

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 4, 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 June 4, 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, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, Public Building and Grounds Director Archibald, Recreation Director Stopak, Library Director Barcal, City Engineer Kottmann, City Planner Solberg, and Chief Building Official Sinnott.

A notice of the meeting was given in advance thereof by publication in the Times on May 22, 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 – KAREN FAGIN – 10 YEARS; BRYAN JIRAK, ALEX MARTIN, MICKEY STUBBS – 5 YEARS

Mayor Kindig recognized Karen Fagin for 10 years of service to the City and Bryan Jirak, Alex Martin, and Mickey Stubbs for 5 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MAY 21, 2013 CITY COUNCIL  
MEETING
3. APPROVAL OF THE MINUTES OF THE MAY 13, 2013 LA  
VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM  
OWNERS ASSOCIATION, INC
4. APPROVAL OF THE MINUTES OF THE MAY 15, 2013 PARK &  
RECREATION ADVISORY COMMITTEE
5. APPROVE PAY REQUEST – HUNDEN STRATEGIC PARTNERS –  
PROFESSIONAL SERVICES - \$4998.10
6. APPROVAL OF CLAIMS
7. RESOLUTION 13-053 - APPROVAL OF AGREEMENT – PROFESSIONAL  
SERVICES
8. RESOLUTION 13-054 – INTERLOCAL COOPERATION AGREEMENT – 2013  
GIS COALITION
9. RESOLUTION 13-055 – APPROVAL – LIMITED ENGLISH PROFICIENCY  
(LEP) PLAN
10. RESOLUTION 13-056 – AWARD OF CONTRACT – EASTERN NEBRASKA  
OFFICE ON AGING

A AND L HYDRAULICS, equip.	240.76
AAT, supplies	1,445.00
ACCURATE TOOL & DIE, maint.	165.00
AFL, vehicle	26,856.00
AKSARBEN PLUMBING, refund	38.00
ALAMAR, apparel	417.48
ARAMARK, services	497.47
ASPHALT & CONCRETE MATERIALS, maint.	312.50

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AUSTIN PETERS GROUP, services	1,200.00
BAKER & TAYLOR, books	315.69
BARCAL, R., travel	38.82
BEAUDIN, C., travel	264.00
BIBLIONIX, equip.	3,850.00
BIERBRAUER, A., training	203.00
BIG RIG TRUCK, maint.	551.50
BLACK HILLS ENERGY, utilities	1,729.51
BRIDGESTONE GOLF, supplies	867.67
BUILDERS SUPPLY, bld&grnds	525.24
BOMA, training	20.00
CALLAWAY GOLF, supplies	436.50
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	240.00
DEETER FOUNDRY, sewer	792.00
DIGITAL ALLY, postage	100.00
EDGEWEAR SCREEN PRINTING, printing	2,397.00
ELBERT, A., travel	264.00
EMPORIA LIBRARY, books	23.95
ENSLOW, books	118.47
ENTERPRISE LOCKSMITHS, bld&grnds	65.00
FBINAA, training	100.00
FILTER CARE, maint.	41.00
FRED PETERSON	130.00
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	325.00
H & H CHEV., maint.	121.79
HANEY SHOE STORE, apparel	111.95
HEARTLAND PAPER, supplies	65.00
HERITAGE CRYSTAL CLEAN, services	525.30
HONEYMAN RENT-ALL, bld&grnds	388.94
INDUSTRIAL SALES, training	200.00
INLAND TRUCK PARTS, maint.	3,145.25
INTERNATIONAL CODE COUNCIL, books	251.00
JACIK, T., training	150.00
JOHNSTONE SUPPLY, bld&grnds	21.76
KRIHA FLUID POWER, maint.	29.46
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LEAGUE ASSN OF RISK MGMT, insurance	513.00
LERNER PUBLISHING, books	285.19
LIBRARY IDEAS, media	10.50
LOU'S SPORTING GOODS, equip.	270.00
MAPA, travel	75.00
MATHESON TRI-GAS, apparel	166.38
MCGARVEY, N., refund	45.00
MICHAEL TODD, maint.	825.35
MID CONTINENT SAFETY, equip.	80.00
MID-STATES UTILITY, maint.	451.50

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MIDWEST TAPE, media	74.98
MIDWEST TURF & IRRIGATION, bld&grnds	157.51
MLB LOGISTICS, supplies	455.01
NATIONAL EVERYTHING WHOLESALE, services	1,603.57
NE DEPT OF LABOR, inspection	100.00
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, utilities	44,144.83
OPPD, utilities	3,028.17
OMAHA TACTICAL, supplies	29.00
OMAHA WINNELSON, maint.	35.00
OMAHA WORLD HERALD, ads	241.90
OMNIGRAPHICS, books	81.85
ON THE SPOT PRODUCTIONS, marketing	8,076.00
O'REILLY AUTO., maint.	29.44
OVERHEAD DOOR, bld&grnds	400.00
PAPILLION SANITATION, services	1,235.19
PARAMOUNT, services	315.96
PERFORMANCE FORD, maint.	37.11
PETTY CASH	203.55
PHOENIX POOLS & WATERFALLS, refund	25.00
PLAINS EQUIPMENT GROUP, maint.	3,279.26
RAINBOW GLASS & SUPPLY, bld&grnds	128.37
RALSTON ADVERTISING, equip.	537.00
SAPP BROS, supplies	10,975.65
SARPY COUNTY PUBLIC WORKS, services	18,667.64
SIGN IT, banners	470.00
SIRCHIE FINGER PRINT LABS, supplies	188.04
SNELLING, M., refund	15.00
STATE TROOPERS ASSN NE, training	100.00
STENGEL, J., refund	55.00
SUBURBAN NEWSPAPERS, ads	46.00
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	350.00
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 Quick. Councilmember Quick reviewed the claims for this period and stated everything was in order. Councilmember Sheehan asked if Local and Regional Government Service Authorities was familiar with Nebraska practices. City Administrator Gunn stated that our fiscal agents, bond council, and city staff would be available to answer any questions he might have. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reported that the last day of the legislature will be June 5<sup>th</sup>, 2013. Buethe also reported that with approval from staff and the property owner, the La Vista Youth Baseball would be moving from the original site at 7904 S 83<sup>rd</sup> street to a new site at the NE Corner of 108<sup>th</sup> and Giles Road.

Police Chief Lausten reported that a taskforce was working with the FBI on drug enforcement.

Public Works Director Soucie reported that Slumbuster Tournament would begin in two weeks. Soucie stated that staff was behind on mowing as the current weather conditions require that they mow every three days. Councilmember Crawford asked about the area around 120<sup>th</sup> and Harrison that had gotten long. Soucie stated that was maintained by Sarpy County and that he would contact them about the maintenance.

City Planner Solberg introduced the Community Development Intern Cort Barber to the Mayor and Council.

Chief Building Official Sinnett reported that the new construction at 96<sup>th</sup> and Giles was well underway. Sinnett stated that due to the weather there had been 15 rain out days for construction. Sinnett also reported that the owners of the damaged property at 7727 Parkview have until October to fix or the City would have options. Mayor Kindig asked that something be done to shorten the time frame. The Community Development will look into this and bring something back to Council for consideration. The property on South 88<sup>th</sup> Street when the structure burned has been purchased and the new owner will be making improvements on the property.

Recreation Director Stopak reported that the pool was open. Stopak continued that the pump for the chemical feeder had gone down, new parts had been ordered and should be in on the 5<sup>th</sup>.

Library Director Barcal reported that the summer reading program had begun.

### B. ANNEXATION OF SANITARY AND IMPROVEMENT DISTRICT #195 (MAYFAIR), MISC. LOTS #1 (MAYFAIR NON-SID LOTS), I-80 BUSINESS PARK 2<sup>ND</sup> ADDITION, TAX LOTS 17 & 18 (17-14-12), MISC. LOTS #2, AND ADJOINING STREET RIGHTS-OF-WAY - FIRST READING

#### 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 Annexation of Sanitary and Improvement Districts #195 (Mayfair), Misc. Lots #1 (Mayfair Non-SID Lots), I-80 Business Park 2<sup>nd</sup> Addition, Tax Lots 17 & 18 (17-14-12), Misc. Lots #2, and adjoining streets rights - of - way first reading.

At 7:17 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

#### 2. ORDINANCE - FIRST READING - SID #195 AND MISCELLANEOUS LOT #1

City Clerk Buethe read Ordinance No. 1191 entitled; AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (SID NO.195, MAYFAIR, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, LOT 21, MAYFAIR 2<sup>ND</sup> ADDITION, AND OUTLOT "A", MAYFAIR, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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Councilmember Sheehan made a motion to approve the second reading of Ordinance 1191 and pass it on for final reading at the next 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.

### **3. ORDINANCE – FIRST READING – I-80 BUSINESS PARK – 2<sup>ND</sup> ADDITION AND TAX LOTS 17 AND 18**

City Clerk Buethe read Ordinance No. 1192 entitled; AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; TAX LOTS 17 AND 18, LYING WITHIN THE NW ¼ OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SAID SARPY COUNTY; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Crawford made a motion to approve the second reading of Ordinance 1192 and pass it on for final reading at the next meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **4. ORDINANCE – FIRST READING – MISCELLANEOUS LOTS #2**

City Clerk Buethe read Ordinance No. 1193 entitled; AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (TAX LOTS 11 AND 15 LYING WITHIN THE NW ¼ OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NW ¼ OF SECTION 17 AND PART OF THE NE ¼ OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, 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), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan made a motion to approve the second reading of Ordinance 1193 and pass it on for final reading at the next meeting. Seconded by Councilmember Thomas. 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 C Executive Session. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **COMMENTS FROM THE FLOOR**

Boyce Brown and Brenda McBride addressed the Council regarding a 30 day warning they received for exceeding the maximum number of dogs allowed in the city. Brown and McBride asked that the Council review the ordinance and allow for three dogs, or that they be provided with a waiver. Mayor Kindig directed the staff to research and report back to the Council at a later meeting.

### **C. EXECUTIVE SESSION – LAND ACQUISITION; CONTRACT NEGOTIATIONS**

At 7:28 p.m. Councilmember Crawford made a motion to go into executive session for the protection of the public interest for negotiating guidance regarding land acquisition and 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.

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At 8:57 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, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reported that Sarpy County was going to begin evaluating the 911 Center's operation processes and resources. Kindig stated that he would encourage the County Commissioners to move forward with a merger.

Mayor Kindig provided a legislative report and stated that the item regarding Omaha's sales tax would be discussed in the legislature on June 5<sup>th</sup>.

At 9:07 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF JUNE, 2013

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk