

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING March 17, 2015

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 March 17, 2015. Present were Councilmembers: Frederick, Ronan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, 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 March 4, 2015. 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.

### APPOINTMENT OF FINANCE DIRECTOR – CINDY MISEREZ

Mayor Kindig stated that, with approval of Council, he would like to appoint Cindy Miserez as Finance Director effective April 13, 2015. Motion by Sell to approve the Mayor's appointment. Quick seconded. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MARCH 3, 2015 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE FEBRUARY 19, 2015 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORTS – AUGUST 2014, SEPTEMBER 2014
5. PAY REQUEST FROM MUNICIPAL PIPE TOOL COMPANY LLC – CONSTRUCTION SERVICES – 2014 SEWER REHABILITATION PROJECT – \$1,099.00
6. PAY REQUEST FROM LOGAN SIMPSON DESIGN INC. – PROFESSIONAL SERVICES – COMPREHENSIVE PLAN UPDATE - \$1,530.36
7. PAY REQUEST FROM MANAGEMENT EDUCATION GROUP, INC. – PROFESSIONAL SERVICES – PERFORMANCE MANAGEMENT PROJECT - \$5,916.95
8. APPROVAL OF CLAIMS

3E-ELECTRICAL ENGINEERING, services	123.00
A C NELSEN RV WORLD, maint.	149.95
ACTION BATTERIES, maint.	137.35
ALAMAR UNIFORMS, apparel	336.74
AMERICAN PLANNING ASSOC., books	150.00
ANDERSON EXCAVATING CO., services	37,493.54
ARAMARK UNIFORM, services	175.65
ARTHUR J GALLAGHER RISK, services	583.00
ASPHALT & CONCRETE MATERIALS, maint.	1,995.87
BAKER & TAYLOR, books	6.05
BCDM-BERINGER CIACCIO DENNELL, services	687.50
BISHOP BUSINESS EQUIPMENT, supplies	1,156.69
BLACK HILLS ENERGY, utilities	2,355.71
BOB'S RADIATOR REPAIR CO., maint.	108.00
BRAD J EVERET, services	770.00
BUETHE, P., travel	118.03
BUILDERS SUPPLY CO., bld&grnds	19.52
CARDMEMBER SERVICE-ELAN, services	6,456.87

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CATHERINE DEMES MAYDEW, services	1,592.50
CENTURY LINK, phones	116.80
CHRIS MADDEN, services	4,600.99
CONSOLIDATED MANAGEMENT, travel	66.50
CONTROL MASTERS INC., services	3,944.00
COX COMMUNICATIONS, services	19,229.89
COX COMMUNICATIONS, services	221.20
DATASHIELD CORP., services	7.70
DAVE WESTERHOLT, services	600.00
DOUGLAS COUNTY SHERIFF'S OFC, services	2,100.00
DXP ENTERPRISES INC, maint.	157.28
EMBASSY SUITES HOTEL, services	4,270.70
FAC PRINT & PROMO CO., services	605.00
FBINAA-FBI NATL ACAD ASSOC.,services	125.00
FEDERATED GARDEN CLUBS OF NE., services	1,410.00
FELD FIRE, maint.	283.90
FELSBURG HOLT & ULLEVIG, services	10,054.87
GARROD, M., travel	60.00
GCR TIRES & SERVICE, maint.	467.91
GENERAL SERVICE BUREAU INC, services	116.00
GENUINE PARTS, maint.	1,171.17
GRAYBAR ELECTRIC CO., bld&grnds	539.09
GREAT WESTERN BANK, services	228.45
GUNN, B., travel	57.50
HANEY SHOE STORE, apparel	255.98
HOME DEPOT, bld&grnds	804.76
HUSKER MIDWEST PRINTING, services	260.80
IA NE SD PRIMA CHAPTER, services	40.00
INDUSTRIAL SALES CO., services	25.00
IPMA, services	390.00
JANET MURNAN, refund	96.00
KRIHA FLUID POWER CO., maint.	102.08
LIBERTY FLAG & SPECIALTY CO, services	91.45
LOGAN SIMPSON DESIGN, services	4,497.00
LOWE'S, bld&grnds	156.35
MENARDS, bld&grnds	1,002.88
METRO AREA TRANSIT, services	404.00
METROPOLITAN UTILITIES DIST., utilities	163.00
MID AMERICA PAY PHONES,services	50.00
MIDWEST TAPE, media	31.24
MUNICIPAL PIPE TOOL CO., maint.	456.80
NACR INC., services	1,492.01
NE LIQUOR CONTROL COMM., services	45.00
NEBRASKA CODE OFFICIALS ASSN, services	130.00
NEBRASKA LAW ENFORCEMENT, travel	20.00
NEBRASKA LIBRARY ASSN, services	500.00
NEBRASKA WELDING LTD, maint.	265.94
NEUMAN EQUIPMENT CO., maint.	220.08
NEW YORK TIMES, services	468.00
NMC EXCHANGE LLC, services	43,977.64
OCCUVAX, LLC, services	261.00
OFFICE DEPOT INC., supplies	232.80
OLSSON ASSOC., services	5,370.00
OMAHA PUBLIC POWER DISTRICT, utilities	47,939.38
OMAHA WINDUSTRIAL CO, services	134.67
OVERDRIVE, media	500.00
PAPILLION SANITATION, services	773.35
PARAMOUNT LINEN, services	319.56
PAYFLEX SYSTEMS USA INC, services	250.00
PDMB INC, services	407.52

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PERFORMANCE CHRYSLER JEEP, maint.	188.02
PETTY CASH, supplies	208.89
PETTY CASH, supplies	300.00
PLAINS EQUIPMENT, maint.	1,871.17
PREMIER-MIDWEST BEVERAGE CO., supplies	157.70
PROGRESSIVE BUSINESS, services	175.00
Q P ACE HARDWARE, bld&grnds	1,315.78
QUALITY BRANDS OF OMAHA, supplies	241.45
RAINBOW GLASS & SUPPLY, bld&grnds	40.89
RDG PLANNING & DESIGN, services	916.60
SAM'S CLUB, supplies	567.38
SARPY COUNTY CHAMBER, services	375.00
SIMPLEX GRINNELL LP, services	1,399.34
SUNSET LAW ENFORCEMENT LTD, supplies	4,990.58
TED'S MOWER, services	3.50
THE DAILY RECORD INC, services	76.00
TIGHTON FASTENER, maint.	32.18
TJ CABLE, services	7,200.00
TRACTOR SUPPLY, maint.	191.96
ULTRAMAX, apparel	71.80
UNITE PRIVATE NETWORKS LLC, services	3,850.00
UNITED PARCEL, services	38.00
VERNON COMPANY, supplies	248.18
VIERREGGER ELECTRIC CO., services	104,537.08
VIERREGGER ELECTRIC CO., services	1,182.70
WHITE CAP CONSTR SUPPLY, services	260.00
WINGATE BY WYNDHAM, travel	449.75
WORLD TRADE PRESS, media	708.47
ZEE MEDICAL SERVICE, supplies	138.70

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that there are packets in their boxes regarding the Comprehensive Plan Update.

Recreation Director Stopak informed Council that the City of La Vista has received the Tree City USA designation for the 18<sup>th</sup> year and will be accepting the award in April at the Capital.

Library Director Barcal informed Council that March 10 was Library advocacy day and they met with Senators.

## B. RESOLUTION - FY 2013/2014 AUDIT REPORT – BKD, LLP

Councilmember Sell introduced and moved for the adoption of Resolution No.15-031; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2013-2014 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2013-2014 municipal operations; and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2013-2014 municipal audit is hereby accepted and approved.

Seconded by Councilmember Quick. Amy Shreck presented the Audit report to the City Council. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

## **C. APPLICATION FOR CONDITIONAL USE PERMIT, FINAL PUD PLAN, REPLAT & SUBDIVISION AGREEMENT – LOTS 1 & 2 BELLA LA VISTA (NE OF 132<sup>ND</sup> & CENTECH ROAD)**

### **1. PUBLIC HEARING**

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Application for Conditional Use Permit, Final PUD Plan, Replat & Subdivision Agreement – Lots 1 & 2 Bella La Vista (NE of 132<sup>nd</sup> & Centech Road). Kirsten Rimes with Edward Rose presented the project to the Council. Two members of the public commented on the project.

At 7:36 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

### **2. ORDINANCE – AMEND ZONING MAP**

Councilmember Sell introduced Ordinance No. 1240 entitled; AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Hale moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1240 be passed and adopted?" Upon roll call vote the following Councilmember voted aye Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. 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.

### **3. RESOLUTION – APPROVE REPLAT**

Councilmember Quick introduced and moved for the adoption of Resolution No.15-032; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 1 AND 2, BELLA LA VISTA, TO BE REPLATTED AS LOT 1, ANDOVER POINTE, A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lots 1 and 2, Bella La Vista, to be replatted as Lot 1, Andover Pointe; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on September 18, 2014, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval.

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NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1 and 2, Bella La Vista, to be replatted as Lot 1, Andover Pointe, a subdivision located in the Southwest 1/4 of Section 18, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northeast of 132<sup>nd</sup> Street and Centech Road, be, and hereby is, approved.

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

## 4. RESOLUTION – APPROVE SUBDIVISION AGREEMENT

Councilmember Crawford introduced and moved for the adoption of Resolution No.15-033; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOT 1, ANDOVER POINTE SUBDIVISION.

WHEREAS, the City Council did on March 17, 2015, approve the replat for Lot 1, Andover Pointe Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, Edward Rose Development Company, LLC, has agreed to execute a Subdivision Agreement satisfactory in form and content to the City; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the March 17, 2015, City Council meeting for the Andover Pointe Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council replat approval and with such modifications that the City Administrator or City Engineer may determine necessary or advisable.

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

## 5. RESOLUTION – APPROVE FINAL PUD

Councilmember Hale introduced and moved for the adoption of Resolution No.15-034; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOT 1, ANDOVER POINTE, A SUBDIVISION LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a final planned unit development plan for Lot 1, Andover Pointe; and

WHEREAS, the City Planner and the City Engineer have reviewed the final planned unit development plan; and

WHEREAS, the final planned unit development plan is consistent with the preliminary planned unit development plan approved by the City Council on October 21, 2014, with the exception of adding more garages to the final plan.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the final Planned Unit Development (PUD) plan for Lot 1, Andover Pointe, located in the SW 1/4 of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northeast of 132<sup>nd</sup> Street and Centech Road be, and hereby is, approved.

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

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## **D. RESOLUTION – AUTHORIZE PROFESSIONAL SERVICES AGREEMENT THOMPSON CREEK WATERSHED RESTORATION – PLANTING PLAN**

Councilmember Hale introduced and moved for the adoption of Resolution No.15-035; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH RDG PLANNING & DESIGN, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$15,690.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined professional design services for the Thompson Creek Watershed Restoration project are necessary; and

WHEREAS, RDG has submitted a proposal to provide design services for a plan for planting of trees and shrubs along Thompson Creek between Edgewood Boulevard and 72<sup>nd</sup> Street; 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 expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve an agreement and authorize the City Administrator to execute said agreement for professional services with RDG, Omaha Nebraska in an amount not to exceed \$15,690.

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

## **E. RESOLUTION – APPROVE PURCHASE – UN-MARKED POLICE CAR**

Councilmember Hale introduced and moved for the adoption of Resolution No.15-036: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2015 CHEVROLET IMPALA 4 DOOR SEDAN VEHICLE FROM HUSKER AUTO GROUP, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$17,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new un-marked police vehicle is necessary, and

WHEREAS, the FY15 General Fund budget provides funding for the purchase of said vehicle, and

WHEREAS, the State of Nebraska did receive bids for 2015 Chevrolet vehicles, and

WHEREAS, Husker Auto Group, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2015 Chevrolet Impala 4 door sedan vehicles and will extend that price to the City of La Vista, and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure 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, do hereby authorize the purchase of one (1) 2015 Chevrolet Impala 4 door sedan vehicle from Husker Auto Group, Lincoln, Nebraska and in an amount not to exceed \$17,500.

Seconded by Councilmember Quick. Councilmember Crawford asked if the car was outfitted yet. Police Chief Lausten stated the radio and lights would be added which is in the cost of the vehicle. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

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## F. RESOLUTION – AUTHORIZE LEASE – ELECTRONIC MAGAZINES

Councilmember Hale introduced and moved for the adoption of Resolution No.15-0379: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LEASE OF ELECTRONIC MAGAZINES FOR USE IN THE LIBRARY FROM RECORDED BOOKS IN AN AMOUNT NOT TO EXCEED \$7,205.33.

WHEREAS, the City Council has deemed that a need exists to lease electronic magazines for use in the Library; and

WHEREAS, the FY 15 General Fund budget provides funding for said lease; 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 purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, does hereby authorize the lease of electronic magazines for use in the Library from Recorded Books in an amount not to exceed \$7,205.33 and in form and content satisfactory to the City Administrator.

Seconded by Councilmember Frederick. Councilmember Quick asked if this service takes place of all magazines. Library Director Barcal stated that it does not and is just another source for patrons. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

## G. POSITION DESCRIPTIONS UPDATE

Councilmember Sell made a motion to receive and file the updated position descriptions. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; PERSONNEL

At 7:44 p.m. Councilmember Crawford made a motion to go into executive for protection of the public interest for contract negotiations and for the protection of an individual to discuss personnel matters. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:20 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig gave an update on legislative issues.

At 8:22 p.m. Councilmember Hale made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

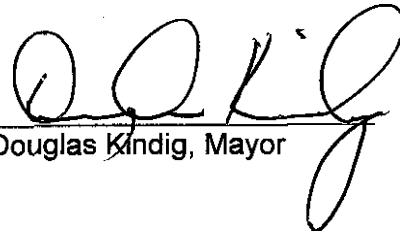
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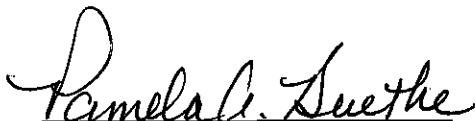
PASSED AND APPROVED THIS 7TH DAY OF APRIL, 2015

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk