

# MINUTE RECORD

No. 729—REFFIELD & COMPANY, INC., OMAHA

## LA VISTA CITY COUNCIL MEETING October 04, 2011

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 October 04, 2011. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Community Development Director Birch, Assistant Public Works Director/City Engineer Kottmann, Building and Grounds Director Archibald and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on September 22, 2011. 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 made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

### SERVICE AWARD – TERRY FOSTER- 5 YEARS

Mayor Kindig recognized Terry Foster for 5 years of service to the City.

#### A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 20, 2011
- 3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM SEPTEMBER 8, 2011
- 4. PAY REQUEST – COMMONWEALTH CENTERS – HPO TRAINING - \$8,625.00

ACTION BATTERIES, bld&grnds	145.08
ALAMAR, apparel	553.98
ALEX, M., mileage	93.16
AQS, services	3036.00
ARAMARK, services	744.02
ASPHALT & CONCRETE MATERIALS, maint.	224.43
AVI SYSTEMS, equip.	129.00
BAKER & TAYLOR, books	3521.14
BEACON BUILDING SERVICES, services	6712.00
BENNINGTON EQUIPMENT, maint.	373.84
BERRY DUNN, services	12238.70
BETTER BUSINESS EQUIP., rentals	53.19
BLACK HILLS ENERGY, utilities	3377.14
BOUNDTREE MEDICAL, supplies	228.80
BUILDERS SUPPLY, bld&grnds	76.47
CBS HOMES, refund	50.00
CENTER POINT PUBLISHING, books	212.10
CENTURY LINK, utilities	1179.60
CENTURY LINK, utilities	237.25
FAULK, C., refund	10.00
CIACCIO ROOFING, bld&grnds	2747.00
CITY OF COUNCIL BLUFFS, training	120.00
CITY OF OMAHA, services	642.66
COLOMBO/PHELPS, supplies	97.33
COMP CHOICE, services	336.00
CONRECO INC., maint.	180.00
CORNHUSKER INTL, maint.	67.55
COX, utilities	78.04

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D & D COMM., maint.	44.20
DANKO EMERGENCY EQUIP., maint.	327.77
DECOSTA SPORTING GOODS, apparel	136.00
DEMCO INC., supplies	335.72
DIAMOND VOGEL, supplies	554.05
DOUGLAS COUNTY ENGINEER, services	6963.01
DULTMEIER SALES & SERVICE, maint.	16.63
EASTERN LIBRARY, training	125.00
EDGEWEAR SCREEN PRINTING, apparel	504.50
ELECTRONIC ENGINEERING, maint.	440.00
EMBASSY SUITES, training	4406.40
FAC PRINT & PROMO, apparel	804.50
FEDEX KINKO'S, postage	31.99
FELD FIRE, apparel	7085.22
FILTER CARE, maint.	79.40
FIRE-EXTRICATION-HAZMAT, services	53.10
FIREFOX RESCUE EQUIP., supplies	144960.00
FITZGERALD SCHORR BARMETTLER, services	33372.09
FLEET, maint.	91.37
FLORATINE CENTRAL TURF, supplies	414.00
G I CLEANER, services	131.25
GALE, books	284.20
GAYLORD BROS, supplies	392.04
GRAYBAR ELECTRIC, supplies	203.15
GREAT PLAINS, apparel	200.00
GREENKEEPER, supplies	470.50
H & H CHEV., maint.	395.23
HANEY SHOE, apparel	88.95
HEARTLAND PAPER, supplies	142.00
HELGET GAS, supplies	78.00
HIGHSMITH, supplies	321.10
HOOK-FAST, apparel	52.97
HOWARD T DUNCAN, services	3375.00
HUNTEL, services	486.25
INLAND TRUCK, maint.	203.97
GETZFRID, J. refund	75.00
JOHN DEERE, bld&grnds	1160.00
JONES AUTO., maint.	75.57
KAPCO-KENT ADHESIVE, supplies	48.19
KEMP-WAIT, S., refund	23.99
KRIHA FLUID POWER, maint.	157.40
LA VISTA COMMUNITY FOUNDATION	75.00
LANDS' END, apparel	17.55
LARSEN SUPPLY, supplies	26.50
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LEAGUE OF NE MUN., dues	27867.00
LOGAN CONTRACTORS, maint.	614.00
MARSHALL CAVENDISH, books	129.20
MATHESON TRI-GAS, supplies	90.00
MENARDS, supplies	495.11
METHODIST, services	350.00
MAT, services	696.00
MUD, utilities	10124.39
MID AMERICA, phones	100.00
MIDLANDS BUSINESS JOURNAL, books	70.00
MID-STATES UTILITY, supplies	255.86
MIDWEST RIGHT OF WAY, services	2688.00
MIRACLE RECREATION EQUIP., maint.	2734.29
MOTOROLA, services	1331.20
MULLEN & MULLEN, services	25880.00

