

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING JANUARY 3, 2006

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on January 3, 2006. Present were Mayor Kindig and Councilmembers Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, Interim City Administrator Gunn, Public Works Director Soucie, Finance Director Lindberg, Recreation Director Stopak, Library Director Schinker, Fire Chief Schuster, Police Chief Lausten, Community Development Director Birch, Public Buildings and Grounds Director Archibald, City Engineer Kottmann, and City Clerk Ramirez.

A notice of the meeting was given in advance thereof by publication in the Times on December 22, 2005. 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 asked for a moment of silence as a special tribute to Norm Ellerbeck, who recently passed away. Norm had previously served on the La Vista City Council, and more recently held a position on the City's Board of Adjustment.

### **A. WARD IV CITY COUNCIL APPOINTMENT** **1. RESOLUTION – APPROVAL AND ENDORSEMENT OF BOND**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 06-001: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE OFFICIAL BOND OF KELLY R. SELL APPOINTED TO A VACANT SEAT ON THE CITY COUNCIL ON DECEMBER 20, 2005.

WHEREAS, the City Clerk presents at this meeting an individual bond previously filed with her and approved by the Mayor pursuant to Neb. Rev. Stat. Section 16-304 ("Bonds").

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council make and approve the following findings: The Bond is in joint and several form, payable to the City of La Vista in the penalty amount of \$1,000, conditioned for the faithful discharge of the duties of the office of the person giving said Bond; the corporate sureties of said Bond are legally authorized to transact business in the State of Nebraska; the Bond has been executed by the principal and sureties thereof and the required oath has been endorsed thereon and executed by the principal; the Bond has been previously approved by the Mayor and filed with the City Clerk; and all applicable legal requirements with respect to said Bond have been satisfied.

BE IT FURTHER RESOLVED, that the Bond, including, but not limited to the penalty amount and all other terms and conditions thereof, is hereby approved, and the Mayor and City Clerk are hereby authorized to endorse the approval of the City Council and surety in writing on the Bond or by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premium for the Bond.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to take any other action as is necessary or appropriate to carry out the actions approved herein.

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

### **2. OATH OF OFFICE – KELLY SELL**

Mayor Kindig administered the oath of office to Kelly Sell who was appointed on December 20, 2005 to fill the Ward IV City Council vacancy. Councilmember Sell then took his seat at the Council desk.

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## SERVICE AWARDS— BRENDA JACOBS, RITA RAMIREZ, 15 YEARS

Mayor Kindig presented a certificate and pin to Rita Ramirez in honor of her 15 years of service to the City. Police Officer Brenda Jacobs was unable to attend and her certificate will be presented at a later date.

### APPOINTMENTS

CIVIL SERVICE COMMISSION – REAPPOINT KATHY KOLLARS – 5 YEAR TERM  
LIBRARY ADVISORY BOARD – REAPPOINT TINA CREA AND BARBARA WEIKLE – 2

### YEAR TERMS

BOARD OF ADJUSTMENT – REAPPOINT MICHAEL MCCORMICK – 3 YEAR TERM;  
APPOINT LORETTA MCENEARNEY AS ALTERNATE  
PLANNING COMMISSION – REAPPOINT MARV CARCICH AND MIKE KRZYWICKI – 3

### YEAR TERMS

BOARD OF HEALTH – APPOINT DOUGLAS KINDIG, RON SHEEHAN, KIRK SCHUSTER,  
AND ROBERT LAUSTEN – 1 YEAR TERMS

PARK AND RECREATION ADVISORY BOARD – REAPPOINT RANDY CAHILL – 2 YEAR  
TERM

Mayor Kindig stated that with the approval of Council he would like to make the appointments to various Boards and Commissions as listed on the agenda. Councilmember Carlisle made a motion to approve the appointments as presented. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck and Gowan. Nays: None. Absent: None. Motion carried.

## SPECIAL REPORT – TOBY CHURCHILL-SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION

Toby Churchill was not present to make his presentation.

### B. CONSENT AGENDA

#### 1. MINUTES OF THE DECEMBER 20, 2005, CITY COUNCIL MEETING

#### 2. APPROVAL OF CLAIMS

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

ALAMAR UNIFORMS, Wearing Apparel	149.98
AMERICAN PLANNING ASSOC., Dues	160.00
ANDERSON ELECTRIC, Bldg. & Grnds.	307.00
AQUILA, Utilities	9,608.08
ARAMARK, Contract Services	132.35
ART FAC GRAPHICS, Vehicle Maint.	250.00
AUTO BRAKE & CLUTCH, Vehicle Maint.	64.00
BAKER & TAYLOR, Books	526.54
BCDM, Professional Services	75.00
BEACON BUILDING SVS, Contract Services	5,675.00
BIG, INC, Equip.	3,571.00
BIOSPAN TECH., Vehicle Maint.	87.16
BIRCH, ANN, Auto Allowance	50.00
BUILDERS SUPPLY, Bldg. & Grnds.	4.80
CENTER POINT PUBL., Books	38.34
CITY OF BELLEVUE, Training	800.00
CITY OF OMAHA, Contract Services	28,506.08
COMP CHOICE, Professional Services	228.50
CORNHUSKER INTL TRUCKS, Vehicle Maint.	465.46
COX, Telephone	39.00
DAYSRING, Printing	61.26
DEMCO, Supplies	372.27
DENNE, RICK, Auto Allowance	100.00
DIAMOND VOGEL, Bldg. & Grnds.	133.25
DON'S PIONEER, Wearing Apparel	752.55
ENVIRO TECH SVS, Street Maint.	3,682.17
FARQUHAR, MIKE, Auto Allowance	100.00

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FASTENAL, St. & Vehicle Maint.	91.12
FEDEX KINKO'S, Printing	72.41
FERRELLGAS, Utilities	853.60
FILTER CARE, Vehicle Maint.	21.90
FITZGERALD SCHORR BARMETTLER, Professional Services	23,410.95
FORT DEARBORN LIFE INS., Employee Benefits	1,070.50
GCR, Vehicle Maint.	25.00
GOLDMAN, JOHN, Reimb. Expenses	40.00
GRAINGER, Bldg. & Grnds.	44.04
GUIDANCE SOFTWARE, Supplies	295.00
GUNN, BRENDA, Auto Allowance	100.00
H & H CHEVROLET, Vehicle Maint.	64.45
HANEY SHOE, Wearing Apparel	119.95
HANNEBAUM GRAIN, St. Maint.	1,776.59
HARTFORD LIFE, Payroll Withholding	1,211.36
HELGET GAS, Supplies	25.50
HURST, JEAN, Training	557.40
INTERSTATE POWER SYS., Vehicle Maint.	4,146.61
INTERSTATE SUPPLY, Wearing Apparel	77.85
IPMA, Dues/Training	390.00
IVERSON, DENNIS, Reimb. Expenses	120.00
JQ OFFICE EQUIP., Contract Services	95.22
KINDIG, DOUGLAS, Auto Allowance/Reimb. Expenses	130.00
KLINKER, MARK, Professional Services	200.00
KROGER, Supplies	173.34
LA VISTA COMM. FOUNDATION, Payroll Withholding	378.50
LAMP RYNEARSON, Professional Services	631.95
LEAGUE OF NE MUNICIPALITIES, Training	355.00
LINE-X, Vehicle Maint.	480.00
LINWELD, Supplies	115.00
LUKASIEWICZ, BRIAN, Reimb. Expenses	40.00
M & M PORTABLES, Rentals	38.01
MALLARD SAND, Street Maint.	2,389.84
MASON, BRETT, Reimb. Expenses	250.00
MAT, Contract Services	474.00
METRO CHIEFS ASSN, Dues	25.00
METRO COMM. COLLEGE, Contract Services	11,225.03
MICHAEL TODD, Vehicle Maint.	548.00
MID AMERICA PAY PHONE, Telephone	100.00
MID CON SYS., Bldg. & Grnds.	236.24
MOTOROLA, Equip.	8,310.15
MUD, Utilities/Hydrant Fees	18,204.69
NE TURF, Street Maint.	126.00
NEBRASKALAND CONF BLDG OFFCL, Training	40.00
NEXTEL, Telephone	686.58
NLA, Dues	50.00
NOGG CHEMICAL, Supplies	70.24
OFFICE DEPOT, Supplies	662.84
OMAHA COMPOUND, Supplies	316.30
OMB POLICE SUPPLY, Equip./Supplies	1,261.98
OPPD, Utilities	20,335.46
OWH, Legal Advertising	356.92
PARAMOUNT LINEN, Cleaning Services	282.39
PAYLESS, Supplies	480.87
PERFORMANCE CHRYSLER, Vehicle Maint.	83.44
PITNEY BOWES, Meter Lease/Supplies	504.00
PRECISION IND., Vehicle Maint.	272.31
PRINCIPAL LIFE, Employee Benefits	104.00
QWEST, Telephone	2,190.03
RAINBOW GLASS, Bldg. & Grnds.	49.25
RAMIREZ, RITA, Auto Allowance	100.00
RECORDED BOOKS, Media	1,050.76
REDFIELD, Supplies	105.79
ROCKBROOK CAMERA, Supplies	3.59
SALEM PRESS, Books	272.00
SAPP BROS., Supplies	668.40

