

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 18, 2010

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 May 18, 2010. Present were Councilmembers: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: Ronan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Deputy City Clerk Lupomech, Library Director Barcal, Police Chief Lausten, City Engineer Kottmann, Fire Chief Uhl, Recreation Director Stopak, Community Development Director Birch, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on May 6, 2010. 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.

Acting Mayor Gowan called the meeting to order and led the audience in the pledge of allegiance.

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

### PROCLAMATIONS – NATIONAL PUBLIC WORKS WEEK, EMERGENCY MEDICAL SERVICES WEEK, SCOUT PROJECT RECOGNITION

Acting Mayor Gowan presented a proclamation for National Public Works Week to Public Works Director Joe Soucie, a proclamation for Emergency Medical Services Week to Fire Chief Uhl, and a scout project recognition to Eagle Scout Connor Wirth-Murray.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MAY 4, 2010
3. MONTHLY FINANCIAL REPORT – APRIL 2010
4. APPROVAL OF CLAIMS

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

ABE'S PORTABLES, Vehicle Maint.	86.00
ACTION BATTERIES, Vehicle Maint.	139.90
AECOM TECHNICAL, Planning	556.88
AFTERNOONER'S, Travel	63.32
ALAMAR UNIFORMS, Wearing Apparel	418.97
AMERICAN FENCE COMPANY, Backstop	5,821.87
AMERICAN LEGAL, Contract Services	1,404.00
ANN TROE, Professional Services	490.00
ARAMARK, Contract Services	112.83
ASPHALT & CONCRETE MATERIALS, Street Maint.	130.57
ASSOCIATED FIRE, Contract Services	53.50
BAKER & TAYLOR BOOKS, Books	1,909.39
BARCAL, ROSE, Travel	66.30
BENNINGTON EQUIPMENT, Vehicle Maint.	990.97
BENSON RECORDS, Contract Services	54.62
BLACK HILLS ENERGY, Utilities	289.27
BOB'S RADIATOR REPAIR, Vehicle Maint.	1,240.00
BROTHERHOOD INSTRUCTORS, Training	1,200.00
BUETHE, PAMELA, Contract Services/Travel/Concessions	354.95
BUILDERS SUPPLY, La Vista Daze	295.04
CARDMEMBER SERVICE, Travel/Training/Professional Services	8,287.65
CITY OF OMAHA SHOW MOBILE, La Vista Daze	480.00

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CITY OF OMAHA, Contract Services	45,611.89
CITY OF PAPILLION, Flag Football	36.00
CJ'S HOME CENTER, Bldg & Grnds/Street Maint.	1,080.01
COLOMBO/PHELPS, Concessions	54.86
COMMERCIAL TURF SERVICES, Maintenance	1,015.00
COMP CHOICE, Professional Services	240.50
CORNHUSKER INTL TRUCKS, Vehicle Maint.	399.77
COX, Contract Services	237.80
CTSS, Travel	95.00
D & D COMMUNICATIONS, Vehicle Maint./Repair	259.00
DAGANAAR, MONTY, Contract Services	500.00
DIVERSE MEDIA, Media	25.36
EASTERN LIBRARY SYSTEM, Training	20.00
ED M. FELD EQUIPMENT, Contract Services	2,400.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,387.00
ENGLE, GARY, Refund	85.00
FILTER CARE, Vehicle Maint.	94.15
FISCUS, TRACY, Refund	50.00
FLEET US LLC, Bldg & Grnds	2,212.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,315.00
G I CLEANER & TAILORS, Uniform Cleaning	150.20
GALE, Books	1,346.80
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	508.29
GENUINE PARTS CO, Vehicle Maint.	1,297.47
GRAYBAR ELECTRIC, Bldg & Grnds	231.60
GREENKEEPER COMPANY, Supplies	395.25
GUNN, BRENDA, Travel	142.00
H & H CHEVROLET, Vehicle Maint.	43.97
HAMILTON COLOR LAB, Professional Services/LV50	2,945.79
HAMILTON, HOWARD, LV50	125.00
HANEY SHOE STORE, Wearing Apparel	130.95
HARLEY DAVIDSON, Vehicle Maint.	20.70
HOBBY LOBBY, Wearing Apparel/Supplies	92.10
HOLIDAY INN, Travel	416.00
HOPE HEALTH/IHAC, Dues	171.36
HUNTEL, Contract Services	628.40
HY-VEE, Supplies	59.76
ICMA-INTL CITY/COUNTY MGMT, Dues	961.29
INLAND TRUCK PARTS, Vehicle Maint.	277.40
INZAURO, SHANNON, Refund	20.00
IOWA PRISON INDUSTRIES, Traffic	83.50
J Q OFFICE EQUIPMENT, Contract Services	596.45
JOHN DEERE LANDSCAPES/LESCO, Supplies	540.06
JONES AND BARTLETT PUBLISHERS, Training	623.50
KRIHA FLUID POWER, Vehicle Maint.	75.36
LA VISTA CHAMBER, Travel	12.00
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LINCOLN NATIONAL LIFE INS, Employee Benefits	15,733.27
LINWELD, Supplies	112.10
LOCATE, Dues	40.00
LOU'S SPORTING GOODS, Supplies	191.23
LOVELAND LAWNS, Street Maint.	2,116.90
MARKOWSKY, THOMAS, Travel	466.17
MC DONALD AND ASSOCIATES, Contract Services	44.45
MCKINNEY, LUKE, Refund	50.00
MES-MIDAM, Wearing Apparel	228.42
MIDWEST RIGHT OF WAY, Acquisition Services	1,200.00
MIDWEST TAPE, Media	233.14
MONEY, SAMUEL, Refund	75.00
NE DEPT OF LABOR, Insurance	4,296.25
NEBRASKA IOWA SUPPLY, Vehicle Supplies	17,214.99
NEBRASKA NOTARY ASSN, Dues	100.23
NEBRASKA SOFTBALL ASSN, Registrations	2,024.00
NUTS AND BOLTS, La Vista Daze/Vehicle Maint.	138.38
OABR PRINT SHOP, La Vista Daze	241.50
ODB COMPANY, Vehicle Maint.	334.28
OFFICE DEPOT, Supplies	286.94

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OFFUTT YOUTH CENTER, Referee Fees	864.00
OMAHA WORLD HERALD, Legal Advertising	1,620.37
OPPD, Utilities	42,986.02
O'REILLY AUTOMOTIVE, Vehicle Maint.	2,482.26
PAPILLION SANITATION, Contract Services	304.11
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	220.34
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	229.50
QUALITY BRANDS, Concessions	353.85
QWEST, Phone	35.45
RAY ALLEN MANUFACTURING, Forfeiture Funds	1,437.90
REGAL AWARDS, Plaque	59.99
ROBERTS, TRACY, Refund	390.00
SAM'S CLUB, Supplies/LV50 Tree Planting	116.22
SAPP BROS PETROLEUM, Vehicle Supplies	795.00
SARPY COUNTY LANDFILL, Spring Clean-Up	72.84
SIEVERS, MICHAELA, Refund	60.00
SMITH, MELANIE, Supplies	200.00
STEVENS, MARK, Travel	66.00
SUN COUNTRY DISTRIBUTING, Bldg & Grnds	118.94
SUPERIOR VISION, Employee Benefits	801.12
SUSPENSION SHOP, Vehicle Maint.	44.60
THERMO KING CHRISTENSEN, Vehicle Maint.	118.00
THOMPSON DREESSEN & DORNER, Professional Services	7,558.66
TRACTOR SUPPLY CREDIT PLAN, LV50 Movie Night/Supplies	156.34
TRADE WELL PALLET, Bldg & Grnds	450.00
TURF CARS LTD, Electric Cart	101.50
U S ASPHALT COMPANY, Street Maint.	964.89
V & V MANUFACTURING, Wearing Apparel	299.85
VIERREGGER ELECTRIC, Contract Services	8,037.45
WALKER, DOUG, Refund	20.00
WASTE MANAGEMENT, Contract Services/Bldg & Grnds	932.30
WEATHER OR NOT, Professional Services	250.00
WICK'S STERLING TRUCKS, Vehicle Maint.	219.47
WOODHAVEN COUNSELING ASSOCS, Contract Services	380.00
WORLD POINT, Training	908.45
ZIMCO SUPPLY, Supplies	1,612.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that she recently attended the SEI Leadership training in Virginia. She said it is a very intense program, but very worthwhile. She thanked Council for the opportunity to attend.

Community Relations Coordinator Beaumont updated the Council on the plans for the upcoming La Vista Daze. He stated the Mayor's luncheon would begin at 11:30 on the tennis courts in Central Park. Council members will be transported to the parade route from there and will drive golf carts in the parade. After the parade, Council members are to proceed to the Junior High where they will be transported back to their vehicles.

Police Chief Lausten informed Council there would be a heavy police presence on Friday and Saturday, during La Vista Daze. They are trying something different, by combining forces with Papillion and Sarpy County. La Vista Police will reciprocate during Papillion Days and the Sarpy County Fair.

Fire Chief Uhl informed Council that Barb Witkovski of La Vista Volunteer Fire and Rescue, who is employed at the Sarpy County 911 Center, received a Sarpy County Lifesaver Award. The award was the result of assisting a caller by talking the caller through the CPR process on a "shaken" baby. The infant survived.

Public Works Director Soucie informed Council the "50 trees for 50 years" project is complete. The City was awarded a \$2,500.00 grant for "Celebrate Trees". Soucie informed Council a new BBQ grill was installed in Center Park. Soucie stated that in celebration of National Public Works Week, the staff had public works had a luncheon on Tuesday, and they will complete in a golf tournament on Thursday.

Community Development Director Birch informed Council a new City Inspector will join the staff on Monday. She will introduce him at the next City Council meeting.

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Building and Grounds Director Archibald informed Council that he also applied for and received a \$2,500.00 "Celebrate Trees" grant, and he will use to replace trees around the facility. Archibald informed Council that FEMA will pay to replace 6 of the 9 damaged awnings on City facilities.

Recreation Director Stopak informed Council a Park and Recreation Meeting will be held on Wednesday. Stopak stated the City pool will open on Saturday, May 29<sup>th</sup> at 3:00 p.m.

Library Director Barcal informed Council that Adult Mystery Night is being held today at the Library, from 6:00 p.m. – 8:00 p.m. This is the 2<sup>nd</sup> Adult Mystery Night at the library, due to its popularity.

## **B. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – HUNDEN STRATEGIC PARTNERS**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-055: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HUNDEN STRATEGIC PARTNERS.

WHEREAS, as part of the strategic planning and analysis of future economic development opportunities it is deemed in the best interest of the City to have access to specialized professional services; and

WHEREAS, Hunden Strategic Partners, Chicago, Illinois, has expertise in assisting municipalities with development or redevelopment processes that can often be complex; and

WHEREAS, Hunden Strategic Partners is able to provide technical assistance in the areas of planning, financing, and evaluating economic development opportunities on an "as needed or requested" basis.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, authorizes the Mayor to execute a professional services agreement with Hunden Strategic Partners, Chicago, Illinois, in form and content acceptable to the City Administrator and City Attorney.

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

## **C. RESOLUTION – ADVERTISEMENT OF BIDS – PEDESTRIAN OVERPASS PAINTING**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-056: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PEDESTRIAN OVERPASS PAINTING.

WHEREAS, the City Council has determined that the painting of the pedestrian overpass is necessary, and

WHEREAS, the FY 2009/10 Capital Improvement Budget provides funding for the purchase of said painting, and

WHEREAS, the City Engineer, in conjunction with Thompson, Dreessen & Dorner, Inc., has prepared specifications for said painting.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the painting of the pedestrian overpass in accordance with specifications prepared by the City Engineer and said bids are to be opened and publicly read aloud at 10 a.m. at the office of Thompson, Dreessen & Dorner, Inc, 10836 Old Mill Road, Omaha Nebraska on June 7, 2010.

Advertise for Bids – May 27 and June 3, 2010

Open Bids – June 7, 2010

Award Bid – June 15, 2010

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

## **D. RESOLUTION – AUTHORIZATION TO PURCHASE – MUD PUMP**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-057: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2009 USED DOUBLE PISTON MUDJACKING PUMP FROM MIDWEST MUDJACKING, INC., 14807 S 27<sup>TH</sup> STREET, BELLEVUE, NE IN AN AMOUNT NOT TO EXCEED \$9,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mud pump for the Public Works Department is necessary; and

WHEREAS, the FY 2009/10 General Fund Street Operating Budget did include funds for the purchase of said mudjacking pump; and

WHEREAS, Midwest Mudjacking, Inc. has submitted the lowest most responsible quote for a used double piston mudjacking pump.

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, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2009 used double piston mudjacking pump in an amount not to exceed \$9,000.00.

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

## **E. RESOLUTION – AUTHORIZATION TO PURCHASE – MORTAR MIXER**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-058: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) E Z GROUT MMH12 MOBILE MUD HOG FROM NEBRASKA RENTS, 10608 SAPP BROS DRIVE, OMAHA, NE IN AN AMOUNT NOT TO EXCEED \$5,747.00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mortar mixer for the Public Works Department is necessary; and

WHEREAS, the FY 2009/10 General Fund Street Operating Budget did include funds for the purchase of said mortar mixer; and

WHEREAS, Nebraska Rents of Omaha, NE has submitted the low, compliant quote, 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, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) E Z grout MMH12 mobile hog in an amount not to exceed \$5,747.00.

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

## **F. COUNCIL POLICY STATEMENTS – PROGRAMS, SERVICES, AND ACTIVITIES RELATED TO ADA/SECTION 504**

### **1. RESOLUTION – APPROVE COUNCIL POLICY STATEMENT – SECTION 504 OF THE REHABILITATION ACT OF 1973/AMERICANS WITH DISABILITIES ACT OF 1990**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-059: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES

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AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO SECTION 504 OF THE REHABILITATION ACT OF 1973 AND THE AMERICANS WITH DISABILITIES ACT OF 1990 AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS: City of La Vista as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights Policy of City of La Vista; and

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

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Americans with Disabilities/Section 504 – Civil Rights of City of La Vista.

BE IT FURTHER RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby designate the following as responsible for the management of the Americans with Disabilities/Section 504 – Civil Rights process: City Clerk

Seconded by Councilmember Carlisle. Councilmember Quick asked if a definition of ADA compliance on streetlights, specifically on 84<sup>th</sup> Street, had been determined. Public Works Director Soucie stated he has had several conversations with the County on this matter, with the discussion focused on “countdown” or “tone”. The issue has not gotten out of the “discussion phase”. Councilmember Quick stated it is sometimes difficult to cross in time for someone who has no disabilities. Councilmember Sell stated he thinks the time as 84<sup>th</sup> Street and Brentwood is longer than at 84<sup>th</sup> Street and Harrison. Soucie stated the timing can vary depending on the location of the signal, if there’s a turn lane, etc. Councilmember Sheehan asked if this policy would be available on our website. City Administrator Gunn stated the information will be on the City website. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## **2. RESOLUTION – APPROVE COUNCIL POLICY STATEMENT – TITLE VI OF THE CIVIL RIGHTS ACT OF 1964**

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-060: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO PROGRAMS, SERVICES AND ACTIVITIES OF THE CITY OF LA VISTA THAT ARE SUBJECT TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, AND THE CIVIL RIGHTS RESTORATION ACT OF 1987 AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS: City of La Vista as a sub-recipient of said Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal and State law, the rules and regulations of the Federal Highway Administration, the requirements of the Local Public Agency (LPA) Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights Policy of City of La Vista; and

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

NOW THEREFORE BE IT RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby adopt and bind itself to comply with all applicable federal law, including the rules and regulations of the Federal Highway Administration, all applicable state law and rules and regulations (Nebraska Administrative Code) and the requirements of the LPA Guidelines Manual of the Nebraska Department of Roads and the Title VI – Civil Rights of City of La Vista.

BE IT FURTHER RESOLVED: The Mayor and City Council of La Vista, Nebraska do hereby designate the following as responsible for the management of the Title VI – Civil Rights process: City Clerk

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

## G. POSITION DESCRIPTION

Assistant City Administrator Ramirez addressed Council to answer questions about the position description for Code Enforcement. Councilmember Crawford stated he wants to make sure the applicant knows this is a pro-active position. Councilmember Carlisle asked if this position would go through the Civil Service process. Assistant City Administrator Ramirez stated it would not, as it is not a law enforcement position. Councilmember Quick asked if this employee would be able to submit to Council a quarterly report. Ramirez stated this employee would be better equipped for more updates for Council. Police Chief Lausten stated his desire is to incorporate information from Code Enforcement into the Current Monthly police report. Lausten stated he is also working with the City Clerk to update procedures for parking violations. Councilmember Gowan asked if this new employee could document photos more to scale – grass height, tree height, etc. Lausten stated that a file would be set up for each code enforcement issue, and all documentation on a specific case would be easily accessible. Lausten said the administrative staff at the police station will be able to assist with some of the paperwork related to this job position. This position will not be an 8:00 – 5:00 job, but will include evening and weekend work also. Councilmember Gowan stated he feels this is a positive move for the City. It can be a good community liaison for the City. Councilmember Sell stated he would like to see the employee try to assist the resident in correcting the issue before a ticket is issued.

Councilmember Carlisle made a motion to approve the position description. Councilmember Crawford seconded the motion. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## H. DISCUSSION – MUNICIPAL CODE § 114.46 – HOURS OF SALE

City Administrator Gunn stated this item was added to the agenda, as the new law goes into effect in July. She did not know if this was something Council wanted, but a discussion was held at a United Cities of Sarpy Council and it was decided the cities would like some consistency. The determination is for Council to decide. Councilmember Sell stated he would like to offer the opportunities to the businesses to be able to stay open until 2:00 a.m. Councilmember Gowan stated he has not problem with a change to 2:00 a.m. Councilmember Crawford asked what the impact would be for the police department. Police Chief Lausten stated the highest percentage of DUI arrests are issued between 11:00 p.m. and 4:00 a.m., and fights usually happen before midnight. It is difficult to make a determination of an increase in drunk drivers. If Omaha bars stay open later, traffic will still be coming into this area.

Rich Bellino, the owner of La Vista Keno, addressed Council to let them know the Department of Revenue is going to extend Keno hours until 2:00 a.m. Councilmember Sheehan asked if keno

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hours aren't regulated by ordinance. City Attorney McKeon stated the hours are specified in the contract. Bellino stated if other area cities did not extend their hours to 2:00 a.m., he also would not. There is a large cost involved with keep the business open.

Councilmember Ellerbeck stated he does not have a problem giving business owners in La Vista the option to stay open until 2:00 a.m. Councilmember Crawford states he does not think it's a good idea, but he is okay with the change, since all cities will jump on board. Bellino stated Sunday through Thursday, the extra hour is not beneficial, cost-wise. Councilmember Carlisle asked if La Vista Keno might have a different closing time during the week as opposed to the weekend. Bellino stated that is a possibility.

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

## COMMENTS FROM THE FLOOR

Acting Mayor Gowan 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.

## I. EXECUTIVE SESSION – LITIGATION

At 7:40 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for a litigation session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried. Acting Mayor Gowan stated the executive session would be limited to the subject matter contained in the motion.

At 7:55 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, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: Ronan. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Carlisle asked what color shirt they were supposed to wear during the parade. Community Relations Coordinator Beaumont stated the gold t-shirts were to be worn to the parade. City Administrator Gunn stated it was their decision as to which shirts they wanted to wear. It was determined that gold shirts would be worn during the parade.

At 7:56 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF JUNE 2010

CITY OF LA VISTA

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

ATTEST:

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