

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING February 6, 2007

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 February 6, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Quick. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Bueth, Community Development Director Birch, Fire Chief Schuster, Library Director Schinker, Police Chief Lausten, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on January 25, 2007. 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.

SPECIAL PRESENTATION – SENATOR TIM GAY

Senator Gay was unable to be present at the meeting.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE JANUARY 16, 2007 CITY COUNCIL MEETING
3. MINUTES OF THE JANUARY 11, 2007 LIBRARY ADVISORY BOARD MEETING
4. MINUTES OF THE JANUARY 18, 2007 PLANNING COMMISSION
5. NEW FIRE STATION NO. 2
 - a. PAY REQUEST NO. 11 FROM CONSTRUCT, INC. FOR BUILDING CONSTRUCTION -
\$192,401.89
 - b. PAY REQUESTS FROM NEBRASKA FURNITURE MART FOR FURNITURE AND
APPLIANCES - \$19,038.60
 - c. PAY REQUEST FROM AVI SYSTEMS FOR AUDIO/VISUAL EQUIPMENT - \$2,761.05
 - d. PAY REQUEST FROM AMERICAN AIRWORKS FOR HOSE
WASHING/DRYING/STORAGE EQUIPMENT - \$32,000.00
 - e. PAY REQUEST FROM MIDWEST BREATHING AIR L.L.C. FOR CASCADE SYSTEM -
\$52,761.72
 - f. PAY REQUEST FROM FGM ARCHITECTS FOR PROFESSIONAL SERVICES - \$9,243.83
6. PAY REQUEST FROM LANOHA NURSERIES, INC. FOR FINAL PAYMENT GROUP "B"
CONSTRUCTION – PARKING DISTRICT NO. 1 - \$14,830.50
7. PAY REQUEST FROM THOMPSON, DREESEN & DORNER, INC. FOR GROUP "A"
CONSTRUCTION – PARKING DISTRICT NO. 1 - \$3,123.00
8. APPROVAL OF CLAIMS

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

ACTION BATTERIES, Vehicle Supplies	146.36
ADT SECURITY, Contract Services	210.14
AKSARBEN GARAGE DOOR, Bldg & Grnds	75.00
ALAMAR UNIFORMS, Wearing Apparel	604.30
ALPHA SOURCE, Supplies/Equip.	373.00
AMER PUBLIC WORKS ASSN, Books	129.00
AMERICAN PLANNING ASSN, Dues	97.50
AQUILA, Utilities	15.98
ARAMARK UNIFORM, Contract Services	248.33
ASPEN EQUIPMENT, Street Maint.	42.00
AUTO GLASS CENTER, Vehicle Maint.	195.33

