

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING May 3, 2011

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 May 3, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Captain Barcal, Finance Director Lindberg, Public Works Director Soucie, Public Buildings and Grounds Director Archibald, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on April 20, 2011. 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 made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items

SERVICE AWARDS – JEFF THORNBURG – 10 YEARS; BRIAN STOLLEY, JAMIE SCHUSTER – 5 YEARS

Mayor Kindig recognized Jeff Thornburg for 10 years of service to the City, and Jamie Schuster and Brian Stolley for 5 years of service to the City.

PROCLAMATIONS – BUILDING SAFETY MONTH, MUNICIPAL CLERKS' WEEK, NATIONAL PUBLIC WORKS WEEK, NATIONAL POLICE WEEK, EMERGENCY MEDICAL SERVICES WEEK

Mayor Kindig read proclamations for Building Safety Month, Municipal Clerks' Week, National Public Works Week, National Police Week, and Emergency Medical Services Week.

Mayor Kindig recognized a local Tiger Cub Troop who had toured the facility and attended the City Council Meeting.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 19, 2011
3. APPROVAL OF CIVIL SERVICE COMMISSION MINUTES FROM SEPTEMBER 23, 2010
4. APPROVAL OF PARK AND RECREATION ADVISORY BOARD MINUTES FROM MARCH 16, 2011
5. PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – \$680.00
6. PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES - \$5,000.00
7. APPROVAL OF CLAIMS

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

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| ACTION BATTERIES UNLTD, maint. | 136.90 |
| ACW MANUFACTURING, maint. | 116.00 |
| ADAMSON INDUSTRIES, supplies | 232.90 |
| ADVANTAGE COUPONS, misc. | 499.00 |
| ALAMAR UNIFORMS, wearing apparel | 1301.06 |
| ANDERSON EXCAVATING COMPANY, services | 48444.12 |
| APWA-AMER PUBLIC WORKS ASSN, dues | 145.00 |

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| INTERSTATE ALL BATTERY CENTER, supplies | 297.00 |
| J Q OFFICE EQUIPMENT, rentals | 210.89 |
| JONES AUTO., maint. | 1569.69 |
| KADOW, B., services | 198.48 |
| KINDIG, D., phone | 80.00 |
| KLINKER, M., services | 200.00 |
| KOTTMANN, J., phone | 65.00 |
| LA VISTA COMM FOUND., misc. | 75.00 |
| LANDPORT SYSTEMS, services | 125.00 |
| LAUGHLIN, KATHLEEN A, TRUSTEE, misc | 648.00 |
| LEO A DALY COMP., services | 2390.77 |
| LERNER PUBLISHING GROUP, books | 583.16 |
| LIFE ASSIST, supplies | 42.10 |
| LOGAN CONTRACTORS SUPPLY, supplies | 27.84 |
| LOVELAND GRASS PAD, bld&grnds | 3866.40 |
| LUKASIEWICZ, B., phone | 65.00 |
| LYMAN-RICHEY SAND & GRAVEL, bld&grnds | 199.92 |
| MARKOWSKY, T J., auto | 100.00 |
| MARTIN MARIETTA AGGREGATES, maint. | 211.34 |
| MARTIN, A., travel | 107.00 |
| MATT FRIEND TRUCK EQUIP., maint. | 281.36 |
| MCCANN PLUMBING SERVICE, bld&grnds | 62.00 |
| METRO LANDSCAPE MATERIALS, bld&grnds | 2772.00 |
| MID AMERICA, pay phones | 50.00 |
| MID-STATES UTILITY TRAILER, maint. | 82.64 |
| MIDWEST SERVICE & SALES, supplies | 806.50 |
| MIDWEST TAPE, media | 73.72 |
| MIDWEST TURF & IRRIGATION, equip. | 44.41 |
| MONARCH OIL, maint. | 486.50 |
| MUD, utilities | 1077.21 |
| NATIONAL ENTERTAINMENT, supplies | 360.00 |
| NATIONAL PATENT ANALYTICAL, equip. | 192.15 |
| NE DEPT OF LABOR-WORKFORCE DEV, ins | 4983.38 |
| NE DEPT OF REVENUE-LOTT/51, taxes | 90250.00 |
| NE STATE VOLUNTEER, training | 300.00 |
| NE TURF PRODUCTS, supplies | 435.00 |
| NEXTEL COMM., phone | 204.63 |
| NIKE, supplies | 812.85 |
| NPZA, training | 405.00 |
| OCLC, library misc. | 30.17 |
| OFFICE DEPOT, supplies | 1504.11 |
| OFFUTT YOUTH CENTER, services | 1008.00 |
| OMAHA WORLD HERALD, services | 335.38 |
| ON YOUR MARKS, supplies | 384.30 |
| OVERHEAD DOOR COMP., bld&grnds | 56.00 |
| PAPILLION TIRE, maint. | 263.49 |
| PARAMOUNT LINEN & UNIFORM, wearing apparel | 1184.24 |
| PAYLESS OFFICE, supplies | 129.64 |
| PENWORTHY, books | 1319.43 |
| PERFORMANCE CHRYSLER JEEP, maint. | 258.59 |
| PFEIFER, V., travel | 107.00 |
| PITNEY BOWES, supplies | 221.00 |
| PRINCIPAL LIFE-FLEX SPENDING | 216.00 |
| QWEST, phone | 1076.80 |
| QWEST, phone | 34.62 |
| RAINBOW GIRLS SOFTBALL LEAGUE, rec. | 1650.00 |
| RAINBOW GLASS & SUPPLY, maint. | 24.95 |

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BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Site as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

Councilmember Quick introduced and moved for adoption of Resolution 11-054: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF ONE HOUSE FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THIS SITE

WHEREAS, the owners of the house located at 7221 Park View Blvd (referred to herein as "Site"), desire to sell the Site to the City, and the City desires to purchase the Site from the owners.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) By action at the August 3, 2010 City Council meeting, the City Council authorized the City Administrator to negotiate for the voluntary purchase and sale of homes in the Thompson Creek Hazard Mitigation area; and
- (ii) The City Administrator subsequently negotiated the purchase of the Site; and.
- (iii) Proposed purchase agreements for the Site have been presented to the City Administrator by the owners of the Site in form and content the City Administrator finds satisfactory and recommends; and
- (iv) Each purchase agreement provides for a purchase price approved by the City Administrator, plus certain closing and other costs that the City Administrator has determined the City is required to pay pursuant to the federal grant for the purchase of the Site or is otherwise acceptable, in addition to other terms and conditions; and
- (v) Neb. Rev. Stat. Section 18-1755 requires that the City, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (vi) The City published notice of public hearing on the proposed purchase of the Site, to be held during the regular City Council meeting on April 19, 2011; which notice is hereby approved, and public hearing was held and completed prior to consideration of this Resolution; and
- (vii) The City obtained appraisals of the Site from a certified real estate appraiser, which appraisals the City Administrator found satisfactory.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the purchase of the Site as described above and on such other terms and conditions satisfactory to the City Administrator.

BE IT FURTHER RESOLVED, that the Mayor or his designee is hereby authorized to execute purchase agreements and other documents and take such other actions as are necessary or appropriate to carry out the Resolutions approved herein.

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

C. ORDINANCE- AMEND SECTION 95.05 OF MUNICIPAL CODE

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to Council Policy Statement entitled Employee Compensation – Pay for Performance and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

F. RESOLUTION – INTERLOCAL AGREEMENT CITY OF PAPILLION

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-057; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL AGREEMENT WITH THE CITY OF PAPILLION, FOR THE PAPILLION FIRE DEPARTMENT TO CONDUCT TRAINING EXERCISES IN THE HOUSES ACQUIRED BY THE CITY OF LA VISTA ALONG THOMPSON CREEK IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, The City of Papillion and the Papillion Fire Department have requested permission to conduct training exercises in the vacant houses the City of La Vista purchased for the Thompson Creek Hazard Mitigation project; and

WHEREAS, The City of La Vista has allowed other public safety agencies to train in some of these houses; and

WHEREAS, The City of Papillion is requesting to enter in to an Interlocal agreement with the City of La Vista and said Interlocal agreement will expire on May 31, 2011;

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with the City of Papillion for the Papillion Fire Department to conduct training exercises in the houses acquired by the City of La Vista along the Thompson Creek, and that 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 Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. 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 G, "Executive Session". Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; PERSONNEL; LITIGATION

At 7:39 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Contract Negotiations and Litigation and for the protection of an individual for personnel. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. 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 8:37 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None.

COMMENTS FROM MAYOR AND COUNCIL

At 8:41 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None.

PASSED AND APPROVED THIS 3RD DAY OF MAY, 2011