

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING September 2, 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 September 2, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Street Superintendent Goldman, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on August 21, 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.

### SERVICE AWARD – JOHN DANDERAND, JR. – 15 YEARS

Mayor Kindig presented a certificate and pin to John Danderand for 15 years of service to the City.

### APPOINTMENT – RESCUE LIEUTENANTS – ANN BOLEY AND KIRSTEN BRADLEY

Mayor Kindig stated, with the approval of Council, he would like to appoint Ann Boley and Kristen Bradley as Rescue Lieutenants in the La Vista Volunteer Fire Department. Councilmember McLaughlin motioned to approve the appointment of the new Rescue Lieutenants. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### APPOINTMENT – CIVIL SERVICE COMMISSION – PAUL CHRISTENSEN – FILL VACANCY

Mayor Kindig stated that with the approval of Council he would like to appoint Paul Christensen to the Civil Service Commission to fill a vacancy. Councilmember Sell motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 19, 2008
3. APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC. FROM AUGUST 4, 2008
4. PAY REQUEST NO. 9 FROM LEO A DALY FOR MUNICIPAL FACILITIES  
PLAN - \$3,000.00
5. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Sell asked for a friendly amendment to page 3 of the August 19, 2008 City Council minutes to add language showing the vote on the appropriations ordinance was for the ordinance as presented at that meeting without changes. Councilmember Carlisle amended her motion to include this change. Councilmember Gowan seconded this amended motion. 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. Absent: None. Motion carried.

A.S.P. ENTERPRISES, Street Maint.	72.96
ACTION BATTERIES, Vehicle Supplies	172.00
ADAMSON INDUSTRIES, Equipment	658.85
AED SUPERSTORE, Supplies	243.00
ALAMAR UNIFORMS, Wearing Apparel	106.97

# MINUTE RECORD

September 2, 2008

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

ALEGENT HEALTH CME EDUCATION, Training	90.00
AMSAN, Supplies	501.16
APPRICH, ROSEMARY, Refund	95.00
AQUA-CHEM, Supplies	241.25
AQUILA, Utilities	39.35
ARAMARK UNIFORM SERVICES, Contract Services	127.99
ASSOCIATED FIRE PROTECTION, Contract Services	385.00
AUSTIN PETERS GROUP, Professional Services	3,697.50
BAKER & TAYLOR BOOKS, Books	1,250.09
BAKER, MARCUS, Travel/Auto Allowance	100.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNETT REFRIGERATION, Bldg & Grnds	246.10
BENNINGTON IMPLEMENT, Vehicle Maint.	125.33
BENSON, ISAAC, Contract Services	175.00
BETTER BUSINESS EQUIPMENT, Rentals	40.30
BIRCH, ANN, Auto Allowance	50.00
BOB'S RADIATOR REPAIR, Vehicle Maint.	180.00
BROWN, JANE, Refund	105.00
BUETHE, PAM, Auto Allowance	100.00
BUILDERS SUPPLY, Bldg & Grnds	13.23
CASE, STEVE, Refund	400.00
CHAMPLIN, DUSTIN, Refund	110.00
CITY OF OMAHA, Contract Services	26.40
COUNCIL OF STATE GOVERNMENTS, Books	112.50
DANIELSON/TECH SUPPLY, Bldg & Grnds	1,055.00
DEETER FOUNDRY, Sewer Maint.	917.25
DON'S PIONEER UNIFORMS, Wearing Apparel	149.75
DOUGLAS COUNTY SHERIFF'S, Contract Services	75.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	26.61
EASTERN LIBRARY SYSTEM, Training	165.00
EDGEWEAR SCREEN PRINTING, Supplies	114.00
ELECTRIC FIXTURE & SUPPLY, Parking Dist 1 Maint.	103.73
FAGIN, KAREN, Travel	275.61
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX, Postage	132.21
FEDEX KINKO'S, Printing	9.00
FLEET US, Bldg & Grnds	2,222.15
FLOORS INCORPORATED, Bldg & Grnds	869.00
FUTUREWARE DISTRIBUTING, Contract Services	24.00
G I CLEANER & TAILORS, Uniform Cleaning	120.75
GALE, Books	46.43
GALL'S INCORPORATED, Wearing Apparel	41.99
GASSERT, MIKE, Contract Services	1,018.00
GOLDMAN, JOHN, Phone	40.00
GRAYBAR ELECTRIC, Bldg & Grnds	7.74
GUNN, BRENDA, Auto Allowance	300.00
HANEY SHOE STORE, Wearing Apparel	120.00
HANS HEATING & AIR, Bldg & Grnds	215.00
HARM'S CONCRETE, Street Maint.	77.00
HEIMES CORPORATION, Street Maint.	397.08
HELGET GAS PRODUCTS, Squad Supplies	70.50
HILLYARD/SIOUX FALLS, Equipment	22.00
HOST COFFEE, Concessions	24.00
INDUSTRIAL SALES COMPANY, Bldg & Grnds	292.53
INTERNATIONAL CODE COUNCIL, Dues	100.00
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies	164.46
JESUS, MATTHEW, Contract services	90.00
JINECO EQUIPMENT, Equipment	50.90
JOHNNY ON THE SPOT, Bldg & Grnds	303.00
JONES AND BARTLETT PUBLISHERS, Training	605.99
KAYLINE PROFESSIONAL, Street Maint.	103.58
KINDIG, DOUGLAS, Phone/Auto Allowance	190.00
KLINKER, MARK, Professional Services	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	150.00
LANDSHIRE, Concessions	92.64
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LEAGUE OF NEBR MUNICIPALITIES, Contract Services	1,072.00

# MINUTE RECORD

September 2, 2008

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

LEE, CATERINA, Refund	115.00
LINWELD, Wearing Apparel/Supplies	663.90
LOGAN CONTRACTORS SUPPLY, Bldg & Grnds	125.64
LUKASIEWICZ, BRIAN, Telephone	40.00
MAX I WALKER CLEANERS, Uniform Cleaning	44.05
METHODIST HOSPITAL, Contract Services	403.00
METROPOLITAN COMMUNITY COLLEGE, Training	3,763.48
MICHAEL TODD AND COMPANY, Traffic Signs	55.68
MID AMERICA PAY PHONES, Phone	150.00
MIDWEST TURF & IRRIGATION, Vehicle Maint.	119.28
MUD, Utilities	4,318.93
NEBRASKA IOWA SUPPLY, Vehicle Supplies	16,812.35
NEBRASKA LIFE MAGAZINE, Books	21.00
NEBRASKA NATIONAL BANK, Cart Lease	660.00
NEBRASKALAND CONF BLDG OFFCL, Training	35.00
NEFF TOWING, Vehicle Maint.	225.00
NEUMAN EQUIPMENT, Vehicle Supplies	92.00
NEW YORK TIMES, Books	27.20
NEXTEL COMMUNICATIONS, Phone	467.75
NLA-NEBRASKA LIBRARY ASSN, Travel/Training	260.00
NOTARY PUBLIC UNDERWRITERS, Contract Services	95.00
OABR PRINT SHOP, Printing	3,990.09
OFFICE DEPOT, Supplies	805.52
OMAHA COMPOUND, Repair	139.28
ORIZON CPAS, Professional Services	1,000.00
OVERHEAD DOOR, Bldg & Grnds	180.00
PAPILLION TIRE, Vehicle Maint.	76.07
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	372.64
PAYLESS OFFICE, Supplies	373.67
PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	104.35
PREMIER-MIDWEST BEVERAGE, Concessions	69.40
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROPERTY SERVICES, Supplies	131.00
QUALITY BRANDS, Concessions	507.15
QWEST, Phone	1,020.04
RAMIREZ, RITA, Auto Allowance	75.00
READY MIXED CONCRETE, Street Maint.	3,927.30
ROSE EQUIPMENT, Vehicle Maint.	243.89
SAFETY-KLEEN CORPORATION, Contract Services	294.19
SAPP BROS PETROLEUM, Vehicle Supplies	1,126.25
SARPY COUNTY CHAMBER, Travel	280.00
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SARPY COUNTY YMCA, Travel	220.00
SMITH, MELANIE, Auto Allowance	100.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,659.00
SOUCIE, JOSEPH, Phone	30.00
SPRINT, Phone	97.59
STOPAK, SCOTT, Phone	206.55
SUN COUNTRY DISTRIBUTING, Water Feature Maint.	141.98
TANGEMAN, JODI, Auto Allowance	33.00
TED'S MOWER SALES & SERVICE, Vehicle Maint.	104.17
TREAT AMERICA FOOD SERVICES, Travel	252.20
TURFWERKS, Vehicle Maint.	87.53
U S ASPHALT COMPANY, Street Maint.	944.09
UNITED SEEDS, Supplies	130.00
UNITED STATES PLASTICS, Supplies	69.33
UPS, Postage	22.46
VERIZON WIRELESS, Phone	35.59
VIERREGGER ELECTRIC, Street Maint.	2,583.24
VIERS, STEVE, Auto Allowance	100.00
VOGEL TRAFFIC SERVICES, Traffic Signs	4,112.50
WAL-MART, Supplies/Bldg & Grnds	671.96
WASTE MANAGEMENT, Bldg & Grnds/Contract Services	1,109.68

# MINUTE RECORD

September 2, 2008

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that John Danderand began his first day in the investigation bureau today. Lausten thanked the Public Works Department and the Fire Department for their help at the weekend checkpoint. Along with La Vista Police Department, the Papillion Police Department, Sarpy County, Douglas County, and the State Patrol participated in the "You Drink, You Drive, You Lose over the Labor Day weekend. Seven people were arrested for being under the influence while driving. Grant funds were used to pay for the overtime involved.

Councilmember McLaughlin asked staff about the burned house at 103rd Street and Harrison. He wanted to know when the home would be demolished. Fire Chief Uhl informed Council the cause of the fire involved a flexible gas pipe, and stated the insurance investigation was completed last week so demolition can begin now. Councilmember Gowan asked what changes are going to be made to building codes to avoid future incidents. Fire Chief Uhl stated he was not sure if there is a fix at this point in time.

Councilmember Gowan asked Community Development Director Birch if the City allowed alternatives and is it something that can be stopped. Community Development Director Birch stated she would check the rules on this. Councilmember Sheehan asked how we could prohibit the use of this pipe for construction in La Vista. Community Development Director Birch stated that Chief Building Official Jeff Sinnott would be doing some work to find out what can be done for current homes and for future building.

Street Superintendent Goldman informed Council the resurfacing of Heather and Josephine Streets is complete, and nearly complete on James and Joseph Streets. Goldman stated there is no timeline on US Asphalt work. Councilmember Sheehan stated he would like to be updated on the Harrison Street project progress. Councilmember Gowan asked if there has been any contact with OPPD on 96th Street. Goldman stated that with the major storm damage in the metro area they are still working to restore street lights which has pushed the 96<sup>th</sup> project out further. Assistant City Administrator Ramirez stated the project has been moved to the next fiscal year.

Recreation Director Stopak informed Council the La Vista Falls Golf Course had 3979 rounds in August 2008 which is 150 rounds more than in August of 2007 which was a record year. The Golf Course is on pace to do as well as last years record year or exceed it.

Library Director Iwan gave Council a final report from the Summer Reading Program. 481 children and over fifty schools were represented. The library entered a float in the La Vista Days parade. The library used a card system this summer to keep track of all the hours read. 932 Summer Reading Logs were turned in for a total of 4,660 hours. A total of 1928 children participated in the summer program. 58 teens registered for the teen summer reading program. Teens had to complete 50 points. There were 11 events planned for the teens and there were a total of 77 teens attending. There were 28 teen volunteers at the library volunteering a total of 328.5 hours. The library received a letter from Runza restaurants that they take 15% of profits one day each year to support the local library. 15% of all purchases on September 9, 2008 will go to the La Vista library.

## B. FISCAL YEAR 07/08 AMENDED MUNICIPAL BUDGET

### 1. PUBLIC HEARING

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Fiscal Year 07/08 amended Municipal Budget.

At 7:29 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. ORDINANCE – APPROVE AMENDED BUDGET

Councilmember Sell introduced Ordinance No. 1072 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1043 AND 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, 2007 AND ENDING ON SEPTEMBER 30, 2008; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; TO REPEAL ORDINANCE NO. 1043 CONFLICT HEREWITHE; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

# MINUTE RECORD

September 2, 2008

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

Councilmember Quick 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No.1072 be passed and adopted?" Upon roll call vote 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 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.

## C. FISCAL YEAR 08/09 MUNICIPAL BUDGET

### 1. APPROPRIATIONS ORDINANCE NO. 1065— FINAL READING

Mayor Kindig stated, "Ordinance No. 1065 now comes on for its third and final reading." Councilmember Sheehan 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.

Assistant City Administrator Ramirez stated that it had been brought to her attention that there was a misunderstanding on the part of staff regarding Council direction on this agenda item as it pertains to Mayor and Council salary increases. Upon review of the discussion at the last meeting, Council direction was to bring back the budget for its third reading without the addition of the increases. As there were strong opinions on both sides of this issue she believed it was staff's intent to leave options open for both sides while minimizing the impact on publication procedures. The goal is to approve a final budget document that can be submitted to the State in a timely manner. The changes to the budget since the second reading were a decrease in the property tax request, the addition of the Mayor and Council stipend increase, and the addition of legal fees in the Economic Development Fund.

The Mayor directed City Clerk Buethe to read Ordinance No. 1065 by title; and City Clerk Buethe read the ordinance by title. The Mayor clarified for the record that the proposed budget being considered under Ordinance No. 1065 was the same as the proposed budget presented at the August 19, 2008 Council meeting when Ordinance No. 1065 was read by title for a second time.

City Clerk Buethe had the current proposed budget on file at the meeting. The Mayor stated that any amendments to the proposed budget would be considered before voting on a final budget. Discussion was held regarding proposed changes prepared by Staff for final valuations, additional legal fees related to the economic development program and increases in elected official compensation. The Mayor stated that each proposed amendment would be considered separately.

Councilmember Ellerbeck moved to amend the budget to reflect the property valuation as listed on the blue sheet.. Councilmember Sell seconded the motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Sell moved to approve the legal fees which dealt with the Economic Development Fund. Councilmember Ellerbeck seconded the motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Discussion was held as to whether Mayor and Council salary increases should be put in the budget and what the effective date will be.

# MINUTE RECORD

September 2, 2008

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

Councilmember Sheehan moved to include the 8% increase for the Mayor and Council salaries with an effective date to be determined prior to December. Councilmembers voting aye: Ronan, Quick, Sheehan, McLaughlin Ellerbeck, and Gowan. Nays: Sell and Carlisle. Absent: None. Motion carried.

Councilmember Gowan moved for approval of third reading and final passage of the ordinance as amended by the changes previously voted on and modification of the text of the ordinance to reflect said changes, which motion was seconded by Councilmember Quick. The Mayor then stated the question was, "Shall Ordinance No.1065 be passed and adopted?" Said ordinance was then again read by title. Upon roll call vote the following Councilmembers voted aye: Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, and Gowan. The following voted nay: Sell and Carlisle. 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. MASTER FEE ORDINANCE NO. 1066 – FINAL READING**

Mayor Kindig stated, "Ordinance No. 1066 now comes on for its final reading.": 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.

Said ordinance was then read by title and thereafter Councilmember Ellerbeck moved for approval of third reading and final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor called for another reading of the ordinance. The Mayor then stated the question was, "Shall Ordinance No.1066 be passed and adopted?" Upon roll call vote 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 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.

## **3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY**

### **A. PUBLIC HEARING**

At 7:52 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the increase base of Restricted Funds Authority.

At 7:53 p.m. Councilmember Ellerbeck 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.

### **B. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-081: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2008-09 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2008-09 municipal budget on September 2, 2008; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2008-09 municipal budget is allowed following the approval of at least 75% of the governing body.

# MINUTE RECORD

September 2, 2008

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2008-09 municipal budget by an additional one percent.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked how the additional 1% benefited the City. Finance Director Lindberg stated that the additional 1% is recommended to preserve budgeting flexibility for future Councils. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 4. SETTING THE PROPERTY TAX LEVY

### A. PUBLIC HEARING

At 7:54 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the Property Tax Levy.

At 7:55 p.m. Councilmember Ellerbeck 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.

### B. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-082: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FY 08/09.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 08/09 property tax request be set at \$4,976,527.30 which would require a mill levy of \$0.5235.

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2008.

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

## D. ADOPTION OF THE 2009-2013 CAPITAL IMPROVEMENT PROGRAM (CIP)

### 1. PUBLIC HEARING

At 7:56 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the adoption of the 2009-2013 Capital Improvement Program (CIP).

At 7:57 p.m. Councilmember Sell 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 – ADOPT CAPITAL IMPROVEMENT PROGRAM

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-083: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2009-2013 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

# MINUTE RECORD

September 2, 2008

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

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2009-2013 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2009-2013 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2009-2013 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2009-2013 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. UNITED CITIES OF SARPY COUNTY**

### **1. RESOLUTION – APPROVE FIRST AMENDMENT - INTERLOCAL COOPERATION AGREEMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIRST AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT WITH THE CITIES OF BELLEVUE, GRETNNA, PAPILLION AND SPRINGFIELD TO JOINTLY HIRE A LOBBYIST TO LOBBY ON BEHALF OF THE PARTIES IN THE NEBRASKA LEGISLATURE.

WHEREAS, the cities of Bellevue, Gretna, La Vista, Papillion and Springfield desire to promote the common legislative interest of the five cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

WHEREAS, the parameters of such arrangement have been outlined in the first amendment to interlocal agreement.

NOW THEREFORE, BE IT RESOLVED, that the First Amendment to Interlocal Cooperation Agreement with the cities of Bellevue, Gretna, Papillion and Springfield to jointly hire a lobbyist to lobby on behalf of the parties in the Nebraska Legislature, is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Ellerbeck. Councilmember Carlisle asked if every City is on board with the agreement. Mayor Kindig stated that all cities are on board to our knowledge. Councilmember Sell asked what would happen if the lobbyist acquired a new client, which is in conflict with the United Cities of Sarpy County. Mayor Kindig stated that we will have priority. Councilmember Gowan amended his motion to approve the resolution contingent on approval by all of the other cities involved. Councilmember Ellerbeck seconded the amended motion. Councilmember Sheehan requested that they be given a copy of all the clients this firm does lobbying for. Councilmember Carlisle asked what would happen if another city would back out. Assistant City Administrator Ramirez stated that another city would have to have just cause to get out of the contract. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

# MINUTE RECORD

September 2, 2008

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

## 2. RESOLUTION – APPROVE LOBBYING AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-085: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A LOBBYING AGREEMENT BETWEEN THE UNITED CITIES OF SARPY COUNTY AND KISSEL/E&S, L.L.C. FOR LOBBYING SERVICES BEFORE THE NEBRASKA STATE LEGISLATURE AND GOVERNOR IN AN AMOUNT NOT TO EXCEED \$30,000.

WHEREAS, the cities of Bellevue, Gretna, La Vista, Papillion and Springfield (UNITED CITIES OF SARPY COUNTY) desire to promote the common legislative interest of the five cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

WHEREAS, the Mayor and City Council have identified the need for a lobbyist as a strategic initiative and did appropriate funds in the FY 08/09 municipal budget for the hiring of a lobbyist; and

WHEREAS, the mayors of the United Cities of Sarpy County have selected Joe Kohout with Kissel/E&S L.L.C. to serve as their joint lobbyist.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute a lobbying agreement between the United Cities of Sarpy County and Kissel/E&S L.L.C. for lobbying services before the Nebraska State Legislature and Governor in an amount not to exceed \$30,000.

BE IT FURTHER RESOLVED, that the Consent to Assignment of Contract as attached is hereby ratified, affirmed and approved.

Seconded by Councilmember Quick. Councilmember Carlisle asked that language be put in the agreement with regard to leaving the contract due to fiscal reasons. Assistant City Administrator Ramirez stated that this is a three year binding contract for all the cities. Mayor Kindig asked Councilmember Gowan if he wants to amend his motion. Councilmember Gowan stated that he does not wish to amend his motion. Councilmember Carlisle questioned the 5% increase as it is more than the city gives to its employees. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, and Gowan. Nays: Carlisle. Absent: None. Motion carried.

## F. RESOLUTION – RIGHT-OF-WAY DEDICATION – VALLEY ROAD CUL-DE-SAC (LA VISTA FALLS GOLF COURSE)

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF THE PLAT AND DEDICATION FOR STREET WIDENING FOR VALLEY ROAD CIRCLE, LOCATED IN THE NORTHWEST ¼ OF SECTION 14, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA AS IDENTIFIED IN THE ATTACHED EXHIBIT "A".

WHEREAS, the City Council approved Ordinance No. 1060 which vacated the platting of the property which encompassed the La Vista Falls Golf Course and Central Park, including all street rights-of-way which were originally platted within this area; and

WHEREAS, the only improved street within this area which should be re-dedicated as public right-of-way is the Valley Road cul-de-sac; and

WHEREAS, the City Council recommends approval of the plat and dedication document as attached for the Valley Road cul-de-sac, located in the Northwest ¼ of Section 14, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska as identified in the attached Exhibit "A"; and

WHEREAS, the City Engineer and Public Works Director recommend approval of the dedication.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby dedicate to the public for public use the street as shown on the attached Exhibit "A" to be hereafter known as Valley Road Circle and authorize the Mayor to sign the dedication.

# MINUTE RECORD

September 2, 2008

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

Seconded by Councilmember Ellerbeck. Councilmember Sell asked if this cuts into anyone's property. City Engineer Kottmann stated that this action is due to the previous vacation of tax lots and at this point the City needs to rededicate the right of way which already exists. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## G. DISCUSSION – EXPANSION OF FITNESS ROOM AT COMMUNITY CENTER

Mayor Kindig asked if a wall will be removed for the expansion. Recreation Director Stopak explained that the double doors will be removed. Cardio equipment will remain in the existing room, and the weight equipment will be moved to the room which was previously the dance studio.

Councilmember Sell asked if there would be problems with basketball. Recreation Director Stopak explained there would be hardwood dividers.

Councilmember Sheehan asked if the stage area is handicap accessible. Recreation Director Stopak stated this area is handicap accessible.

Mayor Kindig asked if checks of the rooms will be done by staff. Recreation Director Stopak stated there will be visual checks of the rooms and the major portion of each room is visible at all times.

## COMMENTS FROM THE FLOOR

Marshal Noker, a La Vista resident addressed Council to express his concern with a "for sale" sign on a property near his home. He was concerned about the land being sold for commercial development. Mayor Kindig informed him the land is not zoned for any type of commercial building, and the property is an outlot and designated as unbuildable. Councilmember Quick asked if the City will continue to maintain the property. Staff will continue to follow up on this property to determine the city's role in maintenance of the property.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig informed Council that anyone interested in helping with the La Vista West PTO Carnival on Friday, September 19th can pick up a contact number sheet from Pam or they can contact Mary.

Mayor Kindig thanked Police Chief Lausten for his work on the recent basketball game. He thanked Fire Chief Uhl for singing the national anthem at the tournament and the Fire Department Color Guard for presenting the flags. Mayor Kindig stated the event raised \$1,000 for the Special Olympics.

At 8:34 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC  
City Clerk