

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING January 17, 2012

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 January 17, 2012. Present were Councilmembers: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, and Gowan. Absent: Ellerbeck. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Finance Director Lindberg, Community Development Director Birch, Recreation Director Stopak and City Engineer/Assistant Public Works Director Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on January 04, 2012. 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.

### **APPOINTMENTS – PLANNING COMMISSION – RE-APPOINT – MICHAEL KRZYWICKI AND JODI ANDSAGER**

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Michael Krzywicki and Jodi Andsager. Councilmember Sell motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

#### **A. CONSENT AGENDA**

- 1.APPROVAL OF THE AGENDA AS PRESENTED**
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 3, 2012**
- 3.APPROVAL OF PLANNING COMMISSION MINUTES FROM DECEMBER 8, 2011**
- 4.APPROVAL OF CITIZEN ADVISORY REVIEW COMMITTEE MINUTES FROM SEPTEMBER 8, 2011**
- 5.APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC. MINUTES FROM NOVEMBER 21,2011**
- 6.MONTHLY FINANCIAL REPORT – DECEMBER 2011**
- 7.PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK - \$170.00**
- 8.PAY REQUEST – DOUGLAS COUNTY TREASURER – HELL CREEK STABILIZATION PROJECT - \$97,597.50**
- 9.APPROVAL OF CLAIMS**

3E-ELECTRICAL ENGINEERING, bld&grnds	219.84
ACTION BATTERIES, supplies	75.00
ALAMAR, apparel	89.98
ARAMARK, services	405.32
ASSOCIATED FIRE PROTECTION, services	160.25
BAKER & TAYLOR, books	1,702.12
BIG RIG TRUCK ACCESSORIES, maint.	59.45
BLACK HILLS ENERGY, utilities	1,905.51
BOUND TREE MEDICAL, supplies	499.95
BRENTWOOD AUTO WASH, maint.	63.00
BROWN TRAFFIC PRODUCTS, supplies	5,239.50
BUILDERS SUPPLY, bld&grnds	254.46
CAP CARPET, refund	120.00
CARDMEMBER SERVICE, travel&supplies	1,337.03
CENTURY LINK, phone	37.44

# MINUTE RECORD

January 17, 2012

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

CHARLESTONS WAREHOUSE, refund	225.00
CITY OF OMAHA, services	145,181.96
CJ'S HOME CENTER, bld&grnds	1,395.07
COMPLETE MUSIC, services	200.00
CORNHUSKER INTL, maint.	50.31
CRAFTSMAN WINDOW, refund	120.00
CULLIGAN/U S FILTER, refund	250.00
D & D COMM., services	114.50
DECOSTA SPORTING GOODS, apparel	98.70
DIAMOND VOGEL PAINTS, bld&grnds	212.46
DULTMEIER SALES & SERVICE, maint.	11.73
EBSCO, services	2,785.00
FASTENAL, supplies	59.77
FITZGERALD SCHORR BARMETTLER, services	26,108.23
GALE, books	252.70
GENUINE PARTS, maint.	1,720.60
GOLDMAN, J., travel	22.00
GOV FINANCE OFFICER'S, dues	190.00
GRAYBAR ELECTRIC, bld&grnds	540.06
GREAT PLAINS, services	120.00
GREAT WESTERN BANK, bonds	250.00
H & H CHEVY, maint.	130.68
HELGET GAS, supplies	128.00
HILLYARD, refund	120.00
HUNTEL COMM., services	123.50
HY-VEE, supplies	94.79
IVERSON, D., travel	22.00
JNFS ENGINEERING, services	864.00
JNFS ENGINEERING, services	75.00
KRIHA FLUID POWER, maint.	655.09
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LEAGUE ASSN OF RISK MGMT, ins.	1,473.00
LIFE ASSIST, supplies	161.03
LINCOLN NATIONAL LIFE INS CO	10,553.45
LOU'S SPORTING GOODS, supplies	21.13
MAPA, services	13,247.00
MARSHALL CAVENDISH, book	119.75
MASSMAN NELSON, services	3,800.00
MATHESON TRI-GAS, supplies	46.68
MID AMERICA CUSTOM, refund	120.00
MID CON SYSTEMS INC., equip.	123.66
MID-IAWA SOLID WASTE EQUIP, maint.	7.68
MILLARD METAL SERVICES INC, equip.	42.00
MINUTE MAN PRINTING, services	84.23
MNJ TECHNOLOGIES, services	759.00
NATIONAL PAPER, supplies	422.57
NE GOLF COURSE SUPER., dues	100.00
NE GREEN EXPO, training	1,415.00
NMC EXCHANGE, maint.	691.80
NUTS AND BOLTS INC., maint.	92.26
ODB, maint.	371.82
OFFICE DEPOT, supplies	143.43
O'KEEFE ELEVATOR, services	970.41
OLSSON ASSOCIATES, refund	100.00
OMAHA PIPES & DRUMS, services	200.00
OPPD, utilities	42,611.92
OMAHA WINDUSTRIAL, bld&grnds	47.03
OMAHA WORLD HERALD, adv.	589.47
O'REILLY AUTO., maint.	879.81
PAPILLION SANITATION, services	304.11

# MINUTE RECORD

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

January 17, 2012

PAPILLION WELDING, maint.	75.00
PARAMOUNT, apparel	187.33
PERFORMANCE CHRYSLER JEEP, maint.	795.18
PETTY CASH, supplies	137.16
PHYSICIANS MUTUAL, adv.	210.00
PLAINS EQUIPMENT, maint.	269.13
QUILL, supplies	101.99
RALSTON COSTUME, events	35.00
RDG PLANNING & DESIGN, services	5,654.60
RUSTY ECK FORD, maint.	134.56
S & W HEALTHCARE, supplies	116.00
SAM'S CLUB, supplies	99.58
SAPP BROS, supplies	14,346.77
SARPY ECONOMIC DEV.CORP, investment	10,000.00
SHRED-SAFE, services	30.00
STATE STEEL, maint.	73.25
STERIL MAN., maint.	75.00
SUPERCO, maint.	179.32
SUPERIOR VISION SVCS INC	359.60
THOMPSON DREESSEN & DORNER, services	4,783.45
THOMPSON DREESSEN & DORNER, services	706.90
TIGHTON FASTENER & SUPPLY, equip.	68.98
U S ASPHALT, maint.	98.65
UPS, services	8.50
UNIVERSAL HOSPITAL SVCS, refund	100.00
WASTE MANAGEMENT, services	1,388.39
WITT, R., training	20.00
WORLD TRADE PRESS, books	612.00
ZIMCO, refund	105.00

Councilmember Crawford made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Sheehan 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 Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Library Director Barcal reported that they are working with the Ideal School who is putting on a fundraiser to design and paint the walls in the teen area.

### **B. APPLICATION FOR PRELIMINARY PUD, LOT 2, BELLA LA VISTA**

#### **1. PUBLIC HEARING**

Mayor Kindig stated that a public hearing has been scheduled to consider an Application for Preliminary Planned Unit Development – Lot 2, Bella La Vista. He welcomed those in attendance regarding this agenda item. Mayor Kindig stated that this is the first presentation being made to the Mayor and Council regarding the proposed project. He stated that the public hearing would be opened and the developer would be given the opportunity to make their presentation, to be followed by the traffic engineers report and staff will then have a chance to address questions that recently came up. Mayor Kindig then stated that the public would have a chance to address the Council, and the developer then have a short time for rebuttal. The Mayor stated that for the record a protest petition was received from SID 104 and has been given to Council.

At 7:07 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion an Application for Preliminary Planned Unit Development – Lot 2, Bella La Vista.

Community Development Director Birch addressed the Council to inform them that staff has received revised drawings and needs time to review them. Birch stated that this is a proposed preliminary PUD and she believes the two phases as proposed would be in conformance with the

# MINUTE RECORD

January 17, 2012

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

zoning regulations. The property was rezoned from TA to R-3 in 2006; no site plan was approved at that time. The property is within the gateway corridor and will have to meet design standards, which the developer acknowledges and indicated it will do.

Gary Hassenflu, representing the developer Garrison Development and related property owner Bella La Vista Housing Partners, L.P., addressed Council to give an overview of the proposed project, including phases, number of units, and ingress and egress to the development with each phase and the proposed extension of Chandler Road to Highland Boulevard with the development of phase 2 in 2 to 5 years depending on financing. He stated that all trees in the drainage ditch that are six inches in diameter or greater will be kept and integrated into the development. Though not favoring the proposed connection at 130<sup>th</sup> Street, he acknowledged the need for connectivity across the drainage ditch for the buildings of phase 1. The Garrison organization has built 1,000 units. Other staff of the developer and John Wygoshi of Fremont-based contractor Fauss-Wygo were in attendance to answer any questions.

City Engineer Kottmann and Mark Meisinger addressed the Council. Felsburg, Holt & Ullevig reviewed the study. Some noted items were that prior to 2035 132<sup>nd</sup> and Chandler will need a signal, and the intersection levels of service were reviewed. Kottmann explained the basis for the recommendation to connect the development with streets in Millard Highlands is primarily to ensure alternative points of access for expedient fire and police response. He also referred to provisions of the City's Subdivision Regulations that provide for continuation and integration of streets, and expressed the need for alternatives in the event of street closures in the area for construction or other reasons. Kottmann also stated that the study shows that a calming device would be needed on Highland Blvd, and that it is appropriate for the apartments to connect to the outfall sewer.

Mr. Wygoshi stated that the developer is agreeable to satisfying each of the four conditions of the Planning Commission's recommendation of the proposed preliminary PUD.

Councilmembers Sheehan and Gowan asked questions regarding street connections of the proposed development with Millard Highlands. Councilmember Sheehan asked to see alternatives discussed.

Mayor Kindig asked if there were any other proponents to speak. There were none.

Mayor Kindig stated that testimony will now be heard from any opponents of this project. He stated that public testimony will be limited to approximately 30 minutes, each person will be allowed to speak for two minutes, and should not repeat anything that has already been said. When they come forward to speak they must print their name and address on the sign in sheet and state the same into the microphone, and keep comments relevant to the public hearing and address only the Council and Mayor.

Opponents of the project voiced concerns with regard to traffic, pedestrian safety, apartment height, tenancy, drainage, street usage, green space, property valuations, burden on parks and infrastructure, lighting, and crime.

Doug Dreessen with Thompson Dreessen and Dorner on behalf of the developer addressed the Council in response to the comments from the opponents. Dreessen presented information regarding questions on the traffic study, specifically stating that the developer will add the impact of development of Outlot A to the traffic study, as well as work to resolve other issues raised by opponents.

At 8:48 p.m. Councilmember Crawford made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

Councilmember Sheehan stated that we can work with residents to make the project work. Councilmember Crawford suggested tabling the issue to look at what is best for all. Councilmember Sell stressed that the City is not out to steamroll the project. Councilmember Carlisle asked when this item would be back on the agenda and City Administrator Gunn stated February 21, 2012.

## 2. RESOLUTION

Councilmember Carlisle moved to table Resolution 12-002 to the February 21, 2012 Council meeting: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOT 2, BELLA LA VISTA, A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

# MINUTE RECORD

January 17, 2012

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

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary planned unit development plan for Lot 2, Bella La Vista; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary planned unit development plan; and

WHEREAS, on December 8, 2011, the La Vista Planning Commission held a public hearing and reviewed the preliminary planned unit development plan and recommended approval subject to resolution of the following items identified by the city engineer and staff:

1. A connection at 130<sup>th</sup> Street is needed.
2. The traffic study indicated the need for a left-turn bay on 132<sup>nd</sup> Street which requires a preliminary geometric plan for the widening of 132<sup>nd</sup> Street. Any additional comments from Felsburg, Holt and Ullevig will need to be addressed in the final copy of the traffic study as well.
3. There is a significant excess of stalls in Phase 2 and consideration should be given to deleting stalls and increasing green space such as for play space.
4. The proposed vertical curve at Sta. 16+84 on Chandler Plaza needs to be lengthened to provide the minimum 175' sight distance per the Subdivision Regulations.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary Planned Unit Development (PUD) plan for Lot 2, Bella La Vista, located in the SW 1/4 of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located east of 132<sup>nd</sup> Street and Chandler Road be, and hereby is, approved subject to the items listed above.

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

Councilmember Gowan moved for a 5 minute recess. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

Councilmember Carlisle moved to reopen the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

## **C. ORDINANCE – AMEND THE MUNICIPAL CODE**

### **1. ORDINANCE – AMEND SECTION 35.03 – CONTRACT ADVERTISING**

Councilmember Carlisle introduced and moved for adoption of Ordinance 1161 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.03; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question, "Shall Ordinance No. 1161 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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.

### **2. ORDINANCE – AMEND SECTION 91.06 – OPEN BURNING BAN; WAIVER NO. 1162**

# MINUTE RECORD

January 17, 2012

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

Councilmember Sell introduced and moved for adoption of Ordinance 1162 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 91.06; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. The Mayor then stated the question, "Shall Ordinance No. 1162 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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. ORDINANCE – AMEND SECTION 114.02 – CITY POWERS AND DUTIES**

Councilmember Quick introduced and moved for adoption of Ordinance 1163 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. The Mayor then stated the question, "Shall Ordinance No. 1163 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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.

## **4. ORDINANCE – AMEND SECTION 114.40 – MINORS AND INCOMPETENTS**

Councilmember Carlisle introduced and moved for adoption of Ordinance 1164 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.40; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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 Carlisle. The Mayor then stated the question, "Shall Ordinance No. 1164 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. The passage

# MINUTE RECORD

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

January 17, 2012

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.

## 5. ORDINANCE – AMEND SECTION 114.41 – CREDIT SALES

Councilmember Carlisle introduced and moved for adoption of Ordinance 1165 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.41; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question, "Shall Ordinance No. 1165 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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.

## 6. ORDINANCE – AMEND SECTION 131.01 OPEN CONTAINER

Councilmember Carlisle introduced and moved for adoption of Ordinance 1166 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 131.01; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 1161 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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.

Councilmember Sell made a motion to move Item J – Resolution – Extension of CDBG Loan Time of Performance - Easyway International, LLC up on the agenda ahead of Item D – Resolution – Award Contract – Applewood Creek Project. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

## J. RESOLUTION – EXTENSION OF CDBG LOAN TIME OF PERFORMANCE – EASYWAY INTERNATIONAL, LLC

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 12-009; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

# MINUTE RECORD

January 17, 2012

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

## NEBRASKA, APPROVING AN EXTENSION OF THE CDBG LOAN TIME OF PERFORMANCE FOR TO EASYWAY INTERNATIONAL, LLC.

WHEREAS, on December 15, 2009, the City Council approved Resolution No. 09-139 authorizing the application for a Community Development Block Grant for the Easyway International, LLC, project; and

WHEREAS, on April 6, 2010, the City Council approved Resolution No. 10-038 authorizing the Mayor to execute a contract between the City and the Nebraska Department of Economic Development for administration of the grant; and

WHEREAS, on April 20, 2010, the City Council approved Resolution No. 10-049 authorizing the Mayor to execute loan documents and other documents related to the project between the City and Easyway International, LLC; and

WHEREAS, Easyway International, LLC, has requested a second extension of the time of performance from December 31, 2011 to December 31, 2012, in order to satisfy the job creation requirements.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve a second extension of the CDBG loan time of performance for Easyway International, LLC, from December 31, 2011 to December 31, 2012, and authorize the Mayor to execute related documents, subject to such changes or additional documents or instruments as the City Administrator determines necessary or advisable in consultation with the City Attorney.

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

## D. RESOLUTION – AWARD CONTRACT – APPLEWOOD CREEK PROJECT

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-004; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO MELVIN SUDBECK HOMES, INC., OMAHA NEBRASKA FOR CONSTRUCTION OF DRAINAGEWAY STABILIZATION MEASURES IN THE APPLEWOOD CREEK IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$311,241.48

WHEREAS, the City Council of the City of La Vista has determined that the construction of drainageway stabilization measures in the Applewood Creek Improvements Project is necessary; and

WHEREAS, the FY 2011/12 Capital Improvement Program (CIP) will provide funds for this project; and

WHEREAS, an Urban Drainageway grant from the Papio-Missouri River NRD will reimburse this project for 60%; and

WHEREAS, Melvin Sudbeck Homes, Inc. submitted the low qualified 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 award the contract to Melvin Sudbeck Homes, Inc., Omaha Nebraska as the low qualified bid for the construction of drainageway stabilization measures in the Applewood Creek Improvements Project in an amount not to exceed \$311,241.48.

Seconded by Councilmember Carlisle. Councilmember Crawford asked about the experience of Melvin Sudbeck Homes, Inc. City Engineer Kottmann stated that Melvin Sudbeck Homes, Inc. have done a variety of projects and that their reference were checked and they are bondable. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

## E. RESOLUTION – ADVERTISE FOR BIDS – TRUCK MOUNTED SEWER JETTER

## MINUTE RECORD

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

January 17, 2012

Councilmember Sell introduced and moved for the adoption of Resolution No. 12-004; A  
**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA**  
**AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR A TRUCK MOUNTED SEWER**  
**JETTER.**

WHEREAS, the City Council has determined that a Truck Mounted Sewer Jetter is necessary, and

WHEREAS, the FY 11/12 Sewer Budget provides funding for the purchase of said truck mounted sewer jetter, and

WHEREAS, the Sewer Department Staff, City Engineer and Shop Foreman., have prepared specifications for proposed Truck Mounted Sewer Jetter.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a Truck Mounted Sewer Jetter in accordance with specifications prepared by the Sewer Department Staff, City Engineer and Shop Foreman and said bids are to be opened and publicly read aloud at 10 a.m. at La Vista City Hall, 8116 Park View Boulevard on February 21, 2012

**Advertisement of Bids**      **January 26, 2012**

Open Bids February 21, 2012

Award Contract March 6, 2012

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

## **F. RESOLUTION – PURCHASE OF DIGITAL RADIOS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 12-005; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPOSAL SUBMITTED BY D & D COMMUNICATIONS, OMAHA, NE FOR THE PURCHASE OF FIVE (5) MOTOROLA 800 MHZ P25 DIGITAL RADIOS.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of the Motorola 800 MHz P25 digital radios is necessary; and

WHEREAS, said purchase of Motorola 800 MHz P25 digital radios is necessary to maintain compatibility with Sarpy County Communications and is in the best interest of the citizens of La Vista, and

WHEREAS, the FY12 budget contains funding for this project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby accept the proposal submitted by D & D Communications Omaha, NE for the purchase of five (5) Motorola 800 MHz P25 digital radios in an amount not to exceed \$20,185.00.

Seconded by Councilmember Carlisle. Councilmember Sheehan questioned if the radios were compatible with the rest of the metro area, and Police Captain Pokorny stated that they will work on any system. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

**G. RESOLUTION – PURCHASE OF MARKED POLICE CAR**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 12-006; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO PERFORMANCE DODGE, LINCOLN, NEBRASKA FOR THE PURCHASE OF ONE (1) 2012 DODGE CHARGER POLICE PACKAGE VEHICLE IN AN AMOUNT NOT TO EXCEED \$39,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new marked police vehicle is necessary, and

WHEREAS, the FY11/12 General Fund budget includes funds for the purchase of said vehicle, and

# MINUTE RECORD

January 17, 2012

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

WHEREAS, the State of Nebraska did receive bids for 2012 Dodge police vehicles, and  
WHEREAS, Performance Dodge, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2012 Dodge Police Package vehicles and will extend that price to the City of La Vista, and  
WHEREAS, Subsection (c) 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 accept the Nebraska state bid of Performance Dodge, Lincoln, Nebraska and authorize the purchase of one (1) 2012 Dodge Charger Police Package vehicle in an amount not to exceed \$39,500.

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

## **H. RESOLUTION – PURCHASE OF BUNKER GEAR**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 12-007; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FOUR SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,663.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and  
WHEREAS, funds are provided in the FY 11/12 General Fund Budget for the proposed purchase; and  
WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; 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 authorizes the purchase of four sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$7,663.00.

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

## **I. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – WESTERN STATES CONTRACTING ALLIANCE & DELL**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 12-008; 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), DELL, AND VARIOUS VENDORS IN AN AMOUNT NOT TO EXCEED \$41,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of technology related items is necessary; and

WHEREAS, the FY 2011/12 IT budget provides funding for the proposed Information Technology purchases; and

# MINUTE RECORD

January 17, 2012

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

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 technology related items, from Western States Contracting Alliance (WSCA), Dell, and Various Vendors in an amount not to exceed \$41,000.

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

## K. SPECIAL ASSESSMENT

### 1. PUBLIC HEARING

At 9:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 9:21 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, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 12-010;  
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  
7613 Gertrude Street/Lot 29 Crestview Heights; \$6,050.12  
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 Sheehan. Councilmembers voting aye: Sell, Ronan, Quick,  
Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck.  
Motion carried.

# MINUTE RECORD

January 17, 2012

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

## COMMENTS FROM THE FLOOR

No Comments from the Floor

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig thanked Staff for the extra preparation for the night's meeting.

At 09:24 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain None. Absent: Ellerbeck. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF FEBRUARY, 2012

CITY OF LA VISTA

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Douglas Kindig  
Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk