

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING December 15, 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 15, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Absent: Gowan. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Community Relations Coordinator Beaumont, 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 December 3, 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 regarding the agenda policy statement providing for expanded opportunity for public comment on the agenda items.

SERVICE AWARD – MARK ELLERBECK – 5 YEARS

Mayor Kindig presented a service award to Mark Ellerbeck for 5 years of service to the City.

APPOINTMENTS

- LIBRARY ADVISORY BOARD – RE-APPOINT KIM SCHMIT-POKORNY – 2 YEAR TERM
- PARK & RECREATION ADVISORY BOARD – RE-APPOINT PAT LODES AND JEFF KUPFER – 2 YEAR TERMS

Mayor Kindig stated that with the approval of Council Mayor Kindig would like to make the following appointments and reappointments: - Library Advisory Board – Re-appoint Kim Schmit-Pokorny – 2 year term- Park & Recreation Advisory Board – Re-appoint Pat Lodes and Jeff Kupfer – 2 year terms. Councilmember Ellerbeck motioned the approval, seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

SPECIAL REPORT – TOBY CHURCHILL – SARPY COUNTY ECONOMIC DEVELOPMENT CORP.

Toby Churchill of the Sarpy County Economic Development Corporation presented the third quarter report to Council.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM DECEMBER 1, 2009
3. APPROVAL OF CITY COUNCIL MINUTES FROM DECEMBER 8, 2009
4. APPROVAL OF PLANNING COMMISSION MINUTES FROM NOVEMBER 19, 2009
5. MONTHLY FINANCIAL REPORT - NOVEMBER 2009
6. PAY REQUEST FROM SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION – ANNUAL INVESTMENT - \$10,000.00
7. PAY REQUEST FROM BERENS-TATE CONSULTING GROUP – PROFESSIONAL SERVICES - \$5,500.00
8. APPROVAL OF CLAIMS

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

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ABE'S PORTABLES, Rentals	85.00
ACTION BATTERIES, Vehicle Maint.	648.60
ALL MAKES, Repair	71.00
ALUMINUM ATHLETIC EQUIPMENT, Bldg & Grnds	76.25
AMERICAN MARKING CORP, Repair	82.56
APPLIED INFORMATION MGMT, Contract Services	3,585.00
ARAMARK UNIFORM, Contract Services	244.98
ASPEN EQUIPMENT, Winter Maint.	360.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	407.50
BENNINGTON EQUIPMENT, Vehicle Maint/Bldg & Grnds	216.60
BENSON RECORDS, Contract Services	653.16
BLACK HILLS ENERGY, Utilities	4,374.68
BOBCAT, Vehicle Maint.	60.97
BRAD J WILLIAMS PHOTOGRAPHY, Printing	300.00
BRODART, Supplies	186.09
BROWN TRAFFIC PRODUCTS, Traffic Signs	188.00
BUETHE, PAM, Supplies/Travel/Postage	190.72
BUILDERS SUPPLY, Bldg & Grnds	118.73
BURT, STACIA, Training	432.00
CARDMEMBER SERVICE, Training/Travel/Supplies	4,958.96
CENTERING CORPORATION, Books,	24.95
CITY OF OMAHA, Contract Services	43.57
CJ'S HOME CENTER, Bldg & Grnds/Traffic Signs/Street Maint.	955.83
COLOMBO/PHELPS COMPANY, Concessions	14.70
COMER, DELORES, Rescue Revenue	37.28
COMPUTER & NETWORK SERVICES, Contract Services	114.89
CORNHUSKER INTL TRUCKS, Vehicle Maint.	116.93
COX, Phone	58.65
CREW OMAHA METRO, Travel	275.00
DIAMOND VOGEL PAINTS, Maintenance	163.25
DILLON BROS HARLEY DAVIDSON, Vehicle Maint.	1,108.11
DITCH WITCH, Vehicle Maint.	377.50
DULTMEIER SALES & SERVICE, Maintenance	11.24
EBEL, TY, Supplies	53.92
ED M. FELD EQUIPMENT, Wearing Apparel	384.00
EDAW, 84th Street Redevelopment	17,928.07
FILTER CARE, Vehicle Maint.	40.80
FOSTER, TERRY, Wearing Apparel	74.89
G I CLEANER & TAILORS, Uniform Cleaning	189.70
GALE, Books	204.46
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	39.90
GEISSINGER, DAWN, Refund	35.00
GENUINE PARTS COMPANY, Vehicle Maint.	779.36
GOLDMAN, JOHN, Travel	36.95
GRAYBAR ELECTRIC, Bldg & Grnds	264.21
GREAT PLAINS GFOA, Dues	150.00
GREAT PLAINS ONE-CALL SVC, Contract Services	215.42
GREAT PLAINS UNIFORMS, Wearing Apparel	247.00
GREENKEEPER, Street Maint.	315.00
H & H CHEVROLET, Vehicle Maint.	66.63
HANEY SHOE STORE, Wearing Apparel	105.95
HELGET GAS, Squad Supplies	20.00
HOLIDAY INN, Travel	153.90
HUNDEN STRATEGIC PARTNERS, Contract Services	5,815.80
HUNTEL, Contract Services	123.50
HY-VEE, Supplies	247.98
ICSC-INTL COUNCIL OF SHPG CTRS, Travel	100.00
J Q OFFICE EQUIPMENT, Supplies	780.31
KRIHA FLUID POWER, Vehicle Maint.	331.14
LA VISTA COMMUNITY FOUNDATION, Payroll Deduction	70.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	809.00
LEAGUE ASSN OF RISK MGMT, Insurance	42.00
LIBERTY FLAG & SPECIALTY, Flags	616.85
LIBRA INDUSTRIES, Supplies	69.00
LINWELD, Street Maint./Supplies	284.69
LOGAN CONTRACTORS SUPPLY, Street Maint.	2,651.60
LOU'S SPORTING GOODS, Equipment	386.20

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MAACO, Vehicle Maint.	600.00
MARSHALL CAVENDISH CORP, Books	835.05
METRO AREA TRANSIT, Contract Services	563.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	24,388.29
MID CON SYSTEMS, Bldg & Grnds	186.28
MIDLANDS COMMUNITY HOSPITAL, Advertising	150.00
MIDWEST PLASTICS, Bldg & Grnds	161.40
MUD, Utilities	179.70
NATIONAL PAPER, Supplies	378.22
NE CLERK INSTITUTE, Training	460.00
NE DEPT OF ENVIRONMENTL QUALTY, Copies	4.50
NE STATE FIRE MARSHALL, Professional Services	360.00
NEMSA-NE EMER MED SVCS ASSN, Dues	590.00
NOTARY PUBLIC UNDERWRITERS, Dues	94.00
NSFSI-NE SOC/FIRE SVC INSTRS, Training	170.00
NUTS AND BOLTS, Vehicle Maint.	2.70
OCCUVAX, Vaccinations	880.00
OFFICE DEPOT, Supplies	75.50
OPPD, Utilities	40,511.11
PAPILLION TIRE, Vehicle Maint.	81.15
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	573.69
PAYLESS OFFICE, Supplies	389.90
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	561.04
PROFESSIONAL GROUNDS MGMT, Dues	125.00
QWEST, Phone	134.49
RADIO SHACK, Bldg & Grnds	43.98
RALSTON COSTUME, Wearing Apparel	35.00
ROSE EQUIPMENT, Vehicle Maint.	837.33
RUNZA RESTAURANT, Supplies	375.00
RUSTY ECK FORD, Vehicle Maint.	37.47
SAM'S CLUB, Supplies	665.34
SARPY COUNTY CHAMBER, Travel	300.00
SARPY COUNTY TREASURER, Sewer Fees	14,850.00
STATE FIRE MARSHALL, Training Assistance	200.00
SUN LIFE & HEALTH INSURANCE, Payroll Withholdings	1,959.78
SUPERIOR LAMP, Bldg & Grnds	244.56
TARGET BANK, Supplies	8.97
TED'S MOWER SALES & SERVICE, Repair	89.17
THERMO KING CHRISTENSEN, Vehicle Maint.	335.37
THOMPSON DREESSEN & DORNER, Planning/Professional Services	15,554.74
TIEHEN, JAMES, Auto Allowance	100.00
TITAN MACHINERY, Vehicle Maint.	276.28
TRACTOR SUPPLY CREDIT PLAN, Supplies	135.96
U S ASPHALT, Street Maint.	514.60
UPBEAT, Bldg & Grnds	524.00
VAIL, ADAM, Auto Allowance	100.00
VETTER EQUIPMENT, Utility Vehicle	8,500.00
WAL-MART, Supplies	641.24
WASTE MANAGEMENT, Contract Services	3,010.29
WICK'S STERLING TRUCKS, Vehicle Maint.	62.93
ZOLL MEDICAL, Repair	146.12

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez introduced Mitch Beaumont, the new Community Relations Coordinator to Council.

Police Chief Lausten informed Council that Sgt Waugh assisted in saving the life of a La Vista resident who had a heart attack while shoveling snow this past week. Waugh was able to detect a pulse after his use of an automatic external defibrillator, which is kept in the squad car.

Lausten informed Council that only two cars were towed due to the Snow Emergency last week.

Public Works Director Soucie informed Council that Greg Goldman had completed his LPA training in November and December and now there are two responsible charges for federal projects on staff.

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Mayor Kindig and Councilmember Sheehan complimented the public works crew for an outstanding job during this last snow storm. Public Works Director Soucie said he would pass that on to the crew.

Community Development Director Birch stated the representatives for Cimarron Terrace have requested a continuance with regard to the Cimarron Terrace project and that Portal Ridge would be on the January 5, 2010 agenda.

B. APPLICATION FOR FINAL PUD PLAN, FINAL PLAT, CUP AND SUBDIVISION AGREEMENT APPROVAL – LOT 380, CIMARRON WOODS **1. PUBLIC HEARING**

At 7:15 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 – Lot 380, Cimarron Woods. Larry Jobeun, representing the applicant, addressed Council to request a continuance to the January 19, 2010 City Council meeting.

Councilmember Sell made a motion to continue the public hearing to the meeting of January 19, 2010. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

C. APPLICATION FOR CDBG FUNDING – EASYWAY INTERNATIONAL, LLC **1. RESOLUTION - ADOPT POLICIES AND PROCEDURES FOR CDBG FUNDING**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-138: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF LA VISTA, NEBRASKA TO ADOPT POLICIES AND PROCEDURES REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING AND TO EXECUTE THE NECESSARY DOCUMENTS

WHEREAS, the City of La Vista, Nebraska is an eligible local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of La Vista, Nebraska must assure and certify to the Nebraska Department of Economic Development that it has adopted an Excessive Force Policy, a Code of Conduct, Procurement Procedures, a Residential Anti-displacement and Relocation Assistance Plan, Citizen Participation Plan, Fair Housing Practices, and a Financial Management Certification.

NOW THEREFORE, BE IT RESOLVED BY, that the Mayor and City Council of La Vista Nebraska, do hereby adopt policies and procedures regarding CDBG funding and authorize and direct the Mayor to proceed with the execution of these documents.

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

2. PUBLIC HEARING

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an application for CDBG Funding – Easyway International, LLC. Jake Hanson, addressed Council to explain that the Sarpy County EDC and Omaha Chamber of Commerce International Business Division had asked if the city would apply for this funding.

At 7:19 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmember Sheehan asked if there was a limit of how much money one city can apply for. Hanson stated there was not a limit per city, but per project. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

3. RESOLUTION – CONSIDER AN APPLICATION FROM EASYWAY INTERNATIONAL, LLC FOR CDBG FUNDS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-139: A RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL OF LA VISTA, NEBRASKA TO APPLY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT, AND TO EXECUTE ANY RELEVANT DOCUMENTS REFERENCING THE EASYWAY INTERNATIONAL, LLC. PROJECT.

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WHEREAS, the City of La Vista, Nebraska is an eligible local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development Block Grant Program, and,

WHEREAS, the City of La Vista, Nebraska has obtained its citizen's comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application, and received favorable public comment respecting the application in the amount of \$505,000 for Working Capital Assistance to a For Profit Business, and Grant Administration Costs, and

NOW THEREFORE, BE IT RESOLVED BY, that the Mayor and City Council of La Vista Nebraska, do hereby authorize the application for a Community Development Block Grant and authorize and direct the Mayor to proceed with the formulation of any and all contracts, documents, or other memoranda between the City of La Vista, Nebraska and the Nebraska Department of Economic development so as to effect the acceptance of the grant application.

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

D. LAND ACQUISITION – 7215 S. 83RD STREET

1. PUBLIC HEARING

At 7:20 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on land acquisition – 7215 S. 83rd Street.

At 7:21 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

2. RESOLUTION – APPROVAL OF PURCHASE

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-140: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF A SITE AND TO AUTHORIZE AND APPROVE THE EXECUTION AND DELIVERY OF THE PURCHASE AGREEMENT AND EARNEST MONEY.

WHEREAS, the owner of the Site located at 7215 South 83rd Street, desires to sell the Site to the City, and the City desires to purchase the Site from the owner.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) A purchase agreement for the Site has been presented to the City by the owner of the Site in the form and content attached hereto as Exhibit A and incorporated herein by this reference ("Purchase Agreement"); and
- (ii) The Purchase Agreement provides for a purchase price of \$435,000 for an approximately 11,000 square foot building located on approximately 1.16 acres in addition to other terms and conditions; and
- (iii) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (iv) The City published notice of public hearing on the proposed purchase of the Site, to be held during the regular City Council meeting on November 29, 2009; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (v) Neb. Rev. Stat. Section 13-403 requires that the City, before purchasing, lease-purchasing or otherwise acquiring for consideration real property having an estimated value of \$100,000 or more, obtain an appraisal of the property from a certified real estate appraiser; and

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- (vi) The City will obtain an appraisal of the Site from a certified real estate appraiser, which appraisal shall establish the Site's fair market value at an amount equal to or greater than the price stated in the Purchase Agreement attached hereto and referred to in (ii) above, and which appraisal may be accepted in a form and amount satisfactory to the City Administrator and City Attorney.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the Purchase Agreement and authorize and approve the purchase of the Site for the amount and on such other terms and conditions set forth in said Purchase Agreement in a form and amount satisfactory to the City Administrator and City Attorney.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to take such other action as is necessary or appropriate to carry out the Resolutions approved herein.

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

E. RESOLUTION - NEBRASKA DEPARTMENT OF ROADS SUPPLEMENTAL AGREEMENT NO. 3 - LA VISTA LINK – KEYSTONE TRAIL

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-141: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 3 WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE LA VISTA LINK – KEYSTONE TRAIL PROJECT.

WHEREAS, the City Council of the City of La Vista has determined that said improvements to the La Vista trail system are necessary; and

WHEREAS, the FY 2009/10 Construction Fund budget includes funds for the La Vista link-Keystone Trail Project; and

WHEREAS, the project has been designated as being partially funded by Federal grant funding through the NDOR Transportation Enhancement Program; and

WHEREAS, the supplemental agreement outlines the responsibilities of the state to let the project, designate the Responsible Charge Person and associated responsibilities, and extends the deadline of the project outlined in the agreement previously executed by the City of La Vista and the State; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to authorize the Mayor and City Clerk to enter into supplemental agreement no. 3 with the Nebraska Department of Roads for the La Vista Link – Keystone Trail project in La Vista.

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

F. RESOLUTION - PURCHASE - DIGITAL IN-CAR CAMERA SYSTEM

Councilmember Quick introduced and moved for the adoption of Resolution No. 09-142: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF SIX DIGITAL IN-CAR CAMERA SYSTEMS FROM DIGITAL ALLY, OVERLAND PARK, KS, IN AN AMOUNT NOT TO EXCEED \$29,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of digital in-car camera systems for the City's marked police cars is necessary, and

WHEREAS, funding for the purchase has been made available from two grant sources and an approved amount included in the City's FY09/10 General Fund budget, and

WHEREAS, the police department has secured the Nebraska State bid price from Digital Ally, Overland Park, KS for the equipment, and

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WHEREAS, Paragraph 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, do hereby authorize the purchase of six digital in-car camera systems for the police department from Digital Ally, Overland Park, Kansas, in an amount not to exceed \$29,000.

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

G. RESOLUTION – PURCHASE – MOBILE DATA COMPUTERS

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-143: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF TWO (2) MOBILE DATA TERMINALS FROM D & D COMMUNICATIONS, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$14,176.00.

WHEREAS, funding for equipment has been made available to the La Vista Police Department through the "American Recovery and Reinvestment Act of 2009", and

WHEREAS, a grant application for the funds through the "Edward Byrne Memorial Justice Assistance Grant" has been made by the police department, and

WHEREAS, the grant application was awarded to the La Vista Police Department by the U.S. Department of Justice, and

WHEREAS, the police department has secured the Nebraska State bid price from D & D Communications, Inc, Omaha, Nebraska, for the equipment, and

WHEREAS, Paragraph 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, do hereby authorize the purchase of two mobile data terminals for the police department from D & D Communications, Inc., Omaha, Nebraska, in an amount not to exceed \$14,176.00.

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

H. PORTAL GREENWAY REVIEW

Public Works Director Soucie informed Council he met with homeowners from Val Vista, and also sent a letter to Mayfair residents to attend this meeting.

City Engineer Kottmann gave a presentation on the trail system. Randy Smith, 7608 S 101st Street, addressed Council to state that the area behind 101st Street is heavily vegetated and could be considered natural habitat. He stated that there is an array of wildlife in the area, including deer, turkey, owls, and various species of birds, all which would be affected by the loss of trees. Smith also stated the area is very secluded and hard to access from the back. The change would cause the loss of security from the back. Smith stated there is some concern about the general maintenance of the system. It is not an asset to those living on 101st Street.

I. STRATEGIC PLAN – PROGRESS REPORT

City Administrator Gunn informed Council the final concept for Vision 84 will be presented to the Planning Commission in late February and to Council in mid-March. Councilmember Sheehan commented on the addition of another "paid" Fire Department position. Fire Chief Uhl stated that the grant should be ready to send in by the end of the week and this would pay everything for the position for four years.

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J. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – WESTERN STATES CONTRACTING ALLIANCE & DELL

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-144: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING ALLIANCE (WSCA), and DELL IN AN AMOUNT NOT TO EXCEED \$18,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of nine (9) computers with monitors and software; and

WHEREAS, the FY 10 General, Sewer and Golf Fund budgets did include funds for the purchase of said technology items; 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, do hereby authorize the purchase of nine (9) computers with monitors and software, from Dell through the Western States Contracting Alliance (WSCA), in an amount not to exceed \$18,000.

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

Councilmember Quick made a motion to move "Comments from the Floor" up on the agenda ahead of Item K. "Executive Session". Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. 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. Jeff Toberer, representing US Cold Storage, addressed Council in reference to the recent annexation of SID 59, contending that Sarpy County, by resolution, set the subdivision as industrial, and questioning the City's authority to annex the area. Randall Boice, representing Streck Laboratories, Bob Tallman, representing McKesson Corporation, and Daniel Goodhard, the plant manager for US Cold Storage, also addressed Council to express their opposition to the annexation

K. EXECUTIVE SESSION – PERSONNEL

At 7:58 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:23 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated that a copy of the form for the Rental Inspection Program should be put on the internet. Sheehan asked if 83rd street was dedicated. City Engineer Kottmann stated this is was. Councilmember Sheehan asked why there were no sidewalks. City Engineer Kottmann stated the Right of Way is 5' back from the curb. There is not enough room to put in sidewalks. He stated that a sidewalk improvement district could be created, which would require some acquisition or easements.

Mayor Kindig stated the removal of snow was exceptional after the recent storm. He wished everyone a Merry Christmas and a Happy Holiday.

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At 8:26 p.m. Quick made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF JANUARY 2010.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\09COUNCIL MINUTES\December 15, 2009