

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING November 7, 2006

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on November 7, 2006. Present were Mayor Kindig and Councilmembers: Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Ronan and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Engineer Kottmann, Community Development Director Birch, Fire Chief Schuster, Finance Director Lindberg, Library Director Schinker, Police Chief Lausten, Recreation Director Stopak, Building and Grounds Director Archibald, City Planner Potter, Public Works Director Soucie, and Deputy City Clerk Lupomech.

A notice of the meeting was given in advance thereof by publication in the Times on October 26, 2006. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

PROCLAMATIONS - NATIONAL CHILDREN'S BOOK WEEK, HONEY SUNDAY

Mayor Kindig read the proclamations for National Children's Book Week, November 13-19, 2006 and Honey Sunday, November 12, 2006.

A. CONSENT AGENDA

1. **APPROVAL OF AGENDA AS PRESENTED**
2. **MINUTES OF THE OCTOBER 17, 2006 CITY COUNCIL MEETING**
3. **MINUTES OF THE OCTOBER 23, 2006 CITY COUNCIL MEETING**
4. **MINUTES OF THE OCTOBER 18, 2006 PARK & RECREATION ADVISORY COMMITTEE MEETING**
5. **MINUTES OF THE SEPTEMBER 27, 2006 SAFETY COMMITTEE MEETING**
6. **PAY REQUEST FROM RDG GEOSCIENCE & ENGINEERING FOR ADDENDUM TO COST ESTIMATE FOR PRE-INVESTIGATION ASSESSMENT AT CITY HALL - \$4,539.00**
7. **PAY REQUEST FROM CITY OF OMAHA FOR HARRISON STREET IMPROVEMENTS - \$2,570.60**
8. **PAY REQUEST FROM SARPY COUNTY COMMUNICATIONS FOR FY 2007 BUDGET - \$12,973.25**
9. **PAY REQUEST FROM SARPY COUNTY BOARD OF COMMISSIONERS FOR DATA TECH SUPPORT - \$11,500.00**
10. **FIRE STATION NO. 2**
 - A. **PAY REQUEST FROM FGM FOR PROFESSIONAL SERVICES - \$35,995.05**
 - B. **PAY REQUEST FROM FGM FOR PROFESSIONAL SERVICES - \$3,800.00**
11. **APPROVAL OF CLAIMS**

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

A & D TECHNICAL SUPPLY, Supplies	21.36
ACTION BATTERIES, Vehicle Supplies	230.39
ADT, Contract Services	115.19
AMSAN, Supplies	286.20
ANDERSON SALES AND SERVICE, Bldg & Grnds	56.00
ANDRUS ENTERPRISES, Parking District 1	109,492.36
AQUILA, Utilities	2,413.59
ARAMARK UNIFORM SERVICES, Contract Services	195.17
ASPHALT & CONCRETE MATERIALS, Street Maint.	36.34
BADGER BODY, Vehicle Maint.	136.74
BAKER & TAYLOR BOOKS, Books	1,279.33

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BARCAL, D.J., Travel	50.00
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,608.75
BEACON BUILDING SERVICES, Contract Services	5,675.00
BENNINGTON IMPLEMENT, Vehicle Maint.	1,361.99
BUILDERS SUPPLY CO, Bldg & Grnds	69.35
CBR ENTERPRISES SOUTH, Supplies	94.68
CENTER POINT PUBLISHING, Books	38.94
CHILD'S WORLD, Books	1,550.65
CLUB CONVENTION CENTER, Rental Deposit	600.00
COMP CHOICE, Professional Services	350.00
CONRECO, Municipal Bldg Complex Improv.	440.00
COX COMMUNICATIONS, Monthly Charge	39.00
CZARNICK, MICHAEL, Training	1,500.00
DASH MEDICAL GLOVES, Supplies	69.90
DAVIDSON TITLE, Books	568.54
DAVIS, JAMES, Training	1,500.00
DAYSRING PRINTING, Printing	1,109.50
DEMCO, Supplies	319.01
DENNE, RICK, Auto Allowance	100.00
DIAMOND VOGEL PAINTS, St. Maint.	177.90
DOSTALS CONSTRUCTION, Parking District 1	137,160.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	5.69
EDGEWEAR SCREEN PRINTING, Supplies	483.00
ELECTRONIC ENGINEERING, Vehicle Maint.	175.58
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX, Postage	33.42
FERRELLGAS, Utilities	448.17
FILTER CARE, Vehicle Maint.	49.45
FITZGERALD SCHORR BARMETTLER, Professional Services	45,260.48
FRIENDS OF THE LIBRARY, Professional Services	190.51
GAYLORD BROS, Supplies	89.54
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	539.30
GLENWOOD GOLF CLUB, Bldg & Grnds	300.00
GOLDMAN, JOHN, Telephone	40.00
GOODMAN, BILL, 96th Street Improv.	433.25
GRAYBAR ELECTRIC, Bldg & Grnds	47.70
GUNN, BRENDA, Auto Allowance	397.00
H W WILSON COMPANY, Books	217.00
HANNEBAUM GRAIN CO, Street Maint.	1,607.68
HARROD, RAYMOND, Training	1,500.00
HARTFORD LIFE-PRIORITY ACCTS, Payroll Withholdings	1,474.18
HELGET GAS PRODUCTS, Squad Supplies	89.00
HIGHGEAR BIKE & OUTDOOR, Equip. Maint.	74.99
HIGHSMITH, Supplies	166.51
HOME DEPOT, Supplies	69.97
HYDROLOGIC WATER MANAGEMENT, Bldg & Grnds	84.53
IIMC, Legal Advertising	50.00
INTERNATIONAL CODE COUNCIL, Professional Services	3,753.00
J Q OFFICE EQUIPMENT, Supplies	322.24
JINECO EQUIPMENT, Vehicle Maint.	139.00
KINDIG, DOUGLAS, Telephone	180.00
KINSEY, JEREMY, Training	1,500.00
KLINKER, MARK, Professional Services	216.00
KROGER, Supplies	337.19
LA VISTA COMMUNITY FOUNDATION, Deductions	259.00
LANGLEY ANIMAL HOSPITAL, Contract Services	50.00
LANOHA NURSERIES, Parking District 1	90,975.60
LAWLESS DISTRIBUTING, Concessions	67.00
LEAGUE ASSN OF RISK MGMT, Insurance	458,497.00
LOGAN CONTRACTORS SUPPLY, Street Maint/Vehicle Maint.	1,694.40
LOU'S SPORTING GOODS, Supplies	192.97
LUKASIEWICZ, BRIAN, Telephone	40.00
M & M PORTABLES, Rentals	31.30
M E SHARPE INC PUBLISHER, Books	499.00
MARSHALL CAVENDISH, Books	111.80
MASTER SIGN, Vehicle Maint.	144.00
MEADOWBROOK, Insurance	1,033.09
MELVIN SUDBECK HOMES, Permit Refund	193.96

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METRO AREA TRANSIT, Monthly Charge	489.00
METROPOLITAN COMMUNITY COLLEGE, Contract Services/Utilities	8,933.54
MUD, Utilities	1,874.96
MICHAEL TODD AND COMPANY, Southport Improv.	750.50
MID AMERICA PAY PHONES, Telephone	100.00
MIDWEST MUDJACKING, Street Maint.	800.00
MIDWEST TURF & IRRIGATION, Vehicle Maint.	6.20
MOBILE COMMUNICATIONS, Vehicle Maint.	144.00
MONARCH OIL, Street Maint.	609.00
NATIONAL SAFETY COUNCIL, Dues	285.00
NE DEPT OF REVENUE-LOTT/51, Lottery Tax	61,609.71
NE HHS REGULATION/LICENSURE, Asbestos Testing	60.00
NE LAW ENFORCEMENT, Travel	30.00
NE NATIONAL BANK, Cart Rental	660.00
NE REGIONAL LIBR SYSTEM, Training	10.00
NEXTEL, Telephone	550.13
NORTHERN WATER WORKS SUPPLY, Equip. Maint.	424.00
OABR PRINT SHOP, Printing	123.15
OFFICE DEPOT, Supplies	565.84
OMAHA COMPOUND COMPANY, Supplies	316.09
OMAHA STANDARD TRUCK EQUIP, Street Maint.	356.93
PAPILLION LA VISTA SCHOOL, Travel	100.00
PAPILLION SANITATION, Contract Services	151.85
PARAMOUNT LINEN & UNIFORM, Cleaning	458.25
PAYLESS OFFICE PRODUCTS, Supplies	323.27
PRECISION INDUSTRIES, Vehicle Maint.	201.59
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	84.00
PROJECT HARMONY, Contract Services	150.00
PROPERTY SERVICES, Supplies	254.00
QWEST, Telephone	2,205.32
R & R PRODUCTS, Vehicle Maint.	168.31
RAINBOW GLASS & SUPPLY, Vehicle Maint.	260.00
RAMADA INN-KEARNEY, Travel	228.00
RAMIREZ, RITA, Auto Allowance/Travel/Postage/Supplies	363.44
RAY ALLEN MANUFACTURING, Supplies	106.70
RECREATION SUPPLY, Water Feature	11,110.00
ROCKBROOK CAMERA & VIDEO, Supplies/Equip.	256.85
ROSE EQUIPMENT, Vehicle Maint.	191.63
ROURKE PUBLISHING, Books	1,980.95
SAPP BROS PETROLEUM, Vehicle Supplies	10,097.39
SARPY COUNTY CHAMBER OF, Travel	280.00
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SARPY COUNTY FISCAL ADMIN, Annual GIS Fee	2,500.00
SCHINKER, ROSE, Auto Allowance	45.00
SCHREINER, KELLY, Auto Allowance	100.00
SHEPPARD'S BUSINESS INTERIORS, Equip. Maint.	40.00
SIGNS BY TOMORROW, Southport Improv.	1,620.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,080.00
SOUCIE, JOSEPH, Training/Dues/Telephone	90.00
SOUTHPORT WEST PARTNERS, Street Lighting	14,518.83
STAPLES BUSINESS ADVANTAGE, Supplies	335.78
STATE FIRE MARSHALL, Training	150.00
STEVENS, MARK, Auto Allowance	100.00
SUBURBAN NEWSPAPERS, Dues	35.00
SUSPENSION SHOP, Vehicle Maint.	292.11
SUTPHEN CORPORATION, Vehicle Maint.	434.50
TAB HOLDING COMPANY, 126Th & Giles Improv.	81,816.46
TED'S MOWER SALES & SERVICE, Equip. Maint.	157.94
THERMO KING CHRISTENSEN, Vehicle Maint.	183.07
THOMPSON DREESSEN & DORNER, Professional Services	37,673.17
TOTAL ENTERPRISES, St. Maint.	304.00
TRACTOR SUPPLY, St. Maint./Vehicle Maint.	33.08
TURFWERKS, Vehicle Maint.	324.11
U S ASPHALT, Street Maint.	53.94
UAP DISTRIBUTION, Bldg & Grnds	305.16
US POSTAL SERVICE, Postage	889.00
VERIZON, Telephone	68.92
WAL-MART, Supplies/Equip.	128.17

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WASTE MANAGEMENT, Bldg & Grnds, Contract Services	1,008.88
WATER'S EDGE AQUATIC DESIGN, Pool Improvements	5,058.74
WAUGH, BRYAN, Training	1,500.00
WICK'S STERLING TRUCKS, Vehicle Maint.	33.46
WILDER, JONI, Auto Allowance	33.00
YORK, JOHN, Eyeglasses	439.93

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten updated Council on a couple of traffic issues. He stated the Cabela's grand opening weekend went very well from a traffic stand point. The City had the assistance of the Sarpy County Sheriff's Department and the Omaha Police Department. Lausten reported that the Cabela's staff worked well with the Police Department concerning security and traffic issues and he also thanked the Public Works Department for completion of traffic signals in the area, which contributed to the smooth flow of traffic. Lausten informed Council that no additional traffic staff would be assigned for the upcoming weekend, however a limited staff will be used the following weekend as this will be the official Cabela's grand opening. Funding for the additional staffing has been covered through a grant from Highway Safety and reimbursement by Cabela's.

Lausten reported that approximately 130 tickets were issued during the month of October at the intersection of La Vista Drive and Giles Road to traffic leaving the new Wal-Mart. Vehicles are prohibited from making left hand turns onto Giles Road when coming out of the Wal-Mart parking lot at this location. He stated Public Works Director Soucie is working the City of Papillion and the engineering firm on other possible options for the intersection.

Mayor Kindig stated he had received several comments on the flow of traffic around Cabela's and how well it worked. He indicated this was a testament to the City's infrastructure design and commended staff for their foresight.

Fire Chief Schuster informed Council the La Vista Volunteer Fire Department had members stationed at the Fire Department during the weekend for the Cabela's opening weekend. The rescue squad responded to one medical emergency at the store and with the help of medical reserve corps inside the building and police aid in clearing traffic, the incident was handled smoothly. Mayor Kindig thanked the La Vista Volunteer Fire Department for their assistance.

Recreation Director Stopak reminded Council of the November 15th Park and Recreation Advisory Board Meeting and the November 16th La Vista Health Fair which will include booths, vendors, the Red Cross Blood Drive, and flu shots, from 10:00 a.m. to 2:00 p.m. at the Community Center.

Mayor Kindig asked the results of the City's Halloween Fun Run. Stopak informed Council they had about 90 participants, most in costume, and the race went well. Stopak also informed Council the Halloween Safe Night had approximately 700 participants, including parents and children.

B. RESOLUTION - CHANGE IN CORPORATE MANAGER FOR THE CLASS I LIQUOR LICENSE OF SUSHI YAMA, INC. DBA SUSHI YAMA

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-153: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF A REQUEST FOR CHANGE IN THE A CORPORATE MANAGER FOR THE PENDING CLASS I LIQUOR LICENSE OF SUSHI YAMA, INC. DBA SUSHI YAMA.

WHEREAS, Sushi Yama, Inc. dba Sushi Yama currently has a valid Class I Liquor License pending from the Nebraska Liquor Control Commission; and

WHEREAS, Sushi Yama, Inc. has made a request to Nebraska Liquor Control for a change in the corporate manager for said liquor license; and

WHEREAS, the Nebraska Liquor Control Commission has asked that this request be presented to the City Council for action.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista do hereby approve the request that Jaruwan Klamklay become the corporate manager for the pending Class I Liquor License of Sushi Yama, Inc. dba Sushi Yama and instruct the Deputy City Clerk to inform the Nebraska Liquor Control Commission of said approval.

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Councilmember Gowan questioned the quick turnover of the new manager, as a resolution was brought before council about a month ago. Jaruan Klamklay addressed Council to inform them the original manager had decided to open his own business.

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

C. RESOLUTION - DEPARTMENT OF ROADS MAINTENANCE AGREEMENT - 84TH STREET

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-154: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AGREEMENT #112 WITH THE NEBRASKA DEPARTMENT OF ROADS FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84TH STREET).

WHEREAS, the Nebraska Department of Roads is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84th Street) which lies within the City of La Vista's corporate boundaries; and

WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Roads for maintenance of that portion of Highway N-85 (84th Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2007 to December 31, 2007.

Councilmember Sheehan asked if the amount was correct. City Administrator Gunn responded the number could be incorrect. Councilmember Quick asked if work was completed at night. Gunn responded that work is completed during times which will minimize the inconvenience and impact on traffic.

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

D. RESOLUTION - AWARD OF CONTRACT - PURCHASE AND INSTALLATION OF INFORMATION DISTRIBUTION SYSTEM, NEW FIRE STATION

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-155: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE AND INSTALLATION OF AN INFORMATION DISTRIBUTING SYSTEM (DATA, VIDEO AND VOICE CABLE) FOR THE NEW LA VISTA FIRE STATION FROM MILLER INTEGRATED SYSTEMS, OMAHA NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$43,750.00.

WHEREAS, THE Council of the City of La Vista has determined that the proposed equipment is required for operation of the new fire station; and

WHEREAS, the fire station project budget provides funds for the proposed improvements; and

WHEREAS, the City Council previously authorized the request for proposals for the purchase and installation of an information distributing system (data, video, voice cable) for the new La Vista fire station; and

WHEREAS, proposals were received, opened and publicly read aloud on October 25, 2006; and

WHEREAS, City staff has reviewed the bids and recommend Miller Integrated Systems as the low compliant bidder; 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.

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the purchase and installation of an information distributing system (data, video, voice cable) for the new fire station from Miller Integrated Systems, Omaha NE, in an amount not to exceed \$43,750.00.

Councilmember Carlisle asked if the system would be compatible with City Hall. City Administrator Gunn responded the New Fire Station equipment would be compatible with current City facilities. Councilmember Sheehan asked if Sarpy County would be assisting with technical issues for the New Fire Station. Gunn stated Sarpy County would be responsible for the same IT services at the New Fire Station as other city facilities.

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

E. RESOLUTION - AWARD OF CONTRACT - EASTERN NEBRASKA OFFICE ON AGING

Councilmember Gowan introduced and moved for the adoption of Resolution No. 06-156: 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 of the 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.

Councilmember Quick asked how many meals are served at the Community Center. Recreation Director Stopak informed Council that meals are served on Monday, Wednesday, and Friday with an average of 25 attendees each day. He stated the number increases to approximately 50 people on "potluck" days. He stated the ENOA is not looking to increase the serving of meals to five days per week at this site due to budget constraints this year, and their fiscal budget is about 3 months behind our budget year. Councilmember Sheehan asked if meals were available to residents not living in La Vista. Stopak stated residents of all cities are invited to attend.

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

F. RESOLUTION - AUTHORIZATION TO PURCHASE (2) UNMARKED POLICE CARS

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-157: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDED A CONTRACT TO SID DILLON, WAHOO, NEBRASKA FOR THE LEASE/PURCHASE OF TWO (2) CHEVROLET IMPALA UNMARKED POLICE CARS IN AN AMOUNT NOT TO EXCEED \$30,314.00.

WHEREAS, the City Council of the City of La Vista has determined that the lease/purchase of two (2) unmarked police cars is necessary, and

WHEREAS, the FY 2006-07 General Fund budget does include funds for the lease/purchase of said unmarked cars, and

WHEREAS, the State of Nebraska did receive bids for 2007 Intermediate vehicles, and

WHEREAS, Sid Dillon Commercial Fleet was awarded the state bid for the 2007 Chevrolet Impala and will extend that price to the City of La Vista, and

WHEREAS, the lease/purchase of said vehicles will be executed through a lease arrangement with a private financial institution, and

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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 accept the Nebraska state bid of Sid Dillon, Wahoo, NE and authorize the lease/purchase of two (2) 2007 Chevrolet Impalas in an amount not to exceed \$30,314.00 to be financed through a lease arrangement with a private financial institution.

Councilmember McLaughlin asked why the City was changing from the Dodge Charger model recently purchased. Police Chief Lausten informed Council the Impalas are unmarked Police sedans and the Chargers are marked cruisers.

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

G. RESOLUTION - AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-158: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF GATEWAY COMPUTER EQUIPMENT, HEWLETT PACKARD SERVER, MICROSOFT AND CISCO SOFTWARE, COMMTOUCH ANTI-SPAM SOFTWARE, OVERLAND STORAGE ARCVault, SYMANTEC BACKUP SOFTWARE, IN AN AMOUNT NOT TO EXCEED \$22,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of computer equipment is necessary; and

WHEREAS, the FY 06/07 Operating budgets did include funds for the purchase of said computer equipment; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the city administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of Gateway computer equipment, Hewlett Packard server, Microsoft and Cisco Software, Commtouch anti-spam software, Overland Storage ARCVault, Symantec backup software and related software licenses in an amount not to exceed \$22,500.

Mayor Kindig asked if Gateway Computer would provide local repair service. Finance Director Lindberg stated she did not anticipate any problems with service.

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

H. RESOLUTION - AUTHORIZATION TO PURCHASE MOBILE DATA MODEMS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-159: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF TWO (2) RADIO MODEMS FROM MOTOROLA, SCHAUMBURG, IL, IN AN AMOUNT NOT TO EXCEED \$5,514.00.

WHEREAS, THE City of La Vista Police Department implemented the electronic citations project beginning in 2005; and

WHEREAS, funding for the purchase was approved and included in the City's FY06-07 municipal budget, and

WHEREAS, Motorola, Schaumburg, IL is the sole source provider of the equipment, 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.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of two (2) radio modems for the police department from Motorola, Schaumburg, IL in an amount not to exceed \$5,514.00.

Councilmember Sheehan asked how many units would still be without this equipment. Police Chief Lausten stated there were two remaining vehicles to be equipped, and those modems are scheduled for purchase in April of 2007.

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

I. RESOLUTION - DE-OBLIGATION OF CDBG FUNDING - ORIENTAL TRADING COMPANY

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 06-160: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE DE-OBLIGATION OF \$207,000 IN CDBG RECOVERED PROGRAM INCOME REUSE FUNDS FROM THE CITY OF LA VISTA, NEBRASKA, TO ORIENTAL TRADING COMPANY.

WHEREAS, Oriental Trading Company submitted an application to Sarpy County and the City of La Vista for \$502,000 in CDBG Recovered Program Income Reuse Funds based on the creation of 100 new FTE positions; and

WHEREAS, on March 21, 2006, the City Council approved Resolution No. 06-039 which authorized the execution of a Memorandum of Understanding with Sarpy County and Oriental Trading Company and other contract documents necessary to approve the expenditure of \$207,000 in CDBG Recovered Program Income Reuse Funds from the City of La Vista; and

WHEREAS, on March 21, 2006, the Sarpy County Board of Commissioners gave conditional approval for the expenditure of \$295,000 in CDBG Reuse Funds (\$293,000 for machinery/equipment and \$2,000 for audit/administration) based on the preparation of a Memorandum of Understanding and its execution within 60 days of approval; and

WHEREAS, Section 6.08(d) of the Memorandum of Understanding states that, "Proper execution, by the Business, of this MOU and any other required documents (e.g., loan documents), is required within 60 days of approval of the CDBG application by the City and the County"; and

WHEREAS, on April 13, 2006, three copies of the MOU with original signatures from the City and County were mailed from the Metropolitan Area Planning Agency to Oriental Trading Company for execution; and

WHEREAS, as of August 25, 2006, such documents had not been executed by Oriental Trading Company and a notice was sent by certified mail notifying the company of the proposed de-obligation of Sarpy County's investment in the project; and

WHEREAS, on September 12, 2006, the Sarpy County Board of Commissioners voted to de-obligate \$295,000 in CDBG Reuse Funds to Oriental Trading Company based on the company's failure to execute the MOU and other loan documents; and

WHEREAS, the City of La Vista has determined that the County's de-obligation of funds for the project represents a material change to the request which was approved by the City Council on March 21, 2006, and renders the CDBG application inaccurate and invalid.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby de-obligate \$207,000 in CDBG Recovered Program Income Reuse Funds previously committed to Oriental Trading Company, and immediately make those funds available to other qualified applicants which will undertake job creation activities.

Councilmember Gowan commented on whether Oriental Trading Company responded following the initial approval. City Administrator Gunn responded that both Sarpy County and the City of La Vista approved the agreements which were then sent to OTC. The agreements were never executed. There was a 60-day clause in the agreement and OTC did not return the agreement or provide the necessary information to receive the money.

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Jake Hanson of MAPA addressed Council to report that Oriental Trading Company was given 60 days from the conditional approval date, which was March 21, 2006, to sign the loan agreement. It was never received. The County has already de-obligated its commitment to the project, which is a material change to the agreement the City approved. He stated there are other companies that may be interested in the funds and Oriental Trading Company could reapply, they would just have to start the process over.

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

J. COLLECTIVE BARGAINING AGREEMENT - LA VISTA FRATERNAL ORDER OF POLICE **1. RESOLUTION**

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 06-161: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE PROPOSED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF LA VISTA AND THE LA VISTA FRATERNAL ORDER OF POLICE, LODGE NO. 28 FOR FISCAL YEAR 2006-2007 AND AUTHORIZING THE MAYOR TO EXECUTE SAID AGREEMENT.

WHEREAS, the City of La Vista has recognized the La Vista Police Officers Association for the purpose of collective bargaining by Resolution No. 78-020; and

WHEREAS, the La Vista Police Officers Association is now a member of and affiliated with the Fraternal Order of police and is known as the La Vista Fraternal Order of Police Lodge No. 28 ("LVFOP"); and

WHEREAS, the City Administrator and the LVFOP's appointed negotiating team have reached a tentative agreement as authorized by and in accordance with Resolution No. 78-020;

WHEREAS, the membership of the LVFOP did vote on and approve the tentative agreement reached by the City Administrator and the LVFOP's negotiating team with said votes being tabulated on October 22, 2006.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of La Vista, Nebraska, does hereby accept the terms of the negotiated agreement and authorizes the Mayor of the City of La Vista, Nebraska, to execute the same on behalf of the City subject to approval of form by the city attorney and city administrator.

BE IT FURTHER RESOLVED that the Mayor and City Council hereby agree and declare that the effective date of the Agreement shall be October 1, 2006.

Councilmember Sheehan asked if the agreement would include retro pay for the month of October. City Administrator stated the contract effective date would be October 1, 2006.

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

2. ORDINANCE

Councilmember Ellerbeck introduced Ordinance No. 1014 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sheehan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Ronan and Sell. 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 McLaughlin. The Mayor then stated the question was, "Shall Ordinance No. 1014 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Ronan and

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Sell. 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 Clerk attested the passage/approval of the same and affixed her signature thereto.

K. DISCUSSION - ORDINANCE NO. 1008, RENAMING A SECTION OF CORNHUSKER ROAD TO PORTAL ROAD

Councilmember Sheehan informed Council he had researched the possibility of a name change to something more similar to the existing Cornhusker Road rather than the change to Portal Road. After some discussion and thinking this idea through, he could see where Sarpy County 911 might have a problem with a name change to something similar.

Councilmember Carlisle asked if Sarpy County had made the name change to their section of this roadway. City Administrator Gunn stated she did not know if the County had made the change yet, however Public Works Director Soucie has indicated that is the County's intention.

John Galaska, of 9710 Cornhusker Road, addressed Council to remind them of his previous appearance and to plead his case again that Council reconsider the street name change. He expressed his concern regarding the cost to be incurred by his business and asked about the official date of the change. Mrs. Galaska also addressed Council to state that she felt the street name change will cause confusion for everyone and they have a concern that customers will have difficulty finding their business.

Mayor Kindig responded that in making this name change the City was responding to a safety concern expressed by the officials at Sarpy County 911 as well as local public safety personnel. He indicated he felt it was in the best interest of the City to make the change for that reason.

Galaska asked for the date of the official change. City Administrator Gunn responded the change has been made and that signs were on order and he would be informed by letter regarding the date.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan congratulated the Mayor and staff on the success of the Cabela's opening. He informed them he heard rave reviews from residents and was impressed with the improvements to the water feature.


Councilmember Quick stated the Cabela's store was the first place she had shopped where the men had more shopping baskets than the women.

ADJOURNMENT

At 6:34 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Ronan and Sell. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF NOVEMBER 2006.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:

Mary C. Lupomech
Deputy City Clerk

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