

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 16, 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 16, 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 Buehe, 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, and City Planner Solberg.

A notice of the meeting was given in advance thereof by publication in the Times on July 3, 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 THE MINUTES OF THE JULY 2, 2013 CITY COUNCIL MEETING

3. MONTHLY FINANCIAL REPORT - JUNE 2013

4. PAY REQUEST - THOMPSON, DREESSEN & DORNER, INC - PROFESSIONAL SERVICES - 120TH AND GILES TRAFFIC SIGNAL - \$2,126.05

5. PAY REQUEST - THOMPSON, DREESSEN & DORNER, INC - PROFESSIONAL SERVICES - LILLIAN & JAMES INTERSECTION - \$2567.50

6. PAY REQUEST - STRATEGIC GOVERNMENT RESOURCES - PROFESSIONAL SERVICES - \$6397.34

7. APPROVAL OF CLAIMS

3M, equip.	4,535.00
4 SEASONS AWARDS, services	115.00
911 CUSTOM, equip.	7,988.14
ABE'S PORTABLES, services	301.57
ABRAHAMS KASLOW & CASSMAN, services	638.28
ACCO UNLIMITED CORP, supplies	341.70
ACCURATE TESTING, utilities	195.95
ACTION BATTERIES, supplies	119.94
AKSARBEN HEATING/ARS, bld&grnds	5,480.00
ALAMAR UNIFORMS, apparel	123.98
AMERICA'S FENCE, refund	30.00
ARCMATE MANUFACTURING, bld&grnds	195.15
A-RELIEF SERVICES, bld&grnds	225.00
AUSTIN PETERS GROUP INC, training	4,500.00
AUSTIN PETERS GROUP, training	1,400.00
AVI SYSTEMS, services	912.00
BAKER & TAYLOR, books	572.70
BARONE SECURITY SYSTEMS, services	235.00
BCDM-BERINGER CIACCIO DENNELL, services	787.50
BISHOP BUSINESS EQUIPMENT, supplies	945.24
BLACK HILLS ENERGY, utilities	67.10
BOBCAT OF OMAHA, maint.	197.12

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BUILDERS SUPPLY, maint.	112.44
CADY-JONES, C., services	300.00
CARDMEMBER SERVICE, supplies	5,155.45
CENTURY LINK, utilities	168.52
CIVIC PLUS, services	3,333.34
CJ'S HOME CENTER, maint.	899.47
CONTROL MASTERS INC., bld&grnds	1,585.08
COX, utilities	67.15
D & D COMM., equip.	282.73
DOUGLAS COUNTY SHERIFF'S OFC, services	675.00
DREWEL, R., services	275.00
EASTERN NEBR SOCCER ASSN, services	350.00
EASYWAY INTERNATIONAL LLC, grant	1,527.00
EDGEWEAR SCREEN PRINTING, apparel	777.65
ESRI INC, renewal	2,350.00
FEDEX KINKO'S, printing	174.15
FELSBURG HOLT & ULLEVIG, services	6,991.55
FILTER CARE, maint.	45.20
FIREGUARD, equip.	112.50
FITZGERALD SCHORR BARMETTLER, services	29,668.64
GALE, books	71.22
GALLS, apparel	53.50
GARROD, M., travel	196.81
GENUINE PARTS COMPANY, maint.	1,246.03
GRAINGER, bld&grnds	193.06
GRAYBAR ELECTRIC COMPANY, bld&grnds	447.96
GREENKEEPER COMPANY, supplies	494.00
HAMILTON COLOR LAB, services	30.00
HEARTLAND AWARDS, apparel	32.25
HEIMES CORP., maint.	300.44
HERITAGE CRYSTAL CLEAN, services	578.10
HOME DEPOT, supplies	60.72
HOST COFFEE SERVICE, concessions	71.70
HUNTEL COMM., services	1,107.96
INDUSTRIAL SALES, bld&grnds	111.15
INTERSTATE POWER SYSTEMS, maint.	154.22
IOWA STATE UNIVERSITY, TREAS, training	100.00
KAMMERER, M., training	50.00
KRIHA FLUID POWER, maint.	103.14
LAST MILE NETWORK CONSULTING, it	351.88
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LEAGUE ASSN OF RISK MGMT, ins&bonds	18.00
LICHTUS, L., refund	155.00
LIFE ASSIST, supplies	160.00
LINCOLN EQUIP., bld&grnds	809.55
LINCOLN NATIONAL LIFE INS	10,289.27
LINCOLN TENT, maint.	425.00
LOGAN CONTRACTORS, apparel	292.49
LOU'S SPORTING GOODS, supplies	19.95
LOVELAND GRASS PAD, maint.	154.40
LYMAN-RICHEY SAND & GRAVEL CO, bld&grnds	214.84
MAPA, services	500.00
MARTIN MARIETTA AGGREGATES, maint.	197.49
MAT, services	467.00
MATHESON TRI-GAS, apparel	102.00
MES-MIDAM, apparel	506.35
MIDLANDS PRINTING, printing	147.01
MIDWEST TAPE, media	909.77
MLB LOGISTICS, concessions	312.16
MONARCH OIL, maint.	577.50
MOTOROLA SOLUTIONS, equip.	19,452.41
MUD, utilities	524.03

