.	66.72
PREMIER-MIDWEST BEVERAGE, Concessions	134.25
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROPERTY SERVICES, Supplies	64.00
QUALITY BRANDS, Concessions	695.10
QUILL CORPORATION, Supplies	290.83
QUINN, JEFF, Summer Reading Program	150.00
QWEST, Phone	1,065.23
RAMIREZ, RITA, Auto Allowance	75.00
RECREONICS INC ETAL, Supplies	43.23
ROSE EQUIPMENT, Vehicle Maint.	264.48
SAPP BROS, Vehicle Maint.	199.47
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SARPY COUNTY ELECTION COMSSNR, Ballot Cost	1,826.94
SARPY COUNTY TREASURER, Contract Services	12,678.75
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Travel/Phone	321.00
SPRINT, Phone	90.23
SUN COUNTRY DISTRIBUTING, Equipment	141.98
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,758.82
SUPERIOR LAMP, Bldg & Grnds	244.56
TANGEMAN, JODI, Auto Allowance	33.00
TARGET BANK, Supplies	347.92
TEAMBANK, Fees	874.17
TED'S MOWER SALES & SERVICE, Equip. Maint.	383.72
THERMO KING CHRISTENSEN, Vehicle Maint.	115.12
THOMPSON DREESSEN & DORNER, Professional Services/Planning	19,304.46
TURFWERKS, Vehicle Maint.	25.87
U S ASPHALT COMPANY, Street Maint.	1,209.50
UNITED SEEDS, Maintenance	150.00
UPSTART, Supplies	40.00

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USPS, Postage	1,350.99
VERIZON, Phone	35.59
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Concessions/Bldg & Grnds	335.45
WASTE MANAGEMENT, Contract Services/Bldg & Grnds	1,966.65
WICK'S STERLING TRUCKS, Vehicle Maint.	4.49

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council the LARM Board set rates, and the City of La Vista will see a \$32,000 reduction. Rates for workman's compensation went down, while liability rates increased. The Workman's Compensation mod went down 29 points.

Police Chief Lausten informed Council the new Safety Committee held their second meeting in July. The Committee is looking at ways to improve the City's wellness program.

Lausten informed Council of an indecent exposure incident in one of the City Parks.

Lausten informed Council that National Night Out is tonight, Tuesday, August 5th.

Fire Chief Uhl informed Council that last year, the City was missing equipment that put the City in violation of OSHA and NFPA regulations. This new equipment which is shared between Sarpy, Douglas, and Washington counties will allow the proper fitting of face masks for each firefighter.

Public Works Director Soucie informed Council that he would be attending the National APWA Conference on August 14th. He will be going early to help in building houses for habitat for humanity.

Soucie informed Council the Harrison Street retaining wall project is complete. He stated that Harrison Street paving project is proceeding on schedule, and other City re-paving projects are in progress.

Library Director Iwan gave preliminary summer reading program numbers. There were 481 children registered representing more than 50 schools. 1864 children participated in programs during the 8 weeks of the summer program. There were 15 presenters and guest readers including the Mayor and some City Council members. There were 434 entries into the weekly contests and 755 entries for the final prizes of which there were 12. As of today 25 children completed all 8 reading logs. Iwan will give a final report on the summer reading program and the teen program at the next city council meeting.

B. FISCAL YEAR 08/09 MUNICIPAL BUDGET

1. PUBLIC HEARING

At 7:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Fiscal Year 08/09 Municipal Budget.

Ralph Healey of La Vista addresses the Mayor and Council regarding his concerns with taxation.

At 7:12 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. APPROPRIATIONS ORDINANCE – FIRST READING

Councilmember Sell introduced Ordinance No. 1065 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2009; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Sheehan made a motion to approve Ordinance No. 1065 on its first reading and pass it on to a second reading. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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3. MASTER FEE ORDINANCE – FIRST READING

Councilmember Carlisle introduced Ordinance No. 1066 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1044 AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING, SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Quick made a motion to approve Ordinance No. 1066 on its first reading and pass it on to a second reading. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. RESOLUTION – AWARD OF CONTRACT - ANNUAL FINANCIAL AUDIT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-066: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE AUDITING FIRM OF ORIZON CPAs LLC, OMAHA, NEBRASKA TO PREPARE THE CITY'S FINANCIAL STATEMENTS AND CONDUCT THE KENO AUDIT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008 WITH A RENEWAL OPTION AND IN AN AMOUNT NOT TO EXCEED \$12,545.00

WHEREAS, the City of La Vista solicited proposals for audit services associated with the preparation of the financial statements, annual financial audit and keno audit and received two proposals in response to its request; and

WHEREAS, City of La Vista Staff has reviewed the proposals and recommend Orizon CPAs LLC, Omaha, Nebraska for the preparation of the financial statements and the Keno audit for the fiscal year ending September 30, 2008 with a renewal option

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the execution of a contract with Orizon CPAs LLC, Omaha Nebraska in an amount not to exceed \$12,545.00 for the preparation of the City's financial statements and the City's quarterly and annual keno audit and agreed upon procedures, with a renewable option that is negotiated at the sole discretion of the City, and also authorize the Mayor to execute said contract.

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

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-067: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO SIGN A CONTRACT WITH THE AUDITING FIRM OF BDK LLP, OMAHA, NEBRASKA TO CONDUCT THE CITY OF LA VISTA'S ANNUAL FINANCIAL AUDIT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2008 WITH A RENEWAL OPTION AND IN AN AMOUNT NOT TO EXCEED \$46,500.00

WHEREAS, the City of La Vista solicited proposals for audit services associated with the preparation of the financial statements, annual financial audit and keno audit and received two proposals in response to its request; and

WHEREAS, City of La Vista staff has reviewed the proposals and recommend BDK LLP, Omaha, Nebraska for the City's Annual Financial Audit for the fiscal year ending September 30, 2008 with a renewal option.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the execution of a contract with BDK LLP, Omaha, Nebraska, in an amount not to exceed \$46,500 for the auditing of the City's fiscal year ending September 30, 2008, with a renewable option that is negotiated at the sole discretion of the City, and also authorize the Mayor to execute said contract.

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

D. APPOINT KENO OPERATOR AND APPROVE AGREEMENT

1. EXECUTIVE SESSION – STRATEGY SESSION/NEGOTIATING GUIDANCE – KENO LOTTERY

At 7:17 p.m. Councilmember McLaughlin made a motion to go into executive session for protection of the public interest for a Strategy Session/Negotiating Guidance – Keno Lottery. Seconded by Councilmember Sheehan. 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 8:20 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPOINT KENO OPERATOR AND APPROVE AGREEMENT

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-068: A RESOLUTION OF THE CITY OF LA VISTA, NEBRASKA, APPOINTING LA VISTA, KENO, INC. AS THE OPERATOR OF THE CITY OF LA VISTA KENO LOTTERY AND APPROVING THE LOTTERY OPERATOR AGREEMENT COMMENCING OCTOBER 1, 2008.

WHEREAS, the term of the current keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated July 22, 1998, as amended, expires September 30, 2008; and

WHEREAS, the City of La Vista issued a request for proposal and proposal specifications for operation of the City's keno lottery commencing October 1, 2008; and

WHEREAS, the City Clerk has taken and reviewed bids and recommends appointment of La Vista Keno, Inc. as the operator of the City's keno lottery commencing October 1, 2008, subject to the conditions specified below.

NOW, THEREFORE, BE IT RESOLVED:

1. The Lottery Operator Agreement in form and content presented at this meeting is hereby approved, subject to finalization and attachment of Exhibits described in said agreement in form and content satisfactory to the City Administrator, and such further modifications as the City Administrator determines necessary or appropriate ("Approved Lottery Operator Agreement").

2. La Vista Keno, Inc. is hereby appointed the operator of the City's keno lottery commencing October 1, 2008, subject to La Vista Keno, Inc. executing and delivering to the City Clerk the Approved Lottery Operator Agreement no later than August 8, 2008.

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

E. RESOLUTION – AMENDMENT #1 TO INTERLOCAL AGREEMENT – HARRISON STREET

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-069: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO INTERLOCAL AGREEMENT FOR THE IMPROVEMENT OF HARRISON STREET FROM 47TH STREET TO 71ST STREET; ORIGINALLY ENTERED INTO ON FEBRUARY 7, 2006 BY THE CITIES OF OMAHA, BELLEVUE, LA VISTA; SARPY COUNTY AND DOUGLAS COUNTY, PARTS OF WHICH ARE IN THE JURISDICTION OF EACH OF THE ENTITIES.

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

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WHEREAS, Omaha, Bellevue, La Vista, Sarpy County and Douglas County entered into a agreement dated February 7, 2006 to improve Harrison Street from 47th Street to 71st Street, parts of which are in the jurisdiction of each of the entities; and

WHEREAS, it is necessary that work not included in the Original Interlocal Agreement be added under this Amendment; and

WHEREAS, it is necessary to increase the limits of the Original Interlocal Agreement for the additional work necessary to complete the project; and

WHEREAS, all entities desire to describe and define the responsibilities of the project, to enable them to jointly undertake the project in the manner described in Amendment #1 To Interlocal Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of Amendment #1 To Interlocal Agreement for the improvement of Harrison Street from 47th Street to 71st Street. All provisions of the Original Interlocal Agreement dated February 7, 2006, except as amended herein, shall remain in full force and effect.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if this will be the only amendment the City will be involved in. Public Works Director Soucie said this is the only financial amendment required. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – NOTICE OF INTENT UNDER IRS CODE – HARRISON STREET IMPROVEMENT PROJECT

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-070: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING THE CITY'S OFFICIAL INTENT UNDER INTERNAL REVENUE CODE REGULATION SECTION 1.150-2 TO PROVIDE FOR THE INCURRING OF INDEBTEDNESS IN THE ESTIMATED AMOUNT OF \$270,000 FOR THE HARRISON STREET IMPROVEMENT PROJECT.

NOW THEREFORE, BE IT RESOLVED, and enacted by the Mayor and City Council of the City of the City of La Vista, Nebraska, as follows:

Section 1. That the Mayor and City Council of the City of La Vista, Nebraska, do hereby declare this resolution to be the City's official declaration of intent under Internal Revenue Code Regulation Section 1.150.2 to provide for the incurring of indebtedness which may include reimbursements of expenditures made by the City for constructing improvements in the Harrison Street Improvement Project. The preliminary estimate of debt contemplated to be issued for such projects is currently \$270,000.

Section 2. That up to the expenditure of the full amounts of such projects described within this resolution, the City may advance funds as may be necessary for meeting the immediate costs of such improvements. It is the intent of the Mayor and City Council and the City's reasonable expectation that the City shall reimburse such expenditures as may be made from general funds on hand from the proceeds of the issuance of its debt obligations.

Section 3. That the City Clerk shall make a copy of this resolution available for public inspection at the main office of the City at all times during normal business hours within ten days after the adoption hereof. Such copies shall remain available for public inspection at all times until the bonds or such other tax-exempt obligations contemplated herein are issued.

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

G. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 8:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

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At 8:25 p.m. Councilmember McLaughlin 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. 08-071: 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
8017 Park View Blvd., Lot 1287, La Vista, \$227.83,
8831 Pine Drive, Lot 178, Park View Heights 2nd addition, \$202.66,
8762 Pine Drive, Lot 186, Park View Heights 2nd addition \$426.32,
7423 S 77th Ave., Lot 681, La Vista, \$418.52,
7312 Lillian Ave., Lot 533, La Vista Replat, \$431.57,
7506 Joseph Ave., Lot 378, La Vista Replat, \$643.89 and
7415 James Ave., Lot 490, La Vista Replat, \$419.82
were notified to clean up their property as they were in violation of the City Municipal Code, Sections 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 Carlisle. Councilmember Sell asked if the City was charging enough for clean-up costs. Public Works Director Soucie stated that we are. Councilmember Gowan asked if we can see who the repeat offenders are. Staff can supply a list. Councilmember Sheehan inquired as to the difference in clean up times between some addresses. Soucie stated that size of lot and how much debris needs to be removed or moved before mowing can take place. Councilmember Sheehan asked that pictures be included with the information in the future. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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 G. "Executive Session". Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, 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. There were no comments from the floor.

H. EXECUTIVE SESSION – PERSONNEL MATTERS

At 8:27 p.m. Councilmember Carlisle made a motion to go into executive session to prevent needless injury to the reputation of an individual to discuss personnel matters. 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 10:15 p.m. the Council came out of executive session. Councilmember Sell made a motion to reconvene in open and public session, noting that the discussion in executive session was limited

MINUTE RECORD

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

August 5, 2008

to the subject matter contained in the original motion. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

I. POSSIBLE RESOLUTION – PERSONNEL DECISION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-072: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A PERSONNEL DECISION OF THE CITY ADMINISTRATOR.

WHEREAS, pursuant to §37.13 (C)(5)(c) of the Municipal Code of the City of La Vista and §5.3 (E)(3) of the Rules and Regulations of the Civil Service Commission of the City of La Vista, the City Council has reviewed and approved the decision of the City Administrator regarding certain personnel matters.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the decision of the City Administrator that Sergeant James Davis be demoted to the rank of police officer.

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

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated that he would like to see employees become officers of the safety committee rather than department heads. Police Chief Lausten stated that the goal is to have employees be officers and for rotations on and off the committee. Councilmember Sheehan also reminded Assistant City Administrator that he would like to see the LARM loss reports.

Mayor Kindig thanked Councilmembers Sell and Quick for their attendance at the National Night Out Event on Sunday.

Mayor Kindig updated Council on the possible Royals stadium in Sarpy County. A meeting was held last week. The consultant that was hired to look at the possibility of a stadium in Sarpy County explained their plans. Mayor Kindig will be on a committee which will work with the consultant regarding the feasibility study for a stadium.

Mayor Kindig stated the Embassy Suites open house was a great event.

Councilmember Sell thanked Nick, from Hy-Vee, who donated food for the National Night Out event. He thanked Steve from Dairy Queen for his donation; and he thanked Assistant City Administrator Ramirez for getting rates reduced with LARM.

At 10:22 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF AUGUST 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk