

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING March 15, 2011

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 March 15, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck, Absent: Councilmember Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueth, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Public Works Director Soucie, Public Buildings and Grounds Director Archibald, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on March 3, 2011. 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

APPOINTMENT OF FIRE DEPARTMENT RECRUIT – TOM GRAYSON

Chief Uhl presented the following fire department recruit for approval of his appointment: tom Grayson. Councilmember Quick made a motion to approve the appointments. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 1, 2011
3. MONTHLY FINANCIAL REPORT – FEBRUARY 2011
4. APPROVAL OF CLAIMS

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

ADMIN PROFESSIONAL, subscription	89.00
ALAMAR UNIFORMS, Wearing apparel	127.50
ALFARO, M, training expense	272.72
A. TROE, printing	670.00
ARAMARK UNIFORM, services	172.05
AUSTIN PETERS GROUP, training	1100.00
AVI, services	1512.47
BAKER & TAYLOR BOOKS, books	1127.34
BCDM, services	5114.00
BENNINGTON EQUIP, maintenance	2086.99
BEST CARE EAP, services	2244.00
BIERMAN, B., supplies	192.98
BKD, services	12500.00
BLACK HILLS ENERGY, utilities	12109.01
BOB'S RADIATOR REPAIR, maintenance	602.00
BOTACH TACTICAL, wearing apparel	99.25
BOUND TREE, supplies	394.74
BREWER, A., training exp.	264.00

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BURT, S., training	715.50
CALENTINE, J., trianing exp.	130.00
CASEY, L., training exp.	31.01
CAVLOVIC, P. wearing apparel	120.00
CITY OF OMAHA. Services	88440.42
CJ'S HOME CENTER, maintenance/parts	894.82
CORNHUSKER INT., maintenance	68.72
COX COMM., phone/services	94.15
D & D COMM., supplies	78.00
DEMCO INC., supplies	177.53
DEVNEY, K., refund	40.00
DHHS REG, permit	40.00
DIGITAL ALLY, equip.	1075.00
DOUGLAS CNTY ENGINEER, construction	7427.43
DULTMEIER SALES & SERVICE, maintenance	18.91
EDGEWEAR SCREEN PRINTING, apparel/misc.	1440.60
EMBASSY SUITES HOTEL, meals	259.20
FAIRWAY GOLF, apparel	181.57
FILTER CARE, maintenance	28.60
FORT DEARBORN LIFE INSURANCE	1301.00
F. PETERSON, maintenance	300.00
FUTUREWARE DIST., services	37.00
GALE, books	182.22
GCR OMAHA TRUCKCENTER, maintenance	506.41
GENUINE PARTS COMPANY, maintenance	1489.39
GRAINGER, bld & grnds	54.95
GRAYBAR ELEC., repair	130.30
H & H CHEVROLET, maintenance	1005.58
HEARTLAND TIRES, supplies	7480.37
HENDERSON, J., training exp.	264.00
HERITAGE CRYSTAL CLEAN, services	224.00
HOLSTEIN'S HARLEY DAVIDSON, equipment	19579.60
ADMIN PROFESSIONAL, subscription	3537.44
ALAMAR UNIFORMS, Wearing apparel	3539.31
ALFARO, M, training expense	3541.17
A. TROE, printing	3543.04
ARAMARK UNIFORM, services	3544.90
AUSTIN PETERS GROUP, training	3546.77
AVI, services	3548.63
BAKER & TAYLOR BOOKS,books	3550.50
BCDM, services	3552.36
BENNINGTON EQUIP, maintenance	3554.23
BEST CARE EAP, services	3556.09
BIERMAN, B., supplies	3557.96
BKD, services	3559.82
BLACK HILLS ENERGY, utilities	3561.69
BOB'S RADIATOR REPAIR, maintenance	3563.55
BOTACH TACTICAL, wearing apparel	3565.42
BOUND TREE, supplies	3567.28
BREWER, A., training exp.	3569.15
BURT, S., training	3571.01
CALENTINE, J., trianing exp.	3572.88
CASEY, L., training exp.	3574.74
CAVLOVIC, P. wearing apparel	3576.61
CITY OF OMAHA. Services	3578.47
CJ'S HOME CENTER, maintenance/parts	3580.34
CORNHUSKER INT., maintenance	3582.20

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COX COMM., phone/services	3584.06
D & D COMM., supplies	3585.93
DEMCO INC., supplies	3587.79
DEVNEY, K., refund	3589.66
DHHS REG, permit	3591.52
DIGITAL ALLY, equip.	3593.39
DOUGLAS CNTY ENGINEER, construction	3595.25
DULTMEIER SALES & SERVICE, maintenance	3597.12
EDGEWEAR SCREEN PRINTING, appparel/misc.	3598.98
EMBASSY SUITES HOTEL, meals	3600.85
FAIRWAY GOLF, apparel	3602.71
FILTER CARE, maintenance	3604.58
FORT DEARBORN LIFE INSURANCE	3606.44
F. PETERSON, maintenance	3608.31
FUTUREWARE DIST., services	3610.17
GALE, books	3612.04
GCR OMAHA TRUCKCENTER, maintenance	3613.90
GENUINE PARTS COMPANY, maintenance	3615.77
GRAINGER, bld & grnds	3617.63
GRAYBAR ELEC., repair	3619.50
H & H CHEVROLET, maintenance	3621.36
HEARTLAND TIRES, supplies	3623.23
HENDERSON, J., training exp.	3625.09
HERITAGE CRYSTAL CLEAN, services	3626.96
HOLSTEIN'S HARLEY DAVIDSON, equipment	3628.82
ADMIN PROFESSIONAL, subscription	3630.69
ALAMAR UNIFORMS, Wearing apparel	3632.55
ALFARO, M, training expense	3634.42
A. TROE, printing	3636.28
ARAMARK UNIFORM, services	3638.15
AUSTIN PETERS GROUP, training	3640.01
AVI, services	3641.88
BAKER & TAYLOR BOOKS,books	3643.74
BCDM, services	3645.61
BENNINGTON EQUIP, maintenance	3647.47
BEST CARE EAP, services	3649.34
BIERMAN, B., supplies	3651.20
BKD, services	3653.07
BLACK HILLS ENERGY, utilities	3654.93
BOB'S RADIATOR REPAIR, maintenance	3656.80

SPECIAL REPORT – SARPY COUNTY LANDFILL – MARK WAYNE

Mark Wayne was not present at the meeting. His report will be rescheduled for another meeting.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council of their workshop on March 16 and 6:30.

Assistant City Administrator Ramirez called on Community Relations Coordinator Beaumont to give Council an update on the events being planned for this year.

Police Chief Lausten reported on an incident in the parking lot of the previous Walmart facility.

Fire Chief Uhl reported that he had been selected to sing the National Anthem at the July 17, 2011 Storm Chasers game along with presentation of colors by the honor guard.

Public Works Director Soucie reported that the first six houses in the Thompson Creek area have been demolished.

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Library Director Barcal reported on programs at the library.

B. RESOLUTION - FY 2009/2010 AUDIT REPORT – BKD, LLP

Roger Watton, from BKD hi-lighted portions of the audit. Watton also commented on how helpful and cooperative city staff was.

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-028; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2009 - 2010 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2009-2010 municipal operations; and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2009-2010 municipal audit is hereby accepted and approved.

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

C. ANNEXATIONS – SID 239 (GILES CORNER), SID 82 (CROSSROADS INDUSTRIAL PARK) & ADJOINING MISC. LOT, PERFORMANCE AUTO PLAZA & ATTIC STORAGE, PORTIONS OF SID 59 (BROOK VALLEY II BUSINESS PARK) & ADJOINING STREET ROWS.

1. PUBLIC HEARING

At 7:20 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Annexations of SID 239 (Giles Corner), SID 82 (Crossroads Industrial Park) & Adjoining Misc. Lot, Performance Auto Plaza & Attic Storage, Portions of SID 59 (Brook Valley II Business Park) & Adjoining Street ROWs. Anyone desiring to comment were asked to keep their comments to three minutes.

Community Development Director Ann Birch stated the city's long range annexation plan identifies, among other things, annexation is a tool for growth management by establishing more sensible jurisdictional boundaries, facilitating economic development, and fostering more coordinated land development. The areas proposed for annexation tonight are identified within the plan as areas 1a, b, c, d, and e, and are therefore consistent with the plan. A public hearing and first reading of the ordinances has been scheduled for Council to consider the annexation of the following property: SID #239 Giles Corner; SID #82 Crossroads Industrial Park; Tax Lot 10B in the SE ¼ 21-14-12; Performance Auto Plaza & Attic Storage; Part of SID #59; and any adjoining Street Rights-of-Way.

Bob Huck, representing SID #59, addressed the Council in opposition to the proposed annexation of part of SID #59 outside the industrial area, made reference to the order of the District Court of Sarpy County denying the request of Cold Storage located in the industrial area for a temporary restraining order enjoining the City from implementing Ordinance No. 1107, adopted December 1, 2009, and stated that he felt Section 31-765 of the Nebraska Statutes precluded the City from taking the current action to annex parts of SID 59 outside the industrial area.

At 7:30 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

City Attorney McKeon stated that, as previously indicated to Mr. Huck, the City disagrees with his position and comments and believes the partial annexation of SID 59 pursuant to the currently proposed ordinance is lawful. The City is not making any attempt to implement the prior annexation ordinance of SID 59 or make it effective. He also noted the requested TRO was not granted.

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2. ORDINANCES – FIRST READINGS

Councilmember Carlisle introduced Ordinance No. 1138 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (GILES CORNER, SID #239 AND CERTAIN ADJACENT LAND), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle made a motion to approve Ordinance No. 1138 on its first reading and pass it on to a second reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

Councilmember Carlisle introduced Ordinance No. 1139 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (CROSSROADS INDUSTRIAL PARK, SID #82 AND CERTAIN ADJACENT LAND), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Crawford made a motion to approve Ordinance No. 1139 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, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

Councilmember Quick introduced Ordinance No. 1140 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (TAX LOT 10B, LOCATED IN THE SE ¼ OF SECTION 21, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan made a motion to approve Ordinance No. 1140 on its first reading and pass it on to a second reading. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

Councilmember Quick introduced Ordinance No. 1141 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (TAX LOT 1B, TAX LOT 1C, TAX LOT 2, LOCATED IN THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; LOTS 2A, 3 AND 4, PERFORMANCE AUTO PLAZA; AND CERTAIN ADJACENT LAND), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell made a motion to approve Ordinance No. 1141 on its first reading and pass it on to a second reading. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

Councilmember Quick introduced Ordinance No. 1142 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (BROOK VALLEY II BUSINESS PARK; TAX LOT 1A1A1A LOCATED IN THE SE ¼ OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; TAX LOT 2B2 LOCATED IN THE SW ¼ OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, ALL PART OF SID #59; AND CERTAIN ADJACENT LAND), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck made a motion to approve Ordinance No. 1142 on its first reading and pass it on to a second reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

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D. APPLICATION FOR CDBG FUNDING – 84TH STREET BLIGHT & SUBSTANDARD STUDY

1. PUBLIC HEARING

At 7:35 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for CDBG Funding – 84th Street Blight & Substandard Study.

At 7:36 p.m. Councilmember Crawford made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-029; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF AN EXPENDITURE OF UP TO \$30,000 IN CDBG RECOVERED PROGRAM INCOME REUSE FUNDS FROM THE CITY OF LA VISTA, NEBRASKA, FOR THE 84TH STREET BLIGHT AND SUBSTANDARD STUDY.

WHEREAS, The City of La Vista has submitted an application to the Sarpy County Economic Development Corporation for up to \$30,000 in CDBG Recovered Program Income funds; and

WHEREAS, the City of La Vista adopted a CDBG Recovered Program Income – Reuse Plan for Economic Development on May 18, 2004, for such purpose; and

WHEREAS, on May 6, 2008, the City Council approved an amendment to the Reuse Plan to allow for projects involving infrastructure for economic development activities or the removal of blighted conditions, including planning and engineering studies necessary to design a project; and

WHEREAS, on March 1, 2011, the City Council authorized the obligation of approximately \$30,000 in CDBG Recovered Program Income Reuse Funds to the City of La Vista for a planning study related to the 84th Street corridor; and

WHEREAS, according to the Reuse Plan an application for a Determination of Blighted and Substandard Conditions for the 84th Street Redevelopment Study Area was submitted to the review committee which consists of the Executive Board of the Sarpy County Economic Development Corporation (SCEDC); and

WHEREAS, the SCEDC Executive Board and the Board of Directors reviewed the application and program requirements and has unanimously voted to recommend approval of the request; and

WHEREAS, the City of La Vista has \$30,082.12 in CDBG Reuse Funds.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the expenditure of up to \$30,000 in CDBG Recovered Program Income Reuse funds from the City of La Vista, Nebraska, for a Determination of Blighted and Substandard Conditions for the 84th Street Redevelopment Study Area, and authorize the Mayor to sign the necessary documents.

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

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

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-030: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, 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

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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, 2011, 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 an extension of the time of performance within the loan documents from May 11, 2011 to December 31, 2011, 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 an extension of the CDBG loan time of performance for Easyway International, LLC, from May 11, 2011 to December 31, 2011, 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 Ellerbeck. Councilmembers voting aye: Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: Sell. Abstain: None. Absent: Gowan. Motion carried.

F. FIREWORKS PERMITS

1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember Sell introduced and moved for the adoption of Resolution No. 11-031; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2011.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2011 shall not exceed eight.

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

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

2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-032; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF MONARCHS WRESTLING CLUB, LA VISTA YOUTH FOOTBALL AND CHEERLEADING, LA VISTA AREA CHAMBER OF COMMERCE, LA VISTA YOUTH, LA VISTA LANCERS SOCCER CLUB, LA VISTA YOUTH BASEBALL ASSOCIATION, CORNERSTONE CHURCH, AND BEAUTIFUL SAVIOR LUTHERAN CHURCH.

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- WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and
- WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and
- WHEREAS, eight (8) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and
- WHEREAS, City staff has reviewed all applications received in 2011 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

Monarchs Wrestling Club, La Vista Youth Football And Cheerleading, La Vista Area Chamber Of Commerce, La Vista Youth, La Vista Lancers Soccer Club La Vista Youth Baseball Association, Cornerstone Church, and Beautiful Savior Lutheran Church

to sell fireworks within the City of La Vista for the 2011 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

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

G. RESOLUTION – APPROVE CHANGE ORDER 1 – THOMPSON CREEK PROPERTIES ACQUISITIONS – PHASE 1 DEMOLITION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-033; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH ANDERSON EXCAVATING CO., NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$17,686.00.

- WHEREAS, the City has determined it is necessary and desirable to demolish the houses purchased in the FEMA grant voluntary buyout program; and
- WHEREAS, on January 18, 2011, the City Council awarded the Phase 1 Demolition contract to Anderson Excavating Co., Omaha, Nebraska, in an amount not to exceed \$49,310.00; and
- WHEREAS, the FY 10/11 Capital Improvement Program contains funding for this expenditure, 75% is reimbursed by FEMA, 12.5% reimbursed by Papio-Missouri River NRD and the remaining 12.5% is the City's share. The amount of the change order would be within the budgeted funds available; and
- WHEREAS, the two additional houses are adjacent to two houses already under contract with Anderson Excavating Co.; and
- WHEREAS, this change order will complete all work on Valley Road and minimize the time frame for disruption to the neighborhood and would close out construction activity close to Central Park; and
- WHEREAS, Paragraph 9 of §1-316 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 the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order with Anderson Excavating Co., Omaha, Nebraska,

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for the demolition of two additional houses in the Thompson Creek Hazard Mitigation project in an amount not to exceed \$17,686.00.

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

H. RESOLUTION – NEBRASKA DEPARTMENT OF ROADS SUPPLEMENTAL AGREEMENT NO. 4 LA VISTA LINK – KEYSTONE TRAIL

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-034; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 4 WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR THE LA VISTA LINK – KEYSTONE TRAIL PROJECT.

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

WHEREAS, the FY 2010/11 Capital Improvement Fund budget includes funds for the La Vista link-Keystone Trail Project; and

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

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, to authorize the Mayor and City Clerk to enter into Supplemental Agreement No. 4 with the Nebraska Department of Roads for the La Vista Link – Keystone Trail project in La Vista.

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

I. RESOLUTION – AUTHORIZATION TO PURCHASE – JOHN DEERE GATORS

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-035; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) 2011 JOHN DEERE HPX DIESEL GATORS FROM BENNINGTON EQUIPMENT INC., 11550 NORTH 204TH STREET, ELKHORN, NE 68022, IN AN AMOUNT NOT TO EXCEED \$25,422.96.

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

WHEREAS, the FY 2010/11 General Fund Budget with savings in the Parks and Sports Complex budgets include funds for the purchase of said equipment; and

WHEREAS, the purchase will be made off State Contract #12346 OC, 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 authorize the purchase of two (2) 2011 John Deere HPX Diesel Gators from Bennington Equipment Inc., 11550 North 204th Street Elkhorn, NE 68022, in an amount not to exceed \$25,422.96.

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

MINUTE RECORD

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

March 15, 2011

J. RESOLUTION – AUTHORIZATION TO LEASE - GOLF CARS

Councilmember Crawford introduced and moved for the adoption of Resolution No. 11-036; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LEASE-TO-OWN OF FIVE 2011 CLUB CAR ELECTRIC GOLF CARS FOR LA VISTA FALLS GOLF COURSE FROM NEBRASKA NATIONAL BANK, KEARNEY, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$16,680.00 OVER 42 MONTHS.

WHEREAS, the City Council has deemed that a need exists to purchase replacement golf cars for La Vista Falls Golf Course; and

WHEREAS, the City did appropriate funds in the FY10/11 Golf Fund budget for said lease-to-own; and

WHEREAS the Finance Director and Golf Course Manager have obtained suitable financing for this lease through Nebraska National Bank, Kearney, Nebraska; 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 City Council of La Vista, Nebraska, do hereby authorize the lease-to-own agreement for five Club Car Electric Golf Cars for La Vista Falls Golf Course from Nebraska National Bank, Kearney, Nebraska, in an amount not to exceed \$16,680.00 and in form and content satisfactory to the City Administrator.

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

K. SPECIAL ASSESSMENT

1. PUBLIC HEARING

At 7:44 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Special Assessments.

At 7:45 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-037; 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
7350 S. 70th Street/Lot 203 La Vista Replat, \$136.40;
7354 S. 70th Street/Lot 202 La Vista Replat, \$136.40;
9001 Granville Pkwy/Lot 43 Parkview Heights IV, \$136.40; and
8016 Park View Blvd./Lot 1279 La Vista, \$136.40
were notified to clean up their property as they were in violation of the City Municipal Code, Section 93.015, 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.

MINUTE RECORD

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

March 15, 2011

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 Crawford. Discussion was held regarding the 5 day notice that is given and staff was directed to look into whether this should be a shorter period of time. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

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

COMMENTS FROM THE FLOOR

Darrell Johnson, a La Vista resident thanked the City and Public Works department for the effort to create a better traffic flow on 84th Street.

L. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:51 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of an individual for personnel and for protection of the public interest for contract negotiations. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:19 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 8:20 p.m. Councilmember Sheehan made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF APRIL, 2011

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk