

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING September 18, 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 September 18, 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, Deputy City Clerk Lupomech, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on September 6, 2007. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

SERVICE AWARD – ANDREW JOHNSON AND JAMES THOMPSON – 5 YEARS

Mayor Kindig and Police Chief Lausten presented a certificate and pin to Andrew Johnson and James Thompson for 5 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 28, 2007
3. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 4, 2007
4. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM AUGUST 15, 2007
5. APPROVAL OF CITIZEN ADVISORY REVIEW COMMITTEE MEETING SEPTEMBER 10, 2007
6. APPROVAL OF CLAIMS

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

ACCURATE TESTING, Bldg & Grnds	70.00
ALADDIN CUSTOM SPORTSWEAR, Wearing Apparel	72.64
ALAMAR UNIFORMS, Wearing Apparel	80.97
ALERT-ALL CORP, Printing	1,837.00
AQUA-CHEM, Supplies	324.50
AQUILA, Utilities	78.88
ARAMARK UNIFORM SERVICES, Contract Services	222.05
ASH, KIMBERLY, Books	12.95
ASPHALT & CONCRETE MATERIALS, Street Maintenance	392.21
BAKER & TAYLOR BOOKS, Books	2,753.05
BATTERY ZONE, Supplies	77.18
BENNINGTON IMPLEMENT, Vehicle Maint.	204.24
BLAND, CHRIS, Contract Services	24.00
BOBCAT, Vehicle Maint.	39.19
BOB'S RADIATOR REPAIR, Vehicle Maint.	110.00
BRENTWOOD AUTO WASH, Vehicle Maint.	85.00
BRODART, Books	14.25
BUETHE, PAM, Travel	35.00
BUILDERS SUPPLY, Street Maint.	1.70
CALLAWAY GOLF COMPANY, Supplies	643.79
CARDMEMBER SERVICE-ELAN, Travel/Training/Telephone	3,045.50
CARL JARL LOCKSMITHS, Supplies	14.70
CENTER POINT PUBLISHING, Books	77.28

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CENTRAL STATES TACTICAL, Equipment	543.40
CIACCIO ROOFING, Bldg & Grnds	1,085.00
CITY OF PAPILLION, Supplies	30.00
CJ'S HOME CENTER, Vehicle Maint./Street Maint./Bldg & Grnds	898.31
CLEMENGER, PAUL, Contract Services	18.00
CONTROL MASTERS, Repair	395.00
CORNHUSKER SIGN & MFG CORP, Bldg & Grnds	4,785.00
COVENTRY HEALTH CARE, Rescue Revenue	440.00
COX COMMUNICATIONS, Contract Services	242.75
CUMMINS CENTRAL POWER LLC #410, Bldg & Grnds	468.60
CZARNICK, MICHAEL, Travel	220.00
DECOSTA SPORTING GOODS, Equipment	940.25
DEMCO, Supplies	192.42
DIAMOND VOGEL PAINTS, Equipment	22.25
DON'S PIONEER UNIFORMS, Wearing Apparel	88.89
DOOR EXPRESS INCORPORATED, Bldg & Grnds	32.00
DOUGLAS COUNTY SHERIFF'S OFC, Contract Services	50.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	4.66
ED M. FELD EQUIPMENT, Wearing Apparel	501.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,287.00
ELECTRONIC ENGINEERING, Vehicle Maint.	127.41
FASTENAL COMPANY, Street Maint/Vehicle Maint.	67.57
FEDEX KINKO'S, Printing	18.00
FELSBURG HOLT & ULLEVIG, Southport	816.54
FILTER CARE, Vehicle Maint.	37.80
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	86.50
GALL'S INCORPORATED, Vehicle Maint./Wearing Apparel	278.66
GRAPHIC IMAGINATION, Vehicle Maint.	189.76
GRAYBAR ELECTRIC, Bldg & Grnds	227.92
GREAT PLAINS ONE-CALL SVC, Contract Services	351.16
GUNN, BRENDA, Travel	54.50
HANEY SHOE STORE, Wearing Apparel	120.00
HARM'S CONCRETE, Street Maint.	75.00
HD SUPPLY WHITE CAP CONSTR., Supplies	29.99
HEIMAN FIRE EQUIPMENT, Equipment	2,520.00
HEIMES CORPORATION, Street Maint.	97.58
HELGET SAFETY SUPPLY, Equipment	70.50
HOME DEPOT, Supplies	119.95
IAFC-INTL ASSN OF FIRE CHIEFS, Dues	170.00
INLAND TRUCK PARTS, Vehicle Maint.	61.85
INSIGHT TECHNOLOGY, Contract Services	887.96
INTERSTATE POLICE SUPPLY, Wearing Apparel	24.98
J Q OFFICE EQUIPMENT, Contract Services/Supplies	437.85
JOHNSTONE SUPPLY, Supplies/Bldg & Grnds	88.73
KARLSON, DAVID, Travel	264.00
KINSEY, JEREMY, Travel	220.00
KROGER, Supplies	157.99
LA VISTA FIREFIGHTERS ASSN, Equipment	100.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	90.00
LEAGUE OF NE MUNICIPALITIES, Contract Services	1,025.00
LEAGUE OF NE MUNICIPALITIES, Training/Travel	443.00
LINWELD, Street Maint.	288.08
LOGAN CONTRACTORS SUPPLY, Equip. Repair	21.00
LOU'S SPORTING GOODS, Wearing Apparel	320.99
LOVELAND LAWNS, Street Maint.	187.50
M & M PORTABLES, Rentals	204.00
METROPOLITAN COMMUNITY COLLEGE, Contract Services	10,436.73
MIDLANDS BUSINESS JOURNAL, Books	70.00
MIDWEST GANG INVESTIGATORS, Training	160.00
MILLER BRANDS, Concessions	133.30
MIRACLE RECREATION EQUIPMENT, Bldg & Grnds	13.44
MOBILE COMMUNICATIONS, Equipment	75.00
MUNICIPAL EMERGENCY SVCS, Equipment	8,292.48
N PITLOR & SON, Bldg & Grnds	269.00
NE DEPT OF REVENUE-FORM 94, Fees	25.00
NE LAW ENFORCEMENT, Training	150.00
NE LIBRARY COMMISSION, Database	2,078.61

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NE MOSQUITO/VECTOR ASSN, Training	100.00
NEWMAN TRAFFIC SIGNS, Street Maint.	1,357.75
OFFICE DEPOT, Supplies	359.09
OFFUTT YOUTH CENTER, Contract Services	828.00
OMAHA WINDUSTRIAL, Equipment	227.51
ON YOUR MARKS, Magnets	914.78
OPPD, Utilities	34,646.64
PARAMOUNT LINEN & UNIFORM, Cleaning Service	320.58
PEPSI COLA, Concessions	190.90
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	5.13
POWER PLAN, Vehicle Maint.	103.14
PRIME TIME SPORTING GOODS, Equipment	225.00
PRUITT, Vehicle Maint.	1,416.25
PURCELL, SANDI, Refund	40.00
QUALITY BRANDS, Concessions	308.60
RAINBOW GLASS & SUPPLY, Bldg & Grnds/Vehicle Maint.	115.00
READY MIXED CONCRETE, Street Maint.	2,969.91
SALEM PRESS, Books	498.30
SAM'S CLUB, Concessions/Supplies	932.69
SAPP BROS PETROLEUM, Vehicle Supplies	113.38
SARPY COUNTY CHAMBER, Travel	90.00
SUBURBAN NEWSPAPERS, Legal Advertising	860.35
SUBWAY SANDWICHES, Supplies	35.99
SUTPHEN, Contract Services	1,200.00
TED'S MOWER SALES & SERVICE, Vehicle Maint.	101.06
THOMPSON DREESSEN & DORNER, Professional Services/Southport	27,809.47
THORPE'S BODY SHOP, Vehicle Maint.	2,036.68
THREE RING ENTERPRISES, Vehicle Maint.	1,697.37
TITLEIST, Equipment	427.82
TRUGREEN-CHEMLAWN, Contract Services	844.33
TURFWERKS, Vehicle Maint.	50.83
UAP DISTRIBUTION, Supplies	1,075.50
UPS, Postage	16.93
WICK'S STERLING TRUCKS, Vehicle Maint.	168.88

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Fire Chief Uhl informed Council of an upcoming recruitment event for the La Vista Volunteer Fire Department. It is a Citizen's Fire Academy Weekend scheduled for October 20 - 21st. Uhl handed out a brochure which explained the schedule of the Academy. He stated the weekend event is to identify people in the community who are interested in becoming a volunteer, and give them information on the responsibilities of a volunteer firefighter.

Fire Chief Uhl informed Council that Fire Station District #1 is now equipped with sleeping quarters.

Public Works Director Soucie updated Council on the erosion problems on Valley Road, which included power poles that were having problems. OPPD has made contact with the five homeowners that they need to purchase some additional easements from to take care of the project. Four of the five homeowners do not live in Nebraska, which has delayed a solution. As soon as OPPD gets contracts signed and gains the additional easement they will be able to move the power poles back and stabilize the area.

Soucie updated Council on an issue brought before Council by resident Glen Franta who lives on Thompson Creek. His concern was the storm sewer that ran through his backyard. Soucie stated that Public Works has been working on the issues and have secured the storm sewer pipe. The County is scheduled to help the City trench the project out this week, but repair is dependent on the weather.

Soucie commented on a question that was asked by Councilmember Sheehan concerning electric door locks on the public restroom in City parks. Soucie stated that new locks have a battery backup, and if the backup fails, the default is for the lock to open.

Soucie thanked Council for allowing Street Superintendent Goldman and him attend the recent APWA meeting in San Antonio Texas. They earned 12 hours of continuing education units, and were able to visit with approximately 450 vendors in attendance. This gave them the opportunity to physically see equipment and to comparison shop. Two big things brought back were: a possible solution to snow removal with a piece of equipment called the Snow Dragon, which melts snow on sight and eliminates the need to haul snow to other locations; and the issue of funding short falls for road projects. Soucie sat in on a session that talked about different

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alternatives, and one of the most unique ones was a city in Oregon that set up a Street Utility, run like water or sewer utilities.

Recreation Director Stopak informed Council that Assistant Recreation Director Stopak would be attending the National Park and Recreation Conference next week. Stopak informed Council that he would be attending a symposium in Lincoln on Thursday, and will be speaking on planning and procedures.

B. ADOPTION OF THE 2008-2012 CAPITAL IMPROVEMENT PROGRAM (CIP) **1. PUBLIC HEARING**

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Adoption of the 2008-2012 Capital Improvement Program (CIP). Resident Marshal Noker addressed Council to question the \$400,000 in lottery funds for 2008. City Administrator Gunn responded that lottery funds are transferred into this fund. Mr. Noker also questioned other funding. City Administrator Gunn stated the numbers are based on long range projections. The Council is only considering approval of the 2008 funding at this meeting (in Agenda Item C). Future year numbers are projected figures, not approved funding.

At 7:15 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

2. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-094: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2008-2012 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's first Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2008-2012 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2008-2012 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2008-2012 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2008-2012 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Sell. Councilmember Sheehan asked if the City received any grant funds for the Keystone Trail. Assistant City Administrator Ramirez addressed Council and referred them to the yearly summary page for 2008. The \$345,000 figure is the City's cost, the remaining amount is grant funding. Councilmember Sheehan stated the resolution reads 2008 – 2012 Capital Improvement Program which suggests Council might fund the amount shown for the aquatic center. Assistant City Administrator Ramirez stated that only 2008 funding requests are being submitted for approval as part of the Municipal Budget. Councilmember Sheehan stated he was not comfortable with even giving the slightest impression that the amount included for an aquatic center in 2010 may be acceptable or approved. City Administrator Gunn acknowledged that staff is still in the information gathering stage for an aquatic center and has made no proposal or recommendation to the Mayor and City Council. Nevertheless, she stated that the CIP is necessary as a planning tool rather than a funding mechanism. Projects listed in future years only are included for planning purposes. The understanding is that any projects listed will be subject to approval and funding of the Mayor and City Council in the annual budgeting process, similar to projects listed in the six year road plan. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

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C. FISCAL YEAR 07/08 MUNICIPAL BUDGET

1. APPROPRIATIONS ORDINANCE NO. 1043 – FINAL READING

Mayor Kindig stated, "Ordinance No. 1043 now comes on for its third and final reading: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Said ordinance was then read by title and thereafter Councilmember Quick moved for approval of third reading and final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1043 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sheehan and McLaughlin. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

2. MASTER FEE ORDINANCE NO. 1044 – FINAL READING

Mayor Kindig stated, "Ordinance No. 1044 now comes on for its third and final reading: AN ORDINANCE TO AMEND ORDINANCE NO. 1024, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for approval of third reading and final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1044 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY

A. PUBLIC HEARING

At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion regarding increasing the Base of Restricted Funds Authority by an additional 1%.

At 7:25 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

B. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-095: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2007-08 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2007-08 municipal budget on September 18, 2007; and

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WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2007-08 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2007-08 municipal budget by an additional percent.

Seconded by Councilmember Quick. Councilmember Sheehan asked to have the resolution explained to the members of the audience. City Administrator Gunn stated that the City can only use a limited amount of restricted funds in each budget; with restricted funds being comprised of items such as property taxes, sales taxes and state aid. Every year the City is given an amount in allowable growth based on the increase in property valuations, which has increased authority over time. The City can approve exceeding this base limitation in restricted funds by an additional 1% and carry unused authority forward for use in future budget years. Gunn stated that increasing the base of restricted funds authority will help the City in future years. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

4. SETTING THE PROPERTY TAX LEVY **A. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Setting the Property Tax Levy and request at a different amount than last year. Resident Marshall Noker addressed Council and asked about the need for the increased tax levy especially since the City recently annexed additional subdivisions. Mayor Kindig responded that the City has made a great investment in the western part of the City. Kindig also commented on the loss of business on 84th Street. Kindig stated that annexation brings additional value to the City but also brings in debt, plus the additional areas will be the responsibility of the City to provide services, so additional personnel and equipment is required to maintain services. Mr. Noker questioned the need for the City to extend a loan to a billionaire developer. Mayor Kindig responded the financial arrangements were the reason the developer came to La Vista. Kindig went on to explain the loan arrangements to the audience, stating the cost of the loan would be recovered in 10 years.

At 7:35 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

B. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-096: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FY 07/08.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 07/08 property tax request be set at \$4,700,177.29 which would require a mill levy of \$0.5235.

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2007.

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

D. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO ALLOWANCE

1. ORDINANCE – AMEND THE COMPENSATION ORDINANCE

Councilmember Gowan introduced Ordinance No. 1047 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Councilmember Sheehan asked the mileage requirement number used to determine when an individual who receives an auto allowance will also receive mileage reimbursement. City Administrator Gunn stated her contract stated mileage will be paid on any travels over 40 miles. She stated other employees are paid if traveling out of the metro area. Sheehan stated his feeling that a stipulation should be specified, which the City Administrator said she would prepare for consideration in policy or otherwise. The Mayor then stated the question was, "Shall Ordinance No.1047 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

2. RESOLUTION – SETTING RATES OF AUTO ALLOWANCE

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-097: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY 08 municipal budget establishes funds for vehicle and mobile phone allowances for various officers and employees of the City and are recommended by the Finance Director and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

<u>Position</u>	<u>Monthly Vehicle Allowance</u>
Mayor	\$150
City Clerk	\$100
City Administrator	\$300
Assistant City Administrator	\$ 75
1 st Asst. Fire Chief	\$100
2 nd Asst. Fire Chief	\$100
District Fire Chief	\$100
Public Information Officer – Fire	\$100
Community Development Director	\$ 50
City Planner	\$ 50
Library Director	\$ 45
Asst. Library Director	\$ 33

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NOW THEREFORE BE IT FURTHER RESOLVED, that the Finance Director may establish a monthly allowance for mobile phone service for the Mayor, Public Works Director, Park Superintendent and Street Superintendent in an amount not to exceed \$50 per month based upon a review of actually monthly expenses related to City services.

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

E. PUBLIC WORKS EMPLOYEES COLLECTIVE BARGAINING GROUP – MEMORANDUM OF UNDERSTANDING AND PERSONNEL POLICY AMENDMENTS

1. RESOLUTION – MEMORANDUM OF UNDERSTANDING

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-098: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING AN EMPLOYMENT AGREEMENT BETWEEN THE LA VISTA PUBLIC WORKS EMPLOYEES' COLLECTIVE BARGAINING GROUP AND THE CITY OF LA VISTA.

WHEREAS, the representatives for the La Vista Public Works Employees and the City of La Vista have negotiated an employment agreement in good faith, and

WHEREAS, the terms of said agreement have been designated in the attached Memorandum of Understanding signed by both parties, and

WHEREAS, said agreement is to be effective for a period of three years.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska that the Memorandum of Understanding between the La Vista Public Works Employees' Collective Bargaining Group and the City regarding salary and benefit adjustments for fiscal years 2008, 2009 and 2010 be, and the same hereby is ratified.

Seconded by Councilmember Carlisle. City Administrator Gunn informed Council that Public Works is comfortable with the changes in the policy. She informed Council that the date in the Memorandum of Understanding on page 2, Section 7 should read: Fiscal Year 2011 (I.E., by February 1, 2010). Motion of adoption amended for the recommended change to the agreement by Councilmember McLaughlin; seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 7, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING NATIONAL GUARD OR RESERVE ACTIVE DUTY MILITARY LEAVE OF ABSENCE.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 7.23 in the manual regarding the reference to allowable military leave be amended to reflect that the limitation on the amount of leave allowed shall be during the fiscal year rather than the calendar year; and

WHEREAS, it is the desire of the City Council to amend Section 7, of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change submitted at the City Council meeting to Section 7.23 regarding National Guard or reserve active duty military leave of absence.

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

MINUTE RECORD

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

September 18, 2007

3. RESOLUTION - AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-100: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 8, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING HOLIDAY PAY.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 8.3 in the manual regarding holidays be amended to reflect that employees shall receive holiday pay according to their scheduled shift at the time of the holiday; and

WHEREAS, it is the desire of the City Council to amend Section 8, of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change submitted at the City Council meeting to Section 8.3 regarding holiday pay.

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

F. CONDITIONAL USE PERMIT - CHILDCARE CENTER ON LOT 1, SOUTHPORT EAST

REPLAT 10

1. PUBLIC HEARING

At 7:40 p.m. Mayor Kindig stated the floor was now open for discussion on a Conditional Use Permit – Childcare Center on Lot 1, Southport East Replat 10.

Councilmember Carlisle made a motion to continue the public hearing for the Conditional Use Permit – Childcare Center on Lot 1, Southport East Replat 10 until the October 2, 2007 meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

G. DISCUSSION – GILES ROAD AND LA VISTA DRIVE

1. PUBLIC COMMENT

Public Works Director Soucie put up a drawing of the Giles Road and La Vista Drive intersection for Council and the audience to see. Soucie explained the reasons the “pork chop” intersection was constructed and the problems that have occurred, which include illegal turns, legal right hand turns going east on Giles, but then turning left on 69th Street and making a u-turn around the island in the Ardmore subdivision. Soucie stated the City has completed traffic surveys for the area and have not seen drivers using the Ardmore subdivision. Mostly, drivers have been attempting to reach 72nd Street or travel westbound on Giles Road. Consequently, Soucie recommended that the City reconstruct the intersection for a full left hand turn. Councilmember Sheehan asked the cost for reconstruction. Soucie responded the cost would be \$4,000 - \$5,000. Councilmember Sell stated he has seen kids on the island at the intersection, which is a safety concern. Soucie responded that pedestrians are to use the 72nd Street and Giles Road intersection for crossing.

Several residents, including Joe Garcia, Gene Marcle, Mike Davis, Cecilia Garcia, John Vendetti, Jeanine Caldarelli, and John Heskett of the Ardmore Subdivision addressed Council with their concerns. They are concerned with the safety issues of the current intersection, the safety of children riding their bikes to Wal-Mart, the additional traffic into the Ardmore subdivision, and a few expressed their thoughts on solutions to the problem at the location. There was not a consensus to a solution. Closing the intersection at Giles Road and La Vista Drive would increase traffic at 69th Street and Giles road, which will affect Ardmore residents in that area. Some residents felt the solution would be to close the exit out of the Wal-Mart shopping center. Councilmember Sheehan responded that the City of La Vista does not have jurisdiction over the south side of Giles Road nor the parking lot. A discussion was held about increasing the “pork chop” island at the intersection to make it more difficult to make a left hand turn going west on Giles Road. Public Works Director Soucie stated people will still try to make the turn, making the intersection more dangerous or it will increase the number of vehicles making the u-turn at 69th Street.

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Mayor Kindig thanked everyone for their comments and suggestions. He stated the staff will look into the suggestions and possible improvements and then bring updates back to Council. He informed the audience that residents of Ardmore would be notified when the issue is brought back to Council.

H. STRATEGIC PLAN UPDATE

Councilmember Sell moved to approve the Strategic Plan Update. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor, and asked that each individual limit his or her comments to 5 minutes. Resident Joe Garcia addressed Council to suggest adding cameras to the intersection of La Vista Drive and Giles Road. Police Chief Lausten responded that by state statute all fees collected from traffic stops go to the school district, not to the City. Further, using cameras in such a manner would first require a constitutional amendment.

I. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE – FOP COLLECTIVE BARGAINING UNIT; PERSONNEL PERFORMANCE

At 8:50 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a strategy session/negotiating guidance – FOP Collective Bargaining Unit; and to prevent needless injury to the reputation of an individual to discuss personnel performance. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion.

At 9:26 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor or Council.

ADJOURNMENT

At 9:26 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF OCTOBER 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Mary C. Lupomech
Deputy City Clerk