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BADGER BODY, Street Maint.	219.65
BAKER & TAYLOR BOOKS, Books	1,217.42
BAKER & TAYLOR ENTERTAINMENT, Media	1,220.66
BARTUNEK, BOB, LVFD Banquet	150.00
BATTERY ZONE, Equip.	79.50
BCDM, Professional Services	2,147.76
BEACON BUILDING SERVICES, Contract Services	5,675.00
BENNINGTON IMPLEMENT, Vehicle Maint.	6,054.39
BETTER BUSINESS EQUIPMENT, Contract Services	57.76
BIRCH, ANN, Auto Allowance	50.00
BOB'S RADIATOR REPAIR, Vehicle Maint.	145.00
BUETHE, PAM, Auto Allowance/Travel/Dues/Postage/Supplies	322.34
BUILDERS SUPPLY, Bldg & Grnds	353.65
CENTER POINT PUBLISHING, Books	78.48
CENTERING CORPORATION, Books	24.95
CITY OF BELLEVUE, Training	600.00
CITY OF OMAHA, Contract Services	23,927.11
CITY OF RALSTON, Contract Services	1,211.20
COMP CHOICE, Professional Services	864.50
CONSOLIDATED ELECTRICAL, Bldg & Grnds	26.72
CONTROL MASTERS, Bldg & Grnds	397.50
CORBIT, JEFF, Travel	188.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	98.11
COX, Contract Charges	39.00
CULINARY SERVICES CATERING, Banquet	1,604.00
DAYSRING PRINTING, Printing	727.00
DESSONVILLE, BOLER & WOOD, Disability Ins.	4,954.35
DIAMOND VOGEL PAINTS, Bldg & Grnds	1,213.64
DON'S PIONEER UNIFORMS, Wearing Apparel	337.19
DOUGLAS COUNTY SHERIFF'S, Contract Services	25.00
DOYLE, MIKE, Travel	88.00
ECHO GROUP, Bldg & Grnds	199.44
ED M. FELD EQUIPMENT, Wearing Apparel	140.00
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX KINKO'S, Postage/Printing	16.53
FERRELLGAS, Utilities	874.79
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	100.90
FIREGUARD, Equip.	706.94
FITZGERALD SCHORR BARMETTLER, Professional Services	9,099.08
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,105.50
FOSTER, TERRY, Contract Services	31.25
FRONTIER HARLEY DAVIDSON, Police Motorcycle	19,360.65
GALL'S, Vehicle Maint.	422.78
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint./Supplies	288.84
GENUINE PARTS COMPANY, Vehicle Maint.	95.23
GOLDMAN, JOHN, Telephone	40.00
GRAYBAR ELECTRIC, Bldg & Grnds/Fire Station No.2	64.48
GUNN, BRENDA, Auto Allowance	300.00
HANEY SHOE STORE, Wearing Apparel	120.00
HEARTLAND AWARDS, Banquet	792.50
HELGET GAS PRODUCTS, Squad Supplies	74.00
HEWLETT PACKARD, Contract Services	90.00
HY-VEE, Supplies	17.86
IACP, Dues	200.00
INLAND TRUCK PARTS, Vehicle Maint.	74.15
INSIGHT TECHNOLOGY, Contract Services	254.99
INTERNATIONAL CODE COUNCIL, Professional Services	3,753.00
J Q OFFICE EQUIPMENT, Contract Services	636.36
JOE'S TOWING & REPAIR, Vehicle Maint.	126.00
JONES AND BARTLETT PUBLISHERS, Books	561.44
JONES AUTOMOTIVE, Vehicle Maint.	170.91
JONES, BRIAN, Travel	88.00
JUSTIN THYME CAFÉ, Meeting	375.00
KINDIG, DOUGLAS, Telephone/Auto Allowance	180.00
KLINKER, MARK, Professional Services	264.00
KRIHA FLUID POWER, Vehicle Maint.	577.60
KROGER, Supplies	16.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deducts	257.00
LAUGHLIN, KATHLEEN A, Payroll Withholdings	372.00

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LAWRENCE, JACKSON, Contract Services	120.00
LIEN TERMITE & PEST CONTROL, Contract Services	1,373.00
LIFE ASSIST, Squad Supplies	1,930.94
LINWELD, Supplies	263.55
LUKASIEWICZ, BRIAN, Telephone	40.00
MARK HYDRAULIC COMPANY, Vehicle Maint.	794.14
METAL SUPERMARKETS, Vehicle Maint.	66.89
METRO AREA TRANSIT, December Fees	514.00
METROPOLITAN CHIEFS ASSN, Dues	25.00
METROPOLITAN COMMUNITY COLLEGE, Utilities/Contract Services	21,230.48
MID AMERICA PAY PHONES, Telephone	100.00
MID CON SYSTEMS, Bldg & Grnds/Vehicle Maint.	361.21
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	54.90
MIDWEST SERVICE AND SALES, Southport	225.33
MIDWEST TURF & IRRIGATION, Vehicle Maint.	35.80
MOCIC MID-STATE ORGANIZED, Contract Services	200.00
MOTOROLA, Equip.	493.44
MUD, Utilities	257.67
MUNICIPAL EMERGENCY SVCS, Wearing Apparel	83.01
MUNICIPAL PIPE TOOL CO, Vehicle Maint.	148.77
NATIONAL LEAGUE OF CITIES, Dues	1,377.00
NE DEPT OF MOTOR VEHICLE, Vehicle Licensing	13.00
NE DEPT OF REVENUE-LOTT/5, Lottery Taxes	66,059.70
NE HHS REGULATION/LICENSURE, Bldg Improvements	30.00
NE MUN CLERK'S SCHOOL, Training	570.00
NE U C FUND, Insurance	1,532.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	18,671.36
NEFSMA-NE FLOODPLAIN/STORMWTR, Dues	100.00
NEXTEL, Telephone	708.36
NLA LEGISLATIVE DAY, Training	16.00
NORTHERN WATER WORKS, Equip.	116.00
OABR PRINT SHOP, Printing	234.47
OFFICE DEPOT, Supplies	285.97
O'KEEFE ELEVATOR, Contract Services	854.31
OMAHA COMPOUND COMPANY, Supplies	116.34
OMAHA SLINGS, Bldg & Grnds	6.86
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	169.23
OMNIGRAPHICS, Books	37.55
OPPD, Utilities	2,459.62
OVERHEAD DOOR COMPANY, Equip.	74.00
PAPILLION SANITATION, Contract Services	162.48
PAPILLION WELDING, Bldg & Grnds	413.50
PARAMOUNT LINEN & UNIFORM, Cleaning Service	449.73
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	247.43
PRECISION INDUSTRIES, Vehicle Maint.	455.56
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	135.00
PROPERTY SERVICES, Supplies	100.00
PRUITT, Vehicle Maint.	40.69
QUILL, Supplies	237.86
QWEST, Telephone	2,218.25
RECORDED BOOKS, Audio Books	101.70
ROCKBROOK CAMERA & VIDEO, Equip.	999.90
SAFETY-KLEEN, Contract Services	273.35
SAM'S CLUB, Supplies	32.72
SAPP BROS PETROLEUM, Vehicle Supplies	1,090.92
SARPY COUNTY CHAMBER OF, Dues	130.00
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SARPY COUNTY ELECTION COMMSSNR, Election Expense	533.30
SARPY COUNTY PURCHASING DEPT, Contract Services	64.86
SARPY COUNTY REGISTER OF DEEDS, Professional Services	16.00
SARPY COUNTY TREASURER, Contract Services	24,473.25
SCHINKER, ROSE, Auto Allowance	45.00
SID DILLON, Vehicle Maint.	76.31
SMITH, MELANIE, Travel	188.00
SNITILY CARR, Postage	3.52
SOBCZYK, PAUL, Contract Services	120.00
SOUKIE, JOSEPH, Telephone	30.00
STANDARD DIGITAL IMAGING, Squad Supplies	85.80
STAPLES, Supplies	84.97

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SUBURBAN NEWSPAPERS, Legal Advertising	530.76
THOMSON GALE, Books	60.77
UNITED HEALTHCARE, Employee Benefits	377.54
UNITED WAY OF THE MIDLANDS, United Way	160.00
UPS, Contract Services	13.91
USPS, Postage	889.00
VAN HAUTE, NATE, Contract Services	80.00
VAN HAUTE, VINCE, Contract Services	100.00
VERIZON, Telephone	65.86
VIERS, STEVE, Auto Allowance	188.00
WAL-MART, Supplies/Equip.	321.48
WASTE MANAGEMENT, Bldg & Grnds/Contract Services	606.29
WHITE, ANTHONY, Contract Services	120.00
WHITE, THERESA, Contract Services	120.00
WHITTAKER, VICKI, Travel	88.00
WICK'S STERLING TRUCKS, Vehicle Maint.	300.04
WILDER, JONI, Auto Allowance	33.00
WITMER ASSOCIATES, Wearing Apparel	390.99

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council the Council meeting packet information will be available on the City's website starting February 16, 2007.

City Administrator Gunn informed Council the Strategic Planning Session will be held on Saturday, February 24, 2007 from 8:15 a.m. to 3:30 p.m. at the La Vista Police Station.

Assistant City Administrator Ramirez addressed Council to inform them that, since the City of La Vista code does not allow concealed weapons, signs will be posted on all city buildings this week. Police Chief Lausten addressed Council to state the way in which each incident will be handled will be situational. Sgt. Todd Armbrust addressed Council to inform them a power point presentation is available concerning the concealed weapons law and what is allowed. Councilmember Gowan asked about putting signs in City Parks. Staff will address this.

Police Chief Lausten addressed Council to remind them that the Citizen's Police Academy begins in March. Lausten informed Council the second session of CERT training for City employees began this week. Lausten reported that the "A Child is Missing" program was used again recently, and an 11 year old missing child was found.

Lausten updated Council on the status of completion for the New Fire Station No. 2. The general contractor will be finished by the end of the month with sub contractors done the first or second week of March. The ribbon cutting is tentatively scheduled for April 2, 2007 at 4:00 p.m.

Public Works Director Soucie informed Council that the City received the Concrete Pavers Association Award for their paving district at Cabela's.

Soucie presented a picture to Council on a satellite restroom facility enclosure which will be installed.

Soucie reported that over 1500 Christmas trees were turned in and shredded by Public Works.

Soucie stated that since new signs have been installed in the area of 72nd and Giles (near Walmart), the number of illegal u-turns has decreased, and no further complaints have been received.

Soucie informed Council he will testify Friday on the new storm water bill.

Recreation Director Stopak reminded Council of the Senior Valentine's Day Luncheon which will be held on Wednesday, February 14, 2007. Mayor and Councilmembers will help serve the meal.

Police Chief Lausten re-addressed Council to inform them that DARE graduation for Parkview Heights and G. Stanley 6th grade students will be held on February 27, 2007 at 9:00 a.m.

B. APPLICATIONS FOR PRELIMINARY AND FINAL PUD PLAN, AND REPLAT, SOUTHPORT EAST REPLAT SEVEN, LOTS 1-3 (EASTPORT PARKWAY & GILES RD)

1. PUBLIC HEARING (CONTINUED FROM JANUARY 16, 2007 MEETING)

At 7:30 p.m. Mayor Kindig stated the floor was now re-open for applications for preliminary and final PUD Plan and Replat - Southport East Replat Seven, Lots 1-3 (Eastport Parkway & Giles Road).

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There was no additional information presented by City staff. Jeff Elliott of E&A Consulting addressed Council to answer any questions.

At 7:35 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF REPLAT

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-013: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1-3, SOUTHPORT EAST REPLAT SEVEN, BEING A REPLATTING OF LOT 1, SOUTHPORT EAST, A SUBDIVISION LOCATED IN PART OF THE SOUTHEAST ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Southport East Replat Seven Subdivision; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on December 21, 2006, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1-3 Southport East Replat Seven, being a replatting of Lot 1, Southport East, a subdivision located in part of the South ½ of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northeast of Eastport Parkway & Giles Road be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. The transfer of ownership of the vacated 120th Street right-of-way that is being incorporated into this plat must be completed or provided for through an escrow agreement.
3. The grading plan shows up to 20 feet of fill being proposed over the existing public storm sewer on Lot 2. An analysis needs to be submitted showing that the existing sewer is capable of supporting this much additional load over the pipe prior to any grading operations.
4. The grading plan shows significant encroachment onto the adjacent property to the east to excavate a slope. The applicant should identify what has been done to obtain an easement for such grading. If no easement is obtained, then a significant retaining wall may be required.
5. The applicant will need to acquire a grading permit through the newly established process for the Papillion Creek Watershed Partnership. A grading permit fee of \$500.00 will be required.
6. Approval from the FAA is required prior to the issuance of a building permit on any of the lots.

BE IT FURTHER RESOLVED that approval is subject to the Developer's execution and delivery to City of the following in form satisfactory to the city attorney and city engineer:

1. Subdivision agreement; and
2. Restrictive covenants.

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

3. ORDINANCE – AMEND ZONING MAP TO ALLOW FOR PUD OVERLAY

Councilmember Carlisle introduced Ordinance No. 1021 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck seconded the motion to suspend the rules and upon roll

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call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Quick. 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 Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1021 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Quick. 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.

4. ORDINANCE – ADOPT PUD PLAN

Agenda Item B4 is not needed, as the PUD plan was adopted in Ordinance Number 1021 from Agenda Item B3.

5. RESOLUTION – SEVENTH AMENDMENT TO SUBDIVISION AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-014: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SEVENTH AMENDMENT TO THE SUBDIVISION AGREEMENT FOR SOUTHPORT EAST REPLAT SEVEN IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City Council did on February 6, 2007, approve the plat for Lots 1-3, Southport East Replat Seven; and

WHEREAS, the owners have agreed to execute a Subdivision Agreement satisfactory in form to the City Attorney and City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Seventh Amendment to the Subdivision Agreement presented at the February 6, 2007, City Council meeting for Southport East Replat Seven be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

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

C. RESOLUTION - AWARD CONTRACT – SOUTHPORT WEST OUTFALL SEWER NO. 2

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-015: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDED A CONTRACT TO KERSTENS & LEE, INC., GRETNA, NEBRASKA, FOR THE SOUTHPORT WEST OUTFALL SEWER NO. 2 IN AN AMOUNT NOT TO EXCEED \$66,337.85.

WHEREAS, the City Council of the City of La Vista has determined that said Outfall Sewer improvements are necessary; and

WHEREAS, the FY 2006/07 Construction Fund budget includes funds for Southport West Outfall Sewer No. 2; and

WHEREAS, on January 2, 2007 the City Council authorized the advertisement of bids for said project in accordance with plans and specifications as prepared by the City Engineer; and

WHEREAS, bids were received on January 22, 2007 and the City Engineer has reviewed the bids and recommends that a contract be awarded to Kerstens & Lee, Inc., Gretna, Nebraska, as the low qualified 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 purchases over \$5,000.

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NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Kerstens & Lee, Inc., Gretna, Nebraska for the Southport West Outfall Sewer No. 2 in an amount not to exceed \$66,337.85, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember McLaughlin. Councilmember Sheehan questioned Item 13 on the proposal regarding the variance in price. City Engineer Kottmann addressed Council to inform them that they specified the plate and thickness to be used and price may vary depending on the purchasing method of each contractor. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

D. JOB DESCRIPTION - FIRE CHIEF

Councilmember Sheehan moved for the approval of the job description for the City of La Vista Fire Chief. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

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

COMMENTS FROM THE FLOOR

Mike Kotrous and Darrin Kimpson, representing the Papio Creek Church, which is currently located in Papillion, addressed Council to notify them of their intent to build in an area west of 96th street and that they would be working with the city regarding zoning.

E. EXECUTIVE SESSION - POTENTIAL LITIGATION REGARDING COLLECTION OF FEES: PERSONNEL PERFORMANCE

At 7:44 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest to discuss potential litigation regarding collection of fees and to prevent needless injury to the reputation of an individual to discuss personnel performance. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion made by Carlisle.

At 8:02 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council that the deadline to sign up for the Senior Valentine's Luncheon is Wednesday, February 7, 2007 and to contact Mary at City Hall if they would be attending.

Mayor Kindig reminded Council that the Sarpy County Sesquicentennial Celebration kick-off is Wednesday morning at 9:00 a.m. Councilmember Sell stated he would be in attendance.

Mayor Kindig stated the City will purchase a bench in honor of the Sesquicentennial Celebration, with the cost being split 50/50 with the La Vista Community Foundation. Assistant City Administrator Ramirez, Councilmember Sell, and Community Foundation Director Russell will attend a Wednesday evening event to pick out the bench for the City.

Mayor Kindig asked that a councilmember attend the DARE graduation at one school and he would attend the other. Councilmember Sheehan will attend G. Stanley Hall and the Mayor and Councilmember Gowan will attend Parkview Heights.

Mayor Kindig reminded Council that the City's Employee Recognition Dinner will be held on Saturday, February 10th and guaranteed them a good program.

Councilmember Sheehan commented on a current bill in the Nebraska Legislation to force the City of Bellevue to have a mandatory paid Fire Department. He feels the issue is totally

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unfounded and the State should not be able to impose that on any municipality, and the ensuing taxation to residents of the City. Mayor Kindig responded that the City will oppose the bill and he will be in Lincoln next Tuesday to testify. He will be meeting with Sarpy County Senators that afternoon also.

ADJOURNMENT

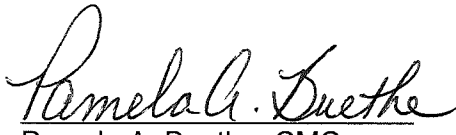
At 8:10 p.m. Councilmember McLaughlin made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF FEBRUARY 2007.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\06 COUNCIL MINUTES\February 6, 2007