

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING January 4, 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 January 4, 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 Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Public Works Director Soucie, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on December 23, 2010. 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 – RITA RAMIREZ, BRENDA JACOBS – 20 YEARS

Mayor Kindig recognized Rita Ramirez and Brenda Jacobs for 20 years of service to the City

PRESENTATION OF QUILTS TO POLICE AND FIRE DEPARTMENTS

Members of the Quilters Club were unable to attend.

PRESENTATION OF BADGES TO FIRE DEPARTMENT PERSONNEL – NICK DUNBAR, SHAUN JONES, JUSTIN URLACHER, MARK STRONG

Mayor Kindig and Fire Chief Uhl recognized Nick Dunbar, Shaun Jones, Justin Urlacher and Mark Strong as full members of the La Vista Volunteer Fire Department after completing one year of training. Badges were presented and pinned on by Chief Uhl. Councilmember Sell made a motion to approve the full time members, seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

APPOINTMENTS – LIBRARY BOARD – RE-APPOINT CAROL WESTLUND, JANICE PODOLL – 2 YEAR TERMS; CIVIL SERVICE COMMISSION – RE-APPOINT JOHN VENDETTI – 5 YEAR TERM

Mayor Kindig stated that with the approval of Council Mayor Kindig would like to make the following appointments and reappointments: Library Advisory Board – Re-Appoint Carol Westlund and Janice Podoll – 2 Year Terms; Civil Service Commission – John Vendetti – 5 Year Term. Councilmember Crawford motioned the approval of the Library Advisory Board reappointments, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Councilmember Sell motioned the approval of the Civil Service Commission reappointment, seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM DECEMBER 21, 2010
3. PAY REQUEST – CHAS. VRANA & SON CONSTRUCTION CO. – HARRISON STREET REPAIR - \$97,065.00
4. APPROVAL OF CLAIMS

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Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Crawford. 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, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
MIDWEST RIGHT OF WAY, services	9554.00
DOUGLAS COUNTY ENGINEER, construction	3852.04
ACTION BATTERIES, supplies	448.40
AED ZONE, supplies	398.00
AFTERNOONER'S, meals/training	1200.12
ALAMAR UNIFORMS, wearing apparel	1436.71
ARAMARK UNIFORM, services	566.31
ASPHALT & CONCRETE MATERIALS, maintenance	106.14
ASSOCIATED FIRE PROTECTION, services	2107.96
BABER, B., training/meals	330.00
BAKER & TAYLOR BOOKS, books	2062.59
BEACON BUILDING SERVICES, services	6712.00
BENNINGTON EQUIP, maintenance	615.41
BLACK HILLS ENERGY, utilities	19.73
TJF CORP, supplies	36.96
BOB'S RADIATOR REPAIR, maintenance	195.00
BRAKE, A., auto Allowance	100.00
BROWN TRAFFIC PROD., training	60.00
BUETHE, P., phone	20.00
CALENTINE, J., phone	30.00
CENTER POINT PUBLISHING. Books	289.98
CHEMSEARCH, maintenance	133.73
CONTROL MASTERS INC, supplies	386.00
CORNHUSKER INTL TRUCKS, maintenance	155.45
COX COMMUNICATIONS, services	50.02
CUMMINS CENTRAL POWER, bldg & grnds	1005.04
D & D COMMUNICATIONS, repair	393.00
DANKO EMERGENCY EQUIP., maintenance	102.95
DATASPAN INC, services	633.22
DIVERSE MEDIA, media	24.32
DUNKLE, A., services	80.00
EBSCO SUBSCRIPTION SERVICES, books	4261.63
ED ROEHR SAFETY PROD., supplies	340.38
ENVIRO TECH SERVICES, maintenance	1820.30
FILTER CARE, maintenance	25.85
FIREGUARD, repair	475.00
FROEHLICH, R., auto allowance	100.00
G I CLEANER & TAILORS, services	206.50
GALE, books	531.16
GCR OMAHA TRUCK TIRE CENTER, maintenance	77.00
GOLDMAN, J., phone	85.00
GRAINGER, bld & grnds	535.63
GRAPHIC SCREEN PRINTING, wearing apparel	32.00
GRAYBAR ELECTRIC, bld & grnds	186.48
GREENKEEPER CO., supplies	490.00
GUNN, B., phone	45.00
HEARTLAND AWARDS, wearing apparel/misc	1630.50
HEARTLAND TIRES AND TREADS, supplies	1723.00
HELGET GAS PRODUCTS, supplies	163.00
HENKE MANUFACTURING, maintenance	704.80
HERITAGE CRYSTAL CLEAN, services	303.30

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HY-VEE, misc	56.00
HYDRONIC ENERGY, bldg & grnds	245.00
INLAND TRUCK PARTS, maintenance	2673.26
J Q OFFICE EQUIP., services	101.20
KINDIG, D., phone	80.00
KLINKER, MARK, services	200.00
KOTTMANN, J., phone	65.00
KRIHA FLUID POWER, maintenance	337.87
LA VISTA COMMUNITY FOUNDATION, misc.	50.00
LA VISTA PHARMACY, supplies	22.36
LEAGUE OF NEBR MUNICIPALITIES, training/meals	278.00
LEXIS NEXIS, books	299.94
LIFE ASSIST, supplies	300.75
LINWELD, supplies	191.46
LOGAN CONTRACTORS, maintenance	3185.85
LUKASIEWICZ, B., phone	65.00
MARKOWSKY, T J, auto allowance	100.00
MASTER MECHANICAL SERVICE, bld & grnds	126.00
MC DONALD AND ASSOC., services	204.90
METRO AREA TRANSIT, services	550.00
MUD, utilities	905.36
MICHAEL TODD AND CO., maintenance	1392.82
MID AMERICA PAY PHONES, phone	50.00
MIDLANDS LIGHTING & ELECTRIC, bld & grnds	635.80
MILLER PRESS, printing	75.00
NE DEPT OF LABOR, insurance	0.62
NEBRASKA GREEN EXPO, training	1390.00
NEBRASKA LAW ENFORCEMENT, supplies	80.00
NEBRASKA TURFGRASS ASSOC, dues	250.00
NMC EXCHANGE, maintenance	16.93
NUTS AND BOLTS INC, maintenance	2.86
ODEY'S INC, bld & grnds	801.71
OFFICE DEPOT, supplies	154.78
PAPILLION TIRE INC, maintenance	164.06
PARAMOUNT LINEN & UNIFORM, services	553.14
PAYLESS OFFICE PRODUCTS, supplies	29.95
PERFORMANCE CHRYSLER JEEP, maintenance	35.89
PITNEY BOWES, postage/supplies	221.00
PRECISION INDUSTRIES, maintenance	28.35
PRINCIPAL LIFE, insurance	229.50
PROFESSIONAL GROUNDS MGMT SOC, dues	175.00
QWEST, phone	18.53
RAMIREZ, R., phone	43.00
RAY ALLEN MANUFACTURING, postage	6.50
RUSTY ECK FORD, maintenance	20.83
SAPP BROS PETROLEUM, supplies/fuel	12477.34
SARPY COUNTY COURTHOUSE, services	3588.49
SCHOLASTIC BOOK FAIRS, books	170.21
SHERRY, P., wearing apparel	120.00
SMALL, B., wearing apparel	104.99
SOUCIE, J., phone	60.00
SPRINT, phone	119.62
STATE STEEL OF OMAHA, maintenance	308.02
STOPAK, S., phone	50.00
SUBURBAN NEWSPAPERS, advertising	79.00
SUCCESS FACTORS, services	2500.00
TORNADO WASH, maintenance	105.00

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TURF CARS LTD, supplies	79.50
UNL, training	280.00
UNIVERSAL STEERING HYDRAULIC, maintenance	228.29
VAIL, A., auto allowance	100.00
VERIZON WIRELESS, phone	206.96
WAL-MART, supplies	553.60
WASTE MANAGEMENT, services	2595.46
WICK'S STERLING TRUCKS, maintenance	1093.27
WITMER PUBLIC SAFETY GROUP, wearing apparel	219.99

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that 610 trash surveys have been received and the staff will be working to compile the data. Councilmember Quick asked if the Gala will be held this year again. Ramirez stated she believes that is the intent of the La Vista Community Foundation.

Public Works Director Soucie reported that public works staff is in the process of taking down Christmas decorations. The tree drop off sites will be open until January 15, 2011. The Parks Department is working on a landscape project.

Public Buildings and Grounds Director Archibald reported that the work order system is in place and departments will be receiving training on its use in the near future.

Library Director Barcal reported that the Library is preparing for story time. Councilmember Sheehan asked how many books are available for check out to e-readers. Barcal stated there are more than 800 since this is a statewide shared program.

B. APPLICATION FOR REZONING – LOTS 1 & 2, GARY & DEBBIE PINK NO. 2

1. PUBLIC HEARING

At 7:20 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for rezoning of Lots 1 & 2, Gary & Debbie Pink No. 2.

At 7:21 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

2. ORDINANCE – APPROVE REZONING

Councilmember Gowan introduced Ordinance No. 1133 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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, Crawford, 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No. 1133 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, 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 City Clerk attested the passage/approval of the same and affixed her signature thereto.

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C. AMENDMENT TO PENSION PLANS

1. ORDINANCE – AMEND RETIREMENT PLANS FOR PUBLIC SAFETY EMPLOYEES

Councilmember Quick introduced Ordinance No. 1134 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND THE PUBLIC SAFETY EMPLOYEES RETIREMENT PLANS, MEANING THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST AND THE CITY OF LA VISTA FIREFIGHTERS RETIREMENT PLAN AND TRUST, FOR CHANGES IN APPLICABLE TAX LAWS; TO AUTHORIZE THE MAYOR TO EXECUTE DOCUMENTS AND FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck 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, Crawford, 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question was, "Shall Ordinance No. 1134 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, 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 City Clerk attested the passage/approval of the same and affixed her signature thereto.

2. RESOLUTION – AMEND RETIREMENT PLANS FOR GENERAL EMPLOYEES AND CITY ADMINISTRATORS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 11-001: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND CITY RETIREMENT PLANS, SPECIFICALLY, THE CITY OF LA VISTA GENERAL EMPLOYEES DEFINED CONTRIBUTION PENSION PLAN AND TRUST AND THE CITY OF LA VISTA CITY ADMINISTRATORS' DEFINED CONTRIBUTION PENSION PLAN AND TRUST, FOR CHANGES IN APPLICABLE TAX LAWS, 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 and the City of La Vista City Administrators' Defined Contribution Pension Plan and Trust ("Plans"). The City Council is authorized to amend the Plans and an amendment to each of the Plans has been presented with this Resolution for the Pension Protection Act of 2006 and subsequent legislation enacted by the United States Congress ("Amendment No. 1").

SECTION 2. The City Council hereby adopts and approves Amendment No. 1 for each of the Plans as presented with this Resolution.

SECTION 3. The Mayor is hereby authorized and directed to execute said Amendment No. 1 for each of the Plans and the City Administrator or her designee from time to time shall take any and all further actions as determined necessary or appropriate to implement said amendments and carry out the actions adopted and approved herein, obtain a determination from the Internal Revenue Service of the affect of said amendments and any other amendments on the qualified status of the Plans under the Internal Revenue Code, if a decision is made to obtain a determination, and otherwise maintain the qualified status of the Plans under the Internal Revenue Code, including, but not limited to, modifying amendments or adopting such further amendments to the Plans or either of them as the City Administrator determines necessary or advisable.

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

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D. SPECIAL ASSESSMENTS **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:27 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

2. RESOLUTION

Councilmember Crawford introduced and moved for the adoption of Resolution No. 11-002; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
7780 Greenleaf Drive/Lot 210 Granville East, \$282.29; and
7121 Harrison St., Lot 1C EX PT TO RD/La Vista Replat, \$2,000.00
were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01 and/or hazardous waste removal, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

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

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

COMMENTS FROM THE FLOOR

Martin Ware addressed Council regarding tarped vehicle violations.

E. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:32 p.m. Councilmember Carlisle made a motion to go into executive session for the protection of the public interest for contract negotiations. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. 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 8:01 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

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COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick suggested that the Council Strategic Planning session be the same day as the Employee Recognition Dinner.

Councilmember Gowan asked that the left turn signal from Giles onto Southport Parkway be checked. Gowan also complimented the Gala Event.

Mayor Kindig asked that department heads pass on to their departments that he and the Council thought the entire year of events were great and they couldn't have asked for more.

At 8:07 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF JANUARY, 2011

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk