

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING April 3, 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 April 3, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Absent: Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, Library Director Iwan, Finance Director Lindberg, Police Lieutenant Pokorny, Fire Chief Schuster, Assistant Recreation Director Karlson, City Planner Baker, Building and Grounds Director Archibald, and, Street Superintendent Goldman.

A notice of the meeting was given in advance thereof by publication in the Times on March 22, 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.

PROCLAMATIONS – NATIONAL VOLUNTEER WEEK, NATIONAL LIBRARY WEEK

The National Volunteer Week Proclamation will be read at the April 17, 2007 City Council meeting. Mayor Kindig presented a proclamation declaring April 15 - 21, 2007 as National Library Week to Library Director Rose Iwan.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE MARCH 20, 2007 CITY COUNCIL MEETING
3. MINUTES OF THE FEBRUARY 28, 2007 SAFETY COMMITTEE MEETING
4. MINUTES OF THE MARCH 12, 2007 CITIZEN ADVISORY REVIEW COMMITTEE MEETING
5. MINUTES OF THE MARCH 15, 2007 PLANNING COMMISSION MEETING
6. MINUTES OF THE MARCH 15, 2007 BOARD OF ADJUSTMENT MEETING
7. NEW FIRE STATION NO. 2
- a. PAY REQUEST FGM ARCHITECTS/PLANNERS FOR PROFESSIONAL SERVICES - \$13,259.31
- b. PAY REQUEST MILLER ELECTRIC COMPANY FOR INFO DIST. SYSTEM - \$40,750.00
- c. PAY REQUEST SHEPPARD'S BUSINESS INTERIORS, INC. – FURNITURE - \$22,841.37
8. PAY REQUEST BENNINGTON EQUIPMENT, INC. - SNOW THROWER - \$9,000.00
9. APPROVAL OF CLAIMS

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

A ADVERTISING & SUPPLY, Equipment	442.00
ACTION BATTERIES, Vehicle Supplies	33.50
AKSARBEN GARAGE DOOR, Bldg & Grnds	1,750.00
ALAMAR UNIFORMS, Wearing Apparel	492.26
ANDERSON, PETER, Contract Services	34.00
AQUILA, Utilities	4,372.07
ARAMARK UNIFORM, Contract Services	158.29
ASPHALT & CONCRETE MATERIALS, Street Maint.	259.42
BAKER & TAYLOR BOOKS, Books	649.96
BEACON BUILDING SERVICES, Contract Services	5,675.00
BENNINGTON IMPLEMENT, Vehicle Maint.	831.39
BEST ACCESS SYSTEMS, Bldg & Grnds	12.24
BIRCH, ANN, Car Allowance	50.00
BUETHE, PAM, Car Allowance/Travel/Postage/Supplies	240.28
CAREERTRACK, Training	99.00

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CHILD'S WORLD, Books	360.90
CITY OF OMAHA, Contract Services/Harrison St. Project	32,850.49
CLEMENGER, PAUL, Contract Services	68.75
COCA-COLA, Concessions	195.00
COMP CHOICE, Professional Services	381.50
CORBIT, JEFF, Car Allowance	100.00
COX, Contract Services	34.05
DATA TECHNOLOGIES, Contract Services	470.00
DEMCO, Supplies	214.76
DIAMOND VOGEL PAINTS, Bldg & Grnds	76.25
DIAMONDS GROUNDSKEEPER, Vehicle Maint.	130.00
DON'S PIONEER UNIFORMS, Wearing Apparel	215.65
FARQUHAR, MIKE, Car Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	143.10
FERRELLGAS, Utilities	670.67
FIREGUARD, Vehicle Maint./Equipment	882.38
FIREHOUSE MAGAZINE, Dues	30.00
FOLLETT SOFTWARE, Equipment	660.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,115.00
FUTUREWARE DISTRIBUTING, Contract Services	52.00
GASSERT, MIKE, Contract Services	68.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Maint.	25.94
GENWORTH LIFE AND HEALTH, Employee Benefits	8,451.11
GISH, AMY, Books	13.88
GOLDMAN, JOHN, Phone	40.00
GRAYBAR ELECTRIC, Bldg & Grnds	396.83
GUNN, BRENDA, Auto Allowance	300.00
HALPAIN, LEAH, Contract Services	103.12
HANEY SHOE STORE, Wearing Apparel	120.00
HARLEY DAVIDSON, Vehicle Maint.	229.80
HELGET GAS, Squad Supplies	96.00
HOST COFFEE, Concessions	59.60
HOTSY EQUIPMENT, Equipment	140.65
HY-VEE, Supplies	40.00
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Services	1,660.00
INSIGHT TECHNOLOGY, Contract Services	999.97
IWAN, ROSE, Car Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies	310.18
JONES AUTOMOTIVE, Equipment	93.21
KINDIG, DOUGLAS, Auto Allowance/Phone	180.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	68.00
KRIZ-DAVIS COMPANY, Street Maint.	80.91
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	257.00
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LIFE ASSIST, Squad Supplies	1,208.25
LINWELD, Equipment	654.50
LODES, CHRIS, Contract Services	25.00
LUKASIEWICZ, BRIAN, Phone	40.00
MAPA, Travel	112.00
MATT PARROTT AND SONS, Printing	502.03
MEDTRONIC PHYSIO-CONTROL, Contract Services	122.97
METAL SUPERMARKETS, Vehicle Maint.	266.11
MICHAEL TODD AND COMPANY, Vehicle Maint.	1,335.20
MID AMERICA PAY PHONES, Phone	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	21.52
MOBILE COMMUNICATIONS, Vehicle Maint.	50.00
MSC INDUSTRIAL, Bldg & Grnds	317.69
MUD, Utilities	254.13
MUNICIPAL EMERGENCY SVCS, Contract Services/Equipment	1,824.25
NE SECRETARY OF STATE, Annual Fee	20.00
NE STATE VOLUNTEER, Training	400.00
NEBRASKA MACHINERY, Vehicle Maint.	597.26
NEBRASKA TURF PRODUCTS, Street Maint.	171.25
NEXTEL, Phone	307.05
OFFICE DEPOT, Supplies/Squad Supplies	415.22
OMB EXPRESS POLICE SUPPLY, Equipment	2,905.60
OVERHEAD DOOR, Bldg & Grnds	54.00

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PAPILLION LA VISTA SCHOOL DIST, Career Fair	35.00
PAPILLION TIRE, Vehicle Maint.	60.55
PARAMOUNT LINEN & UNIFORM, Cleaning Service	311.78
PAYLESS, Supplies	182.67
PEPSI COLA, Concessions	561.24
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	117.72
PITNEY BOWES, Supplies	504.00
PRECISION INDUSTRIES, Vehicle Maint.	211.43
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	135.00
PROPERTY SERVICES, Supplies	62.00
QWEST, Phone	2,226.22
R & R PRODUCTS, Vehicle Maint.	261.53
RAMIREZ, JOHN, Contract Services	34.00
RANDOM HOUSE, Media	34.00
REGAL AWARDS OF DISTINCTION, Awards	967.00
ROSE EQUIPMENT, Vehicle Maint.	447.42
SAFETY-KLEEN, Contract Services	363.91
SAPP BROS PETROLEUM, Vehicle Supplies/Maint.	733.64
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SARPY COUNTY ECONOMIC DEV.CORP, Travel	180.00
SHRED IT, Contract Services	450.00
SINNETT, JEFF, Travel	161.60
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Phone	30.00
STAPLES. Supplies	415.68
THOMAS KLISE/CRIMSON, Media	26.15
THOMSON GALE, Books	44.93
TOOL HOSPITAL, Supplies	78.92
TRACTOR SUPPLY, Vehicle Maint.	310.49
TURFWERKS, Vehicle Maint.	53.84
U S ASPHALT COMPANY, Street Maint.	116.11
VERIZON WIRELESS, Phone	65.84
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Bldg & Grnds	189.80
WICK'S STERLING TRUCKS, Vehicle Maint.	64.71
WILDER, JONI, Auto Allowance	33.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council that the April 17, 2007 meeting will begin at 6:00 p.m. to discuss the Capital Improvement Program.

Fire Chief Schuster thanked the Mayor and Council for their support with the New Fire Station No. 2.

Assistant Recreation Director Karlson reminded Council the La Vista Easter Egg Hunt will be held Saturday, April 7, 2007 in Central Park at 10:00 a.m.

B. ORDINANCE – FIREFIGHTER DEFINED CONTRIBUTION PENSION PLAN AND TRUST

Councilmember Sheehan introduced Ordinance No. 1025 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO PROVIDE VEHICLES FOR PAID FIREFIGHTER RETIREMENT BENEFITS; TO ESTABLISH A FIREFIGHTERS RETIREMENT PLAN AND TRUST; TO APPOINT ICMA – RETIREMENT CORPORATION TO PROVIDE SERVICES FOR THE PLAN; TO APPOINT INVESTOR'S BANK AND TRUST COMPANY AS TRUSTEE OF THE PLAN; TO AUTHORIZE PAID FIREFIGHTER PARTICIPATION IN THE LA VISTA SUPPLEMENTAL 457 PLAN; TO AUTHORIZE THE MAYOR AND CITY ADMINISTRATOR TO EXECUTE DOCUMENTS AND TAKE FURTHER ACTIONS; AND TO PROVIDE FOR SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember McLaughlin 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, and Ellerbeck. The following voted nay: None. The following were absent: Gowan. 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 McLaughlin. The

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Mayor then stated the question was, "Shall Ordinance No.1025 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. The following voted nay: None. The following were absent: Gowan. 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.

C. AMENDMENT TO 457 PENSION PLANS

1. RESOLUTION - RESTATED PLAN DOCUMENTS FOR THE CITY ADMINISTRATOR AND ASSISTANT CITY ADMINISTRATOR 457 PLAN

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING RESTATED PLAN DOCUMENTS FOR THE CITY ADMINISTRATOR AND ASSISTANT CITY ADMINISTRATOR 457 PLAN.

WHEREAS, the City maintains the City of La Vista, Nebraska 457 Plan for the City Administrator and Assistant City Administrator ("Plan") through ICMA – Retirement Corporation ("ICMA"); and

WHEREAS, a restated plan document was proposed by ICMA to add and clarify certain plan provisions; and

WHEREAS, the restated plan document, as modified by Exhibit A, has been reviewed by the City Administrator and City Attorney and is presented at this meeting to add and clarify certain plan provisions, including the following:

1. Employees returning from military service have the right to elect greater elective deferrals to make up for any deferrals that could have been made, but were not made, while on active duty, as required by USERRA; and
2. Participants are permitted to obtain in-service distributions from the Plan upon attaining age 70-1/2 or in the event of extraordinary and unforeseeable financial hardship.

("Restated Plan Document"); and

WHEREAS, The City desires to adopt the Restated Plan Document.

NOW, THEREFORE, BE IT RESOLVED, that the Restated Plan Document is hereby adopted and approved in form and content presented at this meeting; and that the Mayor, City Treasurer, and City Clerk are hereby authorized to execute said Restated Plan Document; and that the Mayor and the City Administrator (and such other proper City officers or officials) are further authorized to take any other actions that are necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked for confirmation, and Staff confirmed, that sick pay could not be deferred under the plan without further action of the Mayor and City Council. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

2. RESOLUTION - RESTATED PLAN DOCUMENTS FOR THE SUPPLEMENTAL 457 PLAN

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING RESTATED PLAN DOCUMENTS FOR THE SUPPLEMENTAL 457 PLAN.

WHEREAS, the City maintains the City of La Vista, Nebraska Supplemental 457 Plan ("Plan") as a supplemental plan through ICMA – Retirement Corporation ("ICMA"); and

WHEREAS, a restated plan document was proposed by ICMA to add and clarify certain plan provisions; and

WHEREAS, the restated plan document, as modified by Exhibit A, has been reviewed by the City Administrator and City Attorney and is presented at this meeting to add and clarify certain plan provisions, including the following:

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2. Participants are permitted to obtain in-service distributions from the Plan upon attaining age 70-1/2 or in the event of extraordinary and unforeseeable financial hardship.

("Restated Plan Document"); and

WHEREAS, The City desires to adopt the Restated Plan Document.

NOW, THEREFORE, BE IT RESOLVED, that the Restated Plan Document is hereby adopted and approved in form and content presented at this meeting; and that the Mayor, City Treasurer, and City Clerk are hereby authorized to execute said Restated Plan Document; and that the Mayor and the City Administrator (and such other proper City officers or officials) are further authorized to take any other actions that are necessary or appropriate to carry out the actions approved herein.

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

D. RESOLUTION – LA VISTA LINK TRAIL AGREEMENT, NEBRASKA DEPARTMENT OF ROADS

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-037: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR CONSTRUCTION OF THE LA VISTA LINK – KEYSTONE TRAIL PROJECT.

WHEREAS, the City Council of the City of La Vista has determined that said trail construction is necessary; and

WHEREAS, the City of La Vista wishes to enter into an agreement with the State of Nebraska Department of Roads to construct a concrete pedestrian and bicycle trail from the dead-end on 69th Street to the southeast corner of 66th & Harrison Street, with funds made available through STP Enhancement Program funds, and

WHEREAS, the Federal share payable shall be a maximum of seventy (70) percent of the eligible costs thereof, up to a maximum payment from federal funds of \$246,347.00, and

WHEREAS, the City of La Vista shall be responsible for thirty (30) percent of the eligible costs which is estimated to be approximately \$105,577.00; and

WHEREAS, the City of La Vista has funded this project in the current FY 2006/07 budget.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor and City Clerk to enter into an agreement with the Nebraska Department of Roads for construction of the La Vista Link – Keystone Trail Project.

Seconded by Councilmember McLaughlin. Councilmember Carlisle asked if the trail would be back from the street for safety. City Engineer Kottmann explained that the trail will be back 15' from the current roadway on 66th Street; and on Harrison Street there is 6' of green space between the road and the trail. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

E. RESOLUTION – AUTHORIZE ADVERTISEMENT FOR BIDS FOR THE 84TH STREET RESURFACING PROJECT

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-038: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE 84TH STREET PAVEMENT RESURFACING.

WHEREAS, the City Council has determined that the 84th Street pavement resurfacing is necessary, and

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WHEREAS, the 2006/07 Construction Fund Budget provides funding for the 84th Street Pavement Resurfacing project, and

WHEREAS, the City Engineer has prepared plans and specifications for said pavement resurfacing, and

WHEREAS, the Nebraska Department of Roads has agreed to contribute up to \$250,000 for eligible construction costs.

NOW, THEREFORE BE IT RESOLVED, that the City of La Vista hereby authorizes the advertisement for bids for the 84th Street Pavement Resurfacing project in accordance with the plans and specifications prepared by the City Engineer, John Kottmann, and said bids are to be opened and publicly read aloud at 1:30 p.m. at La Vista City Hall on April 23, 2007.

Public Notice to Contractors	April 5 & April 12, 2007
Pre-Bid Conference	April 16, 2007; 1:30 p.m.
Open Bids	April 23, 2007; 1:30 p.m.
City Council Award Contract	May 1, 2007

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

F. JOB DESCRIPTION – PUBLIC BUILDINGS & GROUNDS MAINTENANCE WORKER I

Councilmember Carlisle moved for the adoption of the job description of Public Building & Grounds Maintenance Worker I. City Administrator Gunn stated the pay range shows as a 311, but should be a 213 level. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council that the La Vista Chamber Spring Fundraiser is Friday, April 20th at 6:00 p.m. at the German American Society; Sarpy Sundaes @ the Capitol will be held on April 25, 2007 from 2:30 - 4:30 p.m. in the SE Courtyard at the State Capital Building in Lincoln; the Sarpy County Government Affairs Committee meets the first Wednesday of the month at 4:30 p.m.; and the La Vista Days Prayer Walk will be held on May 30 at 7:00 p.m., starting at the La Vista Junior High.

Mayor Kindig informed Council that G. Stanley Hall will be holding a carnival and asked for volunteers from the Council to help with the carnival. Mayor Kindig and Councilmember Sheehan will be cooking.

ADJOURNMENT

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

PASSED AND APPROVED THIS 17TH DAY OF APRIL 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

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