

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 16, 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 October 16, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney Barmettler, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Community Development Director Birch, Police Lieutenant Barcal, Fire Chief Uhl, Recreation Director Stopak, Public Works Director Soucie, and Street Superintendent Goldman.

A notice of the meeting was given in advance thereof by publication in the Times on October 4, 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.

SERVICE AWARD – LORI SPETHMAN-TWIFORD – 10 YEARS

Mayor Kindig presented a certificate and pin to Lori Spethman-Twiford for 10 years of service to the City.

PRESENTATION – BNSF QUIET ZONE STUDY – FELSBURG HOLT & ULLEVIG – KYLE ANDERSON

Kyle Anderson, representing Felsburg Holt & Ullevig gave a presentation of the Quiet Zone Study. Handouts of the presentation were given to the Mayor and Council for their reference. Anderson discussed Quiet Zone Establishment and requirements. He stated there are four types of Supplemental Safety Measures (SSM). Anderson gave an overview of the proposed improvements for the area at 126th and Giles Road, with an estimated cost of \$198,300, and explained the implementation schedule. Councilmember Sheehan asked the reason for the study. City Administrator Gunn explained that the developer is concerned with being able to sell the property. She stated the City is looking at a cost share with the County and the developer. Councilmember Sell inquired as to what the proportions of cost would be. Gunn stated that the circuitry for the noise level decrease would be most important to the developer while the improvements to 126th Street and Giles Road to help traffic flows would be more important to the City and County. Mayor Kindig asked the status of this issue with the County. Gunn stated the City has met with the County and both want to expedite the process.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 2, 2007
3. PAY REQUEST #1 FROM JOHN Q HAMMONS FOR CONSTRUCTION
LOAN - \$3,850,056.80
4. PAY REQUEST FROM N. PITLOR & SON, INC. FOR AIR CONDITIONER REPAIR –
POLICE FACILITY - \$6,720.65
5. APPROVAL OF CLAIMS

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

ACTION BATTERIES, Vehicle Supplies	56.52
ALEGENT HEALTH, Squad Supplies	15.57
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	6.64
AQUILA, Utilities	1,796.83
ARAMARK, Contract Services	229.37
ASAP SOFTWARE, Contract Services	309.00

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ASPHALT & CONCRETE MATERIALS, Street Maint.	209.88
BAKER, MARCUS, Auto Allowance	50.00
BENNINGTON IMPLEMENT, Vehicle Maint.	348.82
BENSON RECORDS, Contract Services	50.30
BERNAN, Books	33.00
BIRCH, ANN, Auto Allowance	50.00
BIRCHWOOD HOMES, Permit Refund	3,534.95
BRADLEY, KIRSTEN, Supplies	53.72
BRENTWOOD AUTO WASH, Vehicle Maint.	503.00
BUETHE, PAM, Auto Allowance/ Travel/Training	327.93
BUILDERADIUS, Contract Services	2,000.00
BUILDERS SUPPLY, Bldg & Grnds	34.75
CARDMEMBER SERVICE, Training, Travel, Books	3,036.17
CITY OF RALSTON, Contract Services	1,340.82
CJ'S HOME CENTER, Bldg & Grnds/Street Maint./Vehicle Maint.	1,586.25
COMP CHOICE, Professional Services	253.00
CONTROL MASTERS, Bldg & Grnds	87.30
CORBIT, JEFF, Auto Allowance	100.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	313.05
DANKO EMERGENCY EQUIPMENT, Vehicle Maint.	249.41
DAYSPRING PRINTING, Printing	598.00
DON'S PIONEER UNIFORMS, Wearing Apparel	113.89
E & A CONSULTING GROUP, Professional Services	205.85
EDGEWEAR SCREEN PRINTING, Wearing Apparel	243.00
ERICKSON, RANDALL, Auto Allowance	100.00
EYLANDER, KAREN, Refund	45.00
FACTS ON FILE, Books	213.95
FARQUHAR, MIKE, Auto Allowance	100.00
FELSBURG HOLT & ULLEVIG, Southport	691.06
FILTER CARE, Vehicle Maint.	75.95
FITZGERALD SCHORR BARMETTLER, Professional Services	12,884.70
FUTUREWARE DISTRIBUTING, Contract Services	85.00
GOLDMAN, JOHN, Travel, Telephone	82.00
GRAYBAR ELECTRIC COMPANY, Bldg & Grnds	9.60
GREAT PLAINS ONE-CALL SVC, Contract Services	336.91
GREAT WESTERN BANK, Fees	500.00
GROLIER PUBLISHING COMPANY, Books	144.30
GUNN, BRENDA, Auto Allowance	300.00
HARM'S CONCRETE, Street Maint.	213.00
HEIMES CORPORATION, Maint.	92.10
HOST COFFEE SERVICE, Concessions	20.60
INTERSTATE ALL BATTERY CENTER, Vehicle Maint.	40.34
IWAN, ROSE, Auto Allowance	45.00
JANSEN, KIMBERLY, Rescue Refund	8.00
JO DON'S, Engraving	8.00
KINDIG, DOUGLAS, Auto Allowance/Telephone	180.00
KLINKER, MARK, Professional Services	219.00
LA VISTA FIREFIGHTERS ASSN, Advertising	390.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance and Bonds	439,939.00
LINWELD, Street Maint.	171.76
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	14.60
LOU'S SPORTING GOODS, Equipment	67.98
LUEDERS LOCK & KEY, City Parks	10,000.00
LUKASIEWICZ, BRIAN, Travel/Cell Phone	251.00
M E SHARPE INC PUBLISHER, Books	135.75
MANCINO MANUFACTURING, Equipment	3,986.00
MARSHALL CAVENDISH, Books	137.07
MEADOWBROOK, Insurance and Bonds	919.79
MIDWEST TURF & IRRIGATION, Bldg & Grnds	120.00
MOBILE COMMUNICATIONS, Repair	67.50
MUNICIPAL EMERGENCY SVCS, Vehicle Maint.	606.00
NATIONAL RESEARCH CENTER, Professional Services	4,450.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	29,673.66
NEBRASKA LIBRARY COMMISSION, CD Rom	54.19
NLA/NEMA CONFERENCE, Training/Travel	144.00
NSAWWA, Training	140.00
OFFICE DEPOT, Supplies	154.16

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OPPD, Utilities	31,451.57
PAPILLION SANITATION, Contract Services	214.60
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	480.87
PEPSI COLA, Concessions	183.10
PRECISION INDUSTRIES, Repair	24.70
QWEST, Telephone	81.23
RAMIREZ, RITA, Auto Allowance	75.00
READY MIXED CONCRETE COMPANY, Sports Complex	892.62
RINKER MATERIALS CORP, Street Maint.	303.90
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SARPY COUNTY ELECTION COMMSSNR, Elections	488.03
SARPY COUNTY LANDFILL, Sewer Maint.	97.95
SARPY COUNTY TREASURER, Professional Services	13,512.00
SMALL, BRADY, Contract Services	31.25
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Travel	72.00
SOUTHEAST AREA CLERKS ASSN, Dues	20.00
THREE RING ENTERPRISES, Vehicle Maint.	1,042.54
TRACTOR SUPPLY COMPANY, Wearing Apparel	74.92
TURFWERKS, Vehicle Maint.	7.36
UNITED HEALTHCARE, Rescue Revenue	497.00
VIERS, STEVE, Auto Allowance	100.00
WILDER, JONI, Auto Allowance	33.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that Assistant City Administrator Ramirez and she attended the ICMA Conference last week and brought back good information on long term goals. She stated there was a lot of information on safety and wellness programs also. Gunn felt the conference was very beneficial. Gunn informed Council that Community Development Director Birch and she will be attending the ICSC dealmakers to meet with some contacts.

Assistant City Administrator Ramirez echoed Gunn's sentiments that the ICMA Conference was very beneficial. She attended CIP Management and Human Resource sessions which provided valuable information. She stated she also heard new information on helping newly elected officials. Ramirez invited Council of a Department Head Tailgate party which will be held for City Employees on October 26, 2007 at the District 2 Fire Station.

Fire Chief Uhl informed Council that over 300 people attended the open house at the District 2 Fire Station on October 14th. He recognized Paypal for their contribution of a new mascot outfit to the Fire Department. The name of the new mascot is FILO (first in, last out).

Public Works Director Soucie informed Council of problems with the water feature. He stated the lights were out, but are back up and running. He stated the Park View project is on hold due to the weather. Soucie reminded Council the Fall Leaf Collection Day will be held next month.

Recreation Director Stopak informed Council of a Park and Recreation Advisory Committee meeting tomorrow, October 17, 2007. Stopak reminded Council that the Halloween 5K run will be held on October 28th and Halloween Safe Night will be held on October 31st, from 6:00 – 7:30 p.m.

Councilmember Sheehan stated he appreciates the reports on the pool and would like to see a daily average cost of operation of the pool. Sheehan asked if there will be a meeting on the pool in the near future. City Administrator Gunn stated that the plan is to schedule one after the beginning of the year.

B. RESOLUTION – ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-107: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ELECT DIRECTORS OF THE LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

WHEREAS, the City of La Vista Facilities Corporation ("City Facility Corporation") and the Metropolitan Community College Facilities Corporation made and entered a Declaration and Master Deed of La Vista Metropolitan Community College Condominium Property Regime dated December 29, 1997 ("Declaration") for the

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purposes of administering the condominium property regime and maintaining common areas of the Library/Sarpy Center; and

WHEREAS, the La Vista/Metropolitan Community College Condominium Owners Association, Inc., ("Association") was incorporated for purposes of administering the condominium property regime and maintaining the common areas under the Declaration, and the Association is governed by a Board of Directors; and

WHEREAS, pursuant to Article 1.24 of the Declaration, as amended, the City Facilities Corporation delegated to and authorized the City of La Vista ("City") to exercise voting rights with respect to the Association and its Board of Directors, and the City desires to exercise said voting rights to elect Directors of the Association.

WHEREAS, the following positions (and the individuals holding the titles) have been previously designated by the Mayor and City Council to be the City's three directors on the Association's Board of Director's ("City's Director's"):

City Administrator
Library Director
Director of Public Buildings and Grounds

WHEREAS, the Association will hold its 2007 Annual Meeting on November 5, 2007, at which time and at such meeting the City's Directors shall vote on behalf of the City and in accordance with the desire of the City Council and the Mayor to nominate and re-elect the City's Director's to the Association's Board of Directors; and

WHEREAS, the Mayor and City Council desire to designate, and ratify, affirm and approve the re-election of the City's Directors.

NOW, THEREFORE, BE IT RESOLVED, that effective November 5, 2007, the following are hereby designated and re-elected to serve as the City's appointees to the Board of Director's of the Association:

City Administrator
Library Director
Director of Public Buildings and Grounds

and further that their attendance, participation, voting and exercise of other rights on behalf of the City (in exercise of the delegated rights of the City Facilities Corporation) to nominate and re-elect said individuals as directors at the annual meeting of the Association held November 5, 2007 (and all other related actions) are hereby ratified, affirmed and approved.

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

C. RESOLUTION – PURCHASE OF ICE CONTROL SALT

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-108: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT FROM HANNEBAUM GRAIN COMPANY, INC., SALINA, KANSAS, FOR AN AMOUNT NOT TO EXCEED \$10,000.

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

WHEREAS, the FY 2007/08 Street Operating budgets includes funding for the purchase of ice control salt; and

WHEREAS, orders for the ice control salt will be placed on an as needed basis; 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 from Hannebaum Grain Company, Inc., Salina, Kansas for an amount not to exceed \$10,000.

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

D. RESOLUTION – PURCHASE OF M1000 CALIBER LIQUID DEICER

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-109: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF M1000 CALIBER LIQUID DEICER FROM ENVIRO TECH SERVICES INC., GREELEY, COLORADO, FOR AN AMOUNT NOT TO EXCEED \$10,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of M1000 Caliber Liquid Deicer is necessary; and

WHEREAS, the FY 2007/08 Street Operating budget includes funding for the purchase of liquid deicer; and

WHEREAS, orders of the M1000 Caliber Liquid Deicer will be placed on an as needed basis; 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 M1000 Caliber Liquid Deicer from Enviro Tech Services Inc., Greeley, Colorado for an amount not to exceed \$10,000.

Seconded by Councilmember Quick. Councilmember Sheehan asked if there were particular places the deicer should be used. Public Works Director Soucie stated it is used on parking lots, bridges, 'hot' intersections, and places with a steep grade. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

E. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE – FOP

At 7:59 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a strategy session/negotiating guidance – FOP Collective Bargaining Unit. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion.

At 8:09 p.m. the Council came out of executive session. Councilmember Sheehan 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, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig announced to Council and Department Heads that the La Vista Chamber's Annual Awards Banquet (La Vistafest) will be held at the German American Society on Friday, October 26, 2007 at 6:30 p.m. He asked anyone wishing to attend to let Mary know by the end of Wednesday, October 17, 2007.

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Councilmember Sheehan visited some parks in other cities and saw that they are using the same rubberized base as the City and praised Joe and the Parks Department for keeping our parks up to date with the latest safety features.

Councilmember Gowan congratulated the Mayor for being named Elected Official of the year at the Sarpy County Chamber of Commerce Awards Event. Gowan also congratulated Fire Chief Uhl and Police Chief Lausten on the District 2 Fire Station. He said it is a great facility.

Councilmember Carlisle stated that the La Vista Community Foundation has not been getting grants out. The Foundation is still looking for an executive director. Carlisle stated that Tom McKeon has been doing a great job for the foundation.

Mayor Kindig thanked the Council and Department Heads for their attendance on Thursday at the Sarpy County Chamber of Commerce Awards Event. Kindig stated the award is for the City, not just the Mayor. Kindig said he is cooking turkeys on the 28th for the Halloween 5K run at 10:00 a.m. if anyone is available to help. Kindig also said that possibly the Mayor and Council could sponsor/serve a soup feed during the tree lighting ceremony.

ADJOURNMENT

At 8:16 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF NOVEMBER 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

KIAPPS/CITYHALL/07 COUNCIL MINUTES/October 16, 2007