

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING July 2, 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 July 2, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Public Building and Grounds Director Archibald, Recreation Director Stopak, Library Director Barcal, City Engineer Kottmann, City Planner Solberg, and Recreation Program Coordinator South.

A notice of the meeting was given in advance thereof by publication in the Times on June 19, 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 – D. J. BARCAL – 20 YEARS

Mayor Kindig recognized Captain D. J. Barcal for 20 years of service to the City.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 18, 2013 CITY COUNCIL  
MEETING
3. PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC –  
PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 -  
\$66,824.29
4. PAY REQUEST – FELSBURG HOLT & ULLEVIG – PROFESSIONAL  
SERVICES – HELL CREEK CHANNEL IMPROVEMENTS PHASE II -  
\$6,991.55

### 5. APPROVAL OF CLAIMS

3E-ELECTRICAL ENGINEERING, bld&grnds	123.47
ABE'S PORTABLES, rentals	437.55
ACCO UNLIMITED, supplies	192.40
ACCURATE TESTING, bld&grnds	651.60
AKSARBEN HEATING/ARS, bld&grnds	5,372.00
A-RELIEF SERVICES, rentals	1,632.50
ASPHALT & CONCRETE MATERIALS, maint.	395.51
BEACON BUILDING SERVICES, services	6,712.00
BISHOP BUSINESS, services	1,279.67
BLACK HILLS ENERGY, utilities	2,219.26
BLUE CROSS BLUE SHIELD, refund	517.44
BLUE CROSS BLUE SHIELD, refund	507.25
BOUNDTREE MEDICAL, supplies	8.55
BRADLEY, K., travel	60.00
BRENTWOOD AUTO WASH, maint.	84.00
CENTER POINT, books	302.58
CENTURY LINK BUSN, phone	51.71
CENTURY LINK, phone	1,057.98
CIGNA, refund	764.40
CITY OF OMAHA, services	213,741.19
COCA-COLA BOTTLING, supplies	1,016.92

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COMP CHOICE, services	932.50
COX, IT	312.30
COX, services	16.36
CRANE, R., training	660.00
CUMMINS CENTRAL POWER, services	569.74
D & D COMM., maint.	861.50
DANKO EMERGENCY EQUIP., maint.	536.80
DASH MEDICAL GLOVES, supplies	60.90
DISPLAY SALES, equip.	1,800.00
EAGLE ENGRAVING, apparel	20.85
ECHO GROUP INC., bld&grnds	42.95
EDGEWEAR SCREEN PRINTING, apparel	84.00
ELBERT, A., travel	60.00
FORT DEARBORN LIFE INS COMPANY	1,315.00
FRANKL, R., services	1,500.00
GALE, books	71.22
GASSERT, M., services	544.00
GCR TIRE CENTER, supplies	1,784.98
GENERAL FIRE & SAFETY, services	541.50
GOLDMAN, J., supplies	200.00
GOLEY, C., auto	100.00
GRAYBAR ELECTRIC, bld&grnds	308.84
GREENKEEPER, supplies	933.60
HANEY SHOE STORE, apparel	236.95
HEARTLAND AWARDS, apparel	61.00
HELGET GAS, supplies	125.00
HOBBY LOBBY, supplies	81.69
HOOK-FAST SPECIALTIES, apparel	46.02
HSMC ORIZON, services	1,250.00
HUNTEL COMMUNICATIONS, services	130.00
J A HEIM FARMS, services	4,315.00
J Q OFFICE EQUIP., services	52.49
JEREMY JOHNSON PHOTOGRAPHY, services	199.00
KAR SIM KENNEL, services	63.00
KLINKER, M., services	200.00
KRIHA FLUID POWER, maint.	209.54
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT SYSTEMS, services	125.00
LAST MILE NETWORK CONSULTING, IT	436.24
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LIBRARY IDEAS, media	15.50
LIFEGUARD STORE, equip.	32.00
LOGAN CONTRACTOR, maint.	318.60
LOVELAND GRASS PAD, maint.	679.67
MATTHIAS, C., travel	60.00
MCC, utilities	13,281.96
MID AMERICA, phones	100.00
MIDWEST TAPE, media	84.23
MINITEX - CPP, supplies	735.50
MLB LOGISTICS, supplies	295.09
MSC INDUSTRIAL, supplies	164.26
MUD, utilities	2,590.25
MUNICIPAL PIPE TOOL, maint.	596.40
NE ENVIRONMENTAL PRODS, maint.	108.35
NE FIRE CHIEF'S ASSN, dues	20.00
NE STATE VOLUNTEER, dues	1,180.00
NEUMAN EQUIPMENT, maint.	966.00
NORM'S DOOR SERVICE, bld&grnds	39.00
NOTARY PUBLIC, services	95.00
OCLC, dues	35.84
ODEY'S INC., bld&grnds	190.48
OFFICE DEPOT, supplies	439.38
OMAHA COMPOUND, equip.	824.29

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OMAHA WORLD HERALD, ads	9,318.43
ONE CALL CONCEPTS, services	405.95
O'REILLY AUTOMOTIVE STORES, maint.	129.19
ORIENTAL TRADING, library	83.94
OVERHEAD DOOR OF OMAHA, bld&grnds	3,345.50
PARAMOUNT, services	433.19
PAYLESS OFFICE, supplies	247.32
PEPSI COLA, supplies	359.48
PFEIFER, V., auto	100.00
PFEIFER, V., travel	60.00
PITNEY BOWES, supplies	204.00
PLAINS EQUIP, maint.	433.27
PREMIER-MIDWEST BEVERAGE CO, supplies	512.85
PRICE, M., travel	60.00
PROTEX CENTRAL, bld&grnds	180.00
PUBLIC AGENCY TRAINING COUNCIL, training	260.00
QUALITY BRANDS OF OMAHA, supplies	936.20
RAINBOW GLASS & SUPPLY, maint.	171.00
RICK NELSON PHOTOGRAPHY, services	90.00
RON TURLEY, services	1,100.00
SAPP BROS, maint.	110.50
SAPP BROS, supplies	94.84
SAPP BROS, supplies	139.99
SARPY COUNTY COURTHOUSE, services	3,629.03
SCOTTS BLUFF CO SHERIFF'S OFC, training	520.00
SHRED-SAFE, services	30.00
SIGN IT, supplies	180.00
SIRCHIE FINGER PRINT LABS, supplies	60.81
SMITH, M., auto	100.00
SMOOTHER CUT, services	1,244.50
SPELLMAN, T. training	377.63
SPRINT, phones	119.97
SPRINT, phones	62.19
STOLTENBERG NURSERIES, bld&grnds	150.00
SUN COUNTRY DISTRIBUTING, maint.	288.74
SUPERCO SPECIALTY PRODUCTS, supplies	183.38
SWANK MOTION PICTURES, supplies	371.00
TARGET, services	58.90
TED'S MOWER SALES & SERVICE, equip.	104.79
THERMO KING CHRISTENSEN, maint.	427.11
TODCO BARRICADE COMPANY, rentals	315.00
UPS, postage	11.10
USI EDUCATION/GOVT SALES, supplies	236.88
VAIL, A., auto	100.00
VAN RU CREDIT CORPORATION	19.14
VERIZON, phone	815.37
WAL-MART, supplies	2,303.93
WILSON, S., travel	60.00
WORLD BOOK, books	1,396.00
ZEE MEDICAL, supplies	214.50

## 6. RESOLUTION – PURCHASE REPLACEMENT TREES, SHRUBS AND FLOWERS – OFF STREET PARKING DISTRICT

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE REPLACEMENT OF TREES, SHRUBS AND FLOWERS AT OFF-STREET PARKING DISTRICT NUMBER 1 THROUGH STOLTENBERG NURSERIES, BELLEVUE, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$8,434.00.

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WHEREAS, the City Council of the City of La Vista has determined that replacement of trees, shrubs and flowers at Off-Street Parking District Number 1 is necessary; and

WHEREAS, the FY 2013/13 Off-Street Parking Fund Budget contains funding for the proposed purchase; 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 the City of La Vista, Nebraska authorize the replacement of trees, shrubs and flowers at Off-Street Parking District Number 1 through Stoltenberg Nurseries, Bellevue Nebraska in an amount not to exceed \$8,434.00.

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Councilmember Gowan reviewed the claims for this period and stated everything was in order. Councilmember Sell inquired on item number 6 if there was a monitoring system. Public Works Director Soucie stated that there were signs directing trucks and larger longer vehicles to use the proper access to the parking lots. Councilmember Quick asked if people drive over the shrubs and trees. Soucie stated that Semi trucks, R.V.'s and vehicle pulling boats do. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Lindberg reminded Council that budget workshops are Monday July 15<sup>th</sup> and Wednesday July 17<sup>th</sup> and budget books would be ready for pickup on July 5<sup>th</sup>.

Police Chief Lausten stated that they would be monitoring for fireworks being set off after the 4<sup>th</sup> as code only allows setting off fireworks from June 25 – July 4.

## B. ORDINANCE – AMEND SECTION 95.11 – LA VISTA MUNICIPAL CODE

Councilmember Sheehan introduced Ordinance No. 1194 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.11; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. 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 Gowan. The Mayor then stated the question, "Shall Ordinance No. 1194 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. 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.

## C. RESOLUTION – AWARD CONTRACT – AUDIT AND COMPREHENSIVE ANNUAL FINANCIAL REPORT

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-060; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

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NEBRASKA AUTHORIZING THE CITY TO ENGAGE BKD, LLP, OMAHA NEBRASKA FOR THE CITY'S FINANCIAL STATEMENTS, FINANCIAL AUDITS, COMPREHENSIVE FINANCIAL REPORT (CAFR), QUARTERLY KENO OBSERVATIONS AND THE ANNUAL KENO AUDIT FOR THREE ONE YEAR RENEWABLE TERMS

WHEREAS, the City of La Vista has determined that all the auditor functions should be done by one company in order to maintain uniformity in reporting and interpreting; and

WHEREAS, BKD, LLP, has done the financial audit previously and Orizon CPAs prepared the financial statements and did the Keno audit and observation; and

WHEREAS, Orizon CPAs informed the City that it would no longer prepare the financial statement after the FY12 audit.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the engagement of BKD, LLP, Omaha Nebraska for the City's financial statement, financial audits, comprehensive financial report (CAFR), quarterly keno observations and the annual keno audit.

Seconded by Councilmember Quick. Councilmember Sheehan asked why we are doing a three year contract and why we aren't going out for bid. Finance Director Lindberg stated that the last time we went out for bid Orizon and BKD were the only bidders and we separated the audits and financial statements between the two. Orizon no longer wants to do a part of this so BKD is the only firm we have. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. The following voted nay: None. The following were absent: None. Motion carried.

## D. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – ALLIXA CONSULTING INC.

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-061; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH ALLIXA CONSULTING, INC., MAITLAND FLORIDA ON A CONTINGENCY FEE BASIS.

WHEREAS, the City Council of the City of La Vista has determined that an audit of the Telecommunications Occupation Taxes collected by the City is necessary; and

WHEREAS, Allixa Consulting, Inc. has provided a proposal to prepare such an audit; 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 approve an agreement with Allixa Consulting, Inc., Maitland, Florida, on a contingency fee basis and the Mayor hereby is, authorized to execute same on behalf of the City in form and content satisfactory to the City Administrator in consultation with the City Attorney.

Seconded by Councilmember Sell. Discussion was held regarding the time this would take to complete. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. The following voted nay: None. The following were absent: None. Motion carried.

## E. RESOLUTION – AWARD CONTRACT – ACTIVE NETWORK INC.

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-062; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA

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VISTA, NEBRASKA, AWARDING A CONTRACT TO ACTIVE NETWORK, INC., SAN DIEGO, CALIFORNIA IN AN AMOUNT NOT TO EXCEED \$14,233.00

WHEREAS, the City Council of the City of La Vista has determined that providing a payment system for customers to register and pay for programs online is necessary; and

WHEREAS, the FY 2012/13 Capital Fund Budget will provide funding 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 award the contract to Active Network, Inc., San Diego, California in an amount not to exceed \$14,233.00.

Seconded by Councilmember Hale. Councilmember Sheehan asked about the percentage charged on transactions under \$150.00. Recreation Program Coordinator South gave an overview of the companies they researched and most of them were asking \$20,000.00 upfront plus annual service fees and this company was a lower cost with no maintenance fees as it is cloud based. Councilmember Sell asked if this would draw more people in to the programs. South feels it will and it will be free advertising of the programs to a wide range of people. Councilmember stated that they should keep track to see if participation increases. South said they will keep track. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. The following voted nay: None. The following were absent: None. Motion carried.

## F. EXECUTIVE SESSION – LAND ACQUISITION; CONTRACT NEGOTIATIONS

Mayor Kindig stated that there was nothing for executive session.

## COMMENTS FROM THE FLOOR

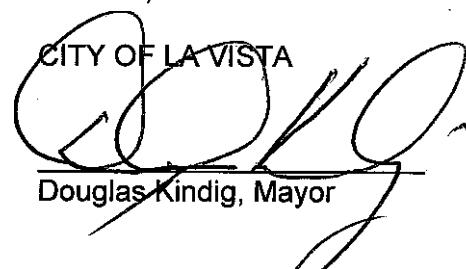
There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

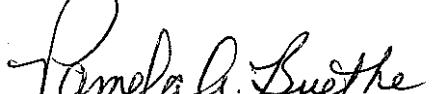
Mayor Kindig thanked Councilmember Crawford for attending the CLAAS event and the Yahoo event.

At 7:22 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. The following voted nay: None. The following were absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF JULY, 2013

  
CITY OF LA VISTA  
Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk