

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING April 3, 2012

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 April 3, 2012. Present were Councilmembers: Sell, Ronan, Sheehan, Quick, 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, Public Works Director Soucie, Finance Director Lindberg, Community Development Director Birch, Recreation Director Stopak, Public Building and Grounds Director Archibald and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on March 21, 2012. 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.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 20, 2012
- 3. PAY REQUEST #2 – DOUGLAS COUNTY TREASURER – HELL CREEK STREAM STABILIZATION PHASE 1- \$21,303.26
- 4. PAY REQUEST NO. 2 – MELVIN SUDBECK HOMES, INC. – APPLEWOOD CREEK IMPROVEMENTS PROJECT - \$29874.72
- 5. APPROVAL OF CLAIMS
- 6. RESOLUTION – APPOINTMENT OF SAFETY COMMITTEE MEMBERS
- 7. RESOLUTION – FIREWORKS DISPLAY – LA VISTA DAZE TEMPORARY USE OF HWY. 85 (84TH STREET) – ACCEPTANCE OF DUTIES
- 8. RESOLUTION – PARADE – LA VISTA DAZE TEMPORARY USE OF HWY. 85 (84TH STREET) – ACCEPTANCE OF DUTIES
- 9. APPROVE CORPORATE MANAGER APPLICATION – CLASS C LIQUOR LICENSE – FIELDS, INC. DBA ISLAND BAR AND GRILL – LARRY E FIELDS

AA WHEEL & TRUCK, maint.	54.13
ACTION BATTERIES, bld&grnds	131.16
ALFARO, M., tuition	1500.00
ALS AFFILIATES, training	200.00
ARAMARK, services	632.26
BARCAL, R., travel	214.98
BENNETT, maint.	178.25
BLACK HILLS ENERGY, utilities	7029.11
BLACKHAWK, apparel	75.96
BUETHE, P., mileage	195.92
BUILDERS SUPPLY, maint.	13.12
CENTER POINT PUBLISHING, books	214.50
CENTURY LINK, phone	1167.73
CENTURY LINK, phone	34.69
CITY OF OMAHA, services	87135.19
CONSOLIDATED MANAGEMENT, mileage	311.75
COX, utilities	58.65
COX, utilities	63.59
D & D COMM., radios	175.00
DAYMARK SOLUTIONS, services	240.00
DECOSTA SPORTING GOODS, supplies	83.94

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DEIML, K., services	1210.00
DIAMOND VOGEL PAINTS, bld&grnds	75.79
DOUGLAS COUNTY SHERIFF'S OFC, services	87.50
ELECTRIC SPECIALTIES, bld&grnds	127.50
EMERGENCY SERVICES MARKETING, phone	97.83
ENVY, concert	200.00
FASTENAL, maint.	164.06
FELD FIRE, equip.	590.25
FELSBURG HOLT & ULLEVIG, services	656.51
FERGUSON, bld&grnds	40.54
FIREGUARD, equip.	394.33
FITZGERALD SCHORR BARMETTLER, services	33842.22
FLATWATER FOOLS, training	350.00
FORT DEARBORN LIFE INSURANCE	1342.00
FRED PETERSON, maint.	819.00
FROEHLICH, R., travel	196.00
GARROD, M., milleage	204.24
GIBSON, J., services	125.00
GLENRIDGE, maint.	1265.00
H & H CHEV., maint.	224.94
HANNER, S., services	75.00
HELGET GAS, supplies	140.50
HIGHSMITH, supplies	205.59
HUNTELL, services	250.00
HY-VEE, supplies	402.88
INLAND TRUCK, maint.	107.93
JOHNSTONE SUPPLY, bld&grnds	42.32
LARSEN SUPPLY, supplies	33.16
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAW S COMM., training	295.00
LEAGUE OF NEBR MUNICIPALITIES	825.00
LINCOLN NATIONAL LIFE INS CO	10654.74
LOCATE, dues	30.00
MAPA, training	45.00
MATHESON TRI-GAS, supplies	274.70
MELVIN SUDBECK HOMES, services	76711.65
MAT, services	577.00
MCC, utilities	13824.66
MUD, utilities	1810.11
MID AMERICA, phone	50.00
MIDLANDS LIGHTING & ELECTRIC, bld&grnds	62.12
MID-STATES UTILITY, fuel	399.00
MINUTE MAN PRINTING, printing	28.66
MONROE TRUCK EQUIP., maint.	868.42
NATIONAL PAPER, supplies	583.71
NAVIGATE WELLNESS, services	480.00
NE LIQUOR CONTROL, license	80.00
NE AIR FILTER, bld&grnds	122.04
NE FIRE ADMIN, dues	15.00
NE FOREST SERVICE, training	50.00
NE STATE VOLUNTEER, training	400.00
NEUMAN EQUIP., supplies	1023.10
NEWMAN TRAFFIC SIGNS, supplies	2401.80
NEXTEL SPRINT, phones	387.77
NEXTEL SPRINT, phones	206.24
NIKE, supplies	225.00
NOBBIES, supplies	22.74

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NSFSI-NE SOC/FIRE SVC INSTRS, training	2813.40
NUTS AND BOLTS, maint.	136.42
NWEA, training	375.00
OCLC, books	31.94
OFFICE DEPOT, equip.	1032.21
O'KEEFE ELEVATOR, maint.	400.93
OPPD, utilities	405.61
OMAHA WINNELSON, bld&grnds	205.07
ON THE SPOT PRODUCTIONS, marketing	3300.00
PAPILLION TIRE, maint.	128.94
PARAMOUNT, services	329.21
PAYFLEX, services	250.00
PDMB INC, services	3396.00
PERFORMANCE CHRYSLER JEEP, maint.	425.40
PETTY CASH	361.81
PITNEY BOWES, supplies	204.00
PLAINS EQUIP., maint.	1744.44
PREMIER-MIDWEST BEV., supplies	370.10
QUALITY BRANDS, supplies	722.35
RAINBOW GLASS & SUPPLY, maint.	371.00
RDG, services	8078.00
READY MIXED, maint.	891.58
REGAL AWARDS, services	185.95
ROY SR, R., travel	73.00
SAPP BROS, supplies	644.00
SARPY COUNTY CHAMBER, ads	120.00
SARPY COUNTY SOCCER ASSN, services	1887.18
SARPY COUNTY TREASURER, services	9646.87
SIRCHIE FINGER PRINT LABS, supplies	73.85
SPRINKLER COMPANY, bld&grnds	500.00
SPRINT, phones	119.97
SPRINT, phones	62.28
STATE STEEL, bld&grnds	72.38
STERIL, maint.	50.00
STEVENS, M., travel	201.47
SUBURBAN NEWS., ads	39.50
SUPERCO SPECIALTY, bld&grnds	259.37
SUPERIOR VISION SVCS INC	400.56
SWANK MOTION PIC., movies	1293.00
TEAM SIDELINE, services	499.00
THOMAS E STEVENS & ASSOCS, services	650.00
THOMPSON DREESSEN & DORNER, services	638.49
TRADE WELL PALLET, bld&grnds	300.00
UPS, postage	18.78
UNL, dues	100.00
VAIL, A., travel	196.00
VERIZON, phone	200.23
WAL-MART, supplies	389.09
WASTE MANAGEMENT NE., services	1097.65
ZIMCO SUPPLY, maint.	60.00

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

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REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten reported on a recent FBI press conference on a case that involved La Vista, Bellevue and Omaha police.

Public Works Director Soucie gave the details of the spring clean up event for residents to be held April 27th and 28th, 2012. The only electronics to be accepted will be TV's. Soucie reported that the walking bridge at Central Park is being replaced, and that June 21, 2012 is the State's bid date for the 96th Street Project.

REPORT – LA VISTA TABLE TOP DISASTER DRILL – KEITH DEIML

Keith Deiml gave an overview of the table top disaster drill to the Mayor and the Council. The drill tested the abilities of the staff to respond, control access, and inform the public in the event of a disaster.

B. ORDINANCE – RIGHT OF WAY VACATION AND CONVEYANCE – SOUTH SIDE OF HARRISON EAST OF 83RD STREET

Councilmember Sell introduced and moved for adoption of Ordinance 1170 entitled: AN ORDINANCE DIRECTING THE CONVEYANCE OF CERTAIN REAL ESTATE ADJACENT TO HARRISON STREET RIGHT-OF-WAY LOCATED IN THE NW 1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND THE MANNER AND TERMS THEREOF; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Councilmember Ellerbeck moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. 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 Ellerbeck. The Mayor then stated the question, "Shall Ordinance No. 1170 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. 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.

C. RESOLUTION – AWARD CONTRACT – BROAD LEAF WEED SPRAYING

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-032; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO ALEXANDER LAWN & LANDSCAPE, GRETNA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$5,596.60

WHEREAS, the City Council of the City of La Vista has determined that the spraying for weeds in all city parks, several out lots and the Off Street Parking District is necessary; and

WHEREAS, the FY 2011/12 General Fund Budget will provide funds for this project; 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 award the contract to Alexander Lawn & Landscape, Gretna, Nebraska in an amount not to exceed \$5,596.60

Seconded by Councilmember Carlisle. Councilmember Crawford asked that staff look into the cost for performing this function by city staff. Councilmembers voting aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

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D. RESOLUTION – AUTHORIZATION TO PURCHASE – ASPHALT HOT BOX

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-033; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2009 DEMO UNIT – FALCON RME TRAILER HOT BOX FROM NEBRASKA ENVIRONMENTAL PRODUCTS, LINCOLN, NE, IN AN AMOUNT NOT TO EXCEED \$22,900.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Trailer hot box is necessary; and

WHEREAS, the FY 2011/12 General Fund Budget provides funding for the purchase; 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of one (1) 2009 Demo Unit – Falcon RME trailer hot box from Nebraska Environmental Products, Lincoln, NE, in an amount not to exceed \$22,900.

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

E. RESOLUTION – AUTHORIZATION TO PURCHASE – FIRE EXTINGUISHER TRAINER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 12-034; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) BULLEX MAGNUM HOSE LINE AND FIRE EXTINGUISHER TRAINING SYSTEM FROM BULLEX, INC., ALBANY, NY IN AN AMOUNT NOT TO EXCEED \$16,571.67.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Fire Extinguisher Trainer is necessary; and

WHEREAS, the FY 2011/12 General Fund Budget provides funding for the purchase; 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of one (1) Bullex Magnum hose line and fire extinguisher training system from Bullex, Inc., Albany, NY in an amount not to exceed \$16,571.67.

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

F. RESOLUTION – AUTHORIZATION TO PURCHASE – UNMARKED POLICE CAR

Councilmember Crawford introduced and moved for the adoption of Resolution No. 12-035; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO SID DILLON CHEVROLET, WAHOO, NEBRASKA FOR THE PURCHASE OF ONE (1) 2012 CHEVROLET IMPALA IN AN AMOUNT NOT TO EXCEED \$18,100.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new un-marked police vehicle is necessary, and

WHEREAS, the FY11/12 General Fund budget includes funding for the purchase of said vehicle, and

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WHEREAS, Sid Dillon Chevrolet, Wahoo, Nebraska, was awarded the state bid for Nebraska for the 2012 Intermediate 4 door sedan vehicles and will extend that price to the City of La Vista, 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 accept the Nebraska state bid of Sid Dillon Chevrolet, Wahoo, Nebraska and authorize the purchase of one (1) 2012 Chevrolet Impala vehicle in an amount not to exceed \$18,100. Seconded by Councilmember Sell. Councilmember Carlisle asked if this was a replacement car and Police Chief Lausten stated that it was replacing a 1998 Taurus.

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

G. CLASS I LIQUOR LICENSE APPLICATION – THAI ORCHIDS LLC DBA THAI ORCHIDS RESTAURANT

1. PUBLIC HEARING

At 7:21 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Class I Liquor License Application – Thai Orchids LLC dba Thai Orchids Restaurant.

At 7:21 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for adoption of Resolution 12-036: 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 I LIQUOR LICENSE APPLICATION FOR THAI ORCHIDS LLC DBA THAI ORCHIDS RESTAURANT, LA VISTA, NEBRASKA.

WHEREAS, Thai Orchids LLC dba Thai Orchids Restaurant, 8058 S 84th Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I 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 I Liquor License application submitted by Thai Orchids LLC dba Thai Orchids Restaurant, 8058 S 84th Street, La Vista, Sarpy County, Nebraska.

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

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COMMENTS FROM THE FLOOR

There were no comments from the floor.

H. EXECUTIVE SESSION -PERSONNEL

At 7:23 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. 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.

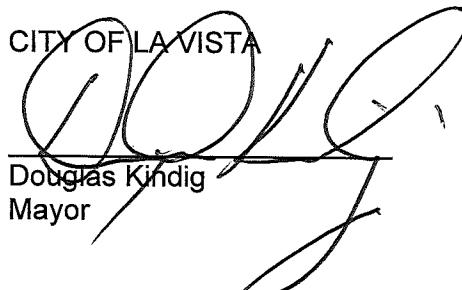
At 8:29 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig stated the legislature is moving quickly on issues in this year's session.

At 8:30 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF APRIL, 2012.


CITY OF LA VISTA
Douglas Kindig
Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk