

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING JULY 3, 2012

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 July 3, 2012. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buethe, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, Finance Director Lindberg, Recreation Director Stopak, Public Building and Grounds Director Archibald, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on June 20, 2012. 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 announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

PRESENTATION - CERTIFICATE OF COMMENDATION - KRIS KINSELLA

Mayor Kindig and Fire Chief Uhl presented Kris Kinsella with a Certificate of Commendation.

SERVICE AWARD - RICH CARSTENSEN- 15 YEARS

Mayor Kindig recognized Rich Carstensen for 15 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED

2. APPROVAL OF CITY COUNCIL MINUTES FROM JUNE 19, 2012

3. APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION INC. MINUTES FROM MAY 14, 2012

4. PAY REQUEST - NE DEPARTMENT OF ROADS - 96TH STREET IMPROVEMENTS \$110,676.43

5. APPROVAL OF CLAIMS

ACCO UNLIMITED, supplies	132.00
ACCURATE TESTING, utilities	105.30
ACTION BATTERIES, bld&grnds	37.90
ACUFF CONSULTING, training	750.00
ADAMSON INDUSTRIES, maint.	539.80
ALEXANDER LAWN & LANDSCAPE, bld&grnds	5596.60
ARAMARK, services	439.90
ASCAP, services	320.00
ASPHALT & CONCRETE MATERIALS, maint.	90.17
AWE, services	4069.00
BAKER & TAYLOR, books	1151.38
BANKERS TRUST, fees	500.00
BEACON BUILDING, services	6712.00
BEAUDIN, C., travel	60.00
BIERBRAUER, A., travel	60.00
BLACK HILLS ENERGY, utilities	1941.20
BMI, services	320.00
BOBCAT, maint.	685.16
BOUND TREE MEDICAL, supplies	99.34
BRADLEY, K., travel	60.00

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BRAKE, A., auto	100.00
BREWER, W., auto	100.00
BUILDERS SUPPLY, bld&grnds	149.75
CARDMEMBER SERVICE, travel&supplies	2085.51
CDW GOV., equip.	722.40
CENTER POINT PUBLISHING, books	214.50
CENTURY LINK BUSN SVCS	2.89
CENTURY LINK, phones	1121.69
COMP CHOICE, services	840.00
COMPUTER SOLUTIONS INC, equip.	30345.00
COX , utilities	19.45
DATA TECH., services	1500.00
DREWEL, R., services	250.00
DULTMEIER, equip.	25.70
EASTERN NEBR SOCCER ASSN, dues	515.00
ED ROEHR SAFETY PRODUCTS, equip.	402.01
EDGEWEAR SCREEN PRINTING, services	370.50
ELECTRONIC ENGINEERING, maint.	141.00
ESRI, services	2350.00
EXCHANGE BANK, rental	4778.43
FEDEX, postage	29.88
FELD FIRE, equip.	4950.00
FILTER CARE, maint.	13.60
FIREFOX RESCUE, maint.	81.69
FITZGERALD SCHORR BARMETTLER, services	28965.96
FORT DEARBORN LIFE INSURANCE	1346.50
FROEHLICH, R., auto	100.00
GALE, books	147.97
GCR TIRE CENTERS, supplies	420.92
GENUINE PARTS COMPANY, maint.	1058.01
GOLEY, C., travel	60.00
GRAINGER, equip.	44.44
GRAYBAR ELECTRIC, bld&grnds	20.69
GREAT PLAINS, apparel	125.00
GREAT WESTERN BANK, fees	250.00
GREENKEEPER, supplies	473.63
H & H CHEV., maint.	115.12
HANEY SHOE STORE, apparel	120.00
HARTS AUTO SUPPLY, maint.	564.50
HEARTLAND SERVICES, maint.	325.00
HEARTLAND TIRES, supplies	244.53
HEIMES CORP, maint.	104.48
HELGET GAS, supplies	102.00
HITCHES PLUS, supplies	312.89
INDUSTRIAL SALES, bld&grnds	407.03
INLAND TRUCK PARTS, maint.	2107.35
J Q OFFICE, supplies	95.75
JI SPECIAL RISKS INSURANCE	1855.00
JOE'S TOWING & REPAIR, maint.	95.00
KLINKER, M., services	200.00
KRIHA FLUID POWER, maint.	9.00
KRUSE, G., refund	30.00
LA VISTA COMMUNITY FOUNDATION	100.00
LA VISTA FIREFIGHTERS ASSN, supplies	87.69
LANDPORT SYSTEMS, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LINCOLN NATIONAL LIFE INS	10618.73
LINDBERG, S., travel	222.00
LITTLE, T., travel	60.00
LOGAN CONTRACTORS, maint.	713.42

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LOVELAND GRASS PAD, bld&grnds	1501.71
MARTIN MARIETTA AGGREGATES, maint.	143.94
MAT, services	576.00
MATHESON TRI-GAS, supplies	298.49
MCC, utilities	15356.66
MID AMERICA, phone	100.00
MID-STATES UTILITY TRAILER, maint.	57.24
MIDWEST TAPE, media	16.24
MIDWEST TURF & IRRIGATION, maint.	155.97
MINITEX, supplies	136.00
MONARCH OIL, maint.	367.50
MSC INDUSTRIAL, supplies	105.03
MUD, utilities	9800.50
NATIONAL PAPER, supplies	487.81
NE DEPT OF MOTOR VEHICLE	6.60
NE WELDING, services	164.43
NEXTEL SPRINT, phones	206.18
NUTS AND BOLTS, maint.	11.31
OCLC, books	31.50
ODEY'S, bld&grnds	431.72
OFFICE DEPOT, supplies	1617.99
OMAHA COMPOUND, supplies	572.86
OMAHA WINNELSON, bld&grnds	147.00
OMAHA WORLD HERALD, adv.	1539.53
PARAMOUNT, apparel	298.28
PAYFLEX SYSTEMS USA INC	250.00
PEPSI COLA, supplies	509.40
PERFORMANCE CHRYSLER JEEP, maint.	379.27
PERFORMANCE FORD, maint.	82.60
PETERSON, A., travel	60.00
PETTY CASH	172.74
PETTY CASH	243.27
PITNEY BOWES, service	356.98
PLAINS EQUIPMENT GROUP, maint.	847.42
PRUITT OUTDOOR POWER, maint.	246.00
PSI PLASTIC GRAPHICS, supplies	472.35
QUALITY BRANDS, supplies	503.00
READY MIXED CONCRETE, maint.	1451.07
SALEM PRESS, books	501.50
SAPP BROS SERVICE, maint.	498.00
SARPY COUNTY COURTHOUSE, service	3479.89
SARPY COUNTY FISCAL ADMIN., service	8874.00
SARPY COUNTY REGISTER OF DEEDS, fees	10.50
SEAT COVER CENTER OF NE, maint.	159.50
SESAC, services	311.00
SHRED-SAFE, services	30.00
SIGN IT, services	280.00
SMOOTHER CUT ENTERPRISES, services	1590.00
SOUTHEAST LIBRARY, training	80.00
SPRINT, phone	119.97
SPRINT, phone	62.25
STATE STEEL, maint.	650.68
STOLTENBERG NURSERIES, bld&grnds	7400.00
SUN COUNTRY DISTRIBUTING, bld&grnds	604.93
SUN VALLEY NATURAL STONE, bld&grnds	84.48
SUPERIOR VISION SVCS	424.80
TARGET, supplies	14.18
TED'S MOWER, maint.	195.98
TELIN TRANSP., maint.	36.80
TEUSCHER, C., services	250.00

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THERMO KING CHRISTENSEN, maint.	487.61
THOMPSON DREESSEN & DORNER, services	3800.00
TODCO BARRICADE, supplies	265.00
TOMSU, L., supplies	50.85
TORNADO WASH, services	100.00
TOTAL MARKETING, bld&grnds	45.00
UNITED RENT-ALL, services	1104.16
UPS, postage	15.76
VAIL, A., auto	100.00
VERIZON WIRELESS, phones	95.78
VERIZON WIRELESS, phones	98.97
WAL-MART, supplies	1088.40
WESTERHOLT, D., services	1200.00
WHITE CAP CONSTR, maint.	121.51
WICK'S STERLING, maint.	531.10
ZEE MEDICAL, supplies	197.55

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reminded everyone of the Budget Workshops on July 16th and 18th, 2012 at 6 P.M.

Fire Chief Uhl reported that demonstrations of the new Fire Extinguisher trainer took place prior to the meeting. Councilmember Quick asked who was painting the Fire Hydrants and why they were white. Chief Uhl responded that it was MUD doing the priming and painting.

Public Works Director Soucie stated that the white is the primer painted on all the hydrants and then they will paint all the yellow and then all the red. Soucie also reported that the Slumbuster's Tournament was successful. The permanent restrooms have been locked and portable restrooms have been placed in the parks during fireworks season to prevent destruction of fixtures in the permanent restrooms.

Public Buildings and Grounds Director Archibald reported that a fan went out on the air handler for the air conditioning unit at City Hall, but it has since been fixed.

Recreation Director Stopak reported that the Slumbuster Staff would like to thank the Mayor and Council for another successful tournament and that the Recreation Department would like to thank everyone from other departments who assisted with the tournament. Stopak also reported on two upcoming events: Sunday July 8th from 1pm to 4pm is the Splashbash and the Urban Race will be held in conjunction with the City of Papillion on August 4, 2012.

Library Director Barcal reported that they were half way through the Summer Reading Program. There will also be some exhibits coming to the Library due to the awarding of a grant.

B. APPLICATION FOR REPLAT AND SUBDIVISION AGREEMENT APPROVAL – LOTS 1-3, MAYFAIR 2ND ADDITION, REPLAT FIVE (NW OF 96TH AND GILES)

Councilmember Sheehan made a motion to continue the public hearing opened May 15, 2012 and continued June 19, 2012 and July 3, 2012 until the August 7, 2012 meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan. Nays: None. Absent: Ellerbeck. Motion carried.

C. ORDINANCE – AMEND MUNICIPAL CODE – CHAPTER 72 PARKING REGULATION

Councilmember Gowan introduced and moved for adoption of Ordinance 1179 entitled: AN ORDINANCE TO AMEND CHAPTER 72 OF THE LA VISTA MUNICIPAL CODE REGARDING PARKING TO ADD NEW SECTION 72.28; TO REPEAL CONFLICTING ORDINANCES

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PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Gowan 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, Crawford, and Gowan. The following voted nay: None. The following were absent: Ellerbeck. 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 1179 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, and Gowan. The following voted nay: None. The following abstained: None. The following were absent: Ellerbeck. 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.

D. RESOLUTION – AMENDMENT TO PENSION PLANS – APPOINT NEW TRUSTEE

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-073; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING APPOINTMENT OF WILMINGTON TRUST RETIREMENT AND INSTITUTIONAL SERVICES COMPANY AS SUCCESSOR TRUSTEE OF CERTAIN CITY RETIREMENT PLANS AND AUTHORIZING CORRESPONDING DOCUMENT AMENDMENTS.

WHEREAS, the City maintains the following retirement plans and trusts for the exclusive benefit of plan participants and their beneficiaries pursuant to Section 401(a) of the Internal Revenue Code and applicable Nebraska law:

Plan No. 107200 - The City of La Vista General Employees Defined Contribution Pension Plan and Trust,

Plan No. 106162 - The City of La Vista City Administrators' Defined Contribution Pension Plan and Trust,

Plan No. 106442 - The City of La Vista Firefighters Retirement Plan and Trust, and

Plan No. 107185 - The City of La Vista Police Officers Retirement Plan and Trust,

(collectively the "Plans"); and

WHEREAS, Vantage Trust Company, LLC is directed trustee of the Plans; and

WHEREAS, The City also maintains two additional plans - Plan No. 300510 - The City of La Vista City Administrators' 457 Deferred Compensation Plan and Trust, and Plan No. 304703 - The City of La Vista Civilian Employees Supplemental 457 Deferred Compensation Plan and Trust – for which the City of La Vista serves as trustee, which duties are carried out by the City Treasurer; and

WHEREAS, the City has been notified that the Vantage Trust Company, LLC will resign as directed trustee of the Plans effective as of July 31, 2012; and

WHEREAS, ICMA Retirement Corporation provides administrative and investment services to the Plans and has established a relationship with Wilmington Trust Retirement and Institutional Services Company, a Delaware trust company to serve as successor directed trustee, if desired by the City; and

WHEREAS, the City desires to appoint the Wilmington Trust Retirement and Institutional Services Company to serve as successor directed trustee of the Plans, effective as of July 31, 2012.

NOW, THEREFORE, BE IT RESOLVED, that the City accepts the resignation of Vantage Trust Company, LLC effective as of July 31, 2012, subject to acceptance of appointment of successor trustee and any required accountings or transfers of assets satisfactory to the City Administrator.

BE IT FURTHER RESOLVED that the Wilmington Trust Retirement and Institutional Services Company is hereby appointed to serve as successor directed trustee of the Plans effective as of July 31, 2012, subject to any due diligence and acceptance

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of appointment in writing satisfactory to the City Administrator.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute such amendments to the Plans or corresponding trust agreements or other documentation or instruments, obtain any desired accountings and take any and all other actions on behalf of the City, as necessary or appropriate to carry out the actions approved in this Resolution and to maintain the qualified status of the Plans, in form and content satisfactory to the City Administrator.

Seconded by Councilmember Carlisle. Councilmember Crawford asked if ICMA would still oversee the plan. City Clerk Buethe responded that ICMA would still oversee the plan. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

E. DISCUSSION – COMPENSATION INFORMATION AND PAY FOR PERFORMANCE UPDATE

Assistant City Administrator Ramirez explained that the Administration was proposing a 2% base increase and a 1% salary range increase. Ramirez explained that Pay for Performance variable pay concept was not being recommended at this time and that staff can work towards this variable pay but is not ready at this time. Councilmember Crawford asked when staff will be ready to move forward with variable pay. Ramirez responded that before moving forward with variable pay, the number of core competencies needs to be reduced in the evaluation. Councilmember Sheehan stated that he wants to see staff take their time and ensure that the process is fair and correct.

F. RESOLUTION – SPECIAL ASSESSMENT

1. PUBLIC HEARING

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 7:28 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

2. RESOLUTION

Councilmember Crawford introduced and moved for the adoption of Resolution No. 12-074; 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
7314 Joseph Avenue/Lot 363 La Vista Replat; \$119.70
were notified to clean up their property as they were in violation of the City
Municipal Code, Section 133.01, or the City would do so and bill them accordingly,
and

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

WHEREAS, the City sent the property owners a bill for said clean up which has 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
amount and against the property specified above, located within Sarpy County, La
Vista, Nebraska.

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

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

COMMENTS FROM THE FLOOR

There were no Comments from the Floor.

H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; LAND ACQUISITION; PERSONNEL

At 7:29 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations and negotiating guidance regarding land acquisition and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:04 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, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated that there were several signs in an empty lot on Harrison, East of 72nd Street. Police Chief Lausten stated that Code Enforcement would do a sign sweep on Thursday.

Councilmember Gowan stated he had been to the Zona Rosa area in Kansas City and thought it was very nice. Councilmember Quick stated she had visited Knoxville, IA and she thought they had some neat ideas for their city and its parks.

Chief Uhl reminded Councilmembers of the Second phase Tabletop Disaster Drill on July 26, 2012.


At 8:10 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Gowan. Nays: None. Abstain: None. Absent: Ellerbeck. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF JULY, 2012.

CITY OF LA VISTA


Douglas Kindig
Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk