

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 3, 2011

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on May 3, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Captain Barcal, Finance Director Lindberg, Public Works Director Soucie, Public Buildings and Grounds Director Archibald, and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on April 20, 2011. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

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

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

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

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

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

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

#### A. CONSENT AGENDA

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

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

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

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ARAMARK UNIFORM SERVICES, services	150.75
ASSOCIATED FIRE PROTECTION, services	53.50
AUSTIN PETERS GROUP, training	1100.00
BARONE SECURITY SYSTEMS, services	804.00
BEACON BUILDING SERVICES, services	6712.00
BENNINGTON EQUIPMENT, maint.	893.54
BETTER BUSINESS EQUIP., rentals	47.92
BLACK HILLS ENERGY, utilities	19.54
BRAKE, A., auto	100.00
BRAKE, A., travel	107.00
BRIDGESTONE GOLF., supplies	969.60
BRYAN ROCK PRODUCTS, bld&grnds	1267.35
BUETHE, P., petty cash	89.04
BUETHE, P., petty cash	158.97
BUETHE, P., phone	20.00
BUILDERS SUPPLY CO, supplies	432.01
CALENTINE, J., phone	30.00
CARSTENSEN, R., travel	122.37
CELEBRITY STAFFING,. Services	140.00
CHILD'S WORLD, books	323.00
CITY OF OMAHA, services	66058.67
CJ'S HOME CENTER, supplies	1361.88
CLEARY BUILDING, bld&grnds	5000.00
COCA-COLA BOTTLING COMP., concessions	606.40
COMP CHOICE, services	511.50
CORNHUSKER INTL TRUCKS, maint.	92.02
COX, services	20.50
CREIGHTON EMS EDU., services	120.00
D & D COMM., equip.	203.98
DATA TECHNOLOGIES, training	245.00
DELL, services	4769.57
DIGITAL ALLY INC., capital outlay	9990.00
DON'S PIONEER UNIFORMS, wearing apparel	30.00
DOOR EXPRESS INC., bld&grnds	171.00
DOUGLAS CNTY ENGINEER, services	3037.35
DOUGLAS COUNTY SHERIFF, services	162.50
DULTMEIER SALES & SERVICE, maint.	174.27
EDGEWEAR SCREEN PRINTING, wearing apparel	1244.50
EMBASSY SUITES, services	298.66
FELD FIRE, services	845.00
FILTER CARE, maint.	41.45
FLEET US, bld&grnds	94.57
FLORATINE CENTRAL TURF PRODS, supplies	335.00
FOCUS PRINTING, supplies	70.16
FOX, A., refund	60.00
FUTUREWARE DISTRIBUTING, services	16.00
G I CLEANER & TAILORS, services	166.70
GALE, books	187.47
GALLS, wearing apparel	32.00
GAYLORD BROS, supplies	72.15
GOLDMAN, J., travel & phone	252.00
GREEN SOLUTIONS EROSION CONTRL, services	1320.00
GUNN, B., phone	45.00
HEARTLAND PAPER, supplies	65.00
HELGET GAS PRODUCTS, supplies	180.50
HOLIDAY INN. travel	560.00
INTERNATIONAL CODE COUNCIL, books	170.95

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

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RALSTON AD., equip.	521.00
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## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Fire Chief Uhl reported on two fires that occurred in the last week and informed Council that the Fire Department is setting up a new program to do blood pressures, pulse, and oximetry for citizens in the near future. Place, date, and time will be announced later.

Public Works Director Soucie reported that a grant has been awarded for the Applewood Creek Project. The grant for the Keystone Trail has also been granted. The electrical work has been done at the Golf Course maintenance building to allow the expansion to begin in June or July.

Community Development Director Birch reported that the Pointe apartments have been inspected and placards were placed on the inhabitable areas.

### **B. THOMPSON CREEK HAZARD MITIGATION PROJECT – PURCHASE OF REAL PROPERTY**

#### **1. PUBLIC HEARING**

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Thompson Creek Hazard Mitigation Project – purchase of real property. Anyone desiring to comment was asked to keep their comments to three minutes.

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

#### **2. RESOLUTION – APPROVE PURCHASES**

Councilmember Gowan introduced and moved for adoption of Resolution 11-053: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF ONE HOUSE FOR THE THOMPSON CREEK HAZARD MITIGATION PROJECT AND TO AUTHORIZE THE EXECUTION AND DELIVERY OF DOCUMENTS NECESSARY TO PURCHASE THIS SITE

WHEREAS, the owners of the house located at 7217 Park View Blvd (referred to herein as "Site"), desire to sell the Site to the City, and the City desires to purchase the Site from the owners.

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

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

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

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

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

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

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

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

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

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

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

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

## C. ORDINANCE- AMEND SECTION 95.05 OF MUNICIPAL CODE

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Councilmember Sell introduced Ordinance No. 1143 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.05; 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 Sheehan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No. 1143 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## D. RESOLUTION –SUPPLEMENTAL AGREEMENT #2 – HELL CREEK STABILIZATION INTERLOCAL

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-055; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NUMBER TWO TO THE INTERLOCAL AGREEMENT OF THE HELL CREEK STABILIZATION FOR ADDITIONAL ENGINEERING SERVICES.

WHEREAS, the City of La Vista, Sarpy County, and Douglas entered into an Interlocal Cooperation Agreement for the Hell Creek Stabilization; and

WHEREAS, a supplemental agreement number two to the Interlocal Agreement has been prepared to increase the participation of the cities and county to include the additional engineering services not included as part of the original scope of services.

WHEREAS, the City of La Vista additional share is \$7,675.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Supplemental Agreement Number two to the Interlocal Agreement of the Hell Creek Stabilization dated August 11, 2009 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said supplemental agreement on behalf of the City of La Vista.

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

## E. RESOLUTION – AMEND COUNCIL POLICY STATEMENT

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-056; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Council Policy Statement entitled Employee Compensation – Pay for Performance has been reviewed and revisions recommended by a committee of employees to the Assistant City Administrator.

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

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

## F. RESOLUTION – INTERLOCAL AGREEMENT CITY OF PAPILLION

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, that an Interlocal Agreement with the City of Papillion for the Papillion Fire Department to conduct training exercises in the houses acquired by the City of La Vista along the Thompson Creek, and that the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council

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

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; PERSONNEL; LITIGATION

At 7:39 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for Contract Negotiations and Litigation and for the protection of an individual for personnel. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:37 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None.

## COMMENTS FROM MAYOR AND COUNCIL

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

PASSED AND APPROVED THIS 3RD DAY OF MAY, 2011

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CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk