

# MINUTE RECORD

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

## LA VISTA CITY COUNCIL MEETING September 18, 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 September 18, 2012. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, City Planner Solberg, Public Works Director Soucie, Recreation Director Stopak, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on September 5, 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.

### SERVICE AWARD – ANDREW JOHNSON - 10 YEARS

Mayor Kindig recognized Andrew Johnson for 10 years of service to the City.

### A. CONSENT AGENDA 1. APPROVAL OF THE AGENDA AS PRESENTED 2. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 4, 2012 3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM JULY 12, 2012 4. MONTHLY FINANCIAL REPORT – AUGUST 2012 5. PAY REQUEST – THOMPSON DREESSEN & DORNER, INC., - PROFESSIONAL SERVICES – APPLEWOOD CREEK IMPROVEMENTS - \$262.05 6. APPROVAL OF CHANGE OF DATE

A & D TECHNICAL SUPPLY, maint.	150.00
A C NELSEN RV WORLD, maint.	230.40
A.M. SURPLUS MILITARY STORE, apparel	576.00
AA WHEEL & TRUCK SUPPLY, maint.	57.80
ABE'S PORTABLES, rentals	175.14
ACTION SIGNS INC., maint.	332.00
AIR CLEANING TECH., equip.	282.45
AKSARBEN GARAGE DOOR SVCS, bldg&grnds	216.00
ALAMAR UNIFORMS, apparel	172.97
ALEX, M., mileage	138.58
AMERICAN PLANNING ASS., dues	795.00
ANCHOR INDUSTRIES INC., maint.	240.51
ARAMARK, services	447.62
ATLAS AWNING, maint.	75.00
AUSTAD'S GOLF, supplies	232.30
BAKER & TAYLOR, books	1118.74
BARONE SECURITY, services	2905.00
BENGFORT, D., refund	42.50
BLACK HILLS ENERGY, utilities	19.53
BOUND TREE MEDICAL, supplies	560.21
BRENTWOOD AUTO WASH, services	77.00
BUETHE, P., petty cash	55.50
BUILDERS SUPPLY, maint.	12.51
CARDMEMBER SERVICE, supplies	7104.76

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CITY OF COUNCIL BLUFFS, services	240.00
CITY OF OMAHA, services	624.86
CJ'S HOME CENTER, supplies	672.73
CONTINENTAL FIRE SPRINKLER, bld&grnds	634.72
COX, utilities	148.65
CRANE, R., training	556.50
D & B SALVAGE, bld&grnds	926.60
D & D COMM., services	90.00
DATA TECH., services	245.00
DEETER FOUNDRY INC., supplies	267.00
DOUGLAS COUNTY SHERIFF'S OFC, services	125.00
DOUGLAS PRODUCTS AND PACKAGING, supplies	4458.79
DULTMEIER SALES & SERVICE, maint.	125.00
EASTERN LIBRARY SYSTEM, training	155.00
EDGEWEAR SCREEN PRINTING, supplies	502.75
ELECTRONIC ENGINEERING, maint.	180.00
FEDEX KINKO'S, services	34.78
FELD FIRE, supplies	1933.88
FIREGUARD INC, supplies	2250.58
FLEET US, supplies	1159.00
FLORATINE CENTRAL TURF PRODS, supplies	280.00
FOCUS PRINTING, services	520.69
FUTUREWARE DISTRIBUTING, services	54.00
GENUINE PARTS COMPANY-OMAHA, maint.	2125.68
GLOCK PROFESSIONAL, supplies	502.00
GRAYBAR ELECTRIC COMPANY, bld&grnds	589.60
GREAT PLAINS ONE-CALL SVC INC, services	268.71
H & H CHEVROLET LLC, maint.	55.58
HANEY SHOE STORE, services	328.95
HARROD, R., travel	125.00
HEIMES CORP., maint.	221.40
HELGET GAS PRODUCTS, supplies	60.00
HIGHSMITH, supplies	237.41
HY-VEE, supplies	228.95
INDUSTRIAL SALES COMPANY, services	446.94
INLAND TRUCK PARTS, supplies	404.21
IVERSON, D., apparel	120.00
J Q OFFICE EQUIP., services	227.08
JEFFUS, C., refund	100.00
JOHNSON, B., refund	20.00
JONES AUTOMOTIVE, maint.	1375.00
LA VISTA COMMUNITY FOUNDATION	75.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAUSTEN, R., travel	187.50
LEAGUE OF NEBR MUNICIPALITIES, services	1389.00
LEAGUE OF NEBRASKA, training	630.00
LIBRARY STORE, supplies	402.62
LIFE ASSIST, supplies	449.48
LINCOLN NATIONAL LIFE INS CO	9977.58
LOGAN CONTRACTORS SUPPLY, maint.	117.00
LOU'S SPORTING GOODS, equip.	4719.13
LOWE'S, supplies	156.52
LUKASIEWICZ, B., travel	81.61
MATHESON TRI-GAS, equip.	93.37
MCDONALD AND ASSOCIATES, equip.	60.93
MECHANICAL SALES, bld&grnds	2823.00
MENARDS, supplies	12.96
MES-MIDAM, supplies	7711.20
MAT, services	594.00
MCC, training	8475.00

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MID CON SYSTEMS INC., bld&grnds	287.48
MIDLANDS LIGHTING & ELECTRIC, supplies	112.80
MIDWEST FIRE TRAINING GROUP, training	700.00
MIDWEST TAPE, media	27.24
MIDWEST TURF & IRRIGATION, bld&grnds	1700.00
NACR INC., equip.	2549.33
NATIONAL EVERYTHING, supplies	296.17
NE DEPT OF REVENUE-FORM 94	25.00
NEBRASKA GOLF & TURF INC, equip.	171.66
NEBRASKA SALT & GRAIN, supplies	2982.38
NEBRASKA SOFTBALL ASSN DIST#10, services	1288.00
NEW YORK TIMES, books	202.80
NIKE USA, equip.	200.80
NUTS AND BOLTS INC., maint.	26.05
OFFICE DEPOT, supplies	592.33
OPPD, utilities	48854.97
O'REILLY AUTOMOTIVE STORES, services	444.06
PAPILLION SANITATION, maint.	304.11
PAPILLION TIRE INC., maint.	118.70
PARAMOUNT LINEN & UNIFORM, services	329.16
PERFORMANCE CHRYSLER JEEP, maint.	1592.24
PLAINS EQUIPMENT GROUP, maint.	257.68
POKORNY, K., travel	250.00
RAINBOW GLASS & SUPPLY, maint.	12.00
READY MIXED CONCRETE COMPANY, supplies	4522.00
REYES, A., refund	85.00
RUHGE, R., travel	125.00
SAM'S CLUB, supplies	2077.59
SAPP BROS, supplies	20751.92
SAPP BROS SERVICE CENTERS, maint.	747.00
SEAT COVER CENTER OF NE., maint.	35.00
SHAMROCK CONCRETE, maint.	448.70
SOUCIE, J., mileage	375.84
SUMMER KITCHEN, supplies	39.21
SUTPHEN CORP., services	2100.00
TED'S MOWER SALES & SERVICE, equip.	497.26
TORNADO WASH, maint.	235.00
UPS, services	7.77
USB SEWER EQUIP., equip.	1248.00
UTILITY EQUIPMENT COMPANY, supplies	49.61
VERIZON WIRELESS, services	397.29
VERIZON WIRELESS, services	141.36
WASTE MANAGEMENT NE., services	1347.29
WHITE CAP CONSTR SUPPLY/HDS, supplies	36.00
WICK'S STERLING TRUCKS, maint.	153.06

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Bueth stated that the LARM agenda which was tabled at the September 4, 2012 meeting will not be coming back for action as no action is required in order to end the agreement September 30, 2014.

Police Chief Lausten reported that the police department would be working with the Secret Service in preparation for the visit of the wife of Presidential Candidate Mitt Romney on Friday the 21<sup>st</sup>.

Fire Chief Uhl reported that the Disaster Drill held on September 8, 2012 went very well.

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Public Works Director Soucie informed the Council that employee Scott Woods' last day would be Friday September 21, 2012. Soucie continued that the rain has delayed the Eastport Paving Project. Soucie commended the Emergency Management Team for a well planned disaster drill, and stated he had heard nothing but positive comments.

Recreation Director Stopak informed the Council that the new equipment had arrived at the Recreation Center. Stopak thanked the Mayor for attending the Senior Olympics Festival held earlier in the day.

Library Director Barcal reported that the Summer Reading program continued to show an increase with 1400 participants and 18 programs serving 100 children, 800 teens, and 400 adults. Barcal also invited Councilmembers to dine at Runza on September 25, 2012 as a fundraiser for the library.

## **B. CITIZEN ADVISORY REVIEW COMMITTEE - EDP REPORT**

### **1. PUBLIC HEARING**

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Citizen Advisory Review Committee – EDP report. Linda Schafer was present to answer any questions.

At 07:11 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.

## **C. ZONING TEXT AMENDMENT – SIGN REGULATIONS**

### **1. PUBLIC HEARING**

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Zoning Text Amendment – Sign Regulations.

At 07:12 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember Carlisle introduced Ordinance No. 1184 entitled; AN ORDINANCE TO AMEND SECTION 7.03.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.03.05 OF ORDINANCE NO. 848 AS 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 Sell seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. Councilmember Sell asked staff what determines if a religious symbol is being used. City Planner Solberg stated that a religious symbol is defined in the zoning ordinance and that would determine the status of the symbol. Councilmember Sheehan stated that he is voting against the Ordinance as he feels it is not as business friendly. City Administrator Gunn stated that this change to the Zoning Ordinance is for political signs. City Planner Solberg continued that any other changes to the sign ordinance would be taken under review. Councilmember Ellerbeck stated that he agrees with Councilmember Sheehan that the sign regulations are not as business friendly as he would like to see. The Mayor then stated the question, "Shall Ordinance No. 1184 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck and

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Gowan. The following voted nay: Sheehan. 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. ORDINANCE – MASTER FEE SCHEDULE –SENIOR BUS FEES**

Councilmember Carlisle introduced Ordinance No. 1185 entitled; AN ORDINANCE TO AMEND ORDINANCE NO.1181, 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.

Councilmember Ellerbeck moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question, "Shall Ordinance No. 1185 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.

## **E. POSITION DESCRIPTION UPDATE**

Councilmember Carlisle made a motion to receive and file the position description of Assistant to the City Administrator position. Seconded by Councilmember Ellerbeck. Councilmember Crawford stated that he was going to vote against this update. Councilmember Sheehan stated he agreed with Councilmember Crawford. Councilmember Sheehan continued by stating he questioned how the position could only get by with 15% of the time spent at the golf course. City Administrator Gunn stated that the employee will strictly do administrative work at the Golf Course. Councilmember Ellerbeck stated that he is ok with manpower being used as City Administrator Gunn sees fit. Mayor Kindig stated that no action is needed on this item as it is an update.

## **F. STRATEGIC PLAN UPDATE**

City Administrator Gunn reviewed the Strategic Plan Updates with the Council. Councilmember Quicik made a motion to receive and file the Strategic Plan Updates. Seconded by Councilmember Ellerbeck. Mayor Kindig stated that no action is needed on this item as it is an update.

## **G. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 7:33 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

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At 7:33 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 12-097; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
7780 Greenleaf Drive/Lot 210 Granville East; \$230.48; and  
7727 Park View Boulevard/Lot 888 La Vista; 230.48  
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.

Seconded by Councilmember Carlisle. Councilmember Crawford asked how many special assessments could be assessed to one property. City Attorney McKeon responded that the number of special assessments to a property is unlimited. Councilmember Ellerbeck asked if the city has any recourse on these properties. City Attorney McKeon replied we can foreclose on the property to collect on the assessments.. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

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

## **COMMENTS FROM THE FLOOR**

Martin Ware approached the Council to express his concern that there was no sidewalk on 83rd Street going North from Parkview Boulevard. Ware also wanted to make the Council aware of a possible business being operating in a residential neighborhood.

## **H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS**

At 7:42 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:04 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Gowan.

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

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

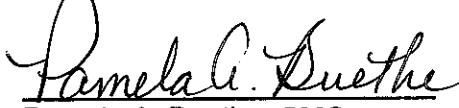
At 8:05 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF OCTOBER, 2012

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk

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