

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING December 1, 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 December 1, 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, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, 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 November 19, 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.

APPOINTMENT - FIRE DEPARTMENT OFFICERS

Fire Chief Uhl introduced the new officers to Council.

APPOINTMENT OF FIRE DEPARTMENT RECRUITS – SARAH ANDERSON, LAURA ARRICK, NICHOLAS DUNBAR, STEPHEN ELDRED, JENNIFER FERRIS, SHAUN JONES, COREY PODWINSKI, ZACHARY ROPSKI, JUSTIN URLACHER, BARBARA WITKOVSKI

Fire Chief Uhl introduced the following Fire Department recruits: Sarah Anderson, Laura Arrick, Nicholas Dunbar, Stephen Eldred, Jennifer Ferris, Shaun Jones, Corey Podwinski, Zachary Ropski, Justin Urlacher, and Barbara Witkovski.

APPOINTMENTS

BOARD OF HEALTH – APPOINT DOUGLAS KINDIG, ANTHONY GOWAN, RICH UHL AND ROBERT LAUSTEN – 1 YEAR TERM CIVIL SERVICE COMMISSION – APPOINT PAUL CHRISTENSEN – 5 YEAR TERM; APPOINT JOHN VENDETTI - FULFILL VACANCY

Mayor Kindig stated that with the approval of Council Mayor Kindig would like to make the following appointments and reappointments: Board of Health – Appoint Douglas Kindig, Anthony Gowan, Rich Uhl And Robert Lausten – 1 Year Term. Councilmember Crawford motioned the approval, seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried; Civil Service Commission – Reappoint Paul Christensen – 5 Year Term; Appoint John Vendetti - Fulfill Vacancy. Councilmember Sell motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 17, 2009
3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM NOVEMBER 12, 2009
4. PAY REQUEST FROM HUNDEN STRATEGIC PARTNERS – PROFESSIONAL SERVICES - \$5,815.80
5. PAY REQUEST NO. 8 FROM EDAAW – 84TH STREET REDEVELOPMENT VISION - \$17,928.07
6. APPROVAL OF CLAIMS

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Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Councilmember Gowan 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.

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| ACTION BATTERIES, Vehicle Supplies | 34.95 |
| ALAMAR UNIFORMS, Wearing Apparel | 510.42 |
| AMERICAN LEGAL, Contract Services | 250.00 |
| AMERICAN MARKING, Sewer | 136.10 |
| ARAMARK UNIFORM, Contract Services | 260.60 |
| ARCOA INDUSTRIES, Bldg & Grnds | 277.68 |
| ASPEN EQUIPMENT, Winter Maint. | 60.00 |
| ASPHALT & CONCRETE MATERIALS, Street Maint. | 145.58 |
| ASSOCIATED FIRE PROTECTION, Contract Services | 394.50 |
| AUSTIN PETERS GROUP, Training | 2,097.34 |
| BAKER & TAYLOR BOOKS, Books | 121.90 |
| BCR-BIBLIOGRAPHICAL, CD Rom | 23.97 |
| BEACON BUILDING SERVICES, Contract Services | 6,437.00 |
| BENNINGTON EQUIPMENT, Vehicle Maint. | 38.47 |
| BIG RIG TRUCK ACCESSORIES, Vehicle Maint. | 40.00 |
| BLACK HILLS ENERGY, Utilities | 18.16 |
| BRODART, Supplies | 27.26 |
| BROWN TRAFFIC PRODUCTS, Traffic Signs | 256.61 |
| BUETHE, PAM, Phone/Vehicle Maint/Travel/Printing | 252.62 |
| BUILDERS SUPPLY, Bldg & Grnds/Vehicle Maint. | 574.39 |
| CALENTINE, JEFFREY, Phone | 30.00 |
| CENTER POINT PUBLISHING, Books | 241.44 |
| CITY OF BELLEVUE, Training | 168.00 |
| COMP CHOICE, Professional Service | 175.00 |
| COX, Contract Services | 179.15 |
| D & D COMMUNICATIONS, Pagers | 7,503.00 |
| DRUMMOND, SONNY, Contract Services | 36.00 |
| EBSCO SUBSCRIPTION SERVICES, CD Rom | 1,680.00 |
| ECCLES, PAT, Auto Allowance | 100.00 |
| ED M. FELD EQUIPMENT, Equipment | 550.00 |
| FARQUHAR, MIKE, Auto Allowance | 100.00 |
| FILTER CARE, Vehicle Maint. | 17.60 |
| FIREGUARD, Equipment | 7.50 |
| FISHER EQUIPMENT, Traffic Signs | 620.15 |
| FITZGERALD SCHORR BARMETTLER, Professional Services | 15,849.10 |
| FLEET US, Bldg & Grnds | 1,132.00 |
| FORT DEARBORN LIFE INSURANCE, Employee Benefits | 1,302.00 |
| FROELICH, RORY, Auto Allowance | 100.00 |
| GALE, Books | 512.97 |
| GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies | 634.58 |
| GENUINE PARTS, Vehicle Maint. | 1,552.96 |
| GODFATHER'S PIZZA, Supplies | 249.17 |
| GOLDMAN, JOHN, Phone | 85.00 |
| GRAINGER, Supplies | 33.58 |
| GRAPHIC IMAGINATION, Vehicle Maint. | 136.89 |
| GRAYBAR ELECTRIC, Bldg & Grnds | 340.67 |
| GREENKEEPER, Supplies | 52.50 |
| GUNN, BRENDA, Phone | 45.00 |
| HANEY SHOE STORE, Wearing Apparel | 240.00 |
| HARM'S CONCRETE, Bldg & Grnds | 317.75 |
| HELGET GAS, Squad Supplies | 73.00 |
| HOBBY LOBBY, Supplies | 24.84 |
| HOIT, DAVID, Contract Services | 18.00 |
| INDUSTRIAL SALES, Bldg & Grnds | 20.24 |
| J Q OFFICE EQUIPMENT, Contract Services | 391.79 |
| JIFFY LASER, Equipment | 219.00 |
| JONES AUTOMOTIVE, Equipment | 4,317.50 |
| KIMBO EDUCATIONAL, Media | 85.10 |
| KINDIG, DOUGLAS, Phone | 80.00 |
| KLINKER, MARK, Professional | 200.00 |
| KRIHA FLUID POWER, Vehicle Maint. | 326.64 |

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| LAMP RYNEARSON/ASSOCIATES, Professional Services | 352.85 |
| LANGLEY ANIMAL HOSPITAL, Contract Services | 174.00 |
| LAUGHLIN, KATHLEEN, Payroll Withholdings | 809.00 |
| LECC, Training | 60.00 |
| LERNER PUBLISHING GROUP, Books | 427.24 |
| LINWELD, Supplies | 44.95 |
| LOGAN CONTRACTORS SUPPLY, Street Maint. | 2,662.80 |
| LUKASIEWICZ, BRIAN, Phone | 50.00 |
| M E SHARPE INC PUBLISHER, Books | 420.00 |
| MICHAEL TODD AND COMPANY, Bldg & Grnds | 5,080.39 |
| MID AMERICA PAY PHONES, Phone | 50.00 |
| MID CON SYSTEMS, Vehicle Maint. | 72.90 |
| MIDWEST TURF & IRRIGATION, Bldg & Grnds | 52.67 |
| MSC INDUSTRIAL SUPPLY, Supplies | 60.35 |
| MUD, Utilities | 868.33 |
| MULHALL'S, Bldg & Grnds | 434.98 |
| NEBRASKA GOLF & TURF, Electric Cart | 94.42 |
| NEBRASKA LAW ENFORCEMENT, Travel | 360.00 |
| NEBRASKA STATE PATROL FOUNDTN, Travel | 25.00 |
| NEXTEL, Phone | 465.37 |
| NUTS AND BOLTS, Vehicle Maint. | 10.98 |
| OABR PRINT SHOP, Printing | 5,192.96 |
| OFFICE DEPOT, Supplies | 632.35 |
| OXMOOR HOUSE, Books | 34.91 |
| PAPILLION TIRE, Vehicle Maint. | 40.00 |
| PARAMOUNT LINEN & UNIFORM, Uniforms | 362.46 |
| PAYLESS, Supplies | 255.09 |
| PENWORTHY, Books | 1,879.11 |
| PERFORMANCE CHRYSLER JEEP, Vehicle Maint. | 7.72 |
| PITNEY BOWES, Supplies | 221.00 |
| PRECISION INDUSTRIES, Winter Maint. | 25.60 |
| PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits | 216.00 |
| PUSH PEDAL PULL, Bldg & Grnds | 287.96 |
| QWEST, Phone | 1,035.94 |
| RAINBOW GLASS & SUPPLY, Bldg & Grnds | 48.00 |
| RALSTON AUTOMOTIVE SERVICE, Supplies | 115.20 |
| RAMIREZ, JOHN, Contract Services | 36.00 |
| RAMIREZ, RITA, Phone | 43.00 |
| RAWLEY, TOM, Contract Services | 18.00 |
| RECORDED BOOKS, Media | 195.74 |
| RENOLINSKI, MARK, Contract Services | 36.00 |
| RUSTY ECK FORD, Vehicle Maint. | 35.60 |
| S & W HEALTHCARE, Squad Supplies | 150.00 |
| SAPP BROS TRUCK STOPS, Vehicle Supplies | 896.00 |
| SAPP BROS, Vehicle Supplies | 1,028.50 |
| SARPY COUNTY, Contract Services | 3,495.03 |
| SMOOTHER CUT, Contract Services | 660.00 |
| SNITILY CARR, Professional Services | 635.15 |
| SOUICIE, JOSEPH, Phone | 60.00 |
| STATE STEEL, Vehicle Maint. | 38.71 |
| STOPAK, SCOTT, Phone | 50.00 |
| STRATEGIC INSIGHTS, Contract Services | 675.00 |
| SUMMER KITCHEN CAFÉ, Supplies | 52.61 |
| TED'S MOWER SALES & SERVICE, Maintenance | 38.84 |
| TRI MUTUAL AID FIREFIGHTERS, Dues | 150.00 |
| VERIZON, Phone | 195.76 |
| WINGATE INNS, Travel | 230.85 |

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council there is an investigation ongoing in regard to the suspected arson fires in Ardmore Park.

Fire Chief Uhl introduced Medical Training Officer Melanie Smith to speak to Council about an EMS competition. Smith informed Council that the team of Don McKay, James Tiehen, and Aaron Peth from the La Vista Volunteer Fire and Rescue Department placed 3rd in the EMT – B Competition.

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Library Director Barcal informed Council a student practicum from UNO has volunteered to work at the library from January through April for a total of 90 hours.

B. EXECUTIVE SESSION – LAND ACQUISITION

At 7:17 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. 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 7:43 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. ANNEXATION OF SANITARY AND IMPROVEMENT DISTRICT #59, SANITARY AND IMPROVEMENT DISTRICT #214, AND ADJOINING MISCELLANEOUS LOTS **1. ORDINANCE – FINAL READING**

City Clerk Buethe read 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 6TH P.M., TAX LOT 8 LOCATED IN SECTION 18, T14N, R12E OF THE 6TH P.M., TAX LOT 6C1 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 15 AND VAC ROW ADJ LOCATED IN SECTION 18, T14N R12E OF THE 6TH P.M., TAX LOT 13 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 14 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH 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 Gowan made a motion to approve Ordinance No. 1107 on its third and final reading. Seconded by Councilmember Carlisle. Jeff Toberer, representing US Cold Storage addressed Council. He stated he would have attended the public hearing, but he was not aware that one was held; and he did not have time to bring this to the attention of the City sooner for various reasons including the Thanksgiving holiday. Mr. Goodheart, the owner of US Cold Storage was not in attendance. Mr. Toberer read a statement from Mr. Goodheart, which stated that he was re-thinking an addition on to the facility, since there will be a tax increase, and an increase in tax liability is a concern. Mr. Toberer stated that SID 59 is a designated as an industrial area and has different requirements for annexation. City Administrator Gunn asked how the City could verify this information. Mr. Toberer was unable to present any documentation supporting his position; rather he relied on vague recollections of events that occurred in the early 1970's. He stated that SID papers recorded through the Sarpy County Board and the District Court in the early 70's should show designation of the area. Administrator Gunn asked if the SID board was aware of this special land designation. Mr. Toberer stated they may not know as none of the original board members are there. City Attorney McKeon advised Council that they could go ahead with the vote and Mr. Toberer's concerns will be researched and if there are any changes this can come back before Council for reconsideration on December 15, 2009.

Prior to taking the vote, Mayor Kindig stated for the record and inclusion in the minutes pursuant to Neb. Rev. Stat. Section 16-630(7) that the City formally complied with the notice requirements of Neb. Rev. Stat. Section 16-630(6). Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. APPLICATION FOR FINAL PUD PLAN, FINAL PLAT, CUP AND SUBDIVISION AGREEMENT APPROVAL – LOTS 13 & 15, CRESTVIEW HEIGHTS **1. PUBLIC HEARING**

At 8:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an application for Final PUD Plan, Final Plat, CUP and Subdivision Agreement Approval – Lots 13 & 15, Crestview Heights.

Community Development Director Birch introduced this item and stated that this development is restricted to the overlay and senior housing. She also stated that the developer has agreed to

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meet the gateway corridor requirements even though this is not designated as a gateway corridor area.

Victor Pelzer representing the developer approached the Council to answer any questions regarding this project.

Scott Kennedy representing Calamar addressed Council asking that they table approval of the conditional use permit as Calamar had changes before approval.

Quinn Abraham, of 7605 Gertrude Street addressed Council to state his concern with the need for additional landscaping as a buffer along Gertrude Street. Vic Pelster, a representative of the developer, stated that he was agreeable to adding additional landscaping along Gertrude Street. Ann Birch advised that this could be done by revising the landscaping plan included in the PUD. At 8:17 p.m. Councilmember Quick 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.

Councilmember Sheehan asked if the developer is meeting requirements. Birch stated that they are meeting requirements and have also agreed to meet the gateway corridor requirements. Councilmember Sheehan asked about the materials and the use of brick on these apartments. Birch stated that brick would go up about 8-9 feet and then it would be siding and on the garages the brick would go up about 4 feet and then it would be siding. Councilmember Sheehan stated that the Council needs to continue to hold development to the highest standards. Councilmember Crawford stated that he is voting against this project because he does not agree that there should be any commercial in this area. Councilmember Sell spoke in favor of the commercial stating that it is a good fit for seniors to be able to walk to the store when some may not have readily available transportation.

2. ORDINANCE – APPROVAL OF A FINAL PUD PLAN

Councilmember Gowan introduced Ordinance No. 1111 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sheehan and 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question was, "Shall Ordinance No.1111 be passed and adopted?"; and clarified that the motion included revisions to the landscaping plan of the PUD for enhanced landscaping along Gertrude, as agreed by Mr. Pelster. Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sheehan and Crawford. 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.

3. RESOLUTION – APPROVAL OF A FINAL PLAT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-131: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE FINAL PLAT FOR LOTS 13 AND 14, CRESTVIEW HEIGHTS, TO BE REPLATTED AS LOTS 1 THRU 5, HARRISON HEIGHTS, A SUBDIVISION LOCATED IN THE NORTHEAST ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a Final Plat for Lots 13 and 14, Crestview Heights, to be replatted as Lots 1 thru 5, Harrison Heights; and

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WHEREAS, the City Administrator and the City Engineer have reviewed the final plat; and

WHEREAS, on October 15, 2009, the La Vista Planning Commission held a public hearing and reviewed the final plat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lots 13 and 14, Crestview Heights, to be replatted as Lots 1 thru 5, Harrison Heights, a subdivision located in the Northeast ¼ of Section 14, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located south of Harrison Street & north and east of Gertrude Street, be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. The Final PUD Plan has been reviewed for conformance to the approved Preliminary PUD Plan and found to be in substantial conformance.
2. The necessary mylar copies of the final plat must be submitted with all required signatures.
3. A staking bond or letter certifying that lot corners have been pinned should be provided prior to the Mayor signing the final plat mylars. If provided, the staking bond should be based on \$150 per lot.
4. The Subdivision Agreement is under review by the City Attorney.

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

4. RESOLUTION – APPROVAL OF A CONDITIONAL USE PERMIT

Councilmember Ellerbeck made a motion to table Resolution No. 09-132 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MULTIPLE FAMILY DWELLINGS FOR SENIORS ON PROPOSED LOT 4, HARRISON HEIGHTS. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

5. RESOLUTION – APPROVAL OF A SUBDIVISION AGREEMENT

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-133: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 THRU 5, HARRISON HEIGHTS SUBDIVISION IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on December 1, 2009 approve the final plat for Lots 1 thru 5 Harrison Heights Subdivision subject to certain conditions; and

WHEREAS, the Developer, Empire Group, LLC, has agreed to execute a subdivision Agreement satisfactory in form to the City Attorney and City Administrator; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the December 1, 2009 City Council meeting for the Harrison Heights Subdivision 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, Carlisle, Ellerbeck, and Gowan. Nays: Sheehan and Crawford. Absent: None. Motion carried.

E. KEYSTONE TRAIL PROJECT - PURCHASE AGREEMENT AND TEMPORARY EASEMENT – OSENTOWSKI

1. PUBLIC HEARING

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At 8:31 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Keystone Trail Project – Purchase Agreement and Temporary Easement - Ostentowski.

At 8:32 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. RESOLUTION – APPROVE PURCHASE AGREEMENT AND TEMPORARY EASEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-134: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AGREEMENT AND TEMPORARY EASEMENT AGREEMENT RELATING TO THE LA VISTA LINK – KEYSTONE TRAIL PROJECT AND AUTHORIZING PAYMENT FOR SAID EASEMENT TO THE DORIS OSENTOWSKI ESTATE IN AN AMOUNT NOT TO EXCEED \$23,500.00.

WHEREAS, right-of-way acquisition is necessary for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by the Doris Osentowski Estate; and

WHEREAS, a temporary construction easement for construction of the La Vista Link – Keystone Trail Project on a tract of land owned by the Doris Osentowski Estate; and

WHEREAS, the FY09/10 Capital Fund Budget provides for the expenses related to the Construction of the La Vista Link – Keystone Trail Project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to execute a purchase agreement and temporary easement relating to the construction of the La Vista Link – Keystone Trail Project and authorize payment for said purchase and easement to the Doris Osentowski Estate in and amount not to exceed \$23,500.00.

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

F. CLASS C LIQUOR LICENSE APPLICATION – PALACIO ENTERPRISES INC DBA 84TH STREET CAFÉ

1. PUBLIC HEARING

At 8:43 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class C Liquor License Application for Palacio Enterprises Inc. dba 84th Street Café. Luis Palacio, the owner, addressed Council to answer any questions.

At 8:35 p.m. Councilmember Sell 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 Sell introduced and moved for the adoption of Resolution No. 09-135: 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 PALACIO ENTERPRISES INC. DBA 84TH STREET CAFÉ, LA VISTA, NEBRASKA.

WHEREAS, Palacio Enterprises Inc, dba 84th Street Café, 8013 S 83rd Avenue, 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

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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 Palacio Enterprises Inc, dba 84th Street Café, 8013 S 83rd Avenue, La Vista, NE.

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

G. RESOLUTION – INTERLOCAL AGREEMENT – CITY OF RALSTON

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-136: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF RALSTON, FOR THE CITY OF LA VISTA TO PROVIDE THE SERVICES OF AN EMPLOYEE TO ACT AS A RESPONSIBLE CHARGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, The City of Ralston has requested the services of an employee, certified as a Responsible Charge, from the City of La Vista for a federally funded transportation project to be known as the reconstruction of Serum Avenue and 77th Street; and

WHEREAS, The City of La Vista Public Works Director is able to give the amount of time necessary to act as the Responsible Charge; and

WHEREAS, The City of Ralston will reimburse the City of La Vista for an hourly rate plus benefits for time spent by the Responsible Charge on the project and any additional attorney fees encumbered by the City of La Vista;

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with the City of Ralston for the City of La Vista to provide the services of an employee to act as a Responsible Charge is hereby 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 Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

H. RESOLUTION – AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-137: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR AN OUTDOOR INFLATABLE MOVIE SYSTEM

WHEREAS, the Mayor and Council have determined that it is desirable to take proposals for a Movie System; and

WHEREAS, a committee was formed and has prepared specifications for the request for proposals; and

WHEREAS, the FY 09/10 General Fund budget provides funding for such purchase;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for request for proposals and the City Clerk is hereby authorized to advertise for the proposals in accordance with the specifications prepared by the committee, and said sealed proposals are to be opened publicly at 2:00 p.m. December 21, 2009, at City Hall, 8116 Park View Blvd., La Vista, Nebraska 68128.

Advertise for Bids
Proposals Due
Open Bids
Tentative Award Date

December 2, 2009
December 18, 2009
December 21, 2009
January 5, 2010

MINUTE RECORD

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

December 1, 2009

Seconded by Councilmember Ellerbeck. Councilmember Sheehan asked where the City got the specifications from. Captain Pokorny informed Council that he had talked to various vendors, and created the specs based on those conversations. Councilmember Sheehan asked if the equipment would work outdoors. Captain Pokorny stated that he has talked to others who had used the equipment to determine the best equipment for outdoor use. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

I. DISCUSSION – RENTAL HOUSING INSPECTION PROGRAM – DRAFT FORMS

Councilmember Sheehan asked how much notice was given to property owners before an inspection. Community Development Director Birch stated it would be approximately 30 days from the time the owner calls in for the inspection. Birch also stated that initially they will be inspecting for life safety issues. Councilmember Sell asked when the new ordinance takes effect. Community Development Director Birch stated the ordinance goes into effect on January 1, 2010, and property owners have until March 31, 2010 to register.

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.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan thanked Councilmembers Sell and Sheehan for staying to clean the cookers after the Chili supper Monday.

Councilmember Crawford thanked Scott and Mary for their work coordinating the tree lighting and soup supper event.

Mayor Kindig thanked the Fire Department and Public Works for helping with Santa's sleigh ride and the lighting of the Christmas tree.

Councilmember Gowan stated that people enjoyed having Santa go through the neighborhoods. Mayor Kindig stated that some changes to the route may be needed in upcoming years.

At 8:46 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF DECEMBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Bueth, CMC
City Clerk