

MINUTE RECORD

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

**LA VISTA CITY COUNCIL
MEETING
November 19, 2013**

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 November 19, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Administrator Gunn, City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Finance Director Lindberg, Fire Chief Uhl, Police Chief Lausten, Public Works Director Soucie, Public Building and Grounds Director Archibald, Recreation Director Stopak, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on November 6, 2013. 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 announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

A. CONSENT AGENDA

1. **APPROVAL OF THE AGENDA AS PRESENTED**
2. **APPROVAL OF THE MINUTES OF THE NOVEMBER 5, 2013 CITY COUNCIL MEETING**
3. **APPROVAL OF THE MINUTES OF THE NOVEMBER 11, 2013 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.**
4. **MONTHLY FINANCIAL REPORT – OCTOBER 2013**
5. **PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES, APPLEWOOD CREEK IMPROVEMENTS - \$366.00**
6. **PAY REQUEST FROM SWAIN CONSTRUCTION INC. – RECONSTRUCTION – LILLIAN & JAMES INTERSECTION - \$8,269.83**
7. **PAY REQUEST FROM TAB CONSTRUCTION – CONSTRUCTION – QUIET ZONE IMPROVEMENTS - \$42,842.92**
8. **PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$10,864.57**
9. **PAY REQUEST FROM RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – THOMPSON CREEK OUTREACH - \$3,749.04**
10. **PAY REQUEST FROM BURLINGTON NORTHERN SANTE FE RAILWAY – PROFESSIONAL SERVICES – QUIET ZONE CROSSING IMPROVEMENTS - \$7,702.50**
11. **PAY REQUEST FROM INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION – PROFESSIONAL SERVICES – PERFORMANCE MEASUREMENT PROGRAM - \$5,550.00**
12. **APPROVAL OF CLAIMS**

ABE'S PORTABLES, rentals	95.00
ACTION BATTERIES UNLTD, supplies	288.72
ACTIVE NETWORK, services	583.00
AIM, services	3,336.00
ALAMAR UNIFORMS, apparel	138.48
ANN TROE, printing	835.00
APWA-AMER PUBLIC WORKS ASSN, services	72.54

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A-RELIEF SERVICES, services	350.00
BARR-THORP ELECTRIC, maint.	431.25
BCDM, services	157.50
BEST ACCESS SYSTEMS DIVISION, equip.	23.26
BISHOP BUSINESS EQUIP., services	889.67
BLACK HILLS ENERGY, utilities	52.62
BOMA, training	40.00
BOUND TREE MEDICAL, supplies	193.34
BRENTWOOD AUTO WASH, maint.	133.00
BRIDGESTONE GOLF, supplies	300.00
BRYAN ROCK PRODUCTS, bld&grnds	4,438.62
CARDMEMBER SERVICE	6,957.42
CED - MISSION, bld&grnds	6.63
CELEBRITY STAFFING, services	1,689.00
CENTURY LINK, phone	37.50
CJ'S HOME CENTER, equip.	1,163.73
CLASSIC REFRIGERATION, , bld&grnds	91.98
COMPUTER SOLUTIONS, it	170.40
CONRECO, maint.	55.00
CONSOLIDATED MANAGEMENT, training	278.00
CORE PRODUCTS, supplies	664.16
CORNHUSKER INTL TRUCKS, maint.	95.73
CPESC-CERTIFIED PROFESSIONAL, dues	100.00
CUMMINS CENTRAL POWER, services	885.04
D & D COMMUNICATIONS, services	186.30
D & K PRODUCTS, supplies	364.93
DATA TECHNOLOGIES, it	11,385.87
DITCH WITCH OF OMAHA, bld&grnds	218.40
DOUBLE K FEED, events	150.00
DXP, maint.	547.22
EN POINTE TECH., supplies	328.20
FELD FIRE, services	600.00
FELSBURG HOLT & ULLEVIG, construction	16,212.66
FILTER CARE, maint.	38.75
FLEETPRIDE, maint.	198.42
FOCUS PRINTING, printing	355.00
GENERAL FIRE & SAFETY EQUIP, bld&grnds	460.00
GENUINE PARTS, maint.	910.97
GODFATHER'S PIZZA, supplies	79.33
GRAYBAR ELECTRIC, bld&grnds	236.50
GUERRERO, R., refund	160.00
H & H CHEVY., maint.	50.74
HARRIS COMPUTER SYSTEMS, services	2,551.23
HAWKEYE TRUCK EQUIP., maint.	1,056.49
HEARTLAND TIRES AND TREADS, maint.	93.20
HEIMES CORP., maint.	393.64
HOBBY LOBBY, supplies	58.06
HUNTEL COMM., IT	130.00
INDUSTRIAL SALES, bld&grnds	14.49
INTERNATIONAL EROSION CONROL, dues	170.00
J Q OFFICE EQUIP., services	53.76
KISSEL/E & S ASSOCIATES, services	9,864.80
KRIHA FLUID POWER, maint.	167.11
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LEAGUE ASSN OF RISK MGMT, ins.	899.22
LITTLE FALLS MACHINE, maint.	429.55
LOGAN CONTRACTORS, maint.	4,590.00
LOVELAND GRASS PAD, bld&grnds	516.52
LOWE'S, bld&grnds	297.65
LYMAN-RICHEY, bld&grnds	186.38

