

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING April 16, 2013

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 April 16, 2013. Present were Councilmembers: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Finance Director Lindberg, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, City Planner Solberg, Public Building and Grounds Director Archibald, Recreation Director Stopak, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on April 3, 2013. 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 – JODI LINHART – 5 YEARS

Mayor Kindig recognized Jodi Linhart for 5 years of service to the City.

### APPOINTMENTS – BOARD OF ADJUSTMENT ALTERNATE – APPOINT JOE JUAREZ – 3 YEAR TERM; CIVIL SERVICE COMMISSION – APPOINT STEVE ROARTY – 5 YEAR TERM; PERSONNEL BOARD – APPOINT DOUG KELLNER – 6 YEAR TERM; PLANNING COMMISSION ALTERNATE – APPOINT LOWELL MILLER – 3 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to make the following appointments: Board of Adjustments - Joe Juarez - three year term; Civil Service Commission - Steve Roarty - 5 year term; Personnel Board - Doug Kellner - 6 year term; Planning Commission Alternate - Lowell Miller - 3 year term. Councilmember Sell motioned the approval, seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 2, 2013
3. MONTHLY FINANCIAL REPORT – MARCH 2013
4. PAY REQUEST – FELSBURG HOLT7 ULLEVIG – PROFESSIONAL SERVICES – GILES ROAD SIGNAL COORDINATION - \$2,223.07
5. APPROVAL OF CLAIMS

A AND L HYDRAULICS, equip.	240.76
AAT, supplies	1,445.00
ACCURATE TOOL & DIE, maint.	165
AFL, vehicle	26,856.00
AKSARBEN PLUMBING, refund	38
ALAMAR, apparel	417.48
ARAMARK, services	497.47
ASPHALT & CONCRETE MATERIALS, maint.	312.5
AUSTIN PETERS GROUP, services	1,200.00

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BAKER & TAYLOR, books	315.69
BARCAL, R., travel	38.82
BEAUDIN, C., travel	264
BIBLIONIX, equip.	3,850.00
BIERBRAUER, A., training	203
BIG RIG TRUCK, maint.	551.5
BLACK HILLS ENERGY, utilities	1,729.51
BRIDGESTONE GOLF, supplies	867.67
BUILDERS SUPPLY, bld&grnds	525.24
BOMA, training	20
CALLAWAY GOLF, supplies	436.5
CAPSTONE, books	2,551.51
CARDMEMBER SERVICE	12,436.39
CENTURY LINK, utilities	49.64
CHARLESWORTH, services	3,915.00
CHILD'S WORLD, books	94.75
CITY OF OMAHA, sewer	79,453.07
CJ'S HOME CENTER, maint.	592.06
COCA-COLA, supplies	1,880.21
CONTROL MASTERS INC., bld&grnds	477.28
CORNHUSKER INTL TRUCKS, maint.	94.29
COX, phone	67.15
DAYMARK SOLUTIONS, services	240
DEETER FOUNDRY, sewer	792
DIGITAL ALLY, postage	100
EDGEWEAR SCREEN PRINTING, printing	2,397.00
ELBERT, A., travel	264
EMPORIA LIBRARY, books	23.95
ENSLOW, books	118.47
ENTERPRISE LOCKSMITHS, bld&grnds	65
FBINAA, training	100
FILTER CARE, maint.	41
FRED PETERSON	130
GALE, books	71.22
GARROD, M., travel	106.22
GCR TIRE CENTERS, maint.	36.03
GENUINE PARTS COMPANY, maint.	1,255.28
GRAINGER, equip.	120.77
GRAYBAR ELECTRIC, bld&grnds	128.52
GREAT PLAINS GFOA, training	325
H & H CHEV., maint.	121.79
HANEY SHOE STORE, apparel	111.95
HEARTLAND PAPER, supplies	65
HERITAGE CRYSTAL CLEAN, services	525.3
HONEYMAN RENT-ALL, bld&grnds	388.94
INDUSTRIAL SALES, training	200
INLAND TRUCK PARTS, maint.	3,145.25
INTERNATIONAL CODE COUNCIL, books	251
JACIK, T., training	150
JOHNSTONE SUPPLY, bld&grnds	21.76
KRIHA FLUID POWER, maint.	29.46
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LEAGUE ASSN OF RISK MGMT, insurance	513
LERNER PUBLISHING, books	285.19
LIBRARY IDEAS, media	10.5
LOU'S SPORTING GOODS, equip.	270
MAPA, travel	75
MATHESON TRI-GAS, apparel	166.38
MCGARVEY, N., refund	45
MICHAEL TODD, maint.	825.35
MID CONTINENT SAFETY, equip.	80
MID-STATES UTILITY, maint.	451.5
MIDWEST TAPE, media	74.98

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MIDWEST TURF & IRRIGATION, bld&grnds	157.51
MLB LOGISTICS, supplies	455.01
NATIONAL EVERYTHING WHOLESALE, services	1,603.57
NE DEPT OF LABOR, inspection	100
NEBRASKA IOWA SUPPLY, supplies	17,650.48
NEBRASKA WELDING, maint.	33.69
NEUMAN EQUIPMENT, bld&grnds	64.77
NEWCO TRUCK PARTS, maint.	4,747.50
NIKE, supplies	668.37
NMC EXCHANGE, services	2,700.00
OCLC, books	27.42
OFFICE DEPOT, supplies	1,923.98
OPPD, utilitites	44,144.83
OPPD, utilitites	3,028.17
OMAHA TACTICAL, supplies	29
OMAHA WINNELSON, maint.	35
OMAHA WORLD HERALD, ads	241.9
OMNIGRAPHICS, books	81.85
ON THE SPOT PRODUCTIONS, marketing	8,076.00
O'REILLY AUTO., maint.	29.44
OVERHEAD DOOR, bld&grnds	400
PAPILLION SANITATION, services	1,235.19
PARAMOUNT, services	315.96
PERFORMANCE FORD, maint.	37.11
PETTY CASH	203.55
PHOENIX POOLS & WATERFALLS, refund	25
PLAINS EQUIPMENT GROUP, maint.	3,279.26
RAINBOW GLASS & SUPPLY, bld&grnds	128.37
RALSTON ADVERTISING, equip.	537
SAPP BROS, supplies	10,975.65
SARPY COUNTY PUBLIC WORKS, services	18,667.64
SIGN IT, banners	470
SIRCHIE FINGER PRINT LABS, supplies	188.04
SNELLING, M., refund	15
STATE TROOPERS ASSN NE, training	100
STENGEL, J., refund	55
SUBURBAN NEWSPAPERS, ads	46
TAB HOLDING, maint.	2,223.07
TIGHTON FASTENER & SUPPLY, supplies	212.98
TITAN MACHINERY, maint.	299.17
TITLEIST, supplies	471.59
TURFWERKS, maint.	402.24
UNIVERSITY OF VIRGINIA, training	350
USBORNE, books	346.43
VERIZON, phones	443.97
WASTE MANAGEMENT NE., bld&grnds	257.89
WICK'S STERLING TRUCKS, maint.	1,291.25

Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Councilmember Thomas reviewed the claims for this period and informed the Mayor that everything was in order. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Lindberg presented a memo that the Budget Workshops for FY 2013/2014 would be held on July 15 and July 17, 2013.

Police Chief Lausten reported that 3 sirens sounded inadvertently due to faulty circuit boards that were going to be replaced.

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Public Works Director Soucie announced that the Annual Clean Up Days would be held April 26 and 27, 2013.

Recreation Director Stopak reported that the entire Community Center was being painted and thanked Public Buildings and Grounds Director Archibald for facilitating the painting.

Library Director Barcal reported that on April 20<sup>th</sup> from 1-4 p.m. a question and answer session with Douglas and Sarpy County Master Gardeners would be held at the library.

**B. RESOLUTION – ANNEXATIONS – SID #195 (MAYFAIR), MISCELLANEOUS LOTS #1 (MAYFAIR NON-SID LOTS), I-80 BUSINESS PARK 2<sup>ND</sup> ADDITION, MISCELLANEOUS LOTS #2 & ADJOINING STREET ROWS**

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-030; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA STATING THAT THE CITY OF LA VISTA IS CONSIDERING THE ANNEXATION OF SID NO. 195, MAYFAIR, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA; OUTLOT A, MAYFAIR, AND LOT 21, MAYFAIR 2<sup>ND</sup> ADDITION, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA; LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2<sup>ND</sup> ADDITION, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA; TAX LOTS 17 AND 18 LOCATED IN THE NW ¼ OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TAX LOTS 11 AND 15 LOCATED IN THE NW ¼ OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; FORMER UPRR ROW IN THE NW ¼ OF SECTION 17, T14N, R12E AND THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR NOTICE TO UTILITY COMPANIES, SID CLERKS, FIRE DISTRICTS, AND LANDOWNERS OF THE PROPERTY WITHIN THE PROPOSED AREA, AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED, AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, the City of La Vista desires to annex certain land, and

WHEREAS, the Nebraska Revised Statutes, Section 16-117 requires the City Council to adopt a resolution stating that the City is considering the annexation of land and a plan for extension of City services to said land.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of La Vista, Nebraska as follows:

1. The City of La Vista is considering the annexation of SID No. 195, Mayfair, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska; Outlot A, Mayfair, and Lot 21, Mayfair 2<sup>nd</sup> Addition, subdivisions as surveyed, platted and recorded in Sarpy County, Nebraska; Lots 1 and 2, I-80 Industrial Park 2<sup>nd</sup> Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska; Tax Lots 17 and 18 located in the NW ¼ of Section 17, T14N, R12E of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska; Tax Lots 11 and 15 located in the NW ¼ of Section 17, T14N, R12E of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska; and the former UPRR right-of-way in the NW ¼ of Section 17, T14N, R12E and the NE ¼ of Section 18, T14N, R12E of the 6<sup>TH</sup> P.M., Sarpy County, Nebraska; and portions of any adjoining street right-of-way; describing boundaries of the land proposed for annexation, more particularly described as follows:  
LOTS 3 THRU 47, INCLUSIVE, AND LOTS 98 THRU 104, INCLUSIVE, MAYFAIR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID MAYFAIR;

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TOGETHER WITH LOTS 106 THRU 133, INCLUSIVE, MAYFAIR REPLAT ONE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID MAYFAIR REPLAT ONE;

TOGETHER WITH LOTS 1 THRU 20, INCLUSIVE, LOTS 22 THRU 115, INCLUSIVE, AND LOT 118, MAYFAIR 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID MAYFAIR 2<sup>ND</sup> ADDITION;

TOGETHER WITH LOTS 1, 2, 3, 4A AND 11A, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT ONE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, AND ALL PUBLIC STREETS LYING WITHIN SAID MAYFAIR 2<sup>ND</sup> ADDITION REPLAT ONE;

TOGETHER WITH LOT 9A, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT TWO, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH LOT 2, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT THREE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH LOT 1, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT FOUR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH LOTS 1 AND 2, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT FIVE, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH LOTS 1 AND 2, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT SIX, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH LOT 21, MAYFAIR 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH OUTLOT "A", MAYFAIR, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA;

TOGETHER WITH TAX LOTS 17 AND 18, LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH THE PUBLIC STREETS LYING WITHIN THAT PART OF THE NW 1/4 OF SAID SECTION 17 AND WITHIN THAT PART OF NE 1/4 OF SAID SECTION 18;

TOGETHER WITH TAX LOTS 11 AND 15 LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA;

TOGETHER WITH FORMER UPRR RIGHT-OF-WAY BEING PART OF THE NW 1/4 OF SAID SECTION 17 AND PART OF THE NE 1/4 OF 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY, NEBRASKA.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, as presented at this meeting, and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk, located at 8116 Park View Boulevard, La Vista, Nebraska.
3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 4<sup>th</sup> day of June, 2013, at the hour of 7:00 p.m. in the Council Chambers of the City of La Vista located at 8116 Park View Boulevard, La Vista, Nebraska.

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4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.
5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
6. That required notices will be provided to utility companies, SID Clerks, fire districts, school districts, and owners of the property as required by applicable statutes.
7. That a copy of this Resolution be forwarded to the Planning Commission for recommendation following its passage.

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

## **C. RESOLUTION – APPROVAL OF CONTRACT – NEBRASKA ENVIRONMENTAL TRUST 2013 GRAND AWARD**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-031; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE NEBRASKA ENVIRONMENTAL TRUST (NET) FOR ACTIVITIES ASSOCIATED WITH THOMPSON CREEK WATERSHED MANAGEMENT FOR THOMPSON CREEK PHASE VI, PART 2 IN LA VISTA.

WHEREAS, the City Council of the City of La Vista has determined that said Thompson Creek improvements are necessary; and

WHEREAS, the FY 2012/13 Capital budget contains funding for this project; and

WHEREAS, the project has been designated as being eligible for a grant from the Nebraska Environmental Trust in the amount of \$525,000.; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor to enter into an agreement with Nebraska Environmental Trust for a grant for activities associated with Thompson Creek Watershed Management for Thompson Creek Phase VI, Part 2 in La Vista subject to review by the City Administrator and City Attorney.

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

## **D. RESOLUTION – AWARD OF CONTRACT – CONCESSION STAND OPERATION**

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-032; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A TWO-YEAR CONTRACT WITH HAMS, INC., OMAHA, NEBRASKA, FOR THE OPERATION OF CONCESSIONS AT THE SPORTS SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER.

WHEREAS, the City has determined that it is desirable to contract for the operation of concession stands at various recreation sites in the City with HAMS Inc.; and

WHEREAS, HAMS, Inc. operated concessions at various recreation sites in the City since 2005; and

WHEREAS, the current contract with HAMS, Inc. will expire in April of 2013; and

WHEREAS, the Recreation Director recommends extending the current contract with HAMS, Inc. for two years; and

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WHEREAS, the contract provides for Hams Inc. to make payments of 10% of the gross revenues from all sales to the City; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign a two-year contract with HAMS Inc., Omaha, Nebraska, for the operation of the concessions at the Sports Softball Complex, Soccer Complex, City Park and Community Center.

Seconded by Councilmember Quick. Councilmember Sheehan asked how electrical activity was handled. Recreation Director Stopak stated that the City pays all utility costs. Councilmember Sheehan asked if the city breaks even. Recreation Director Stopak stated that the costs were being monitored. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

## **E. RESOLUTION – AUTHORIZE CENTRAL PARK ELECTRICAL UPGRADE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-033; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF A CONTRACT WITH VIERREGGER ELECTRIC COMPANY, OMAHA, NEBRASKA FOR UPGRADING ELECTRICAL SERVICE FOR TWO (2) POWER POLES IN CENTRAL PARK IN AN AMOUNT NOT TO EXCEED \$5,120.00

WHEREAS, the City Council of the City of La Vista has determined that upgrading electrical service for two (2) power poles in Central Park is necessary; and

WHEREAS, the FY 2012/13 Lottery Fund will provide funds for this project; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize the execution of a contract with Vierregger Electric Company, Omaha, Nebraska for upgrading electrical service for two (2) power poles in Central Park in an amount not to exceed \$5,120.00.

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

## **F. RESOLUTION – AUTHORIZE PURCHASE – DIGITAL RADIOS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-034; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPOSAL SUBMITTED BY D & D COMMUNICATIONS, OMAHA, NE FOR PURCHASE OF FOUR (4) MOTOROLA 800 MHZ P25 DIGITAL RADIOS IN AN AMOUNT NOT TO EXCEED \$18,338.00.

WHEREAS, the City Council of the City of La Vista has determined that purchasing the Motorola 800 MHz P25 digital radios is necessary; and

WHEREAS, said purchase of Motorola 800 MHz P25 digital radios is in the best interest of the citizens of La Vista.

WHEREAS, the FY13 budget contains funding for this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, accept the proposal submitted by D & D Communications Omaha, NE for purchase of four (4) Motorola 800 MHz P25 digital radios in an amount not to exceed \$18,338.00.

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

## **G. RESOLUTION – AUTHORIZE PURCHASE – CHEMICAL ROOT CONTROL FOAMING MACHINE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-035; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) VAPOROOTER JET SET COMMANDER FROM NEBRASKA ENVIRONMENTAL PRODUCTS, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$36,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of one (1) Vaporooter Jet Set Commander is necessary; and

WHEREAS, the FY 2012/13 Sewer Fund Budget provides funding for this purchase; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of one (1) Vaporooter Jet Set Commander from Nebraska Environmental Products, Lincoln, Nebraska in an amount not to exceed \$36,000.00

Seconded by Councilmember Sell. Councilmember Quick asked if we currently have a machine. Public Works Director Soucie stated that the department had shared a machine with Papillion's Public Works Department. Councilmember Sheehan asked if this machine would be shared with Papillion and Soucie stated that it would not. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

## **H. RESOLUTION – APPROVE BOARD OF DIRECTORS – LA VISTA COMMUNITY FOUNDATION – INCREASE SIZE OF BOARD FROM 13 TO 15 MEMBERS**

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-036; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A CHANGE TO THE NUMBER OF BOARD MEMBER POSITIONS FROM THIRTEEN (13) TO FIFTEEN (15) ON THE BOARD OF DIRECTORS OF THE LA VISTA COMMUNITY FOUNDATION

WHEREAS, the La Vista Community Foundation has determined that an increase in the size of the Board of Directors members from thirteen (13) to fifteen (15) is necessary; and

WHEREAS, Section 1 of Article II of the Foundation Bylaws allows the Foundation Board to from time to time establish the number of Board member positions, subject to approval of the City Council of the City of La Vista; and

WHEREAS the La Vista Community Foundation has presented a copy of the Unanimous Consent signed by all members of the Board; and

WHEREAS the City Council of the City of La Vista has determined this increase is necessary;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska approve a change to the number of board member positions from thirteen (13) to fifteen (15) on the Board of Directors of the La Vista Community Foundation.

Seconded by Councilmember Sell. Councilmember Gowan asked why the need for an increase in membership. Mayor Kindig stated that it was because the board felt that it was beneficial to have more directors to help with events and planning.



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

## **I. CLASS I LIQUOR LICENSE APPLICATION – PIZZA WEST INC. DBA PIZZA WEST**

### **1. PUBLIC HEARING**

At 7:18 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments

At 7:19 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

### **2. RESOLUTION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-037; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS I LIQUOR LICENSE APPLICATION FOR PIZZA WEST DBA PIZZA WEST, LA VISTA, NEBRASKA.

WHEREAS, Pizza West dba Pizza West, 12040 McDermott Plaza, Suite 200, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class I Liquor License application submitted by Pizza West dba Pizza West, 12040 McDermott Plaza, Suite 200, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Hale. James DeRouchy representing Pizza West stated that they hoped to be open by May 1, 2013. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

## **J. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE – CITY OF LA VISTA – LA VISTA DAZE**

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-038; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AT A BEER GARDEN IN CENTRAL PARK ON MAY 24 - 25, 2013, IN CONJUNCTION WITH THE ANNUAL LA VISTA DAZE CELEBRATION.

WHEREAS, Central Park is located within the City of La Vista; and

WHEREAS, the City of La Vista has requested approval of a Special Designated Permit to sell and serve beer at a beer garden in Central Park on May 24 - 25, 2013, in conjunction with the annual La Vista Daze celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer at a beer garden in Central

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Park on May 24 - 25, 2013, in conjunction with the annual La Vista Daze celebration.

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

## **K. RESOLUTION – PROPOSED LEASE AGREEMENT FOR DARK FIBER COMMUNICATION NETWORK**

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-039; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF A LEASE AGREEMENT FOR DARK FIBER FROM UNITE PRIVATE NETWORKS, LLC IN AN AMOUNT NOT TO EXCEED \$3,850.00 PER MONTH AND A ONE-TIME NON RE-OCCURRING COST AND EQUIPMENT PURCHASE IN AN AMOUNT NOT TO EXCEED \$16,500.

WHEREAS, the Mayor and Council have determined good technology communication between city facilities now and into the future is necessary, and

WHEREAS, the FY 2012/13 Capital Improvement Program provides funding for the proposed project; and

WHEREAS, future lease payments will be necessary; and

WHEREAS, Unite Private Networks, LLC was the lowest most responsible bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve a lease agreement for dark fiber from Unite Private Networks, LLC in form and content presented at this meeting, and all related maintenance or other agreements, instruments or documents, in an amount not to exceed \$3,850.00 per month for the first 15 years and \$1,925 per month for the next 15 years, and a one-time non re-occurring cost and equipment in an amount not to exceed \$16,500, subject to such modifications as the City Administrator, or her designee determines necessary or appropriate in consultation with the City Attorney ("Lease").

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to take all further actions as necessary or appropriate to carry out the actions approved in this Resolution, including, but not limited to, executing said Lease.

Seconded by Councilmember Gowan. Councilmember Crawford asked how often this fiber would need replaced. Finance Director Lindberg stated that it would not need replaced. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

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

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

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

At 7:22 p.m. Councilmember Crawford made a motion to go into executive session for the protection of the public interest for contract negotiations.

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Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:10 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig gave an update on a meeting held with the Sarpy County and other State Senators. Kindig stated that nine Senators were there representing eleven cities. Mayor Kindig also stated that a group of Mayors from the central cities attended.


At 8:19 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan and Thomas. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF MAY, 2013

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk

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