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NEBRASKA BUSINESS ELECTRONICS, bld&grnds	213.00
NEBRASKA CRIME COMMISSION, dues	7.50
NEBRASKA WELDING, services	79.38
NMC EXCHANGE, maint.	44.36
OFFICE DEPOT, supplies	452.15
OMAHA COMPOUND, supplies	110.50
OMAHA WORLD HERALD, ads	1,787.67
OMNIGRAPHICS, books	81.85
ONE CALL CONCEPTS, services	569.35
ONSET COMPUTER CORP., services	1,754.00
OPPD, utilities	54,523.56
O'REILLY AUTOMOTIVE STORES, maint.	14.70
PALFLEET TRUCK EQUIP., maint.	3,580.01
PAPILLION SANITATION, services	1,455.88
PARAMOUNT LINEN & UNIFORM, services	309.06
PARTSMaster, supplies	106.95
PAUL CONWAY SHIELDS, apparel	557.74
PAYFLEX, services	250.00
PERFORMANCE FORD, maint.	392.14
PLAINS EQUIPMENT GROUP, maint.	131.08
POWER PLAN, maint.	34.04
PREMIER-MIDWEST BEVERAGE CO, supplies	399.50
PSI PLASTIC GRAPHICS, supplies	400.56
QUALITY AUTO REPAIR & TOWING, services	81.00
RALSTON AREA BASEBALL ASSN, services	690.00
RETRIEVEX, it	96.72
SALEM PRESS, books	340.10
SAM'S CLUB, concessions	1,619.52
SAPP BROS PETROLEUM, supplies	426.93
STATE STEEL OF OMAHA, maint.	99.23
SUN COUNTRY DISTRIBUTING, bld&grnds	58.20
SUPERIOR VISION SVCS	375.20
TED'S MOWER SALES & SERVICE, equip.	255.83
THOMPSON DREESSEN & DORNER, services	66,824.29
TRACTOR SUPPLY, supplies	22.57
TY'S OUTDOOR POWER & SVC, maint.	201.66
UPS, postage	85.53
UTILITY EQUIPMENT, maint.	139.42
VAN RU CREDIT CORPORATION	52.84
WASTE MANAGEMENT NE., services	652.56
ZIMCO SUPPLY, supplies	162.25

8. RESOLUTION 13-063 – REQUEST FOR PROPOSALS – COUNCIL CHAMBERS TECHNOLOGY UPGRADE

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR PROFESSIONAL SERVICES TO UPDATE THE TECHNOLOGY OF THE HAROLD "ANDY" ANDERSON COUNCIL CHAMBER.

WHEREAS, the Mayor and Council have determined the Council chambers technology update is necessary, and

WHEREAS, the FY 2012/13 Capital Fund Budget provides funding for the proposed project; and

WHEREAS, Proposals will be due August 26, 2013 with the approximate contract award date of September 17, 2013;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for professional services to update the technology of the Harold "Andy" Anderson Council Chamber.

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Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Sell 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

City Clerk Buethe reminded the Mayor and Council that the August 6, 2013 meeting would begin at 5:30 p.m. to allow for attendance at National Night Out.

Police Chief Lausten stated that three staff members had resigned, and that they would begin the process of testing for sergeant and an officer.

Public Works Director Soucie stated that a grant for \$750.00 was received for tire collection. Soucie update the Council on several road projects and stated that the new message board was being used and was very beneficial.

Library Director Barcal shared information on upcoming programming and invited all to attend the Scholastic Book Fair at the Library.

B. REDEVELOPMENT PLAN – 84TH STREET REDEVELOPMENT AREA

Community Development Director Birch stated that the Planning Commission voted to recommend this as it is in conformity with the Comprehensive Plan.

1. RESOLUTION – LA VISTA COMMUNITY DEVELOPMENT AGENCY – RECOMMENDING REDEVELOPMENT PLAN

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-064; A RESOLUTION OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY ADOPTING AND RECOMMENDING THE REDEVELOPMENT PLAN FOR THE 84TH STREET REDEVELOPMENT AREA PURSUANT TO NEBRASKA STATUTES, SECTIONS 18-2101 THROUGH 18-2154.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council, as the governing body of the La Vista Community Development Agency, ("Agency") do hereby find, determine, declare and approve as follows:

- I. **FINDINGS.** The Mayor and City Council hereby find and determine as follows:
 - A. A general plan for the development of the City as a whole currently exists as the La Vista Comprehensive Plan ("Comprehensive Development Plan").
 - B. The Mayor and City Council, on behalf of the City and after review and recommendation of the Planning Commission and satisfying all notice, public hearing and other applicable requirements, by Resolution 12-011 declared the 84th Street Redevelopment Area as a substandard and blighted area in need of redevelopment.
 - C. The Mayor, on behalf of the Agency as authorized by Resolution 12-012, subsequently caused the preparation of the proposed redevelopment plan titled Redevelopment Plan "84th Street Redevelopment Area", as presented at this meeting ("Redevelopment Plan"), which Redevelopment Plan includes an initial redevelopment project to acquire and clear portions of the 84th Street Redevelopment Area primarily to eliminate and prevent recurrence of the substandard and blighted area.
 - D. City Staff has prepared and is proposing by separate action of the Mayor and City Council on behalf of the City an amendment to the Comprehensive Development Plan to incorporate the Redevelopment Plan, as finally approved, into said Comprehensive Development Plan ("Proposed Comprehensive Plan Amendment").

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E. The proposed Redevelopment Plan:

1. Conforms to the general plan for the City as a whole, as set forth in the City's Comprehensive Development Plan, subject to City Council approval of the Proposed Comprehensive Plan Amendment, and is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements, and
2. Is sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in the redevelopment project area, and
3. Includes:
 - a. The boundaries of the redevelopment project area, with a map showing the existing uses and condition of the real property therein,
 - b. A land-use plan showing proposed uses of the area,
 - c. Information showing the standards of population densities, land coverage and building intensities in the area after redevelopment,
 - d. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinance,
 - e. A site plan of the area,
 - f. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in the area after redevelopment, and
 - g. Designation of any enhanced employment area being proposed at this time.
4. The Agency submitted said Redevelopment Plan to the Planning Commission of the City of La Vista for review and recommendations as to its conformity with the Comprehensive Development Plan of the City.
5. The Planning Commission, after required notice, held a public hearing on the proposed Redevelopment Plan.
6. The Planning Commission after said hearing reviewed the proposed Redevelopment Plan and, taking into consideration all relevant factors including the Proposed Comprehensive Plan Amendment and any public comments at the public hearing, made findings and recommendations, including that the proposed Redevelopment Plan is in conformity with the Comprehensive Development Plan of the City, subject to City Council approval of the Proposed Comprehensive Plan Amendment, and the Planning Commission recommended the Redevelopment Plan for approval, which findings and recommendations were submitted and presented to the Agency, as well as to the City Council with the proposed Redevelopment Plan, and are on file with the City Clerk. The Planning Commission also considered and recommended the Proposed Comprehensive Plan Amendment for approval.
8. The following were considered by the Agency: Whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of

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accomplishing, in conformance with the City's Comprehensive Development Plan (subject to City Council adoption of the Proposed Comprehensive Plan Amendment) a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Agency shall conduct a cost-benefit analysis for each redevelopment project whose redevelopment plan includes use of Tax Increment Financing ("TIF") funds authorized by Neb. Rev. Stat. Section 18-2147. In conducting the cost-benefit analysis, the Agency shall use a cost-benefit model developed for use by local projects, which among other factors, considers and analyzes:

- a. Tax shifts resulting from the approval of the use of funds pursuant to Neb. Rev. Stat. Section 18-2147,
- b. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project,
- c. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project,
- d. Impacts on other employers and employees within the City and immediate area that are located outside the boundaries of the area of the redevelopment project, and
- e. Any other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project.

- F. All applicable requirements of the Agency with respect to the proposed Redevelopment Plan, including any notice or hearing requirements, have been satisfied.

II. RECOMMENDATION OF REDEVELOPMENT PLAN. Based on the foregoing and all other relevant factors, including any public comment at the public hearing, the Agency adopts and recommends the Redevelopment Plan to the City Council for approval, subject to City Council adoption of the Proposed Comprehensive Plan Amendment. This recommendation includes the following:

- A. The recommendation of the Planning Commission concerning the Redevelopment Plan; and
- B. The following statements as set forth in the Redevelopment Plan:
 1. The proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project area and estimated proceeds or revenue from its disposal to redevelopers;
 2. The proposed method of financing redevelopment projects; and

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3. A feasible method proposed for the relocation of families to be displaced from the redevelopment project area, if any.

III. FURTHER ACTIONS. The Mayor or his designee is hereby authorized to take such further actions on behalf of the Agency as are necessary or appropriate to implement the Redevelopment Plan as finally approved by the City Council or to carry out the actions approved in this Resolution, in addition to any other authorized person pursuant to the Redevelopment Plan or otherwise.

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. PUBLIC HEARING – RECOMMENDED REDEVELOPMENT PLAN

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the recommended redevelopment plan.

At 7:11 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: None. Motion carried.

3. RESOLUTION – APPROVING REDEVELOPMENT PLAN

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-065; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE REDEVELOPMENT PLAN FOR THE 84TH STREET REDEVELOPMENT AREA IN ACCORDANCE WITH NEBRASKA STATUTES, SECTIONS 18-2101 THROUGH 18-2154.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of La Vista, Nebraska does hereby find, determine, declare and approve as follows:

- I. **FINDINGS.** The City Council of the City of La Vista finds and determines as follows:

- A. The findings and actions of the Agency as set forth in the resolution recommending the Redevelopment Plan for the 84th Street Redevelopment Area to the City Council for approval ("Agency Resolution") are ratified, adopted, affirmed and approved.
- B. All applicable requirements with respect to the actions taken or approved in this Resolution, including notice and hearing requirements, have been satisfied.
- C. In exercising its powers under Neb. Rev. Stat. Sections 18-2101 to 18-2144 with respect to the matters approved in this Resolution, the City Council has given consideration to the following objective:

The City Council, to the greatest extent it deems to be feasible in carrying out the provisions of Neb. Rev. Stat. Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with the sound needs of the City as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises.

- D. The proposed Redevelopment Plan described in the Agency Resolution is feasible.
- E. The proposed Redevelopment Plan is in conformity with the Comprehensive Development Plan of the City, subject to adoption of the Proposed Comprehensive Plan Amendment described in the Agency Resolution.
- F. The proposed Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Community Development Law of Nebraska.

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G. If the proposed Redevelopment Plan uses Tax Increment Financing ("TIF") funds authorized in Neb. Rev. Stat. Section 18-2147, said use shall be subject to the following conditions:

1. The redevelopment project in the Redevelopment Plan would not be economically feasible without the use of TIF,
2. The redevelopment project would not occur in the community redevelopment area without use of TIF, and
3. The costs and benefits of any redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community and demand for public and private services have been analyzed by the City Council and found to be in the long term best interest of the community impacted by the redevelopment project.

H. If the proposed Redevelopment Plan includes the designation of an enhanced employment area, the requirements of Neb. Rev. Stat. Section 18-2116(2) shall be satisfied.

II. **APPROVAL OF REDEVELOPMENT PLAN.** Based on the foregoing and all relevant factors, including any public comment at the public hearing, the City Council of the City of La Vista hereby approves the proposed Redevelopment Plan, subject to adoption of the Proposed Comprehensive Plan Amendment.

III. **FURTHER ACTIONS.** The Mayor or his designee is hereby authorized to take such further actions as are necessary or appropriate to implement the Redevelopment Plan or carry out the actions approved in this Resolution on behalf of the City, in addition to any other authorized person pursuant to the Redevelopment Plan or otherwise.

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

C. COMPREHENSIVE PLAN AMENDMENT TO INCORPORATE REDEVELOPMENT PLAN 84TH STREET REDEVELOPMENT AREA

1. PUBLIC HEARING

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the comprehensive plan amendment to incorporate redevelopment plan 84th street redevelopment area.

At 7:13 p.m. Councilmember Hale 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: Sheehan. Motion carried.

2. ORDINANCE

Councilmember Gowan introduced Ordinance No. 1195 entitled; AN ORDINANCE TO ADD CHAPTER 10 TO THE COMPREHENSIVE PLAN TO INCORPORATE THE REDEVELOPMENT PLAN FOR THE 84TH STREET REDEVELOPMENT AREA INTO THE COMPREHENSIVE PLAN; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE SEVERABILITY AND FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell 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: Gowan, Ronan, Thomas, Crawford, Quick, Hale, and Sell. The following voted nay: Sheehan. 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.

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Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. Councilmember Sheehan stated that he was in favor of the plan, but struggles to justify pushing it through this fast. The Mayor then stated the question, "Shall Ordinance No. 1195 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.

D. CENTURYLINK AGREEMENTS

1. ORDINANCE – APPROVAL OF NONEXCLUSIVE CABLE FRANCHISE AGREEMENT

Councilmember Hale introduced Ordinance No. 1196 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA APPROVING A NONEXCLUSIVE CABLE FRANCHISE OF QWEST BROADBAND SERVICES, INC., DBA CENTURYLINK; AUTHORIZING THE EXECUTION OF THE NONEXCLUSIVE FRANCHISE AGREEMENT; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE.

Councilmember Gowan 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: 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question, "Shall Ordinance No. 1196 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.

2. RESOLUTION – APPROVAL OF RIGHTS – OF – WAY AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-066; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COMMUNICATIONS CABLE AND FACILITIES AGREEMENT TO OCCUPY PUBLIC RIGHTS-OF-WAY WITH QWEST CORPORATION DBA CENTURYLINK QC FOR USE OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY LIMITS FOR INSTALLATION OF COMMUNICATIONS FACILITIES

WHEREAS, the Mayor and City Council find it necessary to have an agreement setting forth conditions for use of the rights-of-way within the City of La Vista, Nebraska; and

WHEREAS, a Communications Cable and Facilities Agreement to Occupy Public Rights-of-Way is attached hereto as Exhibit 1 and incorporated herein by reference (the "Agreement"). The Agreement would grant CenturyLink QC permission to use public rights-of way in the City of La Vista; and

WHEREAS, the Agreement includes a Statement of Policy and Standard Specifications for Communication Facilities on City Property; and

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WHEREAS, the Agreement provides for the installation of communications facilities by CenturyLink QC subject to certain terms and conditions as set forth in the Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Agreement is hereby approved and the Mayor and City Clerk are hereby authorized to execute the Agreement with Qwest Corporation dba CenturyLink QC for use of public rights-of-way within the city limits for installation of communications facilities.

Seconded by Councilmember Quick. Councilmember Sheehan asked if any of this would go on private property they would need permission from the property owner. City Attorney McKeon stated they would. Councilmember Crawford asked Centurylink representative Patrick Haggerty how long they expected this transition to take. Haggerty responded that a five year plan was in place. Councilmember Sell asked where the test area was located. Haggerty stated that he would show a map of the test area on an individual basis to the Mayor and Council. Haggerty continued that once the test area reaches 25 percent a new build out would begin. Councilmember Sell asked what would happen if they did not reach 25 percent. Haggerty explained that 27.5 percent allowed for reinvestment. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

E. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – THOMPSON CREEK WATERSHED RESTORATION – PHASE I

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-067; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES WITH THOMPSON, DREESSEN & DORNER, INC, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$291,100.

WHEREAS, the Mayor and City Council have determined that engineering services are necessary for the Thompson Creek Watershed Restoration – Phase I project; and

WHEREAS, A negotiated fee with Thompson, Dreessen & Dorner, Inc was based on multiple lump sum items and includes sub-consultant tasks to be performed by Applied Ecological Services and RDG Planning & Design; 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 La Vista, Nebraska, do hereby approve an agreement for professional services with Thompson, Dreessen & Dorner, Omaha Nebraska in an amount not to exceed \$291,100.

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

F. RESOLUTION – AUTHORIZE FIRE HOSE TESTING AND TRACKING

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-068; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING FIRE HOSE TESTING AND TRACKING BY DANKO EMERGENCY EQUIPMENT COMPANY, SNYDER NEBRASKA IN AN AMOUNT NOT TO EXCEED \$6,781.50.

WHEREAS, the City Council of the City of La Vista has determined that the testing and tracking of fire hose is necessary; and

WHEREAS, the FY 12/13 General Fund Budget provides funding for the proposed purchase; and

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WHEREAS, Quotes were obtained from three companies, and

WHEREAS Danko Emergency Equipment Company, Snyder NE, has submitted the most 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 authorize fire hose testing and tracking by Danko Emergency Equipment Company, Snyder Nebraska in an amount not to exceed \$6,781.50.

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

G. RESOLUTION – AWARD CONTRACT – NIXLE LLC

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-069; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A TWO (2) YEAR CONTRACT WITH NIXLE LLC, SAN FRANCISCO, CALIFORNIA FOR A CITIZEN MASS NOTIFICATION SYSTEM IN AN AMOUNT NOT TO EXCEED \$15,000.

WHEREAS, the City Council of the City of La Vista has determined that a citizen mass notification system is necessary; and

WHEREAS, the FY 12/13 Lottery Fund Budget contains funds for this proposed project; and

WHEREAS, a working group of department representatives who would be directly involved in the use of the system did extensive research into various providers, and

WHEREAS Nixle, LLC provided functionality which addresses the organizations needs within the City's financial parameters, 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 hereto authorize the Mayor to execute a two (2) year contract with Nixle, LLC, 594 Howard Street #204, San Francisco CA for a citizen notification system in an amount not to exceed \$15,000.

Seconded by Councilmember Thomas. Councilmember Gowan asked about the parameters. Assistant to the City Administrator Calentine stated that it would be used conservatively at first to send out notices to citizens. Calentine continued by explaining how the committee had chosen this company. Councilmember Sheehan asked how notices will get out. Calentine explained that it will be done by message sent by text or voice to cell phones and land lines or emails. Councilmember Sheehan asked if it will go out over the cable system. Councilmember Gowan stated that the keyword was emergency and if used to much it loses its effectiveness. Councilmember Sheehan asked who else was using Nixle. Calentine stated others in the area use a different service, but felt this product was more effective. Councilmember Sell asked if it provide Amber Alerts. Calentine stated that it can perform that service. Councilmember Hale asked who was administrating the program. Calentine stated that it would be limited to the Police Chief, Police Captains, Fire Chief and the Community Relations Coordinator. Mayor Kindig commented that it was a great deal and Councilmember Quick agreed. Community Relations Coordinator Beaumont stated that the current website also offers this service. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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H. APPROVAL – SPECIAL DESIGNATED LICENSE – LUCKY BUCKET BREWING COMPANY – BEER GARDEN – JULY 26, 2013

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 13-070; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AT A BEER GARDEN AT LUCKY BUCKET BREWING COMPANY 11941 CENTENNIAL ROAD ON JULY 26, 2013

WHEREAS, Lucky Bucket Brewing Company, 11941 Centennial Road is located within the City of La Vista; and

WHEREAS, Lucky Bucket Brewing Company has requested approval of a Special Designated Permit to sell and serve beer at a beer garden on the property on July 26, 2013 from 6:00 p.m. to 12:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer on the property of Lucky Bucket Brewing Company, 11941 Centennial Road on July 26, 2013.

Seconded by Councilmember Sell. Councilmember Sell stated it was a great event to showcase businesses in the community. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

I. APPROVAL – SPECIAL DESIGNATED LICENSE – ANGELS AMONG US – BEER GARDEN – AUGUST 10, 2013

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-071; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT AN ANGELS AMONG US FUNDRAISING EVENT AT J'AMOUR BOUTIQUE ON AUGUST 10, 2013.

WHEREAS, J'Amour Boutique, 9638 Giles Road is located within the City of La Vista; and

WHEREAS, Angels Among Us has requested approval of a Special Designated Permit to serve alcohol at a fundraising event at J'Amour Boutique on August 10, 2013 from 4:00 p.m. to 9:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Angels Among Us to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at J'Amour Boutique, 9638 Giles Road, in conjunction with a fundraising event.

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

J. PRESENTATION – FIRE/EMS SERVICE DELIVERY RECOMMENDATION

City Administrator Gunn explained that in 2002 a study of fire and rescue services were completed to plan for the cities growth. Gunn stated that the study was not about volunteers, but about the ability to meet the needs of the growing city. Gunn introduced Police Chief Lausten who had been chosen to lead the effort and give an overview of the findings of the current review. Police Chief Lausten presented the findings to the Mayor and Council in regards to combining Fire and EMS services with the City of Papillion. Lausten also stated that that additional research was being completed to find additional funding sources. Councilmember Gowan asked who would handle the maintenance of the equipment. Lausten stated that the equipment would be inventoried and there would be shared costs for repairs. Councilmember Crawford asked how new equipment would be purchased. Gunn stated that a board would oversee the departments and would have representation from both communities, and that board would determine necessity. Lausten explained that until a joint agency was created the Papillion board would determine necessity. Councilmember Thomas

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asked what the equipment was like. Lausten stated that the list of vehicles has been reviewed and some will be sold, for a value of \$200,000.00. Mayor Kindig stated that staff will bring this back at a later date for a vote.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

K. EXECUTIVE SESSION —CONTRACT NEGOTIATIONS; LAND ACQUISITION

At 8:07 p.m. Councilmember Crawford made a motion to go into executive session protection of the public interest for contract negotiations, and land acquisition. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:56 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, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 8:56 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 6TH DAY OF AUGUST, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

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