

# MINUTE RECORD

A.2

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

## LA VISTA CITY COUNCIL MEETING June 17, 2014

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 17, 2014. Present were Councilmembers: Sheehan, Thomas, Crawford, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Human Resources Manager Garrod, Police Chief Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, Recreation Director Stopak, Assistant Library Director Norton, City Engineer Kottmann, and City Planner Solberg.

A notice of the meeting was given in advance thereof by publication in the Times on June 4, 2014. 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 AWARDS – JIM RUFFNER – 20 YEARS; BRADY SMALL – 15 YEARS**

Mayor Kindig presented a service award to Jim Ruffner for twenty years of service and to Brady Small for fifteen years of service.

### **APPOINTMENT – KEVIN WETUSKI – PLANNING COMMISSION – FILL VACANCY**

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Kevin Wetuski to the Planning Commission to fill a vacancy. Councilmember Sell motioned the approval, seconded by Councilmember Hale. Councilmembers voting aye: Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick, Ronan, and Quick. Motion carried.

#### **A. CONSENT AGENDA**

1. **APPROVAL OF THE AGENDA AS PRESENTED**
2. **APPROVAL OF THE MINUTES OF THE JUNE 3, 2014 CITY COUNCIL MEETING**
3. **APPROVAL OF THE MINUTES OF THE MAY 15, 2014 PLANNING COMMISSION MEETING**
4. **MONTHLY FINANCIAL REPORT – MAY 2014**
5. **PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$974.20**
6. **PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$2,322.25**
7. **PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$685.00**
8. **PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$718.75**
9. **PAY REQUEST FROM FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – LA VISTA QUIET ZONE FINAL DESIGN - \$1,257.51**
10. **PAY REQUEST FROM UNIVERSITY OF NEBRASKA – LINCOLN – PROFESSIONAL SERVICES – THOMPSON CREEK INVERTEBRATE**

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**PROJECT - \$724.22**

11. PAY REQUEST FROM THOMPSON, DREESSEN, & DORNER, INC. - PROFESSIONAL SERVICES - 120<sup>TH</sup> AND GILES ROAD TRAFFIC SIGNAL - \$3,019.59
12. PAY REQUEST FROM THOMPSON, DREESSEN, & DORNER, INC. - PROFESSIONAL SERVICES - 124<sup>TH</sup> CIRCLE AND HARRISON STREET TRAFFIC SIGNAL - \$1,560.25
13. APPROVE MANAGER APPLICATION - CLASS B LIQUOR LICENSE - AVP ENERGY LLC DBA SINCLAIR GAS STATION - PHYLLIS REISER
14. APPROVAL OF CLAIMS.

4 SEASONS AWARDS, services	81.00
ABE'S PORTABLES, rental	257.43
ACCURATE TESTING, bld&grnds	245.00
ALAMAR UNIFORMS, apparel	757.71
ARAMARK UNIFORM, services	30.04
A-RELIEF SERVICES INC, services	1,696.50
ART F/X SCREEN PRINTING, apparel	784.25
AVI SYSTEMS, equip.	490.47
BAKER & TAYLOR, books	2,326.26
BCDM-BERINGER CIACCIO DENNELL, services	805.34
BEACON BUILDING, services	1,430.00
BISHOP BUSINESS EQUIPMENT, services	1,209.33
BLACK HILLS ENERGY, utilities	40.36
BRENTWOOD AUTO WASH, services	141.00
BRIDGESTONE GOLF, supplies	150.00
BRODART COMPANY, supplies	187.34
CALENTINE, J., reimb.	390.88
CARDMEMBER SERVICE	7,979.07
CENTRAL STATES PETROLEUM, supplies	16,451.12
CENTURY LINK, phone	71.53
CITY OF OMAHA, maint.	272,463.70
CJ'S HOME CENTER, maint.	1,700.08
COMP CHOICE, services	150.00
COMSEARCH, IT	400.00
COX COMM., utilities	213.00
CUMMINS CENTRAL POWER, services	562.12
EDGEWEAR SCREEN PRINTING, apparel	1,314.00
EN POINTE TECHNOLOGIES SALES, IT	3,610.20
EXCHANGE BANK, lease	1,730.79
FELSBURG HOLT & ULLEVIG, services	3,755.27
FIREGUARD, maint.	54.37
FITZGERALD SCHORR BARMETTLER, services	31,188.70
GALE, books	116.95
GCR TIRES & SERVICE, supplies	325.11
GENERAL FIRE & SAFETY EQUIP., bld&grnds	120.00
GENUINE PARTS COMPANY-OMAHA, maint.	2,204.72
GWEN MELIES, refund	53.50
H W WILSON COMP., books	237.50
HANEY SHOE STORE, apparel	102.95
HEIMES CORP., bld&grnds	366.33
HERITAGE CRYSTAL CLEAN, services	281.12
HONEYMAN RENT-ALL #1, bld&grnds	97.01
HOST COFFEE SERVICE, supplies	47.80
HURST, J., travel	128.80
IA NE SD PRIMA CHAPTER, training	340.00
INFOGROUP, cd rom	1,250.00
JOHNSTONE SUPPLY, bld&grnds	34.16
JONES AUTO., maint.	167.13
KRIHA FLUID POWER, maint.	149.76
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LEAGUE ASSN OF RISK MGMT, ins.	1,024.00

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LERNER PUBLISHING GROUP, books	14.42
LINCOLN TENT, maint.	275.00
LOU'S SPORTING GOODS, equip.	161.60
LOWE'S, bld&grnds	119.64
MASTER MECHANICAL SERVICE, bld&grnds	9,612.00
MATHESON TRI-GAS, apparel	284.46
MCC, utilities	8,509.83
MENARDS, utilities	109.98
MID AMERICA PAY PHONES, phone	100.00
MIDLANDS LIGHTING & ELECTRIC, maint.	613.45
MIDWEST TAPE, media	234.43
MLB LOGISTICS, supplies	113.29
MUD, utilities	897.46
MUNICIPAL PIPE TOOL, equip.	2,051.69
NATIONAL EVERYTHING WHOLESALE, services	445.18
NEBRASKA LAW ENFORCEMENT, training	100.00
NEBRASKA LIBRARY COMMISSION, cd rom	478.49
NIKE, apparel	45.93
NOBBIES, supplies	171.27
NUTS AND BOLTS INC., maint.	40.11
OFFICE DEPOT, supplies	406.64
OMAHA WINNELSON, bld&grnds	194.95
OMNI, main.	2,132.26
OPPD, utilities	50,286.12
OXMOOR HOUSE, books	36.91
PAPILLION SANITATION, services	1,013.66
PAPILLION TIRE INC., maint.	83.59
PAPILLION-LA VISTA SOUTH BAND, prize	50.00
PARAMOUNT LINEN & UNIFORM, services	310.16
PEPSI COLA COMPANY, supplies	861.96
PERFORMANCE CHRYSLER JEEP, maint.	144.00
QUALITY BRANDS, supplies	309.70
QUINN, J., services	150.00
REGAL AWARDS, services	222.29
REPUBLIC NATIONAL DISTR, supplies	101.25
RICK NELSON PHOTOGRAPHY, services	400.00
ROTELLA'S ITALIAN BAKERY, supplies	82.14
SAM'S CLUB, supplies	2,039.01
SIGN IT, services	960.00
SOUCIE, J., travel	424.18
STANDARD HEATING AND AIR COND, bld&grnds	3,645.00
STATE STEEL OF OMAHA, services	132.36
SUPERIOR SPA & POOL, maint.	96.98
TED'S MOWER SALES & SERVICE, maint.	2.92
THE CURE STARTS NOW OF NE., prize	50.00
TIELKE'S SANDWICHES, supplies	31.72
U S TOY COMP., supplies	104.97
UNITE PRIVATE NETWORKS, IT	3,850.00
UNITED RENT-ALL, rental	1,415.94
UNIVERSITY OF NEBRASKA-OMAHA, services	6,987.83
UPSTART, supplies	20.00
VAN RU CREDIT CORPORATION	53.05
VERNON COMPANY, services	678.14
VIERREGGER ELECTRIC, main.	2,462.00
WASTE MANAGEMENT NE., bld&grnds	249.58
ZOO BOOKS MAGAZINE, books	25.95

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Councilmember Hale reviewed the claims for this period and stated everything was in order. Councilmembers voting aye: Sheehan, Thomas,

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Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick, Ronan, and Quick. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Director of Public Works Soucie stated that the Public Works Department stated that the 120<sup>th</sup> and Giles Traffic Signal Project will begin July 15<sup>th</sup> and message boards will be in place and a letter sent to property owners in the area.

## B. ORDINANCE – AMEND MASTER FEE ORDINANCE

Councilmember Sell introduced Ordinance No. 1218 entitled; AN ORDINANCE TO AMEND ORDINANCE NO.1210, 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 Sell moved to approve the first reading of the ordinance and move it on to second reading. Councilmember Crawford seconded the motion. Councilmembers voting aye: Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick, Ronan, and Quick. Motion carried.

## C. RESOLUTION – COMMUNICATIONS CABLE & FACILITIES AGREEMENT - PINPOINT BROADBAND, INC.

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-070: 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 PINPOINT BROADBAND, INC 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 Pinpoint Broadband, Inc. 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

WHEREAS, the Agreement provides for the installation of communications facilities by Pinpoint Broadband, Inc. 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 Pinpoint Broadband, Inc. for use of public rights-of-way within the city limits for installation of communications facilities.

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

## D. DISCUSSION – AMEND MUNICIPAL CODE – CHAPTER 95 - ANIMALS

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Police Chief Lausten introduced Kristie Biodrowski representing the Nebraska Humane Society. Biodrowski gave an overview of how feral cat colonies work. Biodrowski was asked to bring pictures of colonies/feral cats and also to find out the population of feral cats in La Vista. She will provide that information for the next meeting.

Anita Friehe, Elaine Bankey, Lawrence Shackman, and Gary Lee spoke in favor of feral cat colonies. Comments were given regarding these cats generally running from people, organizations that loan out live traps to help capture these cats to be spayed or neutered, other communities that have recently adopted ordinances to allow feral cat colonies and the advantage of having cats in the neighborhood to eliminate rodents. There were no comments from the public opposing feral cat colonies.

Councilmember Sell and Crawford asked that staff investigate this further and bring back the requested information and a draft ordinance for discussion at the July 1, 2014 meeting.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## E. EXECUTIVE SESSION – PERSONNEL; CONTRACT NEBOTIATIONS

At 7:48 p.m. Councilmember Crawford made a motion to go into executive session for the protection of an individual to discuss personnel matters and for protection of the public interest for contract negotiations. Seconded by Councilmember Hale. Councilmembers voting aye: Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick, Ronan, and Quick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:42 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Hale. Councilmembers voting aye: Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick, Ronan, and Quick. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 8:42 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Frederick, Ronan, and Quick. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF JULY, 2014

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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No. 729 — REDFIELD & COMPANY, INC., OMAHA E110778BLD