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SARPY CO. COURTHOUSE, Contract Services	2,640.05
SCHINKER, ROSE, Auto Allowance	40.00
SCHREINER, KELLY, Auto Allowance	100.00
SOFTCHOICE, Equip.	11,700.12
SOFTWARE PLUS, Software	1,505.11
SOUICIE, JOSEPH, Reimb. Expenses	30.00
STAPLES BUSINESS ADVANTAGE, Supplies	82.95
STEVENS, MARK, Auto Allowance	100.00
SUBURBAN NEWSPAPERS, Subscription	35.00
TEUSCHER, CHRIS, Contract Services	600.00
TRI MUTUAL AID FIREFIGHTERS, Dues	150.00
TURFWERKS, Vehicle Maint.	15.21
VERIZON, Telephone	69.24
VITAL SUPPORT SYS., Contract Services	3,745.00
WAL-MART, Supplies	199.61
WASTE MANAGEMENT, Street Maint.	401.55
WATER'S EDGE AQUATIC DESIGN, Pool Improvements	1,220.00
WHITE CAP CONSTR. SUPPLY, Bldg. & Grnds.	50.22
WICK'S STERLING TRUCKS, Vehicle Maint.	239.89
WILDER, JONI, Auto Allowance	30.00

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

Interim City Administrator Gunn stated that the League of Nebraska Municipalities' Mid Winter Conference will be on February 6-7, 2006. She asked Councilmembers to let staff know if they are interested in attending.

City Clerk Ramirez informed Councilmembers that each of them would need to endorse the bond for Councilmember Sell prior to leaving this evening. She also reminded Council of the Employee Recognition Event coming up on February 4, 2006.

Police Chief Lausten gave an update on the events surrounding the crash of a small airplane in La Vista's jurisdiction last week. Three people on the plane lost their lives. Lausten stated that the cooperation with other agencies, both local and federal, was outstanding and he commended all of the personnel that were involved. The City had Police, Fire and Public Works personnel involved in the recovery operation. Representatives from the National Transportation Safety Board and the Federal Aviation Administration were also involved in the investigation. Lausten stated that his Department had done a debriefing on the event today. He also stated that when situations such as this occur, it becomes apparent very quickly that the training the City provides for its employees is very important.

Mayor Kindig also stated that employees from all three departments did a great job during this tragedy and he thanked them for their dedication and service.

## **C. OFF STREET PARKING FACILITIES – SOUTHPORT WEST**

### **1. PUBLIC HEARING – CREATION OF OFF-STREET PARKING DISTRICT NO. 1**

At 7:15 p.m. Mayor Kindig stated the floor was now open for a public hearing on the creation of Off Street Parking District No. 1 in Southport West. Interim City Administrator Brenda Gunn stated that since day one, the Mayor and Council envisioned that the Southport development would be a significant upscale retail and office park development located at the entrance to the city. Because of its immediate adjacency to Interstate 80, Southport West specifically, is uniquely positioned for destination retail and commercial development that will generate a super-regional draw. This type of development is important to the City as it will provide better retail service to our residents and will greatly enhance the possibility for additional tax revenues to support the costs of public services. Because Southport West is intended to be a destination commercial development, the adequacy of all public infrastructures is critical, including public parking. As such, it is being recommended that the Mayor and Council proceed with the creation of an off-street parking district.

Mayor Kindig asked City Clerk Ramirez if any protests to the creation of the district had been filed. She stated that none had been received.

Donna Kozak addressed the Council and asked several questions regarding the proposed parking district. Gunn explained the process to create the "district" that would allow for the construction of a parking facility by the City was just beginning. The City Council has talked about the concept but is not far enough along in the process to have done any design work.

Gunn stated concept that has been discussed was for a ground level facility with no charge to use the parking area. Kozak expressed concern about the fact that when RFPs were sought to determine if there was any private interest in constructing this facility there was only a one-time publication in the Papillion Times. She was informed that the publication met what statute required. City Attorney McKeon indicated it was the intent of the governing body to comply with statute. Gunn also stated that this project does not fall under the economic development plan for funding.

Councilmember Sheehan stated that having heard and considered all of the comments received, he felt they were insufficient to outweigh the interests of the public welfare, convenience and necessity that would be served by the formation of the parking district and the proposed off-street parking facilities. He further stated that he felt Council should direct staff to come back with an ordinance to consider at the next meeting to proceed with the creation of the district and that he would make a motion to that effect. Councilmember McLaughlin seconded the motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

At 7:28 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. PUBLIC HEARING – REFERENDUM/LIMITED REFERENDUM RIGHTS FOR PROPOSED OFF-STREET PARKING PROJECT**

At 7:28 p.m. Mayor Kindig stated the floor was now open for a public hearing on the Referendum/Limited Referendum Rights for Proposed Off-Street Parking Project.

There were no comments and at 7:29 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **3. MOTION – DIRECT STAFF TO PREPARE ORDINANCE**

Councilmember McLaughlin made a motion to direct staff to prepare the ordinance creating the district. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. ORDINANCE NO. 966 – ADOPTION OF NEW BUILDING, PLUMBING, MECHANICAL & ELECTRICAL CODES – SECOND READING**

Mayor Kindig stated that "Ordinance 966 now comes on for its second reading." City Clerk Ramirez read the ordinance by title: AN ORDINANCE TO AMEND SECTIONS 150.01, 150.02, 150.04, AND 150.05 OF THE LA VISTA MUNICIPAL CODE RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS, STRUCTURES, MECHANICAL, PLUMBING, ELECTRICAL AND RELATED WORK, MATERIALS AND REQUIREMENTS; TO REPEAL SECTIONS 150.01, 150.02, 150.04, AND 150.05 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Councilmember Sheehan stated that all of his questions regarding the new codes have been answered and he would be comfortable with waiving the final reading and approving the ordinance at tonight's meeting. Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 966 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage/approval of the same and affixed her signature thereto.

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## **E. RESOLUTION – AMENDMENT TO RETIREMENT PLANS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 06-002 as amended: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AMENDMENTS TO THE CITY OF LA VISTA RETIREMENT PLANS.

WHEREAS, the City maintains retirement plans for the employees of the City, including the City of La Vista, Nebraska Defined Contribution Pension Plan, the City of La Vista, Nebraska City Administrators' 457 Deferred Compensation Plan and Trust, the City of La Vista, Nebraska Civilian Employees Supplemental 457 Deferred Compensation Plan and Trust, and the City of La Vista, Nebraska Police Officers Retirement Plan (collectively the "Plans"); and

WHEREAS, the United States Congress passed the Economic Growth and Tax Relief Reconciliation Act of 2001, which changed the provisions of Federal law governing qualified retirement plans, including eliminating a plan's ability to distribute vested account balances of more than \$1,000 and not more than \$5,000 without the participant's express permission, and requiring that certain mandatory distributions be automatically rolled over to an individual retirement account unless the participant makes an election to take cash or make a different rollover; and

WHEREAS, the Mayor and City Council desire to amend the Plans to comply with federal law relating to automatic rollovers.

NOW, THEREFORE, BE IT RESOLVED, that amendments to the Plans have been presented and that such amendments to the respective Plans are hereby adopted and approved;

BE IT RESOLVED FURTHER that the Mayor and City Clerk are authorized to execute the approved amendments for the Plans and to take any and all other action on behalf of the City as is necessary or appropriate to carry out the actions approved in this Resolution and to maintain the qualified status of the Plans.

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

## **F. RESOLUTION – PARK IMPROVEMENTS – VAL VERDE**

The engineer for the SID has asked to table this item until the next meeting. Councilmember Carlisle made a motion to table this item until the next meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **COMMENTS FROM THE FLOOR**

Donna Kozak again addressed the Council and suggested that Council consider keeping a year's worth of Council packet information available in the lobby for the public to review. She stated that to review documents now a Records Request form must be completed and there are charges for the copies. She also suggested that the City Clerk's office should have a date/time stamp for document filing purposes.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Ellerbeck stated he wanted to thank everyone for the kindness shown to his family during the loss of his father. He stated that his dad truly enjoyed his service to the community and the City was a big part of his life.

Councilmember Sell thanked the Council for approving his appointment to fill the vacancy and having faith in his ability to serve the citizens of the community.

## **ADJOURNMENT**

At 8:15 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by

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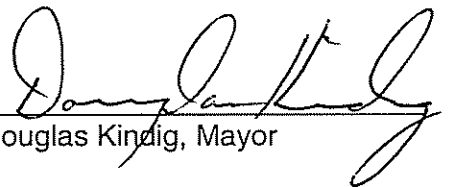
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Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17RD DAY OF JANUARY 2006.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Rita M. Ramirez, CMC  
City Clerk