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NATIONAL PAPER, supplies	371.30
NE DEPT OF REVENUE-FORM 94	25.00
NEBRASKA SALT & GRAIN, maint.	57447.17
NEBRASKA SOFTBALL ,dues	1488.00
NEW YORK TIMES, books	195.00
NEWMAN TRAFFIC SIGNS, supplies	4727.75
NEXTEL SPRINT, phone	204.49
NEXTEL SPRINT, phone	402.55
NLA-YOUNG ADULT ROUND TABLE, training	10.00
OCLC, books	27.96
OFFICE DEPOT, supplies	813.92
OMAHA DOOR & WINDOW, bld&grnds	2704.68
OMAHA WINNELSON, bld&grnds	164.66
OMNIGRAPHICS, books	139.70
ORIENTAL TRADING, supplies	112.19
PAPILLION LA VISTA SCHL, liquor revenue	7335.00
PAPILLION LA VISTA SCHOOL, parking revenue	60.00
PAPILLION TIRE, maint.	37.56
PARAMOUNT LINEN & UNIFORM, apparel	366.16
PAUL CONWAY SHIELDS, apparel	97.22
PAULSEN, D., refund	75.00
PAYLESS OFFICE, supplies	169.39
PERFORMANCE, maint.	30.79
PETTY CASH	188.50
PETTY CASH	58.89
PITNEY BOWES, supplies	187.00
PRINCIPAL LIFE-FLEX SPENDING	216.00
QUALITY BRANDS, supplies	235.90
READY MIXED, supplies	1083.33
RIDGE, R.& K., grant	5250.00
RIDGE, R.& K., grant	800.00
RIDGE, R.& K., grant	690.00
RUSTY ECK FORD, maint.	329.25
PETERSON, R., refund	35.00
SHAMROCK CONCRETE, maint.	326.56
SMOOTHER CUT, services	1650.00
SOCCER INTRNTLN., apparel	430.00
SPRINT, phone	62.01
SZALEWSKI, S., refund	14.99
THERMO KING, maint.	53.46
TOMSU, L., lib programs	171.75
TORNADO WASH, maint.	90.00
TRACTOR SUPPLY, supplies	355.21
U S ASPHALT, maint.	1268.13
UNDERWRITERS LAB., services	100.00
USPS, postage	1472.11
VAL VERDE APT., refund	25.00
VERIZON, phone	244.37
WAL-MART, supplies	2817.33
WHITE CAP CONSTR, supplies	70.00
WICK'S STERLING TRUCKS, maint.	175.66
WITMER PUBLIC SAFETY, supplies	982.00

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Quick reviewed the claims for this period and reported that she found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

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Assistant City Administrator Rameriz reported to the Council that the park tour has been rescheduled to spring.

Police Chief Lausten reported that he is working with the NE Human Society on options regarding dangerous breeds of dogs.

Finance Director Lindberg reported that budget books are at the printer and will be delivered next week.

Assistant Public Works Director/City Engineer Kottmann reported that the asbestos removal in the Thompson Creek buyout homes will be completed by the end of the week. The Keystone Trail is almost complete, and the Harrison Street Project will also be done this week. Kottmann also stated that snow districts are being worked on for the upcoming season.

Community Development Director Birch reported that all Inspectors are now certified in IRC and IBC along with other certifications in plumbing and other codes.

## **B. RESOLUTION – SPECIAL DESIGNATED LIQUOR LICENSE – ZEHRRER, INC. – DBA MORNING, NOON & NIGHT**

Councilmember Sell introduced Resolution No. 11-117; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A WINE TASTING EVENT AT 9637 GILES ROAD ON OCTOBER 15, 2011.

WHEREAS, 9637 Giles Road is located within the City of La Vista; and

WHEREAS, Zehrer, Inc. has requested approval of a Special Designated License to serve wine at a wine tasting event at 9637 Giles Road on October 15, 2011 from 5:00 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 Zehrer, Inc. to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve wine at 9637 Giles Road, at a wine tasting event on October 15, 2011.

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

## **C. DISCUSSION – TEMPORARY SIGNAGE REGULATIONS**

Community Development Director Birch and City Planner Solberg presented the Council with a presentation regarding temporary sign requirements for businesses in regards to the placement of signs, the number of signs, and the size of the sign as well as the length of time a sign should be left up.

Councilmembers Sheehan and Quick stated that they want a time limit on political signs. Councilmember Sheehan stated that he wants to give businesses the same opportunities as other cities give, and that he would be ok with signs being up for 5 days a week. Sheehan would like to look at how long other cities allow temporary signage to remain up. Councilmember Crawford asked if the Chamber could query businesses to see what they are looking for. City Administrator Gunn thought most businesses used temporary signage to advertise specials. She also posed the question if temporary signage requirements should be removed for commercial and industrial properties.

Diane Conneally approached the Council in regards to the discussion and stated that Front Line Businesses or spots are upset when those in the back get sign at front of property.

Councilmember Crawford suggested that the discussion be tabled and that Staff and Council talk to business owners to see what they want, possibly survey them.

The discussion ended and will resume after staff gathers more information from business owners and will present again to the Council.

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## **D. RESOLUTION – SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 8:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on special assessments.

At 08:06 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-118; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of 7354 S 69<sup>th</sup> Street, Lot 156, La Vista Replat, \$250.47; 7727 Park View Blvd, Lot 888, La Vista, \$250.47; were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. 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 E. "Executive Session". Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None. Motion carried.

### **COMMENTS FROM THE FLOOR**

A citizen, Randy Eshehman appeared before the Council in regards to political signs and the limits to signs, stating that political signs can have no limit.

Resident Linda Burke appeared before the Council. She is a recent victim of crime on Park View Blvd, and wondered why the police can't send out letters or a phone notice to residents to be more aware. Resident Martin Ware also appeared before the Council requesting more police presence in his neighborhood. Staff stated that they would look into these issues for the residents and follow up with them.

## **E. EXECUTIVE SESSION – CONTRACT NEGOTIATION**

At 08:17 p.m. Councilmember Carlisle made a motion to go into executive session for contract negotiation. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

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At 08:38 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Gowan and Ellerbeck. Nays: None. Abstain: None. Absent: None.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan apologized to Council for voting for ballot language to delay vote until May.

At 08:43 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF OCTOBER, 2011

CITY OF LAVISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk