

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING August 3, 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 August 3, 2010. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Buethe, Assistant Library Director Linhart, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Public Works Director Soucie, Community Development Director Birch, and Building and Grounds Foreman Siebels.

A notice of the meeting was given in advance thereof by publication in the Times on July 22, 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.

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 an expanded opportunity for public comment on the agenda items

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM JULY 20, 2010
3. APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM JULY 12, 2010
4. APPROVAL OF CITY COUNCIL WORKSHOP MINUTES FROM JULY 13, 2010
5. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES
FROM JULY 27, 2010
6. REQUEST FOR PAYMENT – MCGILL RESTORATION, INC. – PEDESTRIAN
OVERPASS REPAINTING - \$34,900.00
7. APPROVAL OF CLAIMS

Mayor Kindig stated Agenda Item A6 was removed from the consent agenda. Councilmember Carlisle made a motion to approve the amended consent agenda. Seconded by Councilmember Sheehan. 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. Abstain: None. Absent: None. Motion carried.

ABE'S PORTABLES, LV50 Movie Nights	560.00
ACTION BATTERIES, Vehicle Maint	192.71
ADT SECURITY, Contract Services	253.94
ALAMAR UNIFORMS, Wearing Apparel	235.94
ARAMARK UNIFORM, Contract Services	272.02
A-RELIEF SERVICES, Bldg & Grnds	105.00
BAKER & TAYLOR BOOKS, Books	2,324.19
BEACON BUILDING SERVICES, Contract Services	6,712.00
BENNINGTON EQUIPMENT, Vehicle Maint./Repair	833.29
BETTER BUSINESS EQUIPMENT, Rentals	47.92
BLACK HILLS ENERGY, Utilities	438.23
BO-BO'S BOUNCY TOWN, Professional Services	300.00
BOLTE, JAN, Travel	84.90
BUETHE, JOSH, Contract Services	31.00
BUETHE, PAMELA, Vehicle Maint/Supplies/Phone	93.72
BUILDERS SUPPLY, Bldg & Grnds	27.33
CALENTINE, JEFFREY, Phone	30.00
CIACCIO ROOFING CORPORATION, Bldg & Grnds	234.00
CITY OF OMAHA, Contract Services	42,575.60
COCA-COLA, Concessions	601.00
COLOMBO/PHELPS, Concessions	517.87
COMP CHOICE, Professional Services	210.00
CONLEY, KYLIE, Refund	30.00
CORNHUSKER INTL, Vehicle Maint.	30.54

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COUNCIL OF STATE GOVERNMENTS, Books	112.50
COX, Contract Services	179.15
COX, DIANE, Summer Reading Program	100.00
CRAIG, JIM, Professional Services	1,162.50
D & D COMMUNICATIONS, Vehicle Maint.	1,476.00
DANDERAND, JOHN, Travel	175.00
DANKO EMERGENCY EQUIPMENT, Vehicle Maint.	599.62
DIAMOND VOGEL PAINTS, Traffic Signs	321.90
DOUGLAS COUNTY SHERIFF, Contract Services	450.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	325.97
ED M. FELD EQUIPMENT, Vehicle Maint.	840.00
EDGEWEAR SCREEN PRINTING, Professional Services	583.00
ESRI, Contract Services	2,208.22
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX, Printing/Postage	165.80
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,333.00
FROEHLICH, RORY, Auto Allowance	100.00
GALE, Books	319.50
GALLS, Wearing Apparel	69.99
GOLDMAN, JOHN, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	240.74
GREAT PLAINS GFOA, Training	150.00
GUNN, BRENDA, Phone	45.00
HANEY SHOE STORE, Wearing Apparel	817.95
HELGET GAS PRODUCTS, Squad Supplies	73.00
HERITAGE CRYSTAL CLEAN, Contract Services	185.50
HERITAGE NURSERY, Bldg & Grnds	2,480.00
HOOK-FAST SPECIALTIES, Wearing Apparel	76.33
HOTSY EQUIPMENT, Equipment	337.28
HRAM-HUMAN RESOURCE ASSN, Dues	450.00
HUSKER MIDWEST PRINTING, Printing	230.19
INDUSTRIAL SALES, Maintenance	25.24
INTERNATIONAL ASSOCIATION, Training	350.00
INTERNATIONAL CODE COUNCIL, Dues	100.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	923.80
JOHNSON HARDWARE, Bldg & Grnds	525.00
KIMBALL MIDWEST, Vehicle Maint.	106.89
KINDIG, DOUGLAS, Phone	80.00
KLINKER, MARK, Professional Services	200.00
LA COSSE, CLAIR, Summer Reading Program	10.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deduction	50.00
LANDS' END, Wearing Apparel	384.44
LAUGHLIN, KATHLEEN, Payroll Withholdings	611.00
LIFE ASSIST, Squad Supplies	445.37
LINCOLN NATIONAL LIFE INS, Employee Benefits	7,923.88
LINWELD, Street Maint.	169.24
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	182.00
LUKASIEWICZ, BRIAN, Phone	50.00
MARTIN MARIETTA AGGREGATES, Street Maint.	303.19
MASTER MECHANICAL SERVICE, Bldg & Grnds	398.42
METRO AREA TRANSIT, June Fees	659.00
METRO COMMUNITY COLLEGE, Utilities/Contract Services/Phone	11,934.29
MID AMERICA PAY PHONES, Phone	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	657.62
MIDWEST RIGHT OF WAY, Thompson Creek	884.00
MILLER BRANDS, Concessions	165.50
MONARCH OIL, Street Maint.	341.25
MUD, Utilities	4,384.40
NE DEPT OF LABOR, Insurance	2,406.25
NE DEPT OF REVENUE, Lottery Tax	82,908.19
NEBRASKA FIRE CHIEF'S ASSN, Dues	20.00
NEBRASKA GOLF & TURF, Cart Rental	330.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	15,828.58
NEBRASKA LIBRARY COMMISSION, CD Rom	1,322.42
NEBRASKA LIFE MAGAZINE, Books	21.00
NEXTEL COMMUNICATIONS, Phone	201.13
NMC EXCHANGE, Vehicle Maint.	1,241.00

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NUTS AND BOLTS, Vehicle Maint./Bldg & Grnds	39.59
OABR PRINT SHOP, Printing	619.24
OFFICE DEPOT, Supplies	734.93
OMAHA COMPOUND, Equipment	62.25
OMAHA WORLD HERALD COMPANY, Legal Adv/Professional Services	1,422.18
PAPILLION HARDWARE, Supplies	26.44
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	565.17
PAYLESS, Supplies	127.62
PITNEY BOWES, Postage/Supplies	221.00
POC FUND, Training	80.00
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	236.25
QUALITY BRANDS, Concessions	479.40
QUALITY RESOURCE GROUP, Professional Services/LV50 Concert Series	499.48
QWEST, Phone	1,107.07
RAMIREZ, RITA, Phone	43.00
RIVER CITY BARRICADE, Construction Costs	950.00
RTC MANUFACTURING, Repair	87.18
SAPP BROS PETROLEUM, Vehicle Supplies	150.00
SARPY COUNTY COURTHOUSE, Contract Services	3,495.03
SARPY COUNTY LANDFILL, Bldg & Grnds	104.79
SECURITY EQUIPMENT, Bldg & Grnds	97.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,650.00
SOUICIE, JOSEPH, Phone	60.00
SPRINT, Phone	119.88
STAPLES, Supplies	56.97
STERIL MANUFACTURING, Flags	75.00
STOPAK, SCOTT, Phone	50.00
SUN COUNTRY DISTRIBUTING, Maintenance	118.94
SUPERIOR VISION SVCS, Employee Benefits	367.60
TED'S MOWER SALES & SERVICE, Equip Repair	218.94
THERMO KING CHRISTENSEN, Vehicle Maint.	221.72
THOMAS E STEVENS & ASSOCS, Appraisal Services	11,400.00
THOMPSON DREESSEN & DORNER, Prof. Services/Eng. Design	7,007.00
TIEHEN, JAMES, Auto Allowance	100.00
TJF CORP, Professional Services	125.00
USPS, Postage	1,426.34
VAIL, ADAM, Auto Allowance	100.00
VALUATION SERVICES, Thompson Creek	6,000.00
VERIZON, Phone	193.62
WAL-MART, Supplies/Concessions	608.57
WALSH, BRAD, Refund	20.00
WASTE MANAGEMENT, Bldg & Grnds	503.31
WEATHER OR NOT, Professional Services	250.00
WICK'S STERLING TRUCKS, Vehicle Maint.	525.86
WONDRA, DAN, Summer Reading Program	50.00
ZIMCO SUPPLY COMPANY, Supplies	450.00
ZOOK, ROBERT, Summer Reading Program	125.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council the band "Blue House with The Rent To Own Horns" will perform this Friday night, August 6th, at the Library. The Band "1964...The Tribute" will perform at PayPal on Friday, August 20th.

Public Works Director Soucie informed Council the large holes in the Wal-Mart parking lot have been filled. Soucie informed Council that David Ruffner built a flower bed on the south side of the Golf Course parking lot. Soucie informed Council the street repair on Giles Road, between 108th Street and Southport Parkway, will begin on Monday.

Mayor Kindig stated the newly painted overpass on 72nd Street looks much better.

Assistant Library Director Linhart informed Council that during amnesty week at the Library, July 6th through the 12th, four boxes of books were returned and 127 food items were collected. Linhart stated the City has won an author visit to the Library this fall. The employees from La Vista received 47% of the 900 votes.

B. CDBG APPLICATION – GRAEPEL NORTH AMERICA

1. PUBLIC HEARING

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At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a CDBG Application – Graepel North America. Jake Hanson, representing MAPA, was available for questions.

At 7:11 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 – APPROVAL TO PROCEED WITH APPLICATION

Councilmember Carlisle motioned to table the adoption of Resolution No. 10-078 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT AND AUTHORIZING THE MAYOR TO EXECUTE ANY RELEVANT DOCUMENTS REFERENCING THE GRAEPEL NORTH AMERICA, INC. PROJECT.

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

C. AMENDMENT TO PUD PLAN & AMENDMENT TO SUBDIVISION AGREEMENT – PORTAL RIDGE 1. PUBLIC HEARING

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an amendment to PUD Plan and Amendment to Subdivision Agreement – Portal Ridge. Mark Boyer, of Boyer Young addressed Council to request the change in side-yard setbacks for corner lots. The change would be from 25' to 23'. There are currently 28 empty corner lots. Councilmember Quick asked why the change was necessary. Mr. Boyer stated the change is to accommodate houses with a 3-car garage, which buyers are requesting.

At 7:16 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. ORDINANCE – AMEND THE FINAL PLANNED UNIT DEVELOPMENT PLAN (PUD)

Councilmember Gowan introduced Ordinance No. 1125 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE NO. 933 BY ESTABLISHING NEW SETBACK STANDARDS FOR CERTAIN LOTS; 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 Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. Councilmember Crawford stated he is not comfortable approval of the ordinance since the Planning Commission recommended denial. He would like the ordinance tabled at this time. Councilmember Ellerbeck stated the information is all included in the packet at this time, so he recommends approval of the ordinance. Community Development Director Birch stated that the request did not change so this would not normally go back to the Planning Commission. The information is in the packet that the Planning Commission did not have and therefore had recommended denial. Councilmember Sheehan stated he is confident the Planning Commission would have approved. The Mayor then stated the question was, "Shall Ordinance No. 1125 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. The following voted nay: 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.

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3. RESOLUTION – AMEND THE SUBDIVISION AGREEMENT

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-079: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge and an amendment on July 3, 2007; and

WHEREAS, the City has proposed an amendment to allow for 23-foot corner side yard setbacks on certain lots in the Portal Ridge subdivision; and

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the August 3, 2010, City Council meeting for Portal Ridge 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 Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, and Gowan. Nays: Crawford. Absent: None. Motion carried.

D. FISCAL YEAR 10/11 MUNICIPAL BUDGET

1. PUBLIC HEARING

At 7:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Fiscal Year 10/11 Municipal Budget. Finance Director Lindberg informed Council there are not changes to the Master Fee Ordinance and only a few changes to the budget, which she stated for the Council.

At 7:27 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. APPROPRIATIONS ORDINANCE – FIRST READING

Councilmember Gowan introduced Ordinance No. 1126 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2010 AND ENDING ON SEPTEMBER 30, 2011; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Ellerbeck made a motion to approve Ordinance No. 1126 on its first reading and pass it on to a second reading. Seconded by Councilmember Quick. Councilmember Sheehan stated he would vote no as the extra one-half percent increase on salaries will raise future budgets. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

3. MASTER FEE ORDINANCE – FIRST READING

Councilmember Carlisle introduced Ordinance No. 1127 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1109, 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

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RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Crawford made a motion to approve Ordinance No. 1127 on its first reading and pass it on to a second reading. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. RESOLUTION – CIMARRON WOODS PARK IMPROVEMENTS – PHASE II

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-080: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING APPROVAL OF THE PLANS AND SPECIFICATIONS FOR CIMARRON WOODS TRAIL AND PARK IMPROVEMENTS, PHASE 2 AND AUTHORIZING EXECUTION OF CONTRACTS AND CONSTRUCTION.

WHEREAS, Sanitary and Improvement District No. 237 of Sarpy County ("District"), Cimarron Woods and the City of La Vista ("City") entered into a Subdivision Agreement concerning the development of lands locally known as Cimarron Woods within the zoning jurisdiction of the City ("Subdivision Agreement") on April 7, 2004; and

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

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

WHEREAS, the Park and Recreation Board along with the City Engineer, and city staff have been presented the plans for review and recommend approval subject to resolution of the following items:

1. Final drainage study computations to verify storage volumes, proposed berm elevation and draft drainage easements and waiver for lots west of Cimarron Woods Drive will be presented to the City prior to finalization of plans.
2. Irrigation of the turf open play area to be included in this project.
3. Modifications made regarding the location of the splash pad and/or the basketball court or modifications to the landscaping plan to improve separation of the two areas.
4. Watering and tree care time to be one year.
5. Stub electrical service to the basketball court.
6. Place a trash receptacle in the vicinity of the restroom.
7. Fix the silt drainage runoff coming from the railroad underpass.
8. SID 237 shall submit finalized construction plans and specifications acceptable to the City and shall submit a contract and bond in an amount consistent with the cost estimate prepared by E&A Consulting Group.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, does hereby approve the plans and specifications for Cimarron Woods Trail and Park Improvements Phase II, copies of which have been filed with the City Clerk, subject to resolution of the items identified by the City Engineer.

Recreation Director Stopak informed Council that approval is requested to begin Phase II of the Cimarron Woods Park Improvement Project. Councilmember Sheehan asked if there has been discussion on parking issues at the park. Stopak responded that discussions have been held on parking. Councilmember Gowan stated that there will be days when parking is an issue and there will be buses come in and bring children. Mayor Kindig asked if restrictions could be put on parking of buses. Public Works Director Soucie stated restrictions can only be made if the parking lot is privately owned. Community Development Director Birch stated this is not a private lot. Discussion continued on the possibility of overflow parking at the park. Councilmember Gowan stated that he has seen as many as 250 kids at the Papillion splash park. Councilmember Crawford stated he would like to table the resolution for further study on the parking situation.

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Mark Westergard, of E&A Consulting addressed Council. He stated there are some alternatives for parking. Currently there is space for 30 vehicles and a couple in the cul-de-sac. There are three empty lots for acquisition for parking. Parking could be assed to the other side of the bridge, as the bridge works for traffic. Councilmember Gowan asked if the SID has looked at hours of operation. Westergard stated the hours would be the same as the park in Papillion. Councilmember Gowan asked for the price tag on water. Westergard stated the water cost in other parks are \$800+ per month, plus sewer fees.

Seconded by Councilmember Ellerbeck. Councilmember Sheehan stated that plans need to show the potential for future parking. He would like to see the plans updated. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. RESOLUTION – BALLOT QUESTION – LB 1018

Councilmember Gowan motioned to table the adoption of Resolution No. 10-081 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, PURSUANT TO THE NEBRASKA ADVANTAGE TRANSFORMATIONAL TOURISM AND REDEVELOPMENT ACT, PROPOSING THE DIRECTION OF PROCEEDS OF THE LOCAL OPTION SALES TAX AS AUTHORIZED BY THE ACT FOR SUBMISSION TO THE VOTERS OF LA VISTA ON NOVEMBER 2, 2010.

Councilmember Sheehan stated that he took a survey of the public. No one could understand the ballot question. Councilmember Ellerbeck stated the ballot is a bit wordy. Councilmember Carlisle stated the ballot needs to be re-worked. City Administrator Gunn said the staff would rework the ballot language and send drafts to Council to look at before the meeting as this would need to pass at the August 17, 2010 meeting in order to make the deadline for the November 2, 2010 election.

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

G. RESOLUTION – AWARD CONTRACT – BUILDING DEMOLITION – 7215 SOUTH 83RD STREET

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-082: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDDING A CONTRACT TO HEIMES CORPORATION, INC, OMAHA, NE FOR DEMOLITION OF THE BUILDING AND PARKING LOT AT 7215 SOUTH 83RD STREET, IN AN AMOUNT NOT TO EXCEED \$66,260.00.

WHEREAS, the City Council of the City of La Vista has determined that the said building and parking lot demolition is necessary; and

WHEREAS, the FY 2010/11 Lottery Funds include funds for said demolition; and

WHEREAS, the City Council authorized the solicitation of bids for said demolition on June 15, 2010, and

WHEREAS Heimes Corporation, Inc. of Omaha, Nebraska, has submitted the low, compliant bid, and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures 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 designate Heimes Corporation, Inc. Omaha, Nebraska as the low compliant bid for the demolition of the building and parking lot at 7215 South 83rd Street, in an amount not to exceed \$66,260.00.

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

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H. RESOLUTION – SUPPLEMENTAL AGREEMENT #1 – HELL CREEK STABILIZATION INTERLOCAL

Councilmember Sell introduced and moved for the adoption of Resolution No. 10-083: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NUMBER ONE TO THE INTERLOCAL AGREEMENT OF THE HELL CREEK STABILIZATION FOR PHASE I CONSTRUCTION PLANS.

WHEREAS, the City of La Vista, Sarpy County, and Douglas entered into an Interlocal Cooperation Agreement for the Hell Creek Stabilization; and

WHEREAS, a supplemental agreement number one to the Interlocal Agreement has been prepared to increase the participation of the cities and county to include the additional engineering services not included as part of the original scope of services.

WHEREAS, the City of La Vista additional share is \$36,850.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Supplemental Agreement Number One to the Interlocal Agreement of the Hell Creek Stabilization dated August 11, 2009 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said supplemental agreement on behalf of the City of La Vista.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked why the City of Omaha is not included in the interlocal agreement. Public Works Director Soucie stated Omaha has not annexed this property. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

I. RESOLUION – AWARD CONTRACT – EASTERN NEBRASKA OFFICE ON AGING

Councilmember Crawford introduced and moved for the adoption of Resolution No. 10-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM.

WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of the Eastern Nebraska Office on Aging (ENOA); and

WHEREAS, the Mayor and City Council believe it is desirable to continue to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program

Seconded by Councilmember Quick. Councilmember Quick asked how close the City is to serving lunches 5 days per week. Recreation Director Stopak stated the Senior Center does not show the numbers (20-25) consistently to warrant serving lunch 5 days per week. He stated there are other cities that serve lunches during the days the La Vista Senior Center does not. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

J. SPECIAL ASSESSMENTS

1. PUBLIC HEARING

At 7:55 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:56 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

MINUTE RECORD

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

August 3, 2010

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 10-085: 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
7109 S 69th Street, Lot 120/La Vista Replat, \$461.89;
7727 Park View Blvd., Lot 888/La Vista, \$396.78;
7354 S 70th Street, Lot 202/La Vista Replat, \$433.48;
7416 La Vista Drive, Lot 322/La Vista Replat, \$433.48;
14020 Barretts Drive, Lot 241/The Meadows Replat, \$333.94; and
7411 James Avenue, Lot 489/La Vista Replat, \$346.06
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 Carlisle. Councilmember Quick asked if there were any repeat offenders. Community Development Director Birch stated she would get this information for Council. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

K. EXECUTIVE SESSION – LAND ACQUISITION

At 7:55 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for a land acquisition session. Seconded by Councilmember Ellerbeck. 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 8:37 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.

L. POSSIBLE RESOLUTION – LAND ACQUISITION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 10-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND MAKE OFFERS ON PROPERTIES FOR THE VOLUNTARY BUYOUT FEMA PROJECT IN THE THOMPSON CREEK AREA

MINUTE RECORD

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

August 3, 2010

WHEREAS, the Mayor and Council have determined that it is necessary to acquire properties along the Thompson Creek for hazard mitigation; and

WHEREAS, a grant has been awarded from the Federal Emergency Management Agency for the voluntary buy out of properties along this area designated for hazard mitigation; and

WHEREAS, the Mayor and City Council desire to authorize the City Administrator or her designee to negotiate, and the City Administrator to enter, such agreements as she determines necessary or appropriate for the purchase of any such property, subject to the requirements of applicable law, including required approval of the Mayor and City Council;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the City Administrator or her designee to act on behalf of the City of La Vista to negotiate, and the City Administrator to enter on behalf of the City of La Vista, such agreements as she determines necessary or appropriate for the purchase of any such property for the voluntary buyout of properties in the Thompson Creek hazard mitigation FEMA project, subject to the requirements of applicable law, including required approval of the Mayor and City Council.

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

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan congratulated Recreation Director Stopak on a successful Splash Bash.

Public Works Director Soucie stated he has information on a transportation summit on August 26th. He will get this information to elected officials.

Councilmember Sheehan stated he would like to see the packet go paperless.

Mayor Kindig stated the League of Nebraska Municipalities Executive Board recently held a meeting to discuss the upcoming budget. Kindig stated the Splash Bash was a great event and also National Night Out.

At 8:40 p.m. Councilmember Sell 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 AUGUST 2010

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\10 COUNCIL MINUTES\August 3, 2010