

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING August 18, 2009

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on August 18, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Barcal, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on August 6, 2009. 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.

Mayor Kindig made an announcement regarding the new agenda policy statement providing for expanded opportunity for public comment on agenda items.

SERVICE AWARDS – JEAN HURST – 30 YEARS

The presentation of this service award was delayed until the next Council meeting.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 4, 2009
3. MONTHLY FINANCIAL REPORT - JULY 2009
4. PAY REQUEST NO. 13 FROM THOMPSON, DREESSEN & DORNER, INC. – KEYSTONE TRAIL - \$372.74
5. PAY REQUEST FROM KIRKHAM MICHAEL – PROFESSIONAL SERVICES - GIS - \$2,800.00
6. PAY REQUEST FROM KIRKHAM MICHAEL – PROFESSIONAL SERVICES – GIS - \$3,000.00
7. PAY REQUEST NO. 4 FROM EDAW – 84TH STREET REDEVELOPMENT VISION - \$40,427.60
8. PAY REQUEST FROM OMAHA PUBLIC POWER DISTRICT – STREET LIGHT PROJECT - \$16,298.10
9. APPROVAL OF CLAIMS

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

ABE'S PORTABLES, Rentals	210.00
ADAMSON INDUSTRIES, Vehicle Equip	414.70
AKSARBEN GARAGE DOOR SVCS, Bldg & Grnds	1,695.00
ALAMAR UNIFORMS, Wearing Apparel	140.82
ANN TROE, Printing	610.00
AQUA-CHEM, Supplies	146.50
ARAMARK UNIFORM, Contract Services	260.53
ASHLAND, Bldg & Grnds	770.80
ASPHALT & CONCRETE MATERIALS, Street Maint.	986.56
BENNINGTON EQUIPMENT, Repair/Maint.	620.12
BENSON RECORDS, Contract Services	53.16
BLACK HILLS ENERGY, Utilities	83.23
BRADFORD, CARLOS, Contract Services	36.00

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BRENTWOOD AUTO WASH, Vehicle Maint.	204.00
BROWN TRAFFIC PRODUCTS, Traffic Signs	575.00
BUETHE, PAM, Contract Services/Travel/Postage	287.56
BUILDERS SUPPLY, Street Maint.	65.86
CARDMEMBER SERVICE, Travel/Training/Books/Contract Services	4,444.94
CITY OF OMAHA, Contract Services	89,565.09
CJ'S HOME CENTER, Bldg & Grnds/Supplies/Street Maint.	795.25
CLARK, WILLIAM, Contract Services	36.00
COLLINS, CAROL, Rescue Revenue	80.50
COLOMBO/PHELPS COMPANY, Concessions	63.45
CORNHUSKER INTL TRUCKS, Vehicle Maint.	59.40
COX, Contract Services	179.15
CUES, Equip. Maint.	1,062.84
D & D COMMUNICATIONS, Radio Repair	1,255.00
DANDERAND, JOHN, Travel	45.00
DIAMOND VOGEL PAINTS, Bldg & Grnds	163.97
DULTMEIER SALES & SERVICE, Vehicle Maint.	38.76
ED M. FELD EQUIPMENT, Vehicle Maint.	315.00
FILTER CARE, Vehicle Maint.	15.25
FIREGUARD, Equip Maint.	291.15
FLEET US, Bldg & Grnds	1,100.82
FROELICH, RORY, Travel	354.00
G I CLEANER & TAILORS, Uniform Cleaning	143.75
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	77.00
GENUINE PARTS COMPANY, Vehicle Maint.	1,222.05
GRAYBAR ELECTRIC, Vehicle Maint./Bldg & Grnds	96.80
GREAT PLAINS ONE-CALL SVC, Contract Services	375.87
GREAT PLAINS UNIFORMS, Wearing Apparel	577.00
H & H CHEVROLET, Maintenance	3.75
HARM'S CONCRETE, Construction Costs	114.00
HEARTLAND AWARDS, Wearing Apparel	14.80
HELGET GAS, Squad Supplies	15.00
HOME DEPOT, Repair & Maint.	124.91
HOSE & HANDLING, Vehicle Maint.	51.18
HOST COFFEE SERVICE, Concessions	21.50
HUNTEL, Phone	355.00
IAFC-INTL ASSN OF FIRE CHIEFS, Dues	204.00
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Services	3,300.00
INDUSTRIAL SALES COMPANY, Supplies/Bldg & Grnds	223.48
INLAND TRUCK PARTS, Vehicle Maint.	84.96
INTERNATIONAL CODE COUNCIL, Dues	100.00
INTERSTATE POWER SYSTEMS, Vehicle Maint.	70.00
IOMA-INST MGMT/ADMINSTRTN, Dues	417.36
J Q OFFICE EQUIPMENT, Supplies	61.57
JOHN DEERE LANDSCAPES/LESCO. Bldg & Grnds/Supplies	194.26
LA VISTA COMMUNITY FOUNDATION, Contract Services	2,500.00
LANDS' END, Wearing Apparel	87.65
LAUGHLIN, KATHLEEN, Payroll Withholdings	809.00
LAWSON PRODUCTS, Vehicle Maint.	180.29
LEAGUE OF NEBRASKA MUN, Dues	23,867.00
LEO A DALY, Professional Services	1,657.58
LIFE ASSIST, Squad Supplies	342.00
LINWELD, Supplies	106.52
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	743.01
LOU'S SPORTING GOODS, Equipment	36.00
LOVELAND LAWNS, Bldg & Grnds/Street Maint.	184.14
LYMAN-RICHEY SAND & GRAVEL, Bldg & Grnds	198.60
MARTIN MARIETTA AGGREGATES, Street Maint.	96.41
MEADOWBROOK, Insurance	935.50
MENARDS, Bldg & Grnds	55.82
MID CON SYSTEMS, Vehicle Maint.	293.28
MONARCH OIL, Street Maint.	211.25
MOORE, WAYNE, Contract Services	18.00
MUNICIPAL SUPPLY AND SIGN, Traffic Signs	440.00
NATIONAL PAPER COMPANY, Supplies	227.11
NE FIRE CHIEF'S ASSN, Dues	20.00
NE STATE VOLUNTEER, Dues	1,005.00

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NEBRASKA TURF PRODUCTS, Supplies	630.00
NEUMAN EQUIPMENT, Bldg & Grnds/Vehicle Supplies	125.00
NFPA, Dues	150.00
NUTS AND BOLTS, Bldg & Grnds	12.65
OABR PRINT SHOP, Printing	4,943.39
OFFICE DEPOT, Supplies	466.30
OMAHA COMPOUND, Supplies/Bldg & Grnds	515.16
OMAHA WORLD HERALD, Legal Advertising	208.64
OMB EXPRESS POLICE SUPPLY, Vehicle Supplies	270.97
ON YOUR MARKS, Supplies	266.19
OPPD, Utilities	42,554.12
PAPILLION SANITATION, Contract Services	212.11
PARAMOUNT LINEN & UNIFORM, Wearing Apparel/Uniform Cleaning	369.96
PAYLESS, Supplies	235.89
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	54.34
PREMIER-MIDWEST BEVERAGE, Concessions	125.65
QUALITY BRANDS, Concessions	388.55
QWEST, Phone	56.25
RAINBOW GLASS & SUPPLY, Bldg Maint/Vehicle Maint.	275.20
READY MIXED CONCRETE COMPANY, Street Maint.	2,401.35
ROOKER, BARBARA, Bldg & Grnds	23.97
RUHGE, RANDY, Travel	45.00
RUSTY ECK FORD, Vehicle Maint.	425.05
SAM'S CLUB, Dues/Supplies/Concessions	1,637.58
SAPP BROS, Vehicle Supplies	15,397.85
SEAT COVER CENTER, Vehicle Maint.	121.50
SMOOTHER CUT ENTERPRISES, Contract Services	1,320.00
STANDARD HEATING AND AIR, Bldg & Grnds	361.00
STATE STEEL, Vehicle Maint.	26.08
SUBURBAN NEWSPAPERS, Legal Advertising	804.86
SWAIN CONSTRUCTION, Street Maint.	1,785.05
TED'S MOWER SALES & SERVICE, Equip. Maint.	143.42
THERMO KING CHRISTENSEN, Vehicle Maint.	267.23
THOMPSON DREESSEN & DORNER, Professional Services	19,859.05
THOMPSON, JAMES, Supplies	81.04
TRACTOR SUPPLY CREDIT PLAN, Traffic Signs	68.07
U S ASPHALT COMPANY, Street Maint.	897.77
UHL, RICHARD, Travel	354.00
UMR, Rescue Revenue	537.50
UPS, Postage	9.08
USPS, Postage	300.00
WASTE MANAGEMENT, Contract Services	1,032.06
YAHOO!, Contract Services	50.88

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that City Hall and the Community Center will be closed until 1:00 p.m. due to repair work being performed by MUD which will require the water to be shut off until that time.

Recreation Director Stopak thanked everyone for their help with the La Vista Swimming Pool Splash Bash that was held on Sunday, August 16, 2009. Mayor Kindig thanked Stopak and his staff for the extended pool hours this week.

B. RENTAL INSPECTION PROGRAM

1. ORDINANCE – ADOPT RENTAL INSPECTION PROGRAM **(TABLED FROM 8/4/09 MEETING)**

Councilmember Ellerbeck introduced Ordinance No. 1095 entitled: AN ORDINANCE TO ADOPT AND CODIFY A RENTAL LICENSING AND INSPECTION PROGRAM AS SECTION 150.6 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Mayor Kindig then asked that members of the public wishing to speak for or against this agenda item come to the podium, sign in and state their name and address for the record. He asked that they keep comments to three minutes and to try not to repeat what has already been said.

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Barbara Babbit, 1108 Kingston Ave, addressed Council to state she has owned rental property since 1972. She does not feel we should hold landlords to a higher standard than home owners. Tenants of 10 years will move if this ordinance is passed.

Jeanette Brezina, 712 Dublin Dr, presented a handout to Mayor and Council. She stated that statistics say foreclosures will increase and landlords will not purchase homes. She stated she has put her heart and soul into her rental property.

Tina Boles, 7605 S 72nd St., informed Council that as a renter, she would not want a person she does not trust inspecting her home.

Shirley McNally, 1323 William Street in Omaha, suggested a HUD program – for “rental rehab: to help owners with grants. The City should use this program to obtain money from the Federal Government.

Martin Ware, 7311 Lillian Ave, showed Council pictures of houses. He says the City has laws on the books, of which he is a proponent, to take care of concerns. He has fought for 44 years to ensure residents follow these laws.

Sharon Gottschalk, 15013 S 27th St., said Council should vote “no” to selective code enforcement. She said she has lived in a home over 15 years that has not been inspected. Rental property is repainted every 2 years and re-carpeted every couple of years. She has never rented property without the tenants seeing/inspecting the property before signing a lease.

Jared Hollinger, 17101 Fairway Cir., told Council their goals are noble, but the methods are misguided. He stated that at the August 4th meeting, he invited all Councilmembers to contact him. He received a call from Councilmember Crawford. He gave figures on what was spent on rehabilitation of rental properties as requested by Councilmember Crawford. He also asked why there were not proponents on this issue. Mayor Kindig asked Mr. Hollinger to end his comments because his time had expired.

Mark Bowder, 2602 Platteview Rd, quoted the 2000 census which stated that 41% of homes in La Vista and 40% of homes in Omaha are rental properties. He also stated that this was not among the top three concerns in the Citizens Survey done by the City.

Tom Klinkacek, 13426 Edna St, informed Council he is a City of Omaha real estate agent. He is against the ordinance as it discriminates against landlords, who will in turn, pass fees on to their tenants.

Bill and Terri Russell, 7427 S 69th St., addressed Council to state that many houses in their neighborhood, which are rentals, are unkempt. They stated that they support this program.

Wanda Prescott, 10040 Regency Circle, a representative of the Richdale Group, stated the ordinance will infringe on space, and an employee of Richdale will have to be present when inspections are performed.

After hearing from the public, Mayor and Council discussed the agenda item. Councilmember Crawford stated that the “tenant-landlord act” is already a law that needs to be enforced. He suggests putting information in the quarterly newsletter.

Councilmember Sheehan feels this is a problem that needs to be dealt with, but the City has not brought in all parties involved. He feels the City should have taken input from all sides. Councilmember Carlisle agreed with Councilmember Sheehan. She would like to see a roundtable sessions.

Councilmember Gowan feels they need to do what is right for the city. He feels the tenants might fear reporting problems in a rental property. Gowan stated there are many businesses in the City that are inspected [and this is no different]. He would like to see a report of concerns from these inspections.

Mayor Kindig asked staff to look at the number of meetings that have been held over the past year to discuss this concern with the public. Renting property is a business, and businesses in La Vista are required to have an Occupation License. The fee called for under this program would be less than the current Occupation Tax. The Occupation Tax fee would be waived with this ordinance, and a rental inspection program license fee (\$50.00 for single family dwellings and \$6.00 per unit for multi-family dwellings) would be charged. This new license fee would be waived the first year. With regard to alleged inconvenience of inspections, Mayor Kindig does not believe this will be the

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case – noting that, based on an estimate by City staff, only 1.5 hours every two years would be needed on average for inspection of single family rental having no major code violations. The inspection program is being proposed to ensure a minimum standard of living of tenants, but more importantly primarily out of concern for tenant safety. Rather than having a negative impact on the rental market, Mayor Kindig stated this ordinance could be used as a marketing tool to bring good tenants into the area. According to his research, similar programs have worked very well in other communities. The opposition to the program from landlords is similar to the opposition City leaders experienced from developers when development design standards were first proposed; he noted the success of design standards and how other communities in the area have since followed suit. He does not see the ordinance as an invasion of privacy.

Councilmember Sell made a motion to approve Ordinance No. 1096 on its first reading and pass it on to a second reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Quick, Ellerbeck, and Gowan. Nays: Ronan, Sheehan, Carlisle, and Crawford. Absent: None. Mayor Kindig voted aye to break a tie vote. Motion carried.

C. FISCAL YEAR 09/10 MUNICIPAL BUDGET **1. APPROPRIATIONS ORDINANCE – SECOND READING**

City Clerk Bueth read Ordinance No. 1096 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, 2009 AND ENDING ON SEPTEMBER 30, 2010; 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. Said ordinance was read by title.

Councilmember Gowan made a motion to approve Ordinance No. 1096 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

2. MASTER FEE ORDINANCE – SECOND READING

City Clerk Bueth read Ordinance No. 1097 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1066, 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 read by title.

Councilmember Gowan made a motion to approve Ordinance No. 1097 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. Nays: Sheehan and Crawford. Absent: None. Motion carried.

D. ZONING TEXT AMENDMENTS – PLANNED UNIT DEVELOPMENT DISTRICT **1. PUBLIC HEARING**

At 8:00 p.m. Mayor Kindig opened the public hearing, described the rules of the public hearing and stated the floor was now open for discussion on a Zoning Text Amendment – Planned Unit Development District.

At 8:01 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. ORDINANCE – APPROVE AMENDMENTS

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Councilmember Quick introduced Ordinance No. 1098 entitled: AN ORDINANCE TO AMEND SECTION 5.15 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.15 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

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, Crawford, 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 Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No.1098 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, 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.

E. ZONING TEXT AMENDMENTS – RESIDENTIAL ZONING DISTRICTS

1. PUBLIC HEARING

2. ORDINANCE – APPROVE AMENDMENTS

Councilmember Crawford asked why the nursing care facilities remained in the ordinance. Community Development Director Birch stated that staff is working on definitions. Councilmember Sheehan stated the ordinance should be tabled until definition issues are resolved.

Councilmember Crawford motioned to table this agenda item and bring back as a discussion item at the September 1, 2009 City Council meeting. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT – GILES CORNER

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-073: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR GILES CORNER IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on December 2, 2003, approve the Residential Subdivision Agreement for Giles Corner; and

WHEREAS, the City has proposed an amendment to allow the District to construct ADA sidewalk ramps at all street intersections.

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the August 18, 2009, City Council meeting for Giles Corner 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 Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

G. RESOLUTION – CURB RAMP CONSTRUCTION – SID 239 (GILES CORNER)

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-074: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA

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AUTHORIZING THE APPROVAL OF THE PLANS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTS FOR THE CONSTRUCTION OF CURB RAMPS IN SANITARY DISTRICT NO. 239, GILES CORNER, AND AUTHORIZING THE EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary Improvement District No. 239 of Sarpy County ("District"), Giles Corner and the City of La Vista ("City") entered into an amendment to the Subdivision Agreement concerning the development of lands locally known as Giles Corner within the zoning jurisdiction of the City ("Subdivision Agreement") on August 18, 2009; and

WHEREAS, District has presented to City for approval plans and specifications to construct certain improvements; and

WHEREAS, said plans and specifications were prepared by Thompson, Dreessen & Dörner Inc., which firm of engineers has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose; and

WHEREAS, The La Vista Public Works Department, has been presented the plans for review.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska does hereby approve the plans and specifications for construction of curb ramps, copies of which have been filed with the City Clerk, approved by the Public Works Director.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with Navarro Enterprises Construction, Inc., in the amount of \$12,306.50.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall deliver to the City Administrator the following, as required by the noted paragraphs of the Subdivision Agreement:

1. (Para. 12) District's warrant in the amount of \$246.13 in payment of applicable administrative fee.
2. (Para. 8b) Executed contract of construction between District and Navarro Enterprise Construction, Inc.
3. (Para. 8b) Executed agreement between District and fiscal agent.
4. (Para. 11f) Executed Performance and Maintenance Bond.

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

H. RESOLUTION – ACCEPTANCE OF THE SEWER RATE STUDY

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-075: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE SEWER RATE STUDY DATED JUNE 1, 2009 AND APPROVING IMPLEMENTATION OF RATE OPTION 2 REGARDING RATES AND FEES.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, previously authorized the evaluation of future costs associated with operating and maintaining the sewer system; and

WHEREAS, the Mayor and City Council adopted the waste water agreement with the City of Omaha on April 7, 2009; and

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WHEREAS, the sewer rate study was prepared by Thompson Dreessen & Dornier, Inc. serving as City Engineering; and

WHEREAS, the City Administrator, City Engineer, Finance Director and Public Works Director have recommended implementation of Rate Option 2 over the next five fiscal years.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the Sewer Rate Study conducted by Thompson Dreessen and Dornier and the implementation of Rate Option 2 regarding rates and fees over the next five (5) years has been reviewed by the Mayor and City Council of the City of La Vista and the same hereby is, accepted and approved.

Seconded by Councilmember Quick. City Engineer Kottmann gave a presentation. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

I. RESOLUTION – MEMORANDUM OF SUPPORT – NEBRASKA INNOVATION ZONE COMMISSION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-076: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO SIGN A MEMORANDUM OF SUPPORT (MOS) TO ENCOURAGE COUNTIES AND COMMUNITIES TO ADOPT OR EXCEED THE MODEL DESIGN STANDARDS DEVELOPED BY THE NEBRASKA INNOVATION ZONE COMMISSION (NIZC) IN THE I-80 CORRIDOR BETWEEN EXIT NUMBERS 405 ON THE WEST AND 440 ON THE EAST

WHEREAS, the Nebraska legislature approved LB 546 in May 2005 which created the Nebraska Innovation Zone Commission to advocate and recommend programs that encourage regional cooperation and foster community sustainability and economic development initiatives; and

WHEREAS, the City of La Vista has participated in the NIZC since its inception; and

WHEREAS, the NIZC developed Model Design Standards; and

WHEREAS, the NIZC is encouraging affected areas in the corridor to adopt or exceed said guidelines.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to sign a Memorandum of Support (MOS) to encourage counties and communities to adopt or exceed the model design standards developed by the Nebraska Innovation Zone Commission (NIZC) in the I-80 corridor between exit numbers 405 on the west and 440 on the east.

Seconded by Councilmember Quick. City Administrator Gunn informed Council that NIZC (Nebraska Innovation Zone Commission) is setting design standards along the corridor and feels it is beneficial for the City to show its support even though La Vista is not in the corridor which is affected. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

J. RESOLUTION – PURCHASE OF ICE SLICER

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-77: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE SLICER FROM NEBRASKA SALT & GRAIN CO., 115 W. 16TH STREET, GOTHENBURG, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$15,600.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice slicer is necessary; and

WHEREAS, the purchase has been included in the FY 2009/10 General Fund; Street Maintenance budget; 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.

MINUTE RECORD

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

August 18, 2009

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice slicer in an amount not to exceed \$15,600.00.

Seconded by Councilmember Quick. Public Works Director Soucie informed Council that 400 tons of the approved ice salt purchase was rolled back to allow purchase of this ice slicer. Councilmember Crawford urged staff to monitor the use in parking lots. Public works Director Soucie stated the product would not be used in parking lots. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

K. RESOLUTION – PURCHASE OF PORTABLE RADIOS

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-078: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TWO MOTOROLA 800 MHz HAND-HELD RADIOS FROM D & D COMMUNICATIONS, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$8,939.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase hand-held radios for the Fire Department; and

WHEREAS, funds are provided in the FY 08/09 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of these radios will bring the department closer to the goal of attaining complete digital interoperability with other agencies within our response area; 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 purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of two Motorola 800 MHz hand-held radios from D & D Communications, Omaha, Nebraska in an amount not to exceed \$8,939.00.

Seconded by Councilmember Sheehan. Fire Chief Uhl informed Council this will bring La Vista closer to NFPA (National Fire Protection Association) standards. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

L. RESOLUTION – COUNCIL POLICY STATEMENT – PROCESSES AND PROCEDURES FOR FEDERAL-AID TRANSPORTATION PROJECTS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-079: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROCESSES AND PROCEDURES FOR FEDERAL-AID TRANSPORTATION PROJECTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the City administration in regard to various services and procedures which regularly occur in conjunction with Federal-Aid transportation projects, and;

WHEREAS, certain transportation facilities (roads, streets, trails and others) in the City of La Vista have been designated as being eligible for federal funds by the Federal Highway Administration in compliance with federal laws pertaining thereto, and;

WHEREAS, the City of La Vista desires to continue to participate in Federal-Aid transportation construction programs, and;

WHEREAS, the Nebraska Department of Roads, as a recipient of said Federal funds, is charged with the oversight of the expenditures of said funds, and;

MINUTE RECORD

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

August 18, 2009

WHEREAS, the City of La Vista, as a sub-recipient of said Federal-Aid funding, is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) and the maintaining of adequate Financial Management Systems, and;

WHEREAS, the City of La Vista understands that the failure to meet all requirements for federal funding could lead to a project or projects being declared ineligible for federal funds, which could result in the City of La Vista being required to repay some or all of the federal funds expended for a project or projects.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, does hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads, including the consultant selection process as stated in the LPA Guidelines Manual, the National Environmental Policy Act (NEPA) and the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), and to maintain adequate Financial Management Systems, and;

BE IT FURTHER RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska does hereby designate the following as responsible for the management of the following processes:

Consultant Selection Process: Public Works Director of the City of La Vista

The National Environmental Policy Act (NEPA) Public Works Director of the City of La Vista

The Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) Public Works Director of the City of La Vista

Financial Management Systems Certification (attached to this Resolution) Finance Director of the City of La Vista

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

M. RESOLUTION – AUTHORIZATION TO PURCHASE REPLACEMENT A/C COMPRESSOR FOR CITY HALL/COMMUNITY CENTER

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-080: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF A REPLACEMENT AIR CONDITIONER COMPRESSOR IN AN AMOUNT NOT TO EXCEED \$20,000.00

WHEREAS, it has been determined that one of the air conditioner compressors, which helps to cool City Hall and the Community Center, has burned out; and

WHEREAS, savings in Buildings & Grounds Contractual Service in the FY08/09 General Fund Budget will fund this purchase; and

WHEREAS, proposals are being sought for the purchase of this replacement compressor; 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 purchase over \$5,000.00.

MINUTE RECORD

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

August 18, 2009

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a replacement air conditioner compressor in an amount not to exceed \$20,000.00

Seconded by Councilmember Carlisle. Councilmember Ronan asked the time frame to receive the new compressor. Public Building and Grounds Director Archibald stated it would take approximately two weeks to receive the compressor. Councilmember Crawford asked that staff look into a service contract. Public Building and Grounds Director Archibald stated there is minimal maintenance on air handlers. Mayor Kindig stated that staff could periodically check service contracts. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Ellerbeck made a motion to move "Comments from the Floor" up on the agenda ahead of Item N. "Executive Session". Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Crawford, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

David Barnes, 8005 Park View Blvd, addressed Council with his concern of landscaping around the maintenance building at the golf course. He stated he is in favor of the rental inspection program. He asked if there is a law that all property owners need to maintain their property. Mayor Kindig stated there is a law, with minimum standards.

N. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS WITH FOP; LITIGATION STRATEGY SESSION – LINDNER; NEGOTIATING STRATEGY AND GUIDANCE - REDEVELOPMENT AUTHORITY

At 8:46 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Strategy Session/Negotiating guidance with FOP and Litigation Strategy Session – Lindner and Negotiating Strategy and Guidance – Redevelopment Authority. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 9:40 p.m. Councilmember Crawford left the meeting.

At 9:44 p.m. the Council came out of executive session. Councilmember Gowan made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: Crawford. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell commented on the Vision 84 meeting that was held on Monday night.

At 9:45 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: None. Absent: Crawford. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF SEPTEMBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk