

# MINUTE RECORD

A.2

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

## LA VISTA CITY COUNCIL MEETING November 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 November 5, 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, Assistant Public Works Director/City Engineer Kottmann, Public Building and Grounds Director Archibald, Recreation Director Stopak, and Library Director Barcal.

A notice of the meeting was given in advance thereof by publication in the Times on October 23, 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.

### PRESENTATION - LIFE SAVING AWARDS - EMS PROVIDER SARAH WILSON, MEDICAL TRAINING OFFICER KIRSTEN BRADLEY, ASSISTANT CHIEF ADAM VAIL, CAPTAIN TROY LITTLE, LIEUTENANT AUSTIN BRAKE

Fire Chief Uhl and Mayor Kindig presented EMS provider Sarah Wilson, Medical Training Officer Kirsten Bradley, Assistant Chief Adam Vail, Captain Troy Little, Lieutenant Austin Brake with Life Saving Pins for their efforts during a rescue call.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2013 CITY COUNCIL  
MEETING
3. REQUEST FOR PAYMENT - TAB CONSTRUCTION - QUIET ZONE  
IMPROVEMENTS - \$40,594.59
4. REQUEST FOR PAYMENT - RDG PLANNING DESIGN - PROFESSIONAL  
SERVICES - THOMPSON CREEK OUTREACH - \$3,860.50
5. REQUEST FOR PAYMENT - KISSEL/E&S - LEGISLATIVE SERVICES -  
\$9,864.80
6. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. -  
PROFESSIONAL SERVICES - QUIET ZONE - \$2,425.10
7. REQUEST FOR PAYMENT - BLACHERE-ILLUMINATION USA, INC. - HOLIDAY  
DECORATIONS - \$12,631.00
8. REQUEST FOR PAYMENT - FELSBURG HOLT & ULLEVIG - PROFESSIONAL  
SERVICES - HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$16,212.66
9. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. -  
PROFESSIONAL SERVICES - QUIET ZONE - \$2,581.00
10. REQUEST FOR PAYMENT - UNIVERSITY OF NEBRASKA AT OMAHA -  
PROFESSIONAL SERVICES - THOMPSON CREEK MONITORING PROJECT  
PHASE 2 - \$2,860.00
11. RESOLUTION NO. 13-119 - SURPLUS HOLIDAY DECORATIONS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE.

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WHEREAS, City Staff has recognized the following holiday decorations as surplus; 10 Bells, 10 Candy Canes, 7 Candles and 10 Trees; and

WHEREAS, the City Administrator and Community Relations Coordinator recommend that the above mentioned items be declared surplus and sold.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that the following holiday decorations: 10 Bells, 10 Candy Canes, 7 Candles and 10 Trees be declared surplus property and sold.

AND BE IT FURTHER RESOLVED that the General fund will receive the revenue from the sale.

## 12. APPROVAL OF CLAIMS

3E-ELECTRICAL ENGINEERING, bld&grnds	168.42
ACTION BATTERIES, supplies	241.53
ACTIVE NETWORK, services	4,200.00
AKSARBEN GARAGE DOOR, bld&grnds	327.00
ALAMAR UNIFORMS, apparel	703.95
ARAMARK, services	27.32
ASPHALT & CONCRETE MATERIALS, maint.	75.78
B & B TECH., maint.	341.16
BAKER & TAYLOR, books	386.56
BANKERS TRUST, bonds	500.00
BARCAL, R., training	256.62
BASS, T., services	200.00
BEACON BUILDING SERVICES, services	6,712.00
BLACK HILLS ENERGY, utilities	3,193.00
BOUNDTREE MEDICAL, supplies	489.80
BUILDERS SUPPLY, maint.	433.88
CABELA'S, supplies	1,439.20
CARL JARL, bld&grnds	11.10
CELEBRITY STAFFING, services	1,135.86
CENTER POINT PUBLISHING, books	215.70
CENTURY LINK, phone	1,246.58
CHARLESWORTH & ASSOCS, services	1,550.00
CITY OF OMAHA, sewer	241,049.83
COLIBRI SYSTEMS, supplies	195.00
COMP CHOICE, services	140.00
CORNHUSKER SIGN & MFG CORP, bld&grnds	815.00
COSGRAVE COMPANY, bld&grnds	168.00
COX, utilities	420.01
CPS - HR, services	752.40
D & D COMM., radios	284.00
DECOSTA SPORTING GOODS, apparel	92.00
DIAMOND VOGEL, bld&grnds	72.90
DXP, maint.	457.07
EDGEWEAR SCREEN PRINTING, supplies	492.90
ELECTRIC SPECIALTIES, services	240.00
FEDEX, supplies	30.44
FELSBURG HOLT & ULLEVIG, services	4,422.31
FITZGERALD SCHORR BARMETTLER, services	13,915.40
FLEET, bld&grnds	1,192.60
FLEETPRIDE, maint.	59.00
FOCUS PRINTING, supplies	282.40
FORT DEARBORN LIFE INS COMPANY	1,279.00
GALE, books	118.45
GARROD, M., travel	61.23

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GENERAL FIRE & SAFETY EQUIP, bld&grnds	10,595.00
GOLEY, C., auto	100.00
GRAYBAR ELECTRIC, bld&grnds	453.31
GREAT PLAINS UNIFORMS, apparel	91.00
H & H CHEVY., maint.	24.47
HANEY SHOE STORE, apparel	240.00
HARM'S CONCRETE, maint.	281.00
HEARTLAND PAPER, supplies	196.00
HEARTLAND TIRES, supplies	81.00
HEIMES CORP., bld&grnds	187.50
HELGET GAS, supplies	145.00
HONEYMAN RENT-ALL, bld&grnds	109.00
HUSCH BLACKWELL, services	930.00
ICMA RETIREMENT CORPORATION	3,400.00
INDUSTRIAL SALES, bld&grnds	103.02
INLAND TRUCK PARTS, maint.	621.88
INTERSTATE POWER, maint.	3,859.47
KIMBALL MIDWEST, maint.	217.93
KLINKER, M., services	200.00
KRIHA FLUID POWER, maint.	220.12
KRIZ-DAVIS COMPANY, bld&grnds	48.13
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT, services	125.00
LAST MILE NETWORK CONSULTING, IT	392.00
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LEAGUE ASSN OF RISK MGMT, dues	7,839.00
LEAGUE ASSN OF RISK MGMT, ins.	486,605.00
LIBRARY IDEAS, media	159.00
LIFE ASSIST, supplies	456.20
LINCOLN NATIONAL LIFE INS CO	9,025.68
LOGAN CONTRACTORS, maint.	3,083.58
LOU'S SPORTING GOODS, equip.	61.90
LOVELAND GRASS PAD, bld&grnds	848.61
MATHESON TRI-GAS, supplies	86.35
MCC, utilities	12,810.11
MENARDS, bld&grnds	171.27
MID-STATES UTILITY, supplies	316.00
MIDWEST TAPE, media	127.97
MIDWEST TURF & IRRIGATION, bld&grnds	134.59
MILLER PRESS, printing	455.00
MONARCH OIL, maint.	504.00
MONARCH TIRES, maint.	800.00
MOTOROLA, equip.	828.00
MUD, utilities	6,060.09
MUNICIPAL PIPE TOOL, maint.	974.80
NATIONAL SAFETY COUNCIL, dues	499.00
NE DEPT OF MOTOR VEHICLES, supplies	6.60
NE DEPT OF REVENUE-LOTT/51	82,474.00
NE ENVIRONMENTAL PRODS, supplies	2,900.00
NE LIBRARY COMM., media	277.55
NE MUNICIPAL CLERKS ASSN, dues	70.00
NE NOTARY ASS., services	98.25
NEUMAN EQUIP., bld&grnds	106.86
NORTON, J., travel	196.62
NUTS AND BOLTS INC., maint.	753.45
OCLC, dues	75.77
OFFICE DEPOT, supplies	1,714.94
OMAHA COMPOUND, supplies	42.50
OMAHA TACTICAL, apparel	65.00
OMAHA WORLD HERALD, advertising	695.92

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OMNIGRAPHICS, books	119.40
ORIENTAL TRADING, events	139.50
PAPILLION TIRE INC., maint.	83.59
PARAMOUNT LINEN & UNIFORM, services	597.17
PAYFLEX, services	250.00
PAYLESS OFFICE, supplies	179.94
PERFORMANCE CHRYSLER JEEP, maint.	717.78
PERFORMANCE FORD, maint.	274.15
PETTY CASH	277.11
PFEIFER, V., auto	100.00
PFEIFER, V., services	400.00
PITNEY BOWES, services	408.00
PLAINS EQUIPMENT GROUP, equip.	155.01
PREMIER-MIDWEST BEV., concessions	91.50
QUALITY BRANDS, concessions	131.60
QUILL CORP., supplies	166.24
RALSTON AD., supplies	450.35
RAY ALLEN, supplies	144.99
READY MIXED, maint.	4,437.08
REGAL AWARDS, services	41.00
RETRIEVEX, IT	103.58
RUFFNER, J., travel	79.00
S & W HEALTHCARE, supplies	146.64
SAPP BROS INC., supplies	787.50
SAPP BROS PETROLEUM, maint.	26,472.06
SARPY COUNTY COURTHOUSE, services	3,960.21
SARPY COUNTY SOCCER ASSN, services	364.00
SECURITY EQUIP., services	673.33
SEFFRON, R., travel	79.00
SHRED-SAFE, services	75.00
SMALL, B., travel	79.00
SMITH, M., auto	100.00
SMOOTHER CUT, services	1,410.00
SOLBERG, C., travel	205.31
SPRINT, phone	119.97
SPRINT, phone	62.11
STOLTENBERG NURSERIES, supplies	600.00
STRATEGIC INSIGHTS, services	675.00
SUBURBAN NEWSPAPERS, dues	40.00
SUPERIOR VISION SVCS INC	391.52
TED'S MOWER, equip.	108.92
THOMPSON DREESSEN & DORNER, services	60,198.76
TOMSU, L., travel	196.62
ULTRAMAX, apparel	81.25
UNO, services	5,721.00
UPS, postage	7.49
USPS, postage	1,649.92
VAN RU CREDIT CORPORATION	54.84
VERIZON, phone	920.13
VIDACARE CORP., supplies	474.01
WAL-MART, maint.	1,123.20
WATKINS CONCRETE BLOCK, bld&grnds	125.00
WHITE CAP, supplies	127.39
WICK'S STERLING TRUCKS, maint.	1,159.43

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

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## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez stated that Halloween Safe Night brought in a record crowd and a record number of businesses. She also gave updates on upcoming holiday events.

Assistant Public Works Director Kottmann informed Council that leaf collection day was slow but document shredding was busy. The Giles Road Signalization project is progressing and lights have been installed.

Public Buildings and Grounds Director Archibald informed Council that the new alarm system is in and there will be a short break for training prior to executive session.

## **B. RESOLUTION - INTERLOCAL AGREEMENT - WEST PAPIO TRAIL - 90<sup>TH</sup> STREET TO PORTAL ROAD**

Councilmember Sell introduced and moved for the adoption of Resolution No.13-120; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF LA VISTA, CITY OF PAPILLION AND THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FOR THE DESIGN, CONSTRUCTION AND OPERATION OF A PUBLIC RECREATION TRAIL TO BE KNOWN AS THE "WEST PAPIO TRAIL".

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the City of La Vista participated in the West Papi Trail study in 2011 and 2012; and,

WHEREAS, the extension of the trail in this agreement is a portion of the West Papi Trail from 90<sup>th</sup> Street to Portal Road that will eventually extend to Millard Avenue in the City of Omaha; and,

WHEREAS, each governmental agency will pay for their shares of the work at specified times as set forth in the agreement; and,

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the execution of an Interlocal Cooperation Agreement with the City of Papillion and the Papi-Missouri River Natural Resources District

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. RESOLUTION - APPROVAL - PURCHASE RADIOS**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-121; 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 MOTOROLA SOLUTIONS TO PURCHASE OF EIGHTEEN(18) MOTOROLA 800 MHZ P25 DIGITAL RADIOS IN AN AMOUNT NOT TO EXCEED \$61,846.99.

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

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

WHEREAS, the FY13-14 Capital Improvement Program provides funding from the Lottery Fund for this proposed purchase; 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 Motorola Solutions for purchasing the Motorola 800 MHz P25 digital radios in an amount not to exceed \$61,846.99.

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

## **D. RESOLUTION - AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-122: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 13 OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING THE EDUCATIONAL ASSISTANCE PROGRAM.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 13.4 in the manual regarding the educational assistance program be amended to prohibit the potential for duplicate reimbursement for the same costs; and

WHEREAS, it is the desire of the City Council to amend Section 13 of the Personnel Policy and Procedures Manual to incorporate the changes to the above listed subsection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed changes to Subsection 13.4 as submitted at the City Council 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.

## **E. APPROVAL OF A CLASS Z LIQUOR LICENSE - PATRIARCH DISTILLERS LLC DBA PATRIARCH DISTILLERS**

### **1. PUBLIC HEARING**

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on an application for a Class Z Liquor License for Patriarch Distillers LLC dba Patriarch Distillers. Jeff Hadden was present to answer questions. Mr. Hadden stated they would be making vodka and whiskey. Councilmember Sheehan asked if they were doing on and off sale liquor. Mr. Hadden stated that there will be only a tasting room.

At 7:15 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-123; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS Z LIQUOR LICENSE APPLICATION FOR PATRIARCH DISTILLERS LLC DBA PATRIARCH DISTILLERS IN LA VISTA, NEBRASKA.

WHEREAS, Patriarch Distillers LLC dba Patriarch Distillers, 12251 Cary Circle, Suite 100, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class Z Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class Z Liquor License application submitted by Patriarch Distillers LLC dba Patriarch Distillers, 12251 Cary Circle, Suite 100, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Hale. 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 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 not comments from the floor.

At 7:17 Councilmember Sell made a motion to take a short recess to get instruction on the new alarm system. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

At 7:28 Councilmember Thomas made a motion to reconvene. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## F. EXECUTIVE SESSION —CONTRACT NEGOTIATIONS; PERSONNEL

At 7:28 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 9:00 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig stated that Walmart is scheduled to open on November 15. Anyone wanting to contribute to the soup feed should give their money to Mary.

At 9:02 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Crawford. 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 NOVEMBER, 2013

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk