

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 21, 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 October 21, 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 October 9, 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.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 7, 2008
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM SEPTEMBER 18, 2008
4. PAY REQUEST NO. 10 FROM LEO A DALY FOR MUNICIPAL FACILITIES
PLAN - \$3,000.00
5. PAY REQUEST NO. 13 FROM JOHN Q. HAMMONS FOR CONSTRUCTION
LOAN - \$46,533.86
6. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick 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.

ACTION BATTERIES, Electric Cart	449.75
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	57.30
AQUILA, Utilities	2,604.72
ARAMARK UNIFORM, Contract Services	245.87
BAKER, MARCUS, Auto Allowance	50.00
BENNINGTON IMPLEMENT, Vehicle Maint.	271.76
BENSON RECORDS MANAGEMENT, Contract Services	68.70
BIRCH, ANN, Auto Allowance	50.00
BLAND, CHRIS, Contract Services	72.00
BRENTWOOD AUTO WASH, Vehicle Maint.	84.00
BUETHE, PAM, Auto Allowance/Phone/Travel/ Vehicle Maint.	232.64
BUILDERS SUPPLY, Bldg & Grnds	433.88
CALENTINE, JEFFREY, Phone	30.00
CARDMEMBER SERVICE, Phone/Training/Supplies/Travel	3,720.48
CARSTENSEN, RICH, Travel	295.00
CITY OF OMAHA, Engineering Design	28,670.54
CJ'S HOME CENTER, Bldg & Grnds/Vehicle Maint/Street/Maint.	1,211.95
CORNHUSKER INTL TRUCKS, Bldg & Grnds/Vehicle Maint.	77.70
COX COMMUNICATIONS, Contract Services	212.15
D & B SALVAGE, Contract Services	734.00
DAVIS, FRANKLIN TODD, Contract Service	31.25
EDGEWEAR SCREEN PRINTING, Equipment	296.40
ELLIOTT EQUIPMENT COMPANY, Vehicle Maint.	621.46
FAIRWAY GOLF, Consignment	42.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	26.83
FEDEX KINKO'S, Printing/Supplies	460.03

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FERRELLGAS, Utilities/Vehicle Maint.	452.33
FILTER CARE, Vehicle Maint.	106.35
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	154.94
FITZGERALD SCHORR BARMETTLER, Professional Services	19,269.06
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,235.50
GHIAI, NICK, Refund	100.00
GOLDMAN, JOHN, Phone	85.00
GREAT PLAINS ONE-CALL SVC, Contract Services	389.65
GREAT WESTERN BANK, Bond Fees	250.00
GREENKEEPER, Supplies	239.40
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	29.55
HANEY SHOE STORE, Wearing Apparel	120.00
HILDING, TRACI, Refund	20.00
HOBBY LOBBY STORES, Supplies	92.86
HOME DEPOT, Vehicle Maint.	179.94
HOST COFFEE, Concessions	24.00
HY-VEE, Concessions	7.60
INDUSTRIAL SALES COMPANY, Bldg & Grnds/Construction	608.95
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services	646.55
JOHNSTONE SUPPLY, Bldg & Grnds	122.64
JONES, DAVID, Contract Services	18.00
KIERCHER, ADAM, Refund	110.00
KILE, TIM, Softball Registration	1,240.00
KINDIG, DOUGLAS, Phone/Auto Allowance	190.00
KIRKHAM MICHAEL, Storm Sewer	3,377.00
KISSEL/E & S ASSOCIATES, Contract Services	5,797.29
KLINKER, MARK, Professional Services	200.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance/Bonds	422,921.00
LINWELD, Street Maint./Supplies	180.56
LOGAN CONTRACTORS, Vehicle Maint.	289.51
LOU'S SPORTING GOODS, Wearing Apparel	147.70
LUKASIEWICZ, BRIAN, Travel/Phone	295.00
MEDICAID-NE DEPT OF SOC SVCS, Rescue Revenue	70.18
MENARDS, Bldg & Grnds	66.72
MIDWEST VEHICLE PROFESSIONALS, Vehicle Maint.	65.00
MUD, Utilities	1,707.18
MULLEN & MULLEN, Professional Services	35,008.00
NE DEPT OF LABOR-WORKFORCE, Bldg & Grnds	100.00
NE DEPT OF REVENUE-LOTT/51, Bldg & Grnds	75,918.95
NE MIDGET FOOTBALL LEAG, League Registration	1,485.00
NE MOSQUITE/VECTOR ASSN, Training	100.00
NE MUNICIPAL CLERKS ASSN, Dues	70.00
NEXTEL, Phone	94.23
OFFICE DEPOT, Supplies	105.28
OPPD, Utilities	38,729.59
PAPILLION SANITATION, Contract Services	200.09
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	340.44
PAYLESS OFFICE, Supplies	167.99
PROPERTY SERVICES, Supplies	244.00
QUALITY BRANDS, Concessions	89.75
QWEST, Phone	1,110.05
RAMIREZ, JOHN, Contract Services/Wearing Apparel	72.00
RAMIREZ, RITA, Auto Allowance/Travel	229.00
RAPPOLD, KYLE, Contract Services	11.00
RICCHINI, MATT, Refund	100.00
SAM'S CLUB, Concessions	84.48
SAPP BROS PETROLEUM, Vehicle Maint.	114.75
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SARPY COUNTY FISCAL ADMIN, Interlocal Agreement	8,874.00
SARPY COUNTY TREASURER, Contract Services	13,965.50
SID 195 - MAYFAIR, Sewer Fees	660.00
SMITH, MELANIE, Auto Allowance	100.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,659.00
SNITILY CARR, Professional Services	2,175.00
SOUCIE, JOSEPH, Phone	60.00

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SPRINT, Phone	90.17
SUBURBAN NEWSPAPERS, Subscription/Legal Advertising	552.24
SUN COUNTRY, Bldg & Grnds	205.08
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,662.82
TANGEMAN, JODI, Auto Allowance	33.00
THREE RING ENTERPRISES, Vehicle Maint.	1,892.58
U S ASPHALT, Street Maint./Construction Costs	208,215.02
USPS, Postage	1,350.99
VERIZON, Phone	37.31
VIERS, STEVE, auto Allowance	100.00
WASTE MANAGEMENT, Contract Services/Bldg & Grnds	782.48

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Library Director Iwan informed Council that \$323.91 was donated from Runza's fundraiser on September 9, 2008 to purchase "Great Books for Great Kids" This money will be used by the Library to buy children's books.

B. ORDINANCES – OFFICIALS/EMPLOYEE BONDS – AMEND MUNICIPAL CODE **SECTIONS 31.21, 31.23, 33.23, AND 33.40**

Councilmember Gowan introduced Ordinance No. 1076 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 31.21(A)(3) REGARDING CITY TREASURER BOND, INSURANCE, PREMIUM, DUTIES AND REPORTS; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

Councilmember Sell 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. Councilmember Carlisle asked if the changes in L.B. 347 (2007) provided a legal alternative to individual bonds. City Attorney McKeon stated that this is correct. The Mayor then stated the question was, "Shall Ordinance No.1076 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.

Councilmember Quick introduced Ordinance No. 1077 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 31.23(E) REGARDING CITY ADMINISTRATOR BOND; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1077 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

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Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

Councilmember Ellerbeck introduced Ordinance No. 1078 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 33.23 REGARDING CITY COUNCIL ORGANIZATIONAL MEETING AND BONDING REQUIREMENTS; REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No.1078 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.

Councilmember Gowan introduced Ordinance No. 1079 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 33.40 REGARDING OFFICIAL BOND REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember McLaughlin 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.1079 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. RESTATEMENT OF MUNICIPAL RETIREMENT PLANS **1. ORDINANCE – PUBLIC SAFETY EMPLOYEES**

Councilmember Quick introduced Ordinance No. 1080 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND AND RESTATE PUBLIC SAFETY EMPLOYEES RETIREMENT PLANS, THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST AND CITY OF LA VISTA FIREFIGHTERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS AND REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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.

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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.1080 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 – GENERAL EMPLOYEES AND THE CITY ADMINISTRATORS

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-092: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO RENAME, AMEND AND RESTATE THE CITY OF LA VISTA, NEBRASKA DEFINED CONTRIBUTION PENSION PLAN AND TRUST AND AMEND AND RESTATE THE CITY OF LA VISTA CITY ADMINISTRATORS' DEFINED CONTRIBUTION PENSION PLAN AND TRUST, AND TO AUTHORIZE FURTHER ACTIONS.

BE IT RESOLVED:

SECTION 1. Pursuant to Nebraska Statutes, Section 19-3501, the Mayor and Council of the City of La Vista maintain the City of La Vista, Nebraska Defined Contribution Pension Plan and Trust and the City of La Vista City Administrators' Defined Contribution Pension Plan and Trust, embodied in plan documents including adoption agreements and basic plan documents attached thereto and constituting integral parts thereof, as well as various amendments required by applicable law ("Plans").

SECTION 2. The City desires to and does hereby change the name of the City of La Vista, Nebraska Defined Contribution Pension Plan and Trust to the City of La Vista General Employees Defined Contribution Pension Plan and Trust. Furthermore, applicable tax law requires that the Plans be amended and restated. For these purposes, there has been presented to the City proposed retirement plans and trusts embodied in instruments entitled "Adoption Agreement" together with a "Basic Municipal Employees Plan and Trust Agreement" as an integral part thereof ("Basic Plan Documents"; and together the Adoption Agreements and Basic Plan Documents sometimes are referred to herein together as "Agreements"), which Agreements have been reviewed by legal counsel for the City.

SECTION 3. The City does hereby approve and adopt said Agreements as the amendment and restatement of the Plans, and hereby makes the designations and elections with respect to the Plans as indicated in the Adoption Agreements, to be effective on the date(s) specified in the Adoption Agreements or Basic Plan Documents.

SECTION 4. That the Mayor is authorized to execute said Adoption Agreements and Basic Plan Documents on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this resolution or otherwise determined necessary or advisable, to cause said Agreements to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the designations, elections or provisions under or of said Adoption Agreements or Basic Plan Documents and take such further actions as he or she determines necessary or appropriate to obtain a favorable ruling.

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

D. RESOLUTION – ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-093: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ELECT DIRECTORS OF THE LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

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WHEREAS, the City of La Vista Facilities Corporation ("City Facility Corporation") and the Metropolitan Community College Facilities Corporation made and entered a Declaration and Master Deed of La Vista Metropolitan Community College Condominium Property Regime dated December 29, 1997 ("Declaration") for the purposes of administering the condominium property regime and maintaining common areas of the Library/Sarpy Center; and

WHEREAS, the La Vista/Metropolitan Community College Condominium Owners Association, Inc., ("Association") was incorporated for purposes of administering the condominium property regime and maintaining the common areas under the Declaration, and the Association is governed by a Board of Directors; and

WHEREAS, pursuant to Article 1.24 of the Declaration, as amended, the City Facilities Corporation delegated to and authorized the City of La Vista ("City") to exercise voting rights with respect to the Association and its Board of Directors, and the City desires to exercise said voting rights to elect Directors of the Association.

WHEREAS, the following positions (and the individuals holding the titles) have been previously designated by the Mayor and City Council to be the City's three directors on the Association's Board of Director's ("City's Director's):

City Administrator
Library Director
Director of Public Buildings and Grounds

WHEREAS, the Association will hold its 2008 Annual Meeting on November 3, 2008, at which time and at such meeting the City's Directors shall vote on behalf of the City and in accordance with the desire of the City Council and the Mayor to nominate and re-elect the City's Director's to the Association's Board of Directors; and

WHEREAS, the Mayor and City Council desire to designate, and ratify, affirm and approve the re-election of the City's Directors.

NOW, THEREFORE, BE IT RESOLVED, that effective November 3, 2008, the following are hereby designated and re-elected to serve as the City's appointees to the Board of Director's of the Association:

City Administrator
Library Director
Director of Public Buildings and Grounds

and further that their attendance, participation, voting and exercise of other rights on behalf of the City (in exercise of the delegated rights of the City Facilities Corporation) to nominate and re-elect said individuals as directors at the annual meeting of the Association held November 3, 2008 (and all other related actions) are hereby ratified, affirmed and approved.

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

E. RESOLUTION – PURCHASE DUMP TRUCK – PUBLIC WORKS

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-094: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A 2008 STERLING LT7501 TANDEM DUMP TRUCK FROM WICK'S STERLING TRUCKS, INC., OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$130,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said dump truck is necessary; and

WHEREAS, the FY 2008/09 Street Maintenance Budget provides funding for said purchase; and

WHEREAS, the purchase will be from the State Bid – Contract #12214OC; and

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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, due hereby award the purchase of a 2008 Sterling LT7501 Tandem Dump Truck to Wick's Sterling Trucks, Inc., Omaha, Nebraska, in an amount not to exceed \$130,000.00.

Seconded by Councilmember Quick. Councilmember Sell asked if Public Works Director Soucie has any problems with purchasing Sterling trucks. Public Works Director Soucie stated there is a guarantee on parts for ten years and he is comfortable with this. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. CLASS C LIQUOR LICENSE APPLICATION – PGC SOUTHPORT INC DBA PIZZA GOURMET

1. PUBLIC HEARING

At 7:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class C Liquor License Application for PGC Southport Inc dba Pizza Gourmet. Mark Hansen, a representative of PGC Southport Inc., addressed Council to answer any questions.

At 7:17 p.m. Councilmember Ellerbeck 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. 08-095: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION FOR PGS SOUTHPORT INC DBA PIZZA GOURMET, LA VISTA, NEBRASKA.

WHEREAS, PGC Southport Inc dba Pizza Gourmet, 12040 McDermott Plaza, Suite 300, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by PGC Southport Inc dba Pizza Gourmet, 12040 McDermott Plaza, Suite 300, La Vista, NE.

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

G. MOTION TO CHANGE START TIME OF CITY COUNCIL MEETING ON NOVEMBER 4, 2008 TO 6:00 P.M.

Councilmember Sell made a motion to change the start time of the City Council Meeting on November 4, 2008 to 6:00 p.m. 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

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Mayor Kindig asked if there were any comments from the floor; and if so, for each person to limit his or her comments to 3 minutes. There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of the Cowbell project announcement on Friday, October 24th.

Mayor Kindig reminded Council of Halloween Safe Night, on Friday, October 31, 2008.

Mayor Kindig informed Council the donation money for the Chili Feed is due to Mary by this Friday.

Councilmember Sheehan stated the City did a nice job on the recent Health Fair.

At 7:21 p.m. Councilmember Quick 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 4TH DAY OF NOVEMBER 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\October 21, 2008