

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING March 5, 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 March 5, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, 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 Captain Pokorny, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, 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 February 20, 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 19, 2013
3. APPROVAL OF THE MINUTES OF THE FEBRUARY 11, 2013  
METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS  
ASSOCIATION, INC.
4. APPROVAL OF THE CLAIMS
5. RESOLUTION 13-011 – FIREWORKS DISPLAY – LA VISTA DAZE  
TEMPORARY USE OF HWY. 85 (84<sup>TH</sup> STREET) – ACCEPTANCE OF  
DUTIES
6. RESOLUTION 13-012 – PARADE – LA VISTA DAZE TEMPORARY USE OF  
HWY 85 (84<sup>TH</sup> STREET) – ACCEPTANCE OF DUTIES

3E-ELECTRICAL ENGINEERING, maint.	614.64
A.M. SURPLUS MILITARY STORE, apparel	49.5
ABRAHAMS KASLOW & CASSMAN, services	1,697.65
ACI-NE CHAPTER, dues	60
ALAMAR, apparel	292.71
ARAMARK, services	467.99
ARPS SALES & SERVICE, equip.	232
ASPHALT & CONCRETE MATERIALS, maint.	126.88
AVP ENERGY, refund	90
B & H PHOTO VIDEO, supplies	251.44
BAKER & TAYLOR, books	1,720.36
BCDM-BERINGER CIACCIO DENNELL, services	420
BEST CARE EMPLOYEE ASST PROGRM	2,295.00
BLACK HILLS ENERGY, utilities	9,703.36
BOLD OFFICE SOLUTIONS, supplies	1,164.41
BUILDERS SUPPLY, bld&grnds	137.02
CAVLOVIC, P., apparel	120
CENTER POINT PUBLISHING, books	298.38
CENTURY LINK BUSN SVCS, phone	78.28
CENTURY LINK, phone	1,166.24

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CORNHUSKER INTL TRUCKS, maint.	516.09
COX, utilities	131.87
D & D COMM., services	272.13
DELL, it	14,181.25
DHHS REG/LIC-POOL PERMIT	40
DITCH WITCH OF OMAHA, bld&grnds	1,227.20
ED ROEHR SAFETY, supplies	334.89
EDGEWEAR SCREEN PRINTING, supplies	78
FASTENAL COMPANY, bld&grnds	12.49
FBINAA-FBI NATL ACAD ASSOCS, training	200
FOCUS PRINTING, printing	5,980.73
GALE, books	47.23
GALLS, apparel	224.93
GARROD, M., travel	180
GRAYBAR ELECTRIC, bld&grnds	153.49
GREAT PLAINS GFOA, dues	150
GROSSENBACHER BROTHERS, supplies	302
HEARTLAND PAPER, supplies	140
HEARTLAND TIRES & TREADS, supplies	26.3
HOCKENBERGS, equip.	223.88
HORNADY, supplies	2,930.40
HY-VEE, supplies	71.25
IPMA, dues	379
JONES AUTOMOTIVE, maint.	100
KLINKER, M., services	17
KRIHA FLUID POWER, maint.	52.8
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LERNER PUBLISHING GROUP, books	39.46
LEXIS NEXIS MATTHEW BENDER, books	139.94
LIBRARY IDEAS, media	6.5
LIEN TERMITE & PEST CONTROL, services	235
MATHESON TRI-GAS, supplies	287.9
MCC, utilities	12,793.07
METHODIST HOSPITAL, services	350
MICHAEL TODD & COMP., equip.	296
MIDLANDS LIGHTING & ELECTRIC, maint.	643.32
MIDWEST TAPE, media	1,283.04
MILLER PRESS, printing	65
MOIS, L., refund	95
NE CODE OFFICIALS ASSN, trainng&dues	430
NE LIQUOR CONTROL COMMISSION	45
NE TURFGRASS ASSN., dues	250
NE WELDING, maint.	67.04
NMC EXCHANGE LLC, maint.	133.75
NOBBIES, supplies	85.06
OCLC INC, books	29.64
OFFICE DEPOT, supplies	728.3
OMNIGRAPHICS, books	119.4
ORIENTAL TRADING, supplies	75.75
PARAMOUNT, services	292.56
PAYLESS OFFICE, supplies	73.98
PERFORMANCE CHRYSLER JEEP, maint.	30
PERFORMANCE FORD, maint.	22.95
PETTY CASH	219.37
PITNEY BOWES, services	408
PLAINS EQUIPMENT GROUP, maint.	414.11
PROGRESSIVE BUSINESS, services	175
QUILL CORP., supplies	161.4
REGAL AWARDS OF DISTINCTION	77.59
RETRIEVEX, services	90.5

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SAPP BROS PETROLEUM, supplies	17,236.80
SARPY COUNTY CHAMBER, training	20
SARPY COUNTY ELECTION COMMISSNR, services	1,483.89
SARPY COUNTY LANDFILL, services	120
SARPY COUNTY SOCCER ASSN	752.88
SCHOLASTIC, books	370.5
SEAT COVER CENTER OF NE, maint.	109.5
SECRETARY OF STATE, fees	20
SEILER INSTRUMENT, services	170
SHAMROCK CONCRETE COMPANY, maint.	139.86
SIMPLEX GRINNELL, bld&grnds	1,593.00
SINNETT, H., supplies	20
SIRCHIE FINGER PRINT LABS, supplies	46.44
SPRINT, phone	119.97
SPRINT, phone	62.11
STAR OFFICE SUPPLY, supplies	331.04
TAB HOLDING COMPANY, supplies	20,007.53
TURFWERKS, maint.	211.44
UPS, postage	6.28
UPSTART, library	313.81
UTILITY EQUIPMENT, bld&grnds	121.54
VERIZON, phones	66.07
VERIZON, phones	96.55
VERIZON, phones	61.89
VERNON COMPANY, services	773.13
VIERREGGER ELECTRIC, maint.	104.5
WAL-MART, supplies	907.55
ZEE MEDICAL SERVICE, equip.	519.85

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Gowan reviewed the claims for this period and stated everything was in order. 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

Police Captain Pokorny reported the dates for upcoming DARE Graduations.

Public Works Director Soucie reported that Public Works has two vacancies they will be working to fill.

Library Director Barcal reported that the second annual adult reading program was very successful.

## B. RESOLUTION – ONE AND SIX YEAR STREET IMPROVEMENT PLAN

### 1. PUBLIC HEARING

At 7:05 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan.

Street Superintendent Goldman gave an overview of the plan.

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

### 2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 13-013; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA

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VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

## C. RESOLUTION – AMENDMENT TO COMPREHENSIVE PLAN – CHAPTER 9, ANNEXATION PLAN

### 1. PUBLIC HEARING

At 7:20 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Amendment to Comprehensive Plan – Chapter 9, Annexation Plan.

At 7:21 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-014; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING CHAPTER 9, ANNEXATION PLAN, OF THE COMPREHENSIVE PLAN

WHEREAS, the Comprehensive Plan currently has an Annexation Plan in Chapter 9 which includes a narrative section, a chart and a map; and

WHEREAS, amendments are proposed to update the Plan based on an annual review; and

WHEREAS, the Planning Commission has recommended approval of the amendments to Chapter 9, Annexation Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to Chapter 9, Annexation Plan, of the Comprehensive Plan.

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

## **D. RESOLUTION – PURCHASE PORTABLE DYNAMIC MESSAGE SIGNS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-015; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TWO (2) PORTABLE DYNAMIC MESSAGE SIGNS FROM VER-MAC, QUEBEC, CANADA IN AN AMOUNT NOT TO EXCEED \$30,720.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of two (2) Portable Dynamic Message Signs is necessary; and

WHEREAS, the FY 2012/13 Lottery 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 two (2) Portable Dynamic Message Signs from VER-MAC, Quebec, Canada, in an amount not to exceed \$30,720.00

Seconded by Councilmember Sell. Councilmember Crawford asked how often these signs were used and if there was a warranty. Public Works Director Soucie stated that he anticipates using 25-30 times a year and that the warranty lasts 2 years. Councilmember Sell asked what the life spans of the boards were. Soucie replied that with care they could last 50 years. Councilmember Sheehan asked what kind of maintenance was required for the boards. Soucie stated that maintaining the bolts would be the extent of the maintenance. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **E. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments

At 7:26 p.m. Councilmember Hale 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: None. Motion carried.

### **2. RESOLUTION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-016; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO REPEAL RESOLUTION NUMBER 12-115 AND 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  
10202 Brentwood Dr/Lot 178 Val Vista, \$134.95;  
10204 Brentwood Dr/Lot 177 Val Vista, \$134.95;  
10208 Brentwood Dr/Lot 176 Val Vista, \$134.95;  
10618 Brentwood Dr/Lot 154 Val Vista, \$134.95;  
10216 Brentwood Dr/Lot 175 Val Vista, \$134.95;  
10619 Hillcrest Drive/Lot 2A Val Vista, \$134.95;

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10615 Hillcrest Drive/Lot 3 Val Vista; \$134.95; and  
10611 Hillcrest Drive/Lot 4 Val Vista; \$134.95;

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 addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have 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 Mayor and City Council of the City of La Vista do hereby repeal Resolution Number 12-115 and the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## F. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:27 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, 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 8:22 p.m. the Council came out of executive session. Councilmember Gowan made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, and Crawford. Nays: None. Abstain: None. Absent: Quick, Hale, and Sell. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 8:24 p.m. Councilmember Sheehan made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF MARCH, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC  
City Clerk

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