

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING November 3, 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 November 3, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Assistant Library Director Linhardt, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Building and Grounds Director Archibald, and Street Superintendent Goldman.

A notice of the meeting was given in advance thereof by publication in the Times on October 22, 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 agenda policy statement providing for expanded opportunity for public comment on agenda items.

### SERVICE AWARD – DON SIMON – 5 YEARS

Mayor Kindig presented a service award to Don Simon for 5 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 20, 2009
3. PRELIMINARY MONTHLY FINANCIAL REPORT – SEPTEMBER 2009
4. APPROVAL OF PLANNING COMMISSION MINUTES FROM OCTOBER 15, 2009
5. PAY REQUEST NO. 7 FROM EDAW – 84<sup>TH</sup> STREET REDEVELOPMENT VISION - \$21,986.35
6. PAY REQUEST FROM MULLEN & MULLEN – PROFESSIONAL SERVICES - \$10,960.00
7. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. 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, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

3CMA MEMBERSHIP, Dues	375.00
ACTION BATTERIES, Equipment	223.56
ADT, Contract Services	246.74
AIR POWER, Equipment	174.10
ALAMAR UNIFORMS, Wearing Apparel	230.48
AMENTA, JOE, Refund	10.00
AMERICAN PLANNING ASSN, Dues	400.00
ARAMARK UNIFORM, Contract Services	260.53
ASPEN EQUIPMENT, Winter Maint.	634.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	56.83
ASSOCIATED FIRE PROTECTION, Contract Services	71.50
BAINBRIDGE LEADERSHIP CENTER, Training	7,500.00
BAKER & TAYLOR BOOKS, Books	1,165.75
BEACON BUILDING SERVICES, Contract Services	6,437.00
BENNINGTON EQUIPMENT, Vehicle Maint.	331.73
BLACK HILLS ENERGY, Utilities	75.92
BOLEY, ANN, Auto Allowance	100.00
BRODART, Supplies	133.52
BUETHE, PAM, Travel/Phone/Vehicle Maint.	486.75

# MINUTE RECORD

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

November 3, 2009

BUILDERADIUS, Contract Services	2,000.00
CALENTINE, JEFFREY, Phone	30.00
CENTER POINT PUBLISHING, Books	240.84
CHIEF SCHOOL BUS SERVICE, City Tour	140.00
CITY OF OMAHA, Construction	27,890.12
CITY OF OMAHA, Contract Services	53.75
COCA-COLA, Concessions	429.00
COMP CHOICE, Professional Services	529.50
CONTROL MASTERS, Bldg & Grnds	72.50
COX, Phone	58.65
CUMMINS CENTRAL POWER, Vehicle Maint.	1,256.65
D & D COMMUNICATIONS, Equipment	349.63
DECOSTA SPORTING GOODS, Equipment	278.00
DEMCO, Supplies	53.52
DRUMMOND, SONNY, Contract Services	36.00
EBSCO SUBSCRIPTION SERVICES, Books	3,276.36
ECCLES, PAT, Auto Allowance	100.00
EDGEWEAR SCREEN PRINTING, Equipment	425.60
ELECTRIC SPECIALTIES, Contract Services	120.00
FARQUHAR, MIKE, Auto Allowance	100.00
FERRELLGAS, Utilities	406.69
FILTER CARE, Vehicle Maint.	70.75
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	52.30
FITZGERALD SCHORR BARMETTLER, Professional Services	16,533.76
FLOORS INC, Bldg & Grnds	248.23
FROEHLICH, RORY, Auto Allowance	100.00
GALE, Books	302.11
GAYLORD BROS, Supplies	655.04
GCR OMAHA TRUCK TIRE CENTER, Supplies	739.92
GODFATHER'S PIZZA, Supplies	145.15
GOLDMAN, JOHN, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	182.76
GUNN, BRENDA, Travel/Phone	95.00
HARDESTY, MARK, Travel	36.00
HEIMES CORPORATION, Bldg & Grnds	107.27
HELGET GAS PRODUCTS, Squad Supplies	73.00
HERITAGE CRYSTAL CLEAN, Contract Services	206.78
HONEYMAN RENT-ALL, Bldg & Grnds	117.72
HY-VEE, Supplies	62.43
INTERSTATE ALL BATTERY, Squad Supplies	171.60
J Q OFFICE EQUIPMENT, Supplies	533.32
JEFF HERRMAN, LE SALES, Forfeiture Funds	431.61
JINECO EQUIPMENT, Bldg & Grnds	60.85
JOHN DEERE LANDSCAPES/LESCO, Supplies	500.00
KETELSEN, BRIAN, Refund	105.00
KINDIG, DOUGLAS, Phone	80.00
KIRKHAM MICHAEL, GIS	2,800.00
KISSEL/E & S ASSOCIATES, Contract Services	6,265.07
KLINKER, MARK, Professional Services	200.00
KRIHA FLUID POWER, Vehicle Maint.	4.48
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	105.00
LA VISTA FIREFIGHTERS ASSN, 2010 Calendar	390.00
LAMP RYNEARSON/ASSOCIATES, Professional Services	494.70
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LEAGUE OF NEBRASKA MUN, Dues	560.00
LEO A DALY, Professional Services	1,655.90
LIBRARY ADVANTAGE, Supplies	230.00
LINDBERG, SHEILA, Travel	128.45
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	1,299.99
LUKASIEWICZ, BRIAN, Phone	50.00
METHODIST HOSPITAL, Contract Services	350.00
METRO AREA TRANSIT, September Charges	549.00
METROPOLITAN COMMUNITY COLLEGE, Utilities/Phone/Contract	7,984.18
MID AMERICA PAY PHONES, Phones	50.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	174.04
MIDWEST FENCE, Storm Sewer	486.58
MONARCH OIL, Street Maint.	364.00

# MINUTE RECORD

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

November 3, 2009

MOORE, WAYNE, Contract Services	36.00
MTS 911 WEAR, Supplies	214.80
MUD, Utilities	2,433.87
NATIONAL PAPER, Supplies	219.62
NATIONAL SAFETY COUNCIL, Dues	362.00
NE CHAPTER APWA, Training	70.00
NE DEPT OF REVENUE, Lottery Taxes	78,018.85
NEBRASKA GOLF & TURF, Electric Cart Maint.	401.73
NEBRASKA NATIONAL BANK, Cart Lease	1,163.43
NEBRASKA SALT & GRAIN, Winter Maint.	35,976.55
NEBRASKA TURF PRODUCTS, Supplies	2,073.60
NEUMAN EQUIPMENT, Vehicle Maint/Bldg & Grnds	205.77
NEXTEL, Phone	668.09
NLA-MEMBERSHIPS, Dues	17.00
NUTS AND BOLTS, Bldg & Grnds	44.55
OFFICE DEPOT, Supplies	1,231.18
OMAHA COMPOUND, Supplies/Bldg & Grnds	144.76
PAPILLION LA VISTA SCHOOL, Travel	60.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	382.46
PAYLESS OFFICE PRODUCTS, Supplies	246.84
PITNEY BOWES, Supplies	221.00
POSITIVE PROMOTIONS, Supplies	70.35
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	216.00
PROGRESSIVE BUSINESS, Equip. Repair	109.50
QUALITY INN, Travel	189.00
QUILL, Supplies	190.72
QWEST, Professional Services/Phone	8,573.46
RACOM CORPORATION, Vehicle Maint.	44.00
RAMIREZ, JOHN, Contract Services	36.00
RAMIREZ, RITA, Phone	43.00
REED, JASON, Contract Services	140.00
SAPP BROS, Vehicle Supplies	19,017.69
SARPY COUNTY COURTHOUSE, Contract Services	3,495.03
SARPY COUNTY TREASURER, Contract Services	8,750.00
SCHOLASTIC LIBRARY PUBLISHING, Books	185.90
SOUCIE, JOSEPH, Travel	105.00
SPRINT, Phone	101.96
STERIL MANUFACTURING, Flag Repair	175.00
STOPAK, SCOTT, Phone	50.00
TAPE STOCK ONLINE, Supplies	16.67
TARGET BANK, Supplies	26.15
TOMSU, LINDSEY, Supplies	92.10
TREAT AMERICA, Travel	10.78
TY'S OUTDOOR POWER & SVC, Vehicle Maint.	75.87
UPS, Postage	118.55
USPS, Postage	1,427.62
V & V MANUFACTURING, Wearing Apparel	90.07
VARSITY TRANSPORTATION, D.A.R.E. Reserve	113.00
VERIZON, Phone	205.03
VIERREGGER ELECTRIC, Street Maint.	601.13
WAL-MART, Supplies/Equip.	433.90
WASTE MANAGEMENT, Repair	221.35

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten reported that there were no major incidents on Halloween night. Lausten reported that Officer Harrod and his crew responded to a call of a business alarm and found that it was a residential alarm. They were able to evacuate the residence and the La Vista Fire Department quickly responded to extinguish the fire. Officer Armbrust will be leaving Saturday with the South Metro SWAT team for Israel. An UASI grant will fund this training in which they will learn to identify terror threats and booby traps. This training will include mall situations also.

Recreation Director Stopak thanked the Mayor and Council for their help with Halloween Safe Night. It was the largest attendance by the public that staff could remember. He stated that the indoor garage sale will take place Sunday from 2:30 to 6:00 p.m.

# MINUTE RECORD

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

November 3, 2009

## **B. ORDINANCE – ANNEXATION OF SANITARY AND IMPROVEMENT DISTRICT #59, SANITARY AND IMPROVEMENT DISTRICT #214, AND ADJOINING MISCELLANEOUS LOTS - FIRST READING**

Councilmember Carlisle introduced Ordinance No. 1107 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (SID NO.59, OAKDALE PARK, BROOK VALLEY BUSINESS PARKS, AND SID NO. 214, PAPIO VALLEY 1 AND 2 BUSINESS PARKS, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 8 LOCATED IN SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 6C1 LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 15 AND VAC ROW ADJ LOCATED IN SECTION 18, T14N R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 13 LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., TAX LOT 14 LOCATED IN SECTION 19, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Sheehan made a motion to approve Ordinance No. 1107 on its first reading and pass it on to a second reading. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. COLLECTIVE BARGAINING AGREEMENT – LA VISTA FRATERNAL ORDER OF POLICE**

### **1. RESOLUTION – APPROVE COLLECTIVE BARGAINING AGREEMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-115: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LA VISTA AND THE LA VISTA FRATERNAL ORDER OF POLICE, LODGE NO. 28 FOR FISCAL YEAR 2010 FISCAL YEAR 2011 AND FISCAL YEAR 2012 AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of La Vista has recognized the La Vista Police Officers Association for the purpose of collective bargaining by Resolution No. 78-020; and

WHEREAS, the La Vista Police Officers Association is now a member of and affiliated with the Fraternal Order of police and is known as the La Vista Fraternal Order of Police Lodge No. 28 ("LVFOP"); and

WHEREAS, the City Administrator and the LVFOP's appointed negotiating team have reached a tentative agreement as authorized by and in accordance with Resolution No. 78-020;

WHEREAS, the membership of the LVFOP did vote on and approve the tentative agreement reached by the City Administrator and the LVFOP's negotiating team with said votes being tabulated on October 19, 2009.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Vista, Nebraska, does hereby accept the terms of the negotiated agreement and authorizes the Mayor of the City of La Vista, Nebraska, to execute the same on behalf of the City subject to approval of form by the city attorney and city administrator.

BE IT FURTHER RESOLVED that the Mayor and City Council hereby agree and declare that the effective date of the Agreement shall be October 1, 2009.

Seconded by Councilmember Quick. Sergeant Brian Waugh and Sergeant Jeremy Kinsey expressed the appreciation of the LVFOP negotiating team for the work the city negotiating team did and the Mayor and Council to put together a very good agreement for the next 3 years. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. ORDINANCE – APPROVE AMENDMENTS TO COMPENSATION ORDINANCE**

Councilmember Sell introduced Ordinance No. 1108 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

# MINUTE RECORD

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

November 3, 2009

## PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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, 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1108 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.

## D. ORDINANCE – AMEND MASTER FEE ORDINANCE

Councilmember Gowan introduced Ordinance No. 1109 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1097, 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.

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, 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question was, "Shall Ordinance No.1109 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: Sheehan. 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. AMENDMENTS TO INTERLOCAL COOPERATION AGREEMENTS – PORTAL RIDGE

### 1. RESOLUTION – APPROVE AMENDMENT TO INTERLOCAL AGREEMENT FOR THE 107<sup>TH</sup> STREET IMPROVEMENTS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-116: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR 107<sup>TH</sup> STREET IMPROVEMENTS DATED JULY 5, 2006.

WHEREAS, the City of La Vista, City of Papillion, Sanitary and Improvement District (SID) No. 276 (Portal Ridge), and Sanitary and Improvement District (SID) No. 266 (Portal Plaza) entered into an Interlocal Cooperation Agreement for improvements to 107<sup>th</sup> Street; and

# MINUTE RECORD

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

November 3, 2009

WHEREAS, an amendment to the Interlocal Agreement has been prepared to increase the participation of SID No. 276 from \$83,970.00 to \$120,592.00 and permitting this cost as a general obligation expense.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Interlocal Agreement dated July 5, 2006 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

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

## **2. RESOLUTION – APPROVE AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT FOR CORNHUSKER ROAD IMPROVEMENTS**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-117: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT FOR CORNHUSKER ROAD IMPROVEMENTS DATED JULY 12, 2006.

WHEREAS, the City of La Vista, City of Papillion, Sanitary and Improvement District (SID) No. 276 (Portal Ridge), and Sanitary and Improvement District No. 266 (Portal Plaza) entered into an Interlocal Cooperation Agreement for improvements to Cornhusker Road; and

WHEREAS, an amendment to the Interlocal Agreement has been prepared to approve an extension to the project and to increase the participation of SID No. 276 in the amount of \$14,814.00 and permitting this cost as a general obligation expense.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Interlocal Agreement dated July 12, 2006 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf 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.

## **F. RESOLUTION – SPECIAL DESIGNATED LICENSE – BRYCO INC. DBA SS TOBACCO/LIQUOR – WINE AND SPIRITS TASTING EVENT**

This agenda item was pulled at the request of the applicant. No action was necessary.

## **G. RESOLUTION – DEPARTMENT OF ROADS MAINTENANCE AGREEMENT – 84<sup>TH</sup> STREET**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-118: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AGREEMENT #112 WITH THE NEBRASKA DEPARTMENT OF ROADS FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84<sup>TH</sup> STREET).

WHEREAS, the Nebraska Department of Roads is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84<sup>th</sup> Street) which lies within the City of La Vista's corporate boundaries; and

WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Roads for maintenance of that portion of Highway N-85 (84<sup>th</sup> Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2010 to December 31, 2010.

# MINUTE RECORD

Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. City Administrator Gunn stated that the relinquishment of 84<sup>th</sup> Street is still moving forward and it is hoped this will happen in the near future.

## H. RESOLUTION – INTERLOCAL AGREEMENT - FORENSIC AND CRIME SCENE SERVICES

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-119: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH DOUGLAS COUNTY FOR FORENSIC AND CRIME SCENE INVESTIGATION SERVICES.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in the best interest of the City to enter into an interlocal cooperation agreement for the purpose of providing forensic and crime scene investigation services in an efficient and effective manner; and

WHEREAS, the La Vista Police Department has a need for forensic and crime scene investigation services; and

WHEREAS, Douglas County, Nebraska is qualified to provide such services as described in the attached Interlocal Cooperation Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with Douglas County for forensic and crime scene investigation services.

Seconded by Councilmember Carlisle. Police Chief Lausten explained a couple changes made to the agreement and explained the benefits of the agreement. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## I. RESOLUTION – COUNCIL POLICY STATEMENT – BULLETIN BOARD USAGE AT CITY FACILITIES

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-120: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A NEW COUNCIL POLICY STATEMENT.

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 issues which regularly occur; and

WHEREAS, a Council Policy Statement entitled Bulletin Board Policy for City Facilities has been reviewed and recommended by the Library Director and Recreation Director to the City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement entitled Bulletin Board Policy for City Facilities, and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

Seconded by Councilmember Carlisle. Councilmember Quick asked if we have had problems. Recreation Director Stopak stated that the Community Center and Library receive so many requests they felt there need to be guidelines. Discussion was held regarding the type of postings allowed. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## J. RESOLUTION – STANDARD OPERATION POLICY- WEATHER RELATED CLOSING OF CITY OFFICES

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-121: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

# MINUTE RECORD

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

November 3, 2009

## NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING STANDARD OPERATION POLICY.

WHEREAS, the City Council has determined that it is necessary and desirable to establish Standard Operation Policies as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Standard Operation Policy entitled Weather Related Closing of City Offices has been reviewed and revisions recommended.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Standard Operation Policy entitled Weather Related Closing of City Offices, and do further hereby direct the distribution of said Standard Operation Policy to the appropriate City Departments.

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

## K. RESOLUTION – STANDARD OPERATION POLICY – PURCHASING

Councilmember Carlisle introduced and moved for the adoption of Resolution No 09-122: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING STANDARD OPERATION POLICY.

WHEREAS, the City Council has determined that it is necessary and desirable to establish Standard Operation Policies as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Standard Operation Policy entitled Purchasing of Supplies, Materials, Equipment and Services has been reviewed and revisions recommended.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Standard Operation Policy entitled Purchasing of Supplies, Materials, Equipment and Services, and do further hereby direct the distribution of said Standard Operation Policy to the appropriate City Departments.

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

## L. SPECIAL ASSESSMENTS

### 1. PUBLIC HEARING

At 7:33 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 7:34 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No 09-123: 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  
7506 Joseph Ave., Lot 378/La Vista Replat, \$306.05, and  
9214 Autumn Lane, Lot 68/S&S's Harvest Hill, \$292.94

# MINUTE RECORD

were notified to clean up their property as they were in violation of the City Municipal Code, Section 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, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **M. ORDINANCE – AMENDING SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE**

Councilmember Carlisle introduced Ordinance No. 1110 entitled: AN ORDINANCE TO AMEND SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO THE POSITION OF FIRE CHIEF AND ASSISTANTS; TO REPEAL SECTION 34.02 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle 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, Ellerbeck, and Gowan. The following voted nay: Crawford. 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 Crawford. The Mayor then stated the question was, "Shall Ordinance No.1110 be passed and adopted?" Councilmember Sheehan asked if the fire department membership was aware of the changes. Fire Chief Uhl stated that they were aware of a process that began 2 years ago but not aware of the final outcome. Councilmember Sheehan stated that he is not comfortable enacting rules on the volunteers without their knowledge. Councilmember Crawford agreed that this needs to be addressed on the front end with the body rather than after the fact. City Administrator Gunn stated that the hope was to have this change in place before elections at the end of the month but the council could table this until the next meeting to give Chief Uhl the opportunity to tell the membership at there meeting on Thursday. Councilmember Ellerbeck withdrew his motion for final passage. Councilmember Ellerbeck moved to table this item until the November 17, 2009 meeting. Councilmember Crawford seconded the motion to table this item. 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. Motion carried.

Councilmember Carlisle 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**

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

## **N. EXECUTIVE SESSION – LAND ACQUISITION; LITIGATION STRATEGY SESSION; PERSONNEL**

At 7:44 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest to provide negotiating guidance regarding land acquisition, and litigation

# MINUTE RECORD

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

November 3, 2009

strategy session; and for the protection of the reputation of an individual to discuss personnel matters. 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 9:08 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor or Council.

At 9:09 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF NOVEMBER 2009.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\November 3, 2009