

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING October 21, 2014

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 October 21, 2014. Present were Councilmembers: Frederick, 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, Director of Public Works Soucie, Director of Administrative Services Pokorny, Community Development Director Birch, Recreation Director Stopak, Library Director Barcal, Human Resource Manager Garrod and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on October 8, 2014. 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 AWARDS – SUE TANGEMAN – 15 YEARS

Mayor Kindig presented a service award to Sue Tangeman for fifteen years of service.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 7, 2014 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 18, 2014 PLANNING COMMISSION MEETING
4. APPROVAL OF THE MINUTES OF THE AUGUST 20, 2014 PARKS AND RECREATION MINUTES
5. PAY REQUEST FROM DOSTALS CONSTRUCTION CO. INC. – CONSTRUCTION SERVICES – THOMPSON CREEK RECONSTRUCTION PROJECT – STREET PLANTER 2014 - \$8,835.25
6. PAY REQUEST FROM OMAHA ELECTRIC SERVICES, INC. – CONSTRUCTION SERVICES – 120<sup>TH</sup> & GILES TRAFFIC SIGNAL AND TURN BAYS - \$46,863.31
7. PAY REQUEST FROM OMAHA PUBLIC POWER DISTRICT – CONSTRUCTION SERVICES – THOMPSON CREEK PHASE PROJECT - \$69,239.96
8. PAY REQUEST - LEAGUE OF NEBRASKA MUNICIPALITIES - MEMBERSHIP DUES - \$36,867.00
9. APPROVE CHANGE IN START TIME OF CITY COUNCIL MEETING ON NOVEMBER 4, 2014 TO 6:00 P.M.
10. RESOLUTION NO. 14-134 – PURCHASE OF ICE CONTROL SALT

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ICE CONTROL SALT AND ICE SLICER FROM NEBRASKA SALT & GRAIN COMPANY, GOTHENBURG NEBRASKA IN AN AMOUNT NOT TO EXCEED \$30,000.00.

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WHEREAS, the City Council of the City of La Vista has determined that the purchase of ice control salt and ice slicer is necessary; and  
WHEREAS, the FY 15 General Fund Budget provides funding for this purchase; and

WHEREAS, ice control salt and ice slicer are necessary for public works winter operations; 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 ice control salt and ice slicer from Nebraska Salt & Grain Company, Gothenburg Nebraska in an amount not to exceed \$30,000.00.

## **11. RESOLUTION NO. 14-135 – PURCHASE OF APEX LIQUID DEICER**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF APEX LIQUID DEICER FROM ENVIRO-TECH SERVICES, INC., GREELEY, COLORADO IN AN AMOUNT NOT TO EXCEED \$10,800.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of liquid deicer is necessary; and

WHEREAS, the FY 15 General Fund Budget provides funding for this purchase; and

WHEREAS, orders for the liquid deicer will be placed at different times during the winter season; 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 APEX Liquid Deicer from Envirotech Services, Inc., Greeley, Colorado in an amount not to exceed \$10,800.00.

## **12. RESOLUTION NO. 14-136 – PURCHASE OF SNOW PLOW WEAR BLADES**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF VARIOUS SNOW PLOW WEAR BLADES FROM MICHAEL TODD & COMPANY INC., OMAHA NEBRASKA IN AN AMOUNT NOT TO EXCEED \$6,549.73.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of various snow plow wear blades is necessary; and

WHEREAS, the FY 15 General 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 various snow plow wear blades from Michael Todd & Company Inc., Omaha, Nebraska in an amount not to exceed \$6,549.73.

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## 13. APPROVAL OF CLAIMS.

AA WHEEL & TRUCK SUPPLY INC, maint.	70.18
ABE'S PORTABLES, rentals	259.15
ACTION BATTERIES, supplies	346.52
BAKER & TAYLOR, books	118.39
BLACK HILLS ENERGY, utilities	21.09
BOB'S RADIATOR REPAIR, maint.	75.00
BRENTWOOD AUTO WASH, maint.	21.00
BUILDERS SUPPLY CO, bld&grnds	32.00
CALIBRE PRESS, services	298.00
CARDMEMBER SERVICE ,services	11,316.58
CASS COUNTY SHERIFF'S OFFICE, training	50.00
CENTER POINT PUBLISHING, books	297.78
CENTURION TECHNOLOGIES, equip	54.00
CENTURY LINK ,phone	515.30
CITY OF PAPILLION PARKS/RECR, supplies	70.80
CJ'S HOME CENTER, bld&grnds	740.38
COMP CHOICE, services	150.00
COX COMMUNICATIONS, services	192.85
DAVID R MANN, services	75.00
DEARBORN NATIONAL LIFE INS CO	1,085.00
EBSCO INFORMATION, books	4,030.85
EXPRESS ENTERPRISES, bld&grnds	167.55
GALE, books	116.95
GAYLORD BROS, supplies	554.61
GCR TIRES & SERVICE, supplies	41.90
GENUINE PARTS COMPANY, maint.	1,769.90
GEORGE, ROBERT, travel	199.00
GLOCK PROFESSIONAL, services	195.00
HARRIS COMPUTER SYSTEMS, services	2,400.00
HEIMES CORPORATION, maint.	151.97
HOBBY LOBBY STORES, supplies	159.38
HUMANITIES NEBRASKA, services	65.00
HURST, JEAN, travel	54.66
INGRAM LIBRARY SERVICES, books	1,108.34
IVERSON, DENNIS, apparel	150.00
J Q OFFICE EQUIPMENT, services	45.22
JANET ROWLAND, refund	15.00
KARLSON, DAVID, travel	173.00
KLINKER, MARK A, services	200.00
KRIHA FLUID POWER, maint.	294.35
LANDPORT SYSTEMS, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	116.00
LAUSTEN, ROBERT S, travel	224.00
LOGAN CONTRACTORS SUPPLY, maint.	28.81
LOVELAND GRASS PAD, maint.	68.22
LOWE'S, bld&grnds	357.25
LUKASIEWICZ, BRIAN, travel	199.00
MAPA-METRO AREA PLANNING AGNCY, travel	150.00
MATHESON TRI-GAS, supplies	32.40
METRO LANDSCAPE, bld&grnds	140.00
MID AMERICA PAY PHONES	50.00
MIDLANDS BUSINESS JOURNAL, books	70.00
MIDWEST TAPE, media	14.99
NEWSBANK, supplies	2,470.00
OFFICE DEPOT, supplies	17.75
OMAHA COMPOUND COMPANY, supplies	368.40

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OMAHA PUBLIC POWER DISTRICT, utilities	4,581.17
OMAHA WORLD-HERALD, legal	1,254.64
OMNI, maint	115.00
O'REILLY AUTOMOTIVE, maint.	160.60
PAPILLION SANITATION, services	1,090.88
PAPILLION TIRE, maint.	109.09
PARAMOUNT LINEN & UNIFORM, apparel	309.06
PERFORMANCE FORD, maint.	36.05
PETTY CASH	26.50
PLAINS EQUIPMENT, maint.	481.85
PUBLIC AGENCY TRAINING COUNCIL, services	295.00
QUALITY BRANDS OF OMAHA, supplies	337.10
RALSTON ADVERTISING, supplies	437.00
RDG PLANNING & DESIGN, services	122.32
READY MIXED CONCRETE, maint.	2,805.46
REPUBLIC NATIONAL DISTR, supplies	135.00
SAM'S CLUB, supplies	2,404.67
SARPY COUNTY COURTHOUSE, services	3,960.21
SARPY COUNTY TREASURER, services	75,800.00
STRATEGIC INSIGHTS INC, services	675.00
SUPERIOR SPA & POOL, supplies	23.94
SUPERIOR VISION SVCS INC	586.60
SUTPHEN CORP., maint.	19.72
THERMO KING CHRISTENSEN, maint.	152.38
THOMPSON DREESSEN & DORNER, services	12,752.29
TIELKE'S SANDWICHES, supplies	0.78
TODCO BARRICADE, maint.	829.85
TRANS UNION RISK, services	20.00
TURFWERKS, maint.	101.83
UNITE PRIVATE NETWORKS, services	3,850.00
UNL, services	1,021.67
UNO, services	3,433.75
UNO, services	2,860.00
VAN RU CREDIT CORPORATION	28.72
VERIZON WIRELESS, phone	539.40
WAUGH, BRYAN, travel	224.00

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that a No U Turn sign has been place on Giles to keep drivers from making a u turn to get on the east bound interstate ramp.

Director of Public Works Soucie informed Council that leaf collection day is November 8 from 8:00-3:00.

Community Development Director Birch informed Council that the Comprehensive Plan project will begin with a meeting with the consultant this week. They will be composing a list for the project team to be presented for approval.

Recreation Director Stopak stated Halloween Safe Night will be on the 31<sup>st</sup> from 5-7:30 and informed Council to contact Mandy if they would like to volunteer.

Library Director Barcal thanked Council for allowing her and 3 others to attend the NE Library Association annual conference. Barcal stated the Civil War 150 events have begun and thanked Council President Crawford for reading the proclamation and Councilmembers Quick, Frederick and Sell for attending. Barcal thanked Mitch for his tireless PR and amazing fliers. Barcal also thanked the Police Dept. Honor Guard..

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## **B. AMENDMENT TO PUD ORDINANCE – SOUTHPORT WEST**

Mayor Kindig stated that this item has been postponed until a later date.

## **C. CONDITIONAL USE PERMIT – CROSSFIT PARIO, LOT 1, PARIO VALLEY 2 BUSINESS PARK (NW OF 120TH & PORTAL ROAD)**

### **1. PUBLIC HEARING**

At 7:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit for Crossfit Papio, Lot 1, Papio Valley 2 Business Park (NW of 120<sup>th</sup> & Portal Road). Jonathan Pingel was in attendance to answer any questions.

At 7:07 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-137: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR CROSSFIT PARIO TO ALLOW FOR AN INDOOR RECREATIONAL FACILITY IN A 3,000 SQUARE FOOT BAY OF A BUILDING ON LOT 1, PARIO VALLEY 2 BUSINESS PARK.

WHEREAS, CrossFit Papio, on behalf of property owner 8 English Walnut Inc. Et al., has applied for a Conditional Use Permit for to allow for an indoor recreation facility within a 3,000 square foot bay of a building on Lot 1, Papio Valley 2 Business Park located at 12008 Portal Road #101; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for CrossFit Papio to allow for a Conditional Use Permit for to allow for an indoor recreation facility within a 3,000 square foot bay of a building on Lot 1, Papio Valley 2 Business Park.

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

## **D. APPLICATION FOR REZONING & PRELIMINARY PUD PLAN, LOTS 1 AND 2, BELLA LA VISTA (NE OF 132<sup>ND</sup> & CENTECH ROAD)**

### **1. PUBLIC HEARING**

At 7:08 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Application for Rezoning & Preliminary PUD Plan, Lots 1 and 2, Bella La Vista (NE of 132<sup>nd</sup> & Centech Road). Jim Hall, representing the application gave an overview of their request. Discussion was held regarding the decrease in garages for this project and the size of the water retention ponds and the tower proposed on the property. Council requested they bring back information on possibly concealing the tower and more information on the reduction in garages.

Residents addressed the Council regarding closeness to neighbors, the topography for water run-off, and the impact of traffic at 132<sup>nd</sup> and Giles.

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At 7:51 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **2. RESOLUTION – APPROVAL PRELIMINARY PUD PLAN**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 14-138: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD) FOR LOTS 1 AND 2 BELLA LA VISTA, SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of Final PUD Plan for lots 1 and 2 Bella La Vista; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary plat and Preliminary PUD Plan; and

WHEREAS, on September 18, the La Vista Planning Commission held a public hearing and reviewed the Preliminary PUD Plan and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Preliminary PUD Plan for lots 1 and 2, Bella La Vista, Sarpy County, Nebraska, be, and hereby is, approved subject to resolution of items identified by the city engineer and staff.

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

## **E. RESOLUTION – AWARD BID – THOMPSON CREEK CHANNEL REHABILITATION – SITE CLEARING**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 14-139: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO ANDERSON EXCAVATING COMPANY, OMAHA, NE, FOR CONSTRUCTION OF THE THOMPSON CREEK CHANNEL REHABILITATION-SITE CLEARING IN AN AMOUNT NOT TO EXCEED \$119,718.00.

WHEREAS, the City Council of the City of La Vista has determined that construction of the Thompson Creek Channel rehabilitation-site clearing is necessary; and

WHEREAS, the FY 15 Capital Improvement Program provides funding for this project; and

WHEREAS, Bids were received from six contractors, and

WHEREAS, Anderson Excavating Company, Omaha, NE, has submitted the low, qualified bid, 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 a contract to Anderson Excavating Company, Omaha, NE for construction of the Thompson Creek Channel rehabilitation-site clearing, in an amount not to exceed \$119,718.00

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

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## **F. RESOLUTION – AWARD BID – THOMPSON CREEK – 72<sup>ND</sup> STREET CULVERT EMERGENCY PIPE REPAIR**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 14-140: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO HEIMES CORPORATION, OMAHA, NE, FOR CONSTRUCTION OF THE THOMPSON CREEK 72ND STREET CULVERT EMERGENCY PIPE REPAIR IN AN AMOUNT NOT TO EXCEED \$29,366.00.

WHEREAS, the City Council of the City of La Vista has determined that construction of the Thompson Creek 72<sup>ND</sup> Street Culvert Emergency pipe repair is necessary; and

WHEREAS, Proposals were received from four contractors, and

WHEREAS Heimes Corporation, Omaha, NE, has submitted the low, qualified bid, 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 a contract to Heimes Corporation, Omaha, NE for construction of the Thompson Creek, in an amount not to exceed \$29,366.00.

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

## **COMMENTS FROM THE FLOOR**

A boy scout troupe was in attendance working on their citizenship and communications badges and asked if the City had any project they could do. Mayor Kindig stated that Public Works would be in contact with them to set something up.

## **G. EXECUTIVE SESSION – PERSONNEL**

At 7:57 p.m. Councilmember Crawford made a motion to go into executive session for the protection of an individual to discuss personnel matters. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. 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 8:07 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **COMMENTS FROM MAYOR AND COUNCIL**

Mayor Kindig reminded Council that the meeting on November 4 will begin at 6:00 p.m.

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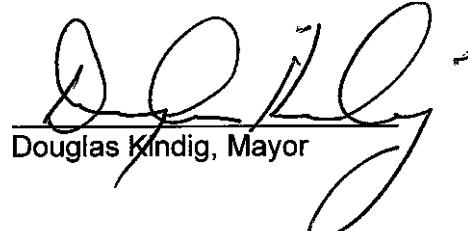
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At 8:07 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF NOVEMBER, 2014

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk