

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING September 16, 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 16, 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, Community Development Director Birch, Public Works Director Soucie, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Library Director Iwan, 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 September 4, 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.

### **PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH**

Mayor Kindig read a proclamation declaring October 2008 as Domestic Violence Awareness Month in La Vista. It was presented to Holly from the Domestic Abuse Center.

### **APPOINTMENTS TO PLANNING COMMISSION – MICHAEL CIRCO MOVE FROM ALTERNATE TO FILL VACANCY OF REGULAR BOARD POSITION. JASON NIELSEN TO FILL VACANCY OF ALTERNATE POSITION**

Mayor Kindig stated that with the approval of Council he would like to appoint Michael Circo, who was previously an alternate, to the Planning Commission to fill a vacancy and to appoint Jason Nielsen as an alternate to fill a vacancy. Councilmember McLaughlin motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **SPECIAL REPORT – JOHN YOCHUM – SARPY COUNTY ECONOMIC DEVELOPMENT CORP.**

John Yochum of the Sarpy County EDC addressed Council to review the Second Quarter Report. He reviewed net taxable sales, building permit valuations, housing permits, and Sarpy County labor force statistics.

### **PROCLAMATION – SPECIAL RECOGNITION**

Mayor Kindig read a proclamation for special recognition to John Yochum of the Sarpy County EDC for his hard work and dedication to the Sarpy County EDC.

### **SPECIAL REPORT – ANGELA ODORISIO – LA VISTA COMMUNITY FOUNDATION**

Councilmember Carlisle informed Council that the Community Foundation had been without a director for about a year. Angela Odorisio has been working with the foundation since April 2008. Odorisio addressed Council to inform them the foundation has been back in contact with donors. She stated the Foundation is working toward a youth council, with applications available in upcoming months. Mayor Kindig stated the Foundation is moving forward, has a strong Board of Directors and is dedicated to being successful. Kindig informed Council that City Attorney McKeon and his firm have been very committed to the Foundation.

### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 2, 2008**
- 3. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES  
FROM AUGUST 20, 2008**
- 4. APPROVAL OF PLANNING COMMISSION MINUTES FROM AUGUST 21, 2008**

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## 5. APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FROM SEPTEMBER 8, 2008

### 6. PAY REQUEST NO. 5 FROM BERINGER CIACCIO DENNELL MABREY FOR PROFESSIONAL SERVICES – CART CORRAL DESIGN - \$4,671.25

### 7. PAY REQUEST FROM WATER'S EDGE AQUATIC DESIGN, LLC FOR SWIMMING POOL CONCEPT PLAN - \$2,699.62

### 8. PAY REQUEST NO. 12 FROM JOHN Q. HAMMONS FOR CONSTRUCTION LOAN - \$46,594.24

## 9. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Sell. Councilmember Sheehan reviewed the claims for this period and reported that he found everything to be in order. Councilmember Sheehan inquired as to when something would be presented to Council with regard to the Municipal Facilities Plan. City Administrator Gunn stated that should be ready for the second meeting in October. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

AETNA, Rescue Revenue	480.00
AKSARBEN HEATING, Bldg & Grnds	202.75
AKSARBEN PLUMBING, Refund	24.75
ALKAR BILLIARDS, Equip.	39.98
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	20.85
AQUILA, Utilities	2,491.44
ARAMARK UNIFORM, Contract Services	238.25
BATTERY ZONE, Equip.	57.69
BBC AUDIOBOOKS AMERICA, Media	138.67
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,196.25
BENNINGTON IMPLEMENT, Vehicle Maint/Bldg & Grnds	447.25
BLEACH, LARRY, Contract Services	45.00
BOBCAT, Vehicle Maint.	99.46
BUETHE, PAM, Travel/Supplies/Postage	95.77
BUILDERS SUPPLY, Bldg & Grnds	752.38
CABELA'S, Supplies	55.98
CARDMEMBER SERVICE, Travel/Training/Supplies	11,410.00
CENTER POINT PUBLISHING, Books	38.94
CENTURY TOOL, Traffic Signs	835.00
CJ'S HOME CENTER, Bldg & Grnds/Repair/Vehicle Maint.	614.08
COCA-COLA, Concessions	622.02
CONTROL MASTERS, Capital Outlay	2,008.10
CORNHUSKER, Vehicle Maintenance	21.00
COX, Contract Services	198.80
D & D COMMUNICATIONS, Repair	465.00
DECOSTA SPORTING GOODS, Supplies	358.28
DEMCO, Supplies	131.74
DURO-LAST, Bldg & Grnds	375.50
EAGLE ENGRAVING, Wearing Apparel	46.00
FASTENAL COMPANY, Supplies	59.88
FILTER CARE, Vehicle Maint.	33.30
GALL'S, Wearing Apparel	507.55
GAYLORD BROS, Supplies	56.13
GCR OMAHA TRUCK TIRE CENTER, Supplies	958.60
GOLDMAN, JOHN, Travel	30.00
GRAYBAR ELECTRIC, Street Maint.	419.82
GREAT WESTERN BANK, Fees	250.00
GREENKEEPER COMPANY, Supplies	750.00
GRETNA WELDING, Vehicle Maint.	100.00
GUNN, BRENDA, Travel	290.50
HANEY SHOE STORE, Wearing Apparel	240.00
HEIMES, Street Maint.	127.68
HELGET GAS PRODUCTS, Squad Supplies	25.00
HIGHSMITH, Supplies	57.94
HOST COFFEE, Concessions	24.00
HUNTEL, Contract Services	294.50
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	13.56
INDUSTRIAL SALES, Bldg & Grnds	326.33
INLAND TRUCK PARTS, Vehicle Maint.	318.04
INTERNATIONAL CODE COUNCIL, Books	1,274.78
J Q OFFICE EQUIPMENT, Rental	49.00

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JOHNSTONE SUPPLY, Bldg & Grnds	48.10
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LAW ENFORCEMENT TARGETS, Supplies	147.53
LEAGUE OF NEBRASKA MUN, Training	120.00
LEO A DALY, Planning	3,000.00
LINWELD, Street Maint/Wearing Apparel	489.78
LOGAN CONTRACTORS SUPPLY, Street Maint.	506.05
LOU'S SPORTING GOODS, Equipment	576.60
LYMAN-RICHEY SAND & GRAVEL, Repair	192.31
MEDIA RECOVERY, Contract Services	291.08
METAL SUPERMARKETS, Repair	60.00
METRO AREA TRANSIT, July Fees	620.00
METROPOLITAN COMM COLLEGE, Utilities/Phone/Contract Services	21,408.20
MINITEX - CPP, Supplies	49.00
MULHALL'S, Supplies	89.97
NE DEPT OF REVENUE-FORM 94, Waste Reduction	25.00
NEBRASKA LAW ENFORCEMENT, Travel	300.00
NEW YORK TIMES, Books	176.80
NMC, Vehicle Maint.	528.97
ODEY'S, Bldg & Grnds/Equip.	2,541.00
OFFICE DEPOT, Supplies	1,396.45
OPPD, Utilities	38,295.15
ORIENTAL TRADING, Supplies	34.91
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	346.79
PAULSEN, SHARON, Travel	15.00
QWEST, Telephone	122.28
RAMIREZ, RITA, Travel	228.00
READY MIXED CONCRETE, Street Maint.	6,481.68
SAPP BROS PETROLEUM, Vehicle Maint.	20.25
SARPY COUNTY LANDFILL, Bldg & Grnds	34.62
SINNETT, JEFF, Travel	235.00
SOUCIE, JOSEPH, Travel	896.25
STERIL MANUFACTURING, Flag Repair	255.00
SUN COUNTRY DISTRIBUTING, Equipment	141.98
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,786.82
SUTPHEN, Contract Services	1,200.00
TED'S MOWER SALES & SERVICE, Vehicle Maint.	150.11
THOMPSON DREESSEN & DORNER, Professional Services	15,806.77
TRACTOR SUPPLY COMPANY, Bldg & Grnds/Traffic Signs	568.80
TRUGREEN-CHEMLAWN, Contract Services	1,317.01
TURFWERKS, Supplies	361.37
U S ASPHALT COMPANY, Street Maint.	337.85
UPS, Postage	7.47
WHITTAKER, VICKI, Travel	15.00
WICK'S STERLING TRUCKS, Vehicle Maint.	63.90

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

City Administrator Gunn informed Council that the Assistant City Administrator and she will be attending an ICMA conference on Friday, September 19th, through Wednesday, September 24th.

Police Chief Lausten thanked the Public Works Department for their assistance during a call of a missing child. The child was found.

Public Works Director Soucie gave Council an overview of the APWA Congress 2008 he recently attending in New Orleans. He felt it was a good conference, with the best class being the one on Disaster Training, which had information on taking care of employee's families. While he was in New Orleans, Soucie also spent time with Habitat for Humanity, building homes.

Soucie informed Council that the 2008 Street projects are nearing completion. The Harrison Street project is progressing well and the section from 60<sup>th</sup> Street west should be completed by early November.

Library Director Iwan informed Council of a new program at the Library. Homework help is available on Tuesday and Thursday for 1st through 6th grade students until December 16th.

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## **B. ORDINANCE – PROVIDE QUALIFICATION STANDARDS FOR KENO LOTTERY SALES OUTLET LOCATIONS**

Councilmember McLaughlin introduced Ordinance No. 1073 entitled: AN ORDINANCE TO PROVIDE QUALIFICATION STANDARDS FOR KENO LOTTERY SALES OUTLET LOCATIONS; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember McLaughlin. The Mayor then stated the question was, "Shall Ordinance No.1073 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. AMENDING THE COMPENSATION ORDINANCE & SETTING RATES OF AUTO ALLOWANCE**

### **1. ORDINANCE – AMEND THE COMPENSATION ORDINANCE**

Councilmember Quick introduced Ordinance No. 1074 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question was, "Shall Ordinance No.1074 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.

### **2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCES**

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-087: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY 09 municipal budget establishes funds for vehicle and mobile phone allowances for various officers and employees of the City and are recommended by the Finance Director and City Administrator.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

Position	Monthly Vehicle Allowance	Position	Monthly Vehicle Allowance
Mayor	\$150	City Clerk	\$100
City Administrator	\$300	Assistant City Administrator	\$75
1st Asst. Fire Chief	\$100	2nd Asst. Fire Chief	\$100
District Fire Chief	\$100	Public Information Officer – Fire	\$100
Community Development Director	\$50	City Planner	\$50
Library Director	\$45	Asst. Library Director	\$33

NOW THEREFORE BE IT FURTHER RESOLVED, that the Finance Director may establish monthly mobile phone allowances as follows: mobile phone service for the Mayor, Park Superintendent and Golf Course Superintendent in an amount not to exceed \$50; mobile phone data package charges for the City Administrator, Assistant City Administrator, and City Clerk in an amount not to exceed \$45; and mobile phone service and data package charges for the Public Works Director and Street Superintendent in an amount not to exceed \$85.

Seconded by Councilmember Quick. Councilmember Sheehan asked if any of these amounts could be changed without a resolution from council. City Administrator Gunn stated that a resolution of council would be the only means to change any amounts. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. RESOLUTION – AWARD CONTRACT – CART CORRALS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-088: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO DOSTALS CONSTRUCTION COMPANY INC., GRETNA, NEBRASKA FOR THE CONSTRUCTION OF (8) EIGHT CART CORRALS FOR OFF STREET PARKING DISTRICT I, IN AN AMOUNT NOT TO EXCEED \$83,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of cart corrals for Off Street Parking District I is necessary; and

WHEREAS, the FY 2008/09 Off Street Parking District Fund provides funding for the proposed purchase of cart corrals; and

WHEREAS, the cart corrals are consistent with the Southport West Design Guidelines; and

WHEREAS, sealed bids were received and read aloud on September 9, 2008; and

WHEREAS, Design Architect Kevin Schluckebier recommends Dostals Construction Company Inc., as the low compliant bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby award a contract to Dostals Construction Company Inc., Gretna, Nebraska for the construction of (8) eight cart corrals for Off Street Parking District I, in an amount not to exceed \$83,000.00.

Seconded by Councilmember Sell. Councilmember McLaughlin asked if it had been determined where the cuts would be for the overage on cost. Public Works Director Soucie stated cost savings would be due to elimination of the need to paint the corrals as in the past, and with savings on the water feature. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. STRATEGIC PLAN UPDATE**

City Administrator Gunn asked Council if they had any question. Councilmember Sell stated it was nice to have a system in place.

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## **F. SPECIAL ASSESSMENTS FOR PROPERTY IMPROVEMENTS**

### **1. PUBLIC HEARING**

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

At 7:29 p.m. Councilmember Sell, seeing no one come forward to comment, made a motion to close the public hearing. Seconded by Councilmember McLaughlin. 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. 08-089: 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  
13812 Jennifer Rd., Lot 66, The Meadow Replat VI, \$588.87,  
7610 Terry Drive, Lot 660, La Vista Replat, \$477.55,  
7406 S. 70<sup>th</sup> Street, Lot 199, La Vista Replat, \$175.08,  
7413 S. 69<sup>th</sup> Street, Lot 145, La Vista Replat, \$236.09,  
7303 Elm Drive, Lot 292, Park View Heights 2<sup>nd</sup> Addition, \$585.57,  
7818 Terry Drive, Lot 1225, La Vista, \$668.51,  
7222 Joseph Ave, Lot 358, La Vista Replat, \$417.10,  
14006 Jennifer Rd., Lot 147, The Meadow Replat V, \$376.08,  
7421 Ivy Lane Dr., Lot 124, S & S's Harvest Hill, \$203.58 and  
7005 Edna Street, Lot 97, La Vista Replat, \$299.51  
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 Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

### **COMMENTS FROM MAYOR AND COUNCIL**

Mayor Kindig reminded Council that they need to turn in their entity and environment questionnaires to Mary if they have not already done so.

Councilmember Sheehan stated he liked the Pool Bond information brochure, but felt the estimated nature of operating costs should be noted. City Administrator Gunn will add the word "estimated" in future prints.

City Administration Gunn stated Deputy City Clerk Lupomech did a great job on the brochure.

Mayor Kindig stated there are two groups of citizens, each carrying a message for both sides of the issue. The brochure will be provided to inform citizens about the project.

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Mayor Kindig stated that Sarpy County has received a feasibility report, which is approximately 150 pages. The Mayor will receive a copy for the City.

PASSED AND APPROVED THIS 7TH DAY OF OCTOBER 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Bueth, CMC  
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\September 16, 2008