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MARTIN MARIETTA AGGREGATES, maint.	925.85
MAT, services	545.00
METAL DOORS AND HARDWARE, bld&grnds	640.00
MID AMERICA PAY PHONES, phones	50.00
MID CON SYSTEMS INC., phones	454.80
MNJ TECH., IT	2,165.00
MOORE, W., services	20.00
MOTOROLA SOLUTIONS, contracts	264.00
MSC INDUSTRIAL SUPPLY, supplies	30.97
NEW, supplies	486.08
NATIONAL RESEARCH CENTER, services	1,950.00
NE DEPT OF MOTOR VEHICLE-94789	6.60
NE ENVIRONMENTAL PRODS, maint.	470.25
NEBRASKA HUMANE SOCIETY, services	100.00
NEWMAN, D., training	500.00
NUTS AND BOLTS, training	64.94
OFFICE DEPOT, training	822.24
OMAHA COMPOUND, supplies	116.61
OMAHA PUBLIC POWER DISTRICT, utilities	51,500.13
OMAHA WORLD HERALD, ads	418.61
OMNI, maint.	1,773.54
ONE CALL CONCEPTS, services	303.05
O'REILLY, supplies	129.19
PAPILLION SANITATION, services	1,136.11
PARAMOUNT LINEN & UNIFORM, apparel	303.36
PAYLESS OFFICE, supplies	179.94
PETTY CASH	237.20
PLAINS EQUIPMENT GROUP, maint.	108.12
POLICE CHIEF'S ASSN OF NEBR, dues	50.00
RAMIREZ, J., services	20.00
RDG PLANNING & DESIGN, services	3,860.50
READY MIXED CONCRETE, maint.	3,009.28
SAM'S CLUB, supplies	511.82
SHRED-SAFE, services	45.00
STATE FIRE MARSHAL, training	200.00
STATE STEEL OF OMAHA, maint.	328.93
SUPERCO SPECIALTY PRODUCTS, supplies	199.50
SWANK MOTION PICTURES, supplies	371.00
TAB HOLDING COMP., services	40,594.59
TARGET, supplies	32.61
THOMPSON DREESSEN & DORNER, services	5,006.10
TURF CARS, supplies	1,417.99
TY'S OUTDOOR POWER & SVC, maint.	65.80
UNITED RENT-ALL, rentals	234.58
UNIVERSITY OF NEBRASKA-OMAHA	2,860.00
UPS, postage	6.86
VAN RU CREDIT CORPORATION	40.27
VERIZON WIRELESS, phone	580.37
WASTE MANAGEMENT NE., services	418.00
WATKINS CONCRETE BLOCK, bld&grnds	94.50
WHITE CAP CONSTR SUPPLY, equip.	95.00
WICK'S STERLING TRUCKS, maint.	282.66

13. RESOLUTION NO. 13-124 – PURCHASE SNOW PLOW WEAR BLADES

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF VARIOUS SNOW PLOW WEAR BLADES FROM MICHAEL TODD & COMPANY INC., OMAHA NEBRASKA IN AN AMOUNT NOT TO EXCEED \$6,295.63.

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WHEREAS, the City Council of the City of La Vista has determined that the purchase of various snow plow wear blades is necessary; and

WHEREAS, the FY 2013/14 General Fund Budget provides funding for this purchase; 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.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of various snow plow wear blades from Michael Todd & Company Inc., Omaha, Nebraska in an amount not to exceed \$6,295.63.

14. RESOLUTION NO. 13-125 – PURCHASE OF APEX LIQUID DEICER

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF APEX LIQUID DEICER FROM ENVIRO-TECH SERVICES, INC., IN AN AMOUNT NOT TO EXCEED \$10,000.00.

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

WHEREAS, the FY 2013/14 General Fund Budget provides funding for this purchase; and

WHEREAS, orders for the ice liquid deicer will be placed at different times during the winter season; 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.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of APEX Liquid Deicer in an amount not to exceed \$10,000.00.

15. RESOLUTION NO. 13-126 – PURCHASE OF ICE CONTROL SALT AND ICE SLICER

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT AND ICE SLICER FROM NEBRASKA SALT & GRAIN COMPANY, GOTHENBURG NEBRASKA IN AN AMOUNT NOT TO EXCEED \$40,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt and ice slicer is necessary; and

WHEREAS, the FY 2013/14 General Fund Budget provides funding for this purchase; and

WHEREAS, ice control salt and ice slicer are necessary for public works winter operations; 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.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of ice control salt and ice slicer from Nebraska Salt & Grain Company, Gothenburg Nebraska in an amount not to exceed \$40,000.00.

Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Thomas. Councilmember Sell reviewed the claims for this period and stated that everything was in order. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council that if they would like to help with the tree lighting event on December 2, 2013 they could let her know this evening or contact the Administrative Assistant for the Mayor.

City Planner Solberg gave a report on the new bus route with MAT.

Recreation Director Stopak showed Council the plaque which the City received for all the help with the Slump Buster Tournament held in June.

PRESENTATION - 2ND AND 3RD QUARTER REPORTS - SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION

Toby Churchill with the Sarpy County Economic Development Corporation was not able to stay for a presentation. Mayor Kindig had met with Mr. Churchill and gave Council the highlights of the 2nd and 3rd quarter reports.

B. RESTATEMENT OF MUNICIPAL RETIREMENT PLANS

1. ORDINANCE – POLICE OFFICERS

Councilmember Gowan introduced Ordinance No. 1207 entitled; AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND AND RESTATE THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hale seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1207 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. 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 City Clerk attested the passage/approval of the same and affixed her signature thereto.

2. ORDINANCE – FIREFIGHTER

Councilmember Sell introduced Ordinance No. 1208 entitled; AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND AND RESTATE THE CITY OF LA VISTA FIREFIGHTERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. 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 Crawford moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 1208 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain:

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None. 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 City Clerk attested the passage/approval of the same and affixed her signature thereto.

3. RESOLUTION – GENERAL EMPLOYEES

Councilmember Quick introduced and moved for the adoption of Resolution No.13-127: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND AND RESTATE THE CITY OF LA VISTA GENERAL EMPLOYEES DEFINED CONTRIBUTION PENSION PLAN AND TRUST, AND TO AUTHORIZE FURTHER ACTIONS.

BE IT RESOLVED:

SECTION 1. Pursuant to Nebraska Statutes, Section 19-3501, the Mayor and Council of the City of La Vista maintain the City of La Vista General Employees Defined Contribution Pension Plan and Trust, embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law ("Plan").

SECTION 2. The Plan is required by applicable tax law to be amended and restated into a restated plan document incorporating prior amendments and changes to tax laws, regulations and other guidance, including without limitation the Pension Protection Act of 2006, Heroes, Earnings Assistance and Relief Tax Act of 2008, and Worker, Retiree, and Employer Recovery Act of 2008 and subsequent legislation. For this purpose, there has been presented to the City a proposed retirement plan and trust embodied in instruments entitled "Adoption Agreement" together with a "Basic Municipal Employees Plan and Trust Agreement" ("Basic Plan Document") as an integral part thereof (together the Adoption Agreement and Basic Plan Document sometimes are referred to herein together as "Agreements"), which Agreements have been reviewed by legal counsel for the City.

SECTION 3. The City does hereby approve and adopt said Agreements as the amendment and restatement of the Plan, and hereby makes the designations and elections with respect to the Plan as indicated in the Adoption Agreement, to be effective on the date(s) specified in the Adoption Agreement or Basic Plan Document.

SECTION 4. That the Mayor is authorized to execute said Adoption Agreement and Basic Plan Document on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this resolution or otherwise determined necessary or advisable, to cause said Agreements to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the designations, elections or provisions under or of said Adoption Agreement or Basic Plan Document and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or as otherwise required for the qualified status of the Plan.

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

4. RESOLUTION – CITY ADMINISTRATOR

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-128: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND AND RESTATE THE CITY OF LA VISTA CITY ADMINISTRATORS' DEFINED CONTRIBUTION PENSION PLAN AND TRUST, AND TO AUTHORIZE FURTHER ACTIONS.

BE IT RESOLVED:

SECTION 1. Pursuant to Nebraska Statutes, Section 19-3501, the Mayor and Council of the City of La Vista maintain the City of La Vista City Administrators' Defined

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Contribution Pension Plan and Trust, embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law ("Plan").

SECTION 2. The Plan is required by applicable tax law to be amended and restated into a restated plan document incorporating prior amendments and changes to tax laws, regulations and other guidance, including without limitation the Pension Protection Act of 2006, Heroes, Earnings Assistance and Relief Tax Act of 2008, and Worker, Retiree, and Employer Recovery Act of 2008 and subsequent legislation. For this purpose, there has been presented to the City a proposed retirement plan and trust embodied in instruments entitled "Adoption Agreement" together with a "Basic Municipal Employees Plan and Trust Agreement" ("Basic Plan Document") as an integral part thereof (together the Adoption Agreement and Basic Plan Document sometimes are referred to herein together as "Agreements"), which Agreements have been reviewed by legal counsel for the City.

SECTION 3. The City does hereby approve and adopt said Agreements as the amendment and restatement of the Plan, and hereby makes the designations and elections with respect to the Plan as indicated in the Adoption Agreement, to be effective on the date(s) specified in the Adoption Agreement or Basic Plan Document.

SECTION 4. That the Mayor is authorized to execute said Adoption Agreement and Basic Plan Document on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this resolution or otherwise determined necessary or advisable, to cause said Agreements to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the designations, elections or provisions under or of said Adoption Agreement or Basic Plan Document and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or as otherwise required for the qualified status of the Plan.

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

C. RESOLUTION – FIRST AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT – CIMARRON WOODS REPLAT TWO

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-129; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE EXECUTION OF THE FIRST AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR THE CIMARRON WOODS REPLAT TWO SUBDIVISION.

WHEREAS, since the adoption of the Cimarron Woods Replat Two subdivision agreement, issues require an amendment to the subdivision agreement to address these changes; and

WHEREAS, for the past several months the City Engineer has been working with the SID Engineer to modify the subdivision agreement as noted below:

1. Trail connection from the park through the Cimarron Terrace apartments: Due to wetlands issues and coordination with the next phase of the apartment complex construction, an amendment is proposed to revise the trail route and timing of the construction.
2. Purchase of Lot 285, Cimarron Woods: With the opening of the splash pad in Cimarron Woods Park the City has discussed the need for the SID to acquire the vacant lot on the northeast corner of 101st Avenue and Cimarron Woods Drive to be used to accommodate additional parking demand, if needed, in the future.

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3. Maintenance of Outlot F and G: The City Engineer identified erosion repair and stabilization work that needed to be done in Outlot G and contacted the SID Engineer. It was noted in the subdivision agreement that maintenance of Outlots F and G is the responsibility of the Cimarron Woods East Homeowners Association, however the organization is not active. These outlots are owned by the SID and because there is public storm sewer runoff being conveyed through the outlots, the City Engineer agreed the SID should be allowed to undertake the stabilization work as an SID expense;

WHEREAS, the City Attorney has reviewed the documents; they have been signed by representatives of the SID and the developers;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council have approved the execution of the First Amendment to the Residential Subdivision Agreement for the Cimarron Woods Replat Two Subdivision, subject to such revisions that the City Administrator or City Engineer may determine necessary or advisable.

Seconded by Councilmember Hale. Councilmember Gowan asked if there had been any parking issues there. City Engineer Kottmann stated that they had not observed any and no one has brought forward any to date. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

D. RESOLUTION – APPROVE AGREEMENT – THOMPSON CREEK WATERSHED RESTORATION – PRE-CONSTRUCTION WATER QUANTITY MONITORING AGREEMENT

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-130: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR FOR PRE-CONSTRUCTION WATER QUANTITY MEASUREMENT SERVICES FOR THE THOMPSON CREEK WATERSHED MANAGEMENT PROJECT.

WHEREAS, the City of La Vista has determined that it is necessary to conduct pre-construction monitoring of water quantity; and

WHEREAS, the City of La Vista as a recipient of a grant for EPA Section 319 Non-Point Source funds through the Nebraska Department of Environmental Quality (NDEQ) which required the preparation of a Quality Assurance Protocol Plan (QAPP); and

WHEREAS, within the QAPP is a requirement to conduct pre-construction monitoring of water quantity to demonstrate successful implementation of watershed management;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska to approve and agreement with the U.S. Geological Survey, United States Department of the Interior for pre-construction water quantity measurement services for the Thompson Creek Watershed Management Project and do authorize the City Administrator to sign said agreement.

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

E. RESOLUTION – APPROVAL OF CONTRACT – REMODEL OF FIRE STATION #1

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-131; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA

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VISTA, NEBRASKA APPROVINF A CONTRACT FOR THE REMODEL OF THE FIRST FLOOR OF THE LA VISTA FIRE STATION #1 WITH OAKHAVEN HOMES, PAPILLION, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$29,435.00.

WHEREAS, the City of La Vista entered into an Interlocal Cooperation Agreement for Fire and EMS services with the City of Papillion and the Papillion Rural Fire District; and

WHEREAS, the Interlocal Cooperation Agreement became effective on October 1, 2013; and

WHEREAS, La Vista Fire Station #1 will be staffed by career firefighters under the terms of the Interlocal Agreement and improvements to the living quarters of the fire station are needed; and

WHEREAS, the fire services transition team has recommended Oakhaven Homes to complete the project; and

WHEREAS, the La Vista Municipal Code requires all purchases under \$30,000 to be approved by the La Vista City Council.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve a contract for the remodeling of La Vista Fire Station #1 with Oakhaven Homes, Papillion, Nebraska, in an amount not to exceed \$29,435.00.

Seconded by Councilmember Quick. Councilmember Sheehan asked why we did not go out for bids. Police Chief Lausten stated that this project is under the \$30,000. Threshold and the City worked with Papillion to obtain a contractor. La Vista has worked with this contractor before and they are local and do good work. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

F. EXECUTIVE SESSION -CONTRACT NEGOTIATIONS

At 7:18 p.m. Councilmember Crawford made a motion to go into executive session protection of the public interest for contract negotiations. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:32 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig stated that the 125th Anniversary Open House for Fitzgerald, Schorr, Barnettler and Brennan is November 20 from 4:30 – 6:30 p.m. He also stated that he, Councilmember Sheehan, Brenda, and Rita will be attending a staff meeting on Friday the 22nd to present FSBB with the Mayor's award. He stated Joe Barnettler will be there on Friday.

Councilmember Crawford stated that he feels an area to honor Veterans is necessary sooner than when the Civic Park is created. Mayor Kindig directed staff to look at areas and ideas and bring a recommendation back to Council.

MINUTE RECORD

November 19, 2013

No. 729 -- REEDIE & COMPANY, INC., OMAHA E1107788LD

At 7:40 p.m. Councilmember Hale made a motion to adjourn the meeting. Seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF DECEMBER, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk