

MINUTE RECORD

A.2

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

LA VISTA CITY COUNCIL MEETING August 20, 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 August 20, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Administrator Gunn, City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Finance Director Lindberg, Fire Chief Uhl, Police Chief Lausten, Public Works Director Soucie, 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 August 7, 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.

ABE'S, rentals	295.00
ACCO UNLIMITED, supplies	373.00
ACTION BATTERIES, supplies	166.68
AMERICAN PLANNING ASSOCIATION, dues	388.00
ANN TROE, printing	855.00
APWA-AMER PUBLIC WORKS ASSN, dues	50.00
ASPHALT & CONCRETE MATERIALS, maint.	163.07
ATLAS AWNING, maint.	75.00
BADGER BODY, maint.	58.50
BAKER & TAYLOR, books	1,683.59
BEAUMONT, M., travel	284.00
BLACK HILLS ENERGY, utilities	19.55
BOUND TREE MEDICAL, supplies	236.45
BOVINET, K., refund	145.00
CARDMEMBER SERVICES, supplies	9,459.41
CELEBRITY STAFFING, services	1,093.63
CJ'S HOME CENTER, bld&grnds	909.20
CLAYTON, S., refund	115.00
COMP CHOICE, services	519.50
COSGRAVE COMPANY, maint.	40.00
COX, it	192.85
CROSS DILLON TIRE, supplies	620.22
D & D COMM., maint.	446.40
DIGITAL ALLY INC., maint.	410.00
DORNBUSCH, M., apparel	120.00
EDGEWEAR SCREEN PRINTING, apparel	441.00
ELLIOTT EQUIPMENT, maint.	401.12
EXCHANGE BANK, rental	939.00
FELD FIRE, services	1,400.00
FILTER CARE, maint.	35.70
FIREGUARD, equip.	122.04
FITZGERALD SCHORR BARMETTLER	28,911.20
GALE, books	239.15
GCR TIRE CENTERS, maint.	149.21

MINUTE RECORD

August 20, 2013

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

GENERAL FIRE & SAFETY EQUIP, services	360.00
GRAYBAR ELECTRIC, bld&grnds	35.41
GREAT PLAINS UNIFORMS, apparel	1,042.50
GREENKEEPER, supplies	479.25
HANEY SHOE STORE, apparel	94.95
HARTS AUTO SUPPLY, maint.	268.50
HEARTLAND TIRES, maint.	52.66
HEIMES CORP., maint.	141.25
HENRY DOORLY ZOO, programing	150.00
HOFFMAN, C., refund	115.00
HOME DEPOT, supplies	25.78
HOST COFFEE, conc.	47.80
HUMMER, B., refund	105.00
HUNDEN STRATEGIC PARTNERS, services	4,839.40
IAFC, dues	209.00
IIMC, dues	85.00
INDUSTRIAL SALES, bld&grnds	29.00
KRIHA FLUID POWER, maint.	323.66
LIBRARY ADVANTAGE, supplies	230.00
LIBRARY IDEAS, media	23.50
LIFE ASSIST, supplies	1,596.43
LOU'S SPORTING GOODS, supplies	2,560.00
LOWE'S CREDIT SERVICES, supplies	60.68
MID AMERICA, phones	100.00
MIDLANDS LIGHTING, bld&grnds	142.79
MIDWEST TAPE, media	19.99
MOTOROLA, supplies	742.50
MUD, utilities	10,485.02
MUNICIPAL PIPE TOOL, equip.	453.42
NE HUMANITIES COUNCIL, programming	75.00
NE WELDING, maint.	56.70
NEWTON, J., refund	145.00
NUTS AND BOLTS INC., maint.	14.18
OFFICE DEPOT, supplies	149.30
OMAHA COMPOUND, bld&grnds	116.61
OMAHA WORLD HERALD, ads	939.42
OMNIGRAPHICS, books	163.70
OPPD, utilities	56,022.07
PAPILLION SANITATION, services	946.31
PARAMOUNT, services	265.06
PAUL CONWAY SHIELDS, apparel	84.28
PAYLESS, supplies	479.84
PEPSI COLA, conc.	418.34
PERFORMANCE CHRYSLER JEEP, maint.	2,370.02
PETTY CASH	118.54
PETTY CASH	318.01
PFEIFER, V., travel	59.42
PLAINS EQUIPMENT GROUP, equip.	552.10
PREMIER-MIDWEST BEVERAGE, conc.	375.00
PRUCHA, N., refund	110.00
QUALITY BRANDS, conc.	490.80
QUALITY BRANDS, conc.	489.60
RAMIREZ, J., services	20.00
REPUBLIC NATIONAL DISTR, conc.	126.30
ROSE EQUIP., maint.	444.46
SAM'S, supplies	2,843.43
SAPP BROS, supplies	975.00
SARPY COUNTY TREASURER, services	7,215.00
SHAMROCK CONCRETE, maint.	7,911.98
SHRED-SAFE, supplies	70.00

MINUTE RECORD

August 20, 2013

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

SIGN IT, planning	170.00
SOUCIE, J., travel	212.00
SPRINT, phone	181.99
STERLING DISTRIBUTING, conc.	42.28
SUTPHEN CORP., services	2,600.00
TED'S MOWER, maint.	91.02
THERMO KING, equip.	191.02
UPS, postage	6.25
USI EDUCATION/GOVT SALES, supplies	96.19
VERIZON, phone	443.20
WASTE MANAGEMENT NE., services	418.23
WICK'S STERLING TRUCKS, maint.	592.26
ZIMCO SUPPLY, supplies	796.00

CONSENT AGENDA

1. Approval of the Agenda as Presented
 2. Approval of the Minutes of the August 6, 2013 City Council Meeting
 3. Approval of the Minutes of the May 16, 2013 Planning Commission Meeting
 4. Approval of the Minutes of the June 5, 2013 Board of Appeals Meeting
 5. Approval of the Minutes of the June 5, 2013 Board of Adjustment Meeting
 6. Approval of the Minutes of the July 15, 2013 Planning Commission Meeting
 7. Approval of the Minutes of the August 7, 2013 Board of Appeals Meeting
 8. Monthly Financial Report – July 2013
 9. Pay Request – Thompson, Dreessen & Dörner, Inc – Professional Services - 120th and Giles Road Traffic Signal - \$19,073.45
 10. Pay Request – Thompson, Dreessen & Dörner, Inc – Professional Services – Thompson Creek Phase 1 - \$38,241.16
- Approval of Claims

Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Thomas reviewed the claims for this period and stated that 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 Administrator Gunn reminded Council and Staff that the Strategic Planning Workshop would begin Saturday at 8:00 a.m.

Fire Chief Uhl thanked the Mayor and Council for allowing him to attend the National Fire conference in Chicago.

Public Works Director Soucie stated that the tire collection would be held on August 24 from 8:00 a.m. to 2 p.m. Soucie informed Council that the Lillian and James intersection is completed and the Quiet Zone is set to begin September 9. There will be an open house on the Thompson Creek Project on September 17 from 5 p.m. to 7 p.m.

Community Development Director Birch stated that the Board of Appeals met on August 7 and dismissed the two cases. The house in question was purchased by Habitat for Humanity and a house will be built on the existing foundation. The Shadow Ridge Apartments are complying with the items found to be deficient during inspection. Mayor Kindig asked that the Habitat for Humanity property be checked with regard to mowing.

Library Director Barcal stated that there were 4,233 participants in the summer reading program which is an increase of 1,174 from last year. There were 623 registered for the reading program, which is up by 190 participants. In all, 6,100 hours were logged reading for the summer of 2013 and 49 schools were represented.

MINUTE RECORD

August 20, 2013

No. 729 -- REBELD & COMPANY, INC. OMAHA E110778BLD

B. FISCAL YEAR 13/14 MUNICIPAL BUDGET

1. APPROPRIATIONS ORDINANCE - SECOND READING

City Clerk Buethe read Ordinance No. 1197 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Sell made a motion to approve Ordinance No. 1197 on its second reading and pass it on for final reading. Seconded by Councilmember Gowan. Tom Lamczyk, Debra Arnold, and Ron Arnold addressed the Council regarding concerns of the impact of eliminating the funding for the MAT bus service through La Vista. Discussion was held regarding this and it was determined that City staff will try to set up a meeting with the three cities involved in the route and MAT and bring information back to Council at the next meeting. Mayor Kindig stated that in previous meetings MAT had stated they are not changing their charges. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. MASTER FEE ORDINANCE - SECOND READING

City Clerk Buethe read Ordinance No. 1198 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1185, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Quick made a motion to approve Ordinance No. 1198 on its second reading and pass it on for final reading. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

C. ORDINANCE - AMEND CHAPTER 34 OF MUNICIPAL CODE - ADD SECTION 34.12 - INTERLOCAL COOPERATION

Councilmember Gowan introduced Ordinance No. 1199 entitled: AN ORDINANCE TO AMEND CHAPTER 34 OF THE LA VISTA MUNICIPAL CODE REGARDING FIRE DEPARTMENT TO ADD NEW SECTION 34.12; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 11949 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan,

MINUTE RECORD

August 20, 2013

No. 729 — REBELD & COMPANY, INC. OMAHA E110778LD

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. RESOLUTION – PURCHASE AND INSTALLATION OF A FIRE ALARM SYSTEM

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-079; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE AND INSTALLATION OF A FIRE ALARM EVACUATION SYSTEM IN THE DISTRICT 1 FIRE STATION FROM GENERAL FIRE & SAFETY EQUIPMENT CO., OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$10,595.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase and installation of a fire alarm evacuation system in the District 1 Fire Station is necessary, and

WHEREAS, General Fire & Safety Equipment Company, Omaha, Nebraska is the lowest bidder for the purchase and installation of such system, 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 approve the purchase and installation of a fire alarm evacuation system in the District 1 Fire Station from General Fire & Safety Equipment Company, Omaha, Nebraska, in an amount not to exceed \$10,595.00.

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

E. RESOLUTION - AUTHORIZE PURCHASE – DIGITAL RADIOS

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-080; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPOSAL SUBMITTED BY D & D COMMUNICATIONS, OMAHA, NE FOR PURCHASE OF NINE (9) PORTABLE MOTOROLA 800 MHZ P25 DIGITAL RADIOS IN AN AMOUNT NOT TO EXCEED \$19,604.00.

WHEREAS, the City Council of the City of La Vista has determined that purchasing the portable Motorola 800 MHz P25 digital radios is necessary; and

WHEREAS, said purchase of the portable Motorola 800 MHz P25 digital radios is in the best interest of the citizens of La Vista.

WHEREAS, the FY 12/13 budget contains funding for this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, accept the proposal submitted by D & D Communications Omaha, NE for purchase of nine (9) portable Motorola 800 MHz P25 digital radios in an amount not to exceed \$19,604.00.

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

MINUTE RECORD

August 20, 2013

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

F. RESOLUTION - APPROVAL - THOMPSON CREEK PHASE VI, PART 2 GRANT APPLICATION SUBMITTAL

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-081; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND THE NEBRASKA ENVIRONMENTAL TRUST (NET) AND THE APPLICATION REQUESTING FUNDS FROM THE PAPIO-MISSOURI RIVER NRD FOR PHASE VI, PART 2, YEAR 2 OF THE THOMPSON CREEK PROJECT IN LA VISTA NEBRASKA.

WHEREAS, the City Council of the City of La Vista has determined that said Thompson Creek improvements are necessary; and

WHEREAS, the requested FY 13/14 Capital Improvement Program budget contains funding for preparation of grant applications; and

WHEREAS, submittal of a grant application to the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Environmental Trust Fund is necessary; and

WHEREAS, submittal of an application requesting funds from the Papio-Missouri River NRD is necessary; and

WHEREAS, the City's consulting firms on this project, RDG, TD2, and AES have completed the grant applications for the Nebraska Environmental Trust Fund and the NDEQ grant and will prepare the application for the Papio-Missouri River NRD request for funds; and

WHEREAS, the City will authorize submittal of three applications for funding, based on the City Council's understanding of the fiscal commitments involved in the applications and a general outline of the scope of work that will be involved if the grants are approved;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the City Administrator to sign the grant applications to the Nebraska Department of Environmental Quality (NDEQ) and the Nebraska Environmental Trust Fund and the application requesting funds from the Papio-Missouri River NRD for Phase VI, Part 2, Year 2 of the Thompson Creek Project in La Vista, Nebraska.

Seconded by Councilmember Crawford. Councilmember Sheehan asked what the total cost will be to the City. City Engineer Kottmann stated it would be \$536,660.80. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

G. APPROVAL - SPECIAL DESIGNATED LICENSE - LUCKY BUCKET BREWING COMPANY - BEER GARDEN - SEPTEMBER 13, 2013

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-082; 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 SEPTEMBER 13, 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 September 13, 2013 from 5:00 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 Lucky Bucket Brewing Company to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer at a beer garden on the property of Lucky Bucket Brewing Company, 11941 Centennial Road on September 13, 2013.

MINUTE RECORD

August 20, 2013

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

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

H. PRESENTATION - PERFORMANCE MEASUREMENT UPDATE

City Administrator Gunn stated that the City has been involved in the ICMA CPM program for approximately three years collecting data to compare to other cities. Deputy Clerk/Office Manager Garrod presented information to the Mayor and Council regarding the purpose of these measurements and where the City is in the process.

Councilmember Crawford made a motion to move Comments from the Floor up on the agenda ahead of Item I 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

There were no comments from the floor.

I. EXECUTIVE SESSION - CONTRACT NEGOTIATIONS: PERSONNEL

At 7:37 p.m. Councilmember Crawford made a motion to go into executive session protection of the public interest for contract negotiations, and for the protection of the reputation of an individual to discuss personnel matters.

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 8:32 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council that on Friday August 30, La Vista Keno will be having a 25th Anniversary Celebration with a drawing for a 2013 Camaro at 5:00 p.m.

At 8:36 p.m. Councilmember Sell made a motion to adjourn the 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.

PASSED AND APPROVED THIS 3RD DAY OF SEPTEMBER, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk