

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 3, 2007

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 July 3, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Quick. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, Assistant Library Director Wilder, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Street Superintendent Goldman, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on June 21, 2007. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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 AWARDS – RICH CARSTENSEN – 10 YEARS, RANDY ERICKSON - 10 YEARS, AND SCOTT WOOD - 15 YEARS

Mayor Kindig presented a certificate and pin to Randy Erickson for 10 years of service to the City. He also read a letter from the City of Hastings commending Erickson's dedication to the City of La Vista and stated that he comes from a long line of firefighters in the family.

APPOINTMENT OF FIRE DEPARTMENT RECRUITS – NEIL ARCHIBALD, OLIVER BERGLUND, GREG GRAHAM, HEATHER LEVI, DONALD MCKAY, DAVID MONAGHAN, NICHOLAS POWERS, AARON ROCK, JAMES TIEHEN, JOEL TYNER, JENNIFER VILLOTTA

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department recruits: Neil Archibald, Oliver Berglund, Greg Graham, Heather Levi, Donald McKay, David Monaghan, Nicholas Powers, Aaron Rock, James Tiehen, Joel Tyner, and Jennifer Villotta. Councilmember Sheehan motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

APPOINTMENT OF FIRE DEPARTMENT OFFICERS – TY EBEL FIRE CAPTAIN, BO WILSON RESCUE LIEUTENANT

Mayor Kindig stated, with the approval of Council, he would like to appoint Ty Ebel as Fire Captain of the La Vista Volunteer Fire Department District 1 and Bo Wilson as Rescue Lieutenant of the La Vista Volunteer Fire Department District 1. Councilmember Sheehan motioned the approval, seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried. Mayor Kindig thanked Pat Eccles for his service as Captain.

APPOINTMENT TO LIBRARY ADVISORY BOARD – KAREN CAHILL – 2 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Karen Cahill to the Library Advisory Board for a 2 year term. Councilmember Carlisle motioned the approval, seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JUNE 19, 2007 CITY COUNCIL MEETING
3. MINUTES OF THE JUNE 21, 2007 PLANNING COMMISSION MEETING
4. SOUTHPORT WEST IMPROVEMENTS
- a. PAY REQUEST FROM KERSTENS & LEE, INC. FOR OUTFALL SEWER NO. 2 - \$55,726.06
5. PAY REQUEST FROM WESTERN ENGINEERING CO., INC. FOR 84TH STREET

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PAVEMENT RESURFACING - \$86,357.47

6. FIRE STATION NO. 2

a. PAY REQUEST FROM MIXAN HEATING & AIR CONDITIONING, INC. FOR GENERATOR EXHAUST SYSTEM - \$3,840.00

7. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG FOR QUIET ZONE STUDY -

\$750.00

8. APPROVAL OF CLAIMS

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

2ND WIND EXERCISE, LV Fire Dept Donations	8,405.00
ACTION BATTERIES, Vehicle Maint./Supplies	994.83
AKSARBEN GARAGE DOOR, Bldg & Grnds	101.00
ALADDIN CUSTOM SPORTSWEAR, Wearing Apparel	201.45
ALAMAR UNIFORMS, Wearing Apparel	1,816.63
AQUA-CHEM, Supplies	392.50
AQUILA, Utilities	2,407.77
ARAMARK UNIFORM SERVICES, Contract Services	204.99
ASPHALT & CONCRETE MATERIALS, Street Maint.	548.16
BAKER & TAYLOR BOOKS, Books	1,229.49
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint/Supplies	2,602.97
BENSON RECORDS, Contract Services	50.30
BETTER BUSINESS EQUIPMENT, Rental	37.00
BIRCH, ANN, Auto Allowance	50.00
BOOK FARM, Books	1,663.47
BRADLEY, KIRSTEN, Travel	86.00
BRODART, Books	1,496.74
BUETHE, PAM, Auto Allowance/Vehicle Maint.	140.10
BUILDERS SUPPLY, Bldg & Grnds/Street Maint.	97.70
BURESH GOLF & EQUIPMENT, Electric Cart	320.00
CARPENTER, PHILLIP, Books	15.00
CIVIC PLUS, Contract Services	1,200.00
CORBIT, JEFF, Auto Allowance	100.00
COX, Contract Services	43.95
CUMMINS CENTRAL POWER, Contract Services	456.65
DIAMOND VOGEL PAINTS, Maintenance	48.75
DON'S PIONEER UNIFORMS, Wearing Apparel	360.45
DOSTALS CONSTRUCTION, Parking District 1	27,338.55
EDGEWEAR SCREEN PRINTING, Wearing Apparel	2,573.60
ELECTRONIC ENGINEERING, Vehicle Maint.	7.41
ERICKSON, RANDALL, Auto Allowance	100.00
ESTEE, KEN, Travel	86.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Bldg & Grnds	5.77
FEDEX, Professional Services	70.09
FIREGUARD, Vehicle Maint.	225.20
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,168.00
FUTUREWARE DISTRIBUTING, Contract Services	85.00
GASSERT, MIKE, Contract Services	648.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	138.02
GENWORTH LIFE AND HEALTH, Employee Benefits	8,442.51
G-M ROAD MARKING, Street Maint.	274.00
GOLDMAN, JOHN, Telephone	40.00
GUNN, BRENDA, Auto Allowance	300.00
HANEY SHOE STORE, Wearing Apparel	229.90
HEARTLAND AWARDS, Supplies	38.20
HELGET GAS PRODUCTS, Squad Supplies	140.50
HENRY, MARK, Contract Services	18.00
HOOK-FAST SPECIALTIES, Wearing Apparel	54.79
HOST COFFEE SERVICE, Concessions	39.60
HURLEY, KATHY, Books	3.99
HUSKER MIDWEST PRINTING, Printing	175.35
HY-VEE, Wupplies	26.71
ICMA-INTL CITY/COUNTY MANAGE, Dues	424.00

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INDUSTRIAL SALES, Bldg & Grnds	64.10
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies	1,623.08
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	572.48
JO DON'S, Supplies	140.00
JONES, JIM, Refund	165.00
KINDIG, DOUGLAS, Professional Services/Telephone	245.51
KLINKER, MARK, Professional Services	214.00
KROGER, Supplies	50.40
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	375.50
LA VISTA PHARMACY, Squad Supplies	63.25
LAMP RYNEARSON/ASSOCIATES, Professional Services	154.90
LAUGHLIN, KATHLEEN A, TRUSTEE, Payroll Withholdings	372.00
LEAGUE OF NEBRASKA MUN, Dues	50.00
LINWELD, Street Maint.	95.63
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	99.78
LUKASIEWICZ, BRIAN, Telephone	40.00
M & M PORTABLES, Rentals	131.41
MARKOWSKY, THOMAS, Travel	86.00
MARK'S PLACE, Vehicle Maint.	200.00
METEORLOGIX, Professional Services	1,284.00
MID AMERICA PAY PHONES, Telephone	150.00
MID-AMERICA COCA-COLA BOTTLING, Concessions	390.00
MIDWEST LABORATORIES, Street Maint.	167.50
MIDWEST PLASTICS, Bldg & Grnds	174.08
MILLER BRANDS, Concessions	435.85
MILLER PRESS, Printing	150.00
MONARCH OIL, Street Maint.	303.00
MOORE, WAYNE, Contract Services	18.00
MUD, Utilities	781.88
MUNICIPAL PIPE TOOL, Vehicle Maint.	58.31
NE FIRE CHIEF'S ASSN, Dues	60.00
NE IOWA SUPPLY, Vehicle Supplies	9,888.90
NE LANDSCAPE SOLUTIONS, Supplies	86.30
NE NATIONAL BANK, Cart Lease	660.00
NE STATE VOLUNTEER, Dues	675.00
NE TURF PRODUCTS, Supplies	1,102.20
NEXTEL PARTNERS, Telephone	387.03
NOBBIES, Supplies	25.30
OABR PRINT SHOP, Printing	355.47
OFFICE DEPOT, Supplies	477.75
OMAHA COMPOUND, Equipment	26.43
ORIZON CPAS, Professional Services	1,000.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	320.58
PATRICK, JOHN, Contract Services	32.00
PAYLESS, Supplies	11.38
PEPSI COLA COMPANY, Concessions	568.40
PITNEY BOWES, Supplies	504.00
PRECISION INDUSTRIES, Vehicle Maint.	14.96
PREMIER-MIDWEST BEVERAGE, Concessions	102.30
PRIME TIME SPORTING GOODS, Equipment	135.00
PROPERTY SERVICES, Supplies	174.00
PRUITT, Vehicle Maint.	170.00
PUSH PEDAL PULL, Equipment	152.00
QUALITY BRANDS, Concessions	463.40
QUILL CORPORATION, Supplies	51.99
QWEST, Telephone	2,389.38
RAPTOR RECOVERY, Summer Reading Program	65.00
READY MIXED CONCRETE, Street Maint.	1,898.97
RECREONICS, Supplies	36.04
ROSE EQUIPMENT, Vehicle Maint.	338.65
SAPP BROS, Vehicle Maint.	60.75
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SCHILDHAUER, BARB, Travel	86.00
SMITH, MELANIE, Auto Allowance	100.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,650.00
SOFTWARE PLUS, Supplies	123.84
SOUCIE, JOSEPH, Telephone	30.00

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STAPLES, Supplies	382.67
STEVENS, MARK, Travel	86.00
STOPAK, SCOTT, Travel	85.73
SUBURBAN NEWSPAPERS, Legal Advertising	1,123.50
SUN SOURCE, Vehicle Maint.	464.62
TARGET BANK, Equipment	354.97
THOMSON GALE, Books	44.93
TITLEIST, Supplies	179.88
TODCO BARRICADE, Supplies	160.00
T-SHIRT ENGINEERS, Wearing Apparel	122.47
TURFWERKS, Vehicle Maint.	52.59
UHL, RICHARD, Relocation	661.29
UNIVERSITY OF NE LINCOLN, Training	15.00
UPS, Postage	36.60
VERIZON, Telephone	65.94
VIERREGGER ELECTRIC, Southport Subdivision	41,469.79
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equipment/Bldg & Grnds	1,151.44
WASTE MANAGEMENT, Contract Services	281.74
WATER'S EDGE AQUATIC DESIGN, Pool Study	1,837.57
WEST, MANDY, Travel	86.00
WILDER, JONI, Auto Allowance	33.00
WILLETT, MARTIN, Summer Reading Program	40.00
ZIEMBA, BARBIE, Refund	40.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez reminded the Council to turn in their CIP notebooks to be updated, and that their budget workbooks would be ready on Friday. She also reminded the Council that the Employee Picnic is July 14th at 6:30 p.m.

Police Chief Lausten reported on the concern of a citizen regarding the patrolling on 72nd Street. Lausten reported that between June 5 and June 25 the police made 75 contacts out of which came 8 arrests. The year total as of June 2006 was 391 contacts with 26 arrests. The year total as of June 2007 was 470 contacts with 38 arrests.

Fire Chief Uhl reported the efforts of a citizen to contain a fire until the La Vista Fire Department arrived on scene and stated that a thank you will be sent to this individual.

Street Superintendent Goldman gave Council an update on the 84th Street Project. The company is behind on the concrete but milling should begin Sunday evening as planned.

B. ORDINANCE - ECONOMIC DEVELOPMENT PROGRAM - EXTEND PRINCIPAL REPAYMENT ON JOHN Q. HAMMONS CONFERENCE CENTER CONSTRUCTION LOAN FROM 7 TO 10 YEARS

Councilmember Carlisle introduced Ordinance No. 1040 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, LA VISTA, NEBRASKA TO EXTEND PRINCIPAL REPAYMENT OF CITY ECONOMIC DEVELOPMENT PROGRAM CONSTRUCTION LOAN FOR JOHN Q. HAMMONS FOR THE CONFERENCE CENTER IN SOUTHPORT WEST FROM 7 TO 10 YEARS, WITH QUARTERLY INTEREST PAYMENTS UNTIL PRINCIPAL REPAYMENT, TO MAKE CERTAIN FINDINGS, TO AUTHORIZE MODIFICATION OF DOCUMENTS FOR EXTENDED PRINCIPAL REPAYMENT PERIOD, TO AUTHORIZE FURTHER ACTIONS AND TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED AND PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sheehan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Quick. 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 Carlisle. Councilmember Sell questioned what the benefit to the city would be. The Mayor stated that we are in a partnership with Hammons and this would be a fair action to be good partners. The Mayor also stated that this longer time frame would make the bonds easier to sell. The Mayor then stated the question was, "Shall Ordinance No.1040 be passed and adopted?" Upon roll call

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vote the following Councilmembers voted aye: Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: Sell. The following were absent: Quick. 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. RESOLUTION – AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT – PORTAL RIDGE

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-067: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge; and

WHEREAS, the City has proposed an amendment to allow the District to construct ADA sidewalk ramps at all street intersections at a total estimated cost to the District of \$78,563.80.

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the July 3, 2007, City Council meeting for Portal Ridge be, and hereby is 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 Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

D. RESOLUTION - CLASS C LIQUOR LICENSE - LA VISTA LODGING INVESTORS LLC DBA HAMPTON INN & SUITES, 12331 SOUTHPORT PARKWAY

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-068: 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 OF LA VISTA LODGING INVESTORS LLC DBA HAMPTON INN & SUITES, LA VISTA, NEBRASKA.

WHEREAS, La Vista Lodging Investors LLC, dba Hampton Inn & Suites, 12331 Southport Parkway, 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 La Vista Lodging Investors LLC, dba Hampton Inn & Suites.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

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COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of the Employee golf outing and picnic on July 14, 2007. Mayor Kindig informed Council that, unless they saw a problem, he would like staff to research and bring something back to Council next time to allow family members of Council to be members of the Volunteer Fire & Rescue Department. This has been changed in the personnel manual a few years before as some wording was changed to include the Fire Department in some areas of the manual. Mayor Kindig said he did not think the intent of the Council at that time was to hinder the addition of Volunteers to the department. Council spoke in favor of having staff work on this for presentation at the next meeting.

Councilmember Sheehan expressed the pride he feels for the La Vista Police Department and the way they worked with other agencies during the homicide investigation. Sheehan said he was very proud of their professionalism and the great job they do.

Assistant City Administrator Ramirez added that there had been an interview with Police Chief Lausten on television in which they talked about the interaction of the agencies in Sarpy County and Omaha that came together to do a thorough expedient investigation in order to have a suspect this quickly.

Ramirez reminded council to return their annexation notebooks in order for Community Development Director Birch to update those and return them.

ADJOURNMENT

At 7:30 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

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