

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING May 1, 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 May 1, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. 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 Chief Lausten, District Two Fire Chief Viers, Recreation Director Stopak, Public Works Director Soucie, Chief Building Inspector Sinnett, and Building and Grounds Director Archibald,

A notice of the meeting was given in advance thereof by publication in the Times on April 19, 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 SAFE KIDS WEEK, BUILDING SAFETY WEEK, PUBLIC SERVICE RECOGNITION WEEK, NATIONAL POLICE WEEK

Mayor Kindig presented a proclamation declaring April 28 - May 6, 2007 as National Safe Kids Week to Amy Seys from Safe Kids of Sarpy/Cass County. Mayor Kindig presented a proclamation declaring May 6 - 12, 2007 as Building Safety Week to Chief Building Inspector Jeff Sinnett. Mayor Kindig presented a proclamation declaring May 13 - 19, 2007 as National Police Week to Police Chief Lausten. Mayor Kindig presented a proclamation declaring May 7 - 13, 2007 as Public Service Recognition Week to all those who serve in a public capacity.

CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. MINUTES OF THE APRIL 17, 2007 CITY COUNCIL MEETING**
- 3. MINUTES OF THE APRIL 10, 2007 CIVIL SERVICE COMMITTEE MEETING**
- 4. MINUTES OF THE APRIL 18, 2007 PARK & RECREATION ADVISORY COMMITTEE MEETING**
- 5. NEW FIRE STATION NO. 2**
 - a. PAY REQUEST FROM HUNTEL COMMUNICATIONS FOR TELEPHONE EQUIPMENT - \$18,406.86**
 - b. PAY REQUEST FROM FGM ARCHITECTS FOR PROFESSIONAL SERVICES - \$6,512.09**
 - c. PAY REQUEST FROM COX BUSINESS SERVICES FOR CABLE SERVICES - \$3311.20**
- 6. PAY REQUEST FROM NELSON & ROCK CONTRACTING FOR LA VISTA FALLS GOLF COURSE DRAINAGEWAY STABILIZATION - \$128,480.00**
- 7. APPROVAL OF CLAIMS**

Councilmember McLaughlin made a motion to approve the consent agenda as presented. 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, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Supplies	10.96
AKSARBEN GARAGE DOOR SVCS, Bldg & Grnds	405.00
AMERICAN FENCE, Bldg & Grnds	95.50
AMSAN, Dues	892.23
APWA-AMER PUBLIC WORKS ASSN, Contract Services	129.00
AQUILA, Utilities	6,093.01
ARAMARK UNIFORM SERVICES, Contract Services	202.98
ASAP SOFTWARE, Contract Services	336.00
BAKER & TAYLOR BOOKS, Books	328.22
BARONE SECURITY SYSTEMS, Contract Services	780.00
BATTERY ZONE, Supplies	57.90

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BCDM-BERINGER CIACCIO DENNELL, Professional Services	585.00
BEACON ATHLETICS, Bldg & Grnds	570.00
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	2,029.58
BIRCH, ANN, Auto Allowance	50.00
BRODART, Books	357.84
BUETHE, PAM, Contract Services/Bldg & Grnds/Vehicle Maint.	162.79
CAPSTONE PRESS, Books	30.90
CENTER POINT PUBLISHING, Books	77.88
CITY OF RALSTON, Contract Services	1,155.51
CONTROL MASTERS, Bldg & Grnds	384.70
CORBIT, JEFF, Auto Allowance	100.00
COX COMMUNICATIONS, Contract Services	184.10
DANIELSON EQUIPMENT/SUPPLY, Supplies	62.50
DAYSPRING PRINTING, Printing	124.50
DIAMOND VOGEL PAINTS, Bldg & Grnds	208.45
DON'S PIONEER UNIFORMS, Wearing Apparel	140.85
DULTMEIER SALES & SERVICE, Vehicle Maint.	43.44
EBSCO SUBSCRIPTION SERVICES, Books	52.45
ED M. FELD EQUIPMENT, Wearing Apparel	1,192.74
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,520.00
EDM EQUIPMENT, Vehicle Maint.	213.00
ELECTRIC SPECIALTIES, Contract Services	120.00
FARQUHAR, MIKE, Auto Allowance	100.00
FEAUTO, RYAN, Refund	22.00
FILTER CARE, Vehicle Maint.	104.05
FIREGUARD, Squad Supplies	109.68
FITZGERALD SCHORR BARMETTLER, Professional Services	17,838.30
FOSTER, TERRY, Travel	20.00
FROELICH, RORY, Travel	63.00
GOLDMAN, JOHN, Travel	80.00
GRIECO, ANGELA, Refund	45.00
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	42.80
HARTS AUTO SUPPLY, Vehicle Maint.	117.00
HEARTLAND AWARDS, Plaque/Engraving	44.80
HEIMES, Street Maint.	54.67
HELGET GAS, Squad Supplies	50.00
HELWIG, JOHN, Travel	20.00
HOWE, NICK, Travel	63.00
HUNTEL, Contract Services	528.00
ICMA-INTL CITY/COUNTY MANAGE, Dues	848.00
IVERSON, DENNIS, Travel	40.00
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services	518.65
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	3,599.69
JENSEN, APRIL, Refund	40.00
JOHNSON HARDWARE, Bldg & Grnds	20.80
KELLER, RON, Travel	20.00
KEY MASTERS, Bldg & Grnds	72.50
KIMBALL MIDWEST, Street Maint.	52.13
KINDIG, DOUGLAS, Auto Allowance/Telephone	180.00
KLINKER, MARK, Professional Service	200.00
KOSISKI AUTO PARTS, Vehicle Maint.	50.00
KUSTOM SIGNALS, Repair	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	257.00
LAMP RYNEARSON/ASSOCIATES, Professional Services	282.54
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LAWLESS DISTRIBUTING, Concessions	355.50
LIFE ASSIST, Squad Supplies	5,920.85
LINWELD, Supplies/Tools	441.23
LUEBBERT, RAY, Travel	20.00
LUKASIEWICZ, BRIAN, Contract Services	71.25
LYNN PEAVEY COMPANY, Supplies	3.40
M & M PORTABLES, Rental	94.86
MATT FRIEND TRUCK EQUIPMENT, Vehicle Maint.	7,512.00
MCS SOLUTIONS, Contract Services	131.25
METRO AREA TRANSIT, Contract Services	510.00

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MID AMERICA PAY PHONES, Telephone	100.00
MIDWEST FENCE COMPANY, Street Maint.	108.33
MIDWEST MUDJACKING, Bldg & Grnds	277.50
MIDWEST TURF & IRRIGATION, Bldg & Grnds	653.39
MILLER BRANDS, Concessions	204.60
MONARCH OIL, Street Maint.	345.00
MUD, Utilities	356.46
MUNICIPAL PIPE TOOL, Equip.	7,980.00
NATIONAL SAFETY COUNCIL, Training	640.00
NE CHAPTER APWA, Training	720.00
NE DEPT OF REVENUE-LOTT/5, Lottery Tax	66,418.43
NE DEPT OF ROADS, Signs	14,000.00
NE LIBRARY COMMISSION, Supplies	1,825.00
NE MACHINERY, Vehicle Maint.	116.08
NE NATIONAL BANK, Cart Lease	660.00
NE SOFTBALL ASSN DIST#10, Registration	1,760.00
NE U C FUND, Insurance/Bonds	6,502.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	26,151.30
NEWMAN TRAFFIC SIGNS, Bldg & Grnds	624.00
NEXTEL, Telephone	1,184.92
ODEY'S, Bldg & Grnds	94.08
OFFICE DEPOT, Supplies	188.55
OMAHA COMPOUND, Supplies	62.75
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	128.98
OPPD, Utilities	88.40
OVERLY, STEVE, Travel	63.00
PAPILLION LA VISTA SCHOOL DIST, Career Fair	40.00
PAPILLION SANITATION, Contract Services	273.18
PAPILLION TIRE, Vehicle Maint.	75.70
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	628.66
PATTON EQUIPMENT, Equipment	170.00
PAYLESS, Supplies	17.97
PENWORTHY COMPANY, Books	768.17
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	346.00
PICS SMARTCARD, Squad Supplies	61.28
PRECISION INDUSTRIES, Vehicle Maint.	167.42
PREMIER-MIDWEST BEVERAGE, Concessions	102.30
PROPERTY SERVICES, Supplies	132.00
PRUITT, Vehicle Maint.	151.16
PVP COMMUNICATIONS, Repairs	41.00
QUEDENSLEY, BRAD, Travel	63.00
QWEST, Telephone	2,547.87
RAINBOW GLASS & SUPPLY, Bldg & Grnds	120.95
RANDOM HOUSE, Media	34.00
READY MIXED CONCRETE COMPANY, Street Maint.	195.10
RECORDED BOOKS, Audio Books	1,073.15
REVIVE INC., Supplies	340.00
ROSE EQUIPMENT, Vehicle Maint.	59.93
SAFETY-KLEEN CORPORATION, Contract Services	273.35
SAPP BROS PETROLEUM, Vehicle Supplies	951.56
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SARPY COUNTY TREASURER, Contract Services	24,473.25
SETON IDENTIFICATION PRODUCTS, Tag Stamps	104.60
SEVENER,DUTCH, Travel	20.00
SHERWIN-WILLIAMS, Bldg & Grnds	169.28
SID 195 - MAYFAIR, Sewer Fees	660.00
SID 200 - SOUTHWIND, Sewer Fees	3,300.00
SIMPLEX GRINNELL LP, Bldg & Grnds/Vehicle Maint.	949.50
SMALL, BRADY, Travel	40.00
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Telephone	30.00
SOUTHEAST AREA CLERKS ASSN, Travel	100.00
SPETHMAN-TWIFORD, LORI, Travel	40.00
STANDARD HEATING AND AIR COND, Bldg & Grnds	574.00
STAPLES, Supplies	449.30
STOPAK, SCOTT, Travel	53.35
TARGET BANK, Supplies	38.15
TED'S MOWER SALES & SERVICE, Supplies	6.65

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THERMO KING CHRISTENSEN, Vehicle Maint.	282.46
THOMSON GALE, Books	44.93
TREAT AMERICA FOOD SERVICES, Travel	120.39
TURF CARS, Equipment	98.25
TURF SUPPLY COMPANY, Supplies	837.00
TURFWERKS, Vehicle Maint.	436.52
TWIN CREEK ANIMAL HOSPITAL, K-9 Medical Care	476.10
UNITED SEEDS, Supplies	270.00
UPS, Postage	40.42
US POSTAL SERVICE, Postage	889.00
USI INC, Supplies	78.19
UTILITY EQUIPMENT COMPANY, Street Maint.	353.01
VERIPACK, Supplies	73.60
VERIZON, Telephone	90.50
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equip/Squad Supplies	1,211.79
WARD, DON, Travel	40.00
WARREN, CARLOS, Refund	45.00
WASTE MANAGEMENT, Bldg & Grnds	1,911.11
WATER'S EDGE AQUATIC DESIGN, Pool Improvements	1,500.00
WICK'S STERLING TRUCKS, Vehicle Maint.	71.81
WILDER, JONI, Auto Allowance	33.00
YOST, JOHN, Travel/Wearing Apparel	117.97

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded Council, since many review the Council packet on the website, to check their mailboxes regularly for other mail.

Police Chief Lausten reported to Council on a police incident regarding an armed robbery.

Lausten reminded Council of the Police Officer Memorial Service at the Omaha Police Department, which will include a candle walk, on Monday, May 14, 2007.

Recreation Director Stopak reminded Council of the tree planting to be held on Friday, May 4, 2007 at 10:00 a.m.

Stopak informed Council the golf report is in their mailboxes. Currently, the golf course is 524 rounds over last April.

Stopak informed Council of the Community Center's recent award of recognition, from the Girl Scouts - Great Plains Council, for working with the Community.

ORDINANCES – AMEND CITY CODE

1. ORDINANCE - AMEND SECTION 31.21 - CITY TREASURER

Councilmember McLaughlin introduced Ordinance No. 1026 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 31.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan 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, 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 McLaughlin. The Mayor then stated the question was, "Shall Ordinance No.1026 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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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2. ORDINANCE - AMEND SECTION 33.17 - CLOSED SESSIONS

Councilmember Gowan introduced Ordinance No. 1027 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.17; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick 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, 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 McLaughlin. The Mayor then stated the question was, "Shall Ordinance No.1027 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

3. ORDINANCE - AMEND SECTION 33.21 - NOTICE TO NEWS MEDIA

Councilmember McLaughlin introduced Ordinance No. 1028 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick 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, 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1028 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

4. ORDINANCE - AMEND SECTION 33.57 - CONFLICT OF INTEREST INVOLVING CONTRACTS

Councilmember McLaughlin introduced Ordinance No. 1029 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.57; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle 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, 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 McLaughlin. Councilmember Sheehan questioned whether "a direct pecuniary fee or commission as a result of the contract" under subsection (B)(2)(b) included payment of dividends on publicly traded stock; to which City Attorney McKeon stated that it did not. The Mayor then stated the question

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was, "Shall Ordinance No.1029 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

5. ORDINANCE - AMEND SECTION 35.48 - ADOPTED BUDGETED STATEMENT

Councilmember McLaughlin introduced Ordinance No. 1030 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.48; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell 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, 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question was, "Shall Ordinance No.1030 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

6. ORDINANCE - AMEND SECTION 35.50 - PROPERTY TAX REQUEST

Councilmember McLaughlin introduced Ordinance No. 1031 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.50; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan 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, 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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question was, "Shall Ordinance No.1031 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

7. ORDINANCE - AMEND SECTION 70.035 - CHILD PASSENGER RESTRAINT SYSTEM

Councilmember McLaughlin introduced Ordinance No. 1032 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.035; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

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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 McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Quick. Councilmember Sheehan questioned whether paragraph (C) allowed drivers of emergency apparatus and police vehicles to go without a seatbelt. Police Chief Lausten explained that this is with regard to child restraint seats such as in an ambulance or cruiser when a child seat may not be available. Lausten explained that the La Vista police department had car and booster seats for the transporting of babies and toddlers in cruisers in certain non-emergency situations. The Mayor then stated the question was, "Shall Ordinance No.1032 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

8. ORDINANCE - AMEND SECTION 70.056 - PENALTY

Councilmember McLaughlin introduced Ordinance No. 1033 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.056; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell 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, 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 Quick. The Mayor then stated the question was, "Shall Ordinance No.1033 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

9. ORDINANCE - AMEND SECTION 71.016 - DRIVING UNDER INFLUENCE OF ALCOHOL &/OR DRUGS

Councilmember McLaughlin introduced Ordinance No. 1034 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 71.016; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR 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, McLaughlin, 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 McLaughlin. Councilmember Sheehan questioned as to whether an individual that was stopped for possible influence of drugs/alcohol could choose the method of testing. Police Chief Lausten stated that the police officer makes that determination. The Mayor then stated the question was, "Shall Ordinance No.1034 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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

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approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

10. ORDINANCE - AMEND SECTION 114.30 - CATERING LICENSE

Councilmember Gowan introduced Ordinance No. 1035 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.30; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember McLaughlin moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick 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, 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 Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No.1035 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, 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.

C. RESOLUTION – EASEMENT RELEASE – LOT 1 & 4, SOUTHPORT WEST (N OF GILES RD, W OF WESTPORT PKWY)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-043: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ADJUST THE LOCATION OF PART OF A STORM SEWER EASEMENT, LOT 1 AND LOT 4, SOUTHPORT WEST SUBDIVISION; AND TO AUTHORIZE THE MAYOR TO TAKE SUCH ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement per the plat of Southport West, a subdivision in Sarpy County, Nebraska, recorded as Instrument No. 2005-21955 (the "Plat") in the Sarpy County Register of Deeds office; and

WHEREAS, the City annexed the property located with Southport West, and is now the sole beneficiary of the dedicated storm sewer easement; and

WHEREAS, SPW Partners, LLC is the owner of Lot 1, Southport West, and Southport West Partners, LLC is the owner of Lot 4, Southport West, per special warranty deeds recorded as Instruments No. 2006-12539 and 2004-20235, respectively, in the Sarpy County Register of Deeds office ("Owner"); and

WHEREAS, the location of part of the original storm sewer easement across Lot 1 and Lot 4, Southport West, must be adjusted due to utility conflicts; and

WHEREAS, the City, SPW Partners, LLC and Southport West Partners, LLC desire to accomplish said adjustment by the termination and release of the original easement across Lot 1 and Lot 4, and concurrent grant of new easements by separate instruments.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the adjustment of part of the existing permanent storm sewer easement across Lot 1 and Lot 4, Southport West, pursuant to the Termination and Release of part of Existing permanent Storm Sewer Easement and the Permanent Storm Sewer Easements in form and content presented at this meeting and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby approve said Termination and Release of Part of Existing Permanent Storm Sewer Easement.

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BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Termination and Release of Part of Existing Permanent Storm Sewer Easement, and to take such further actions as necessary or appropriate to carry out the resolutions approved herein.

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

D. RESOLUTION – SARPY COUNTY RIGHT OF WAY VACATION – 120TH STREET (SOUTH OF GILES RD.)

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-044: RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF THE PROPOSED VACATION OF A PORTION OF UNUSED RIGHT-OF-WAY LOCATED AT 120TH STREET SOUTH OF GILES ROAD IN SARPY COUNTY, NEBRASKA AS IDENTIFIED IN THE ATTACHED EXHIBIT "A", SUBJECT TO COMPLIANCE WITH THE CONDITIONS IDENTIFIED BY THE CITY ENGINEER, AND REPEALING RESOLUTION NO 06-136.

WHEREAS, on October 3, 2006, the City Council approved Resolution No.06-136 regarding the vacation of a portion of unused right-of-way located at 120th Street south of Giles Road, located in the Southeast ¼ of Section 18, T14N, R12E of the 6th P.M., Sarpy County, Nebraska as identified in the attached Exhibit A; and

WHEREAS, the County Attorney and County Surveyor have requested that the City repeal the previous resolution and modify the conditions to allow for filling if a plan is approved by the City; and

WHEREAS, the City Engineer and staff recommend the vacation of this portion of unused right-of-way subject to the following revised conditions:

1. A sewer and drainage easement be granted across all of the right-of-way to be vacated; and
2. Filling shall only be permitted within the right-of-way to be vacated subject to the City's approval of a grading and drainage plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby repeal Resolution No. 06-136 and recommend to the County Board the approval the vacation of a portion of unused right-of-way located at 120th Street south of Giles Road subject to the two conditions listed in the last recital above.

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

E. RESOLUTION – AWARD CONTRACT – 2007 PAVEMENT RECONSTRUCTION PROGRAM

Councilmember Quick introduced and moved for the adoption of Resolution No. 07-045: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDDING A CONTRACT TO WESTERN ENGINEERING COMPANY, INC., OMAHA, NEBRASKA, FOR THE 2007 PAVEMENT RECONSTRUCTION PROGRAM IN AN AMOUNT NOT TO EXCEED \$578,279.30.

WHEREAS, the City Council of the City of La Vista has determined that certain pavement reconstruction is necessary; and

WHEREAS, the FY 2006/07 Construction Fund budget includes funds for the 2007 Pavement Reconstruction Program; and

WHEREAS, on April 3, 2007 the City Council authorized the advertisement of bids for said project in accordance with plans and specifications as prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids and recommends that a contract be awarded to Western Engineering Company, Inc., as the low qualified bidder; and

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

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, that a contract be awarded to Western Engineering Company, Inc., for the 2007 Pavement Reconstruction Program in an amount not to exceed \$578,279.30, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

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

F. RESOLUTION – SOLID WASTE MANAGEMENT AGREEMENT

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-046: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE MANAGEMENT AGREEMENT WITH SARPY COUNTY, NEBRASKA.

WHEREAS, the current Solid Waste Management agreement with Sarpy County will expire on May 17, 2007, and

WHEREAS, Sarpy County Landfill is owned by the County of Sarpy, Nebraska, and

WHEREAS, the City of La Vista desires to use the Sarpy County Landfill, and

WHEREAS, this agreement will permit the City of La Vista to dispose of solid waste on grounds provided by the Sarpy County Landfill,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor and City Clerk to enter into a Solid Waste Management Agreement with Sarpy County.

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

G. RESOLUTION – AUTHORIZE PURCHASE OF COMPUTER EQUIPMENT FOR LIBRARY

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-047: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF FIFTEEN HEWLETT PACKARD COMPUTERS WITH SOFTWARE FROM CDW-GOVERNMENT, INC. IN AN AMOUNT NOT TO EXCEED \$11,904.00.

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

WHEREAS, the FY 06/07 Operating budgets did include funds for the purchase of said computer equipment; 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 purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of eleven Hewlett Packard Computers with Software from CDW-Government, Inc. in an amount not to exceed \$11,904.00.

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

H. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)

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

May 1, 2007

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-048: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RELATING TO THE TERM OF PARTICIPATION IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT.

WHEREAS the City of La Vista is a member of the League Association of Risk Management (LARM); and

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least 90 days prior to the desired termination date and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates, and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM; and

WHEREAS, the Mayor and City Council have determined that it is in the best financial interest of the City to extend the term of agreement by three years and establish notice of termination terms in order to receive participation discounts.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2010, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

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

I. RESOLUTION - AUTHORIZE ADVERTISEMENT FOR REQUEST FOR PROPOSALS (RFP) - MUNICIPAL FACILITIES PLAN

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-049: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR ARCHITECTURAL/PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A MUNICIPAL FACILITIES PLAN.

WHEREAS, the Mayor and Council have determined that it is desirable to take proposals for architectural/professional services for the development of a Municipal Facilities Plan; and

WHEREAS, the City Administrator has prepared specifications for the request for proposals; and

WHEREAS, the FY 06/07 Construction Fund budget provides funding for such professional services.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for request for proposals and the City Clerk is hereby authorized to advertise for the proposals in accordance with the specifications prepared by the City Administrator, and said sealed proposals are to be opened publicly at 4:30 p.m. June 13, 2007, at City Hall, 8116 Park View Blvd., La Vista, Nebraska 68128.

Publish Notice

May 10, 2007

Open Proposals

June 13, 2007

Tentative Award Date

August 7, 2007

Seconded by Councilmember Gowan. Councilmember Sheehan stated his trepidation with going forward with municipal facilities plans. Councilmembers voting aye: Sell, Ronan, Quick,

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Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Martin Ware addressed Council informing them of an incident involving him and some neighborhood youth. An officer was called and the officer addressed the youth and told Mr. Ware that they are good kids. Mr. Ware feels the officer should talk to their families. Mayor Kindig requested that Police Chief Lausten look into this and provide a report on the incident in a few days.

Councilmember Sheehan asked how old the kids are and Mr. Ware responded that they are teenagers.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of the Annual School Carnival at G. Stanley Elementary School on Friday, May 4th, from 5:00 - 8:00 p.m. The Mayor and Councilmember Sheehan will be cooking and others helping will need to be there between 4:30 and 4:45 p.m.

Mayor Kindig asked any Councilmember who is able to represent the City at the Tree Planting Ceremony at 10:00 a.m. on Friday in City Park to inform Recreation Director Stopak or Mary Alex.

Mayor Kindig commented on his "Mayor for the Day" winner - Jasmine Goodfellow.

Mayor Kindig, Councilmembers Gowan and Sell, City Administrator Gunn, and Assistant City Administrator Ramirez, attended a recent Southwind Subdivision meeting. The Mayor stated that it was a good meeting with open communication. The residents are anxious to, someday, be annexed in to La Vista.

The Mayor will ride and Councilmembers will walk and hand out treats during the La Vista Days parade. The Mayor's luncheon will be held at Central Park this year.

ADJOURNMENT

At 7:53 p.m. Councilmember Sell 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 15TH DAY OF MAY 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\07 COUNCIL MINUTES\May 1