

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING JULY 17, 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 July 17, 2012. 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, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, Finance Director Lindberg, Recreation Director Stopak, Public Building and Grounds Director Archibald, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on July 4, 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 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.

SWEAR IN POLICE OFFICER – JOSHUA MCNEIL

Mayor Kindig and Police Chief Lausten swore in Police Officer Joshua McNeil.

SERVICE AWARD – SCOTT WOOD- 20 YEARS

Mayor Kindig recognized Scott Wood for 20 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED

2. APPROVAL OF CITY COUNCIL MINUTES FROM JULY 3, 2012

3. APPROVAL OF PARKS AND RECREATION ADVISORY COMMITTEE MINUTES- MAY 16, 2012

4. MONTHLY FINANCIAL REPORT – JUNE 2012

5. PAY REQUEST – HANNA:KEELAN ASSOCIATED, P.C. – PROFESSIONAL SERVICES – 84TH STREET REDEVELOPMENT AREA - \$6,500.00

6. PAY REQUEST – THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – APPLEWOOD CREEK IMPROVEMENTS - \$3056.05

7. FINAL PAY REQUEST – DOUGLAS COUNTY TREASURER – HELL CREEK STREAM STABILIZATION PHASE 1 - \$59577.27

8. APPROVAL OF CLAIMS

9. APPROVAL OF MANAGER APPLICATION – SWIZZLE STIX LOUNGE INC. DBA JIMBO'S DINER/LA VISTA KENO – COLLEEN OLSON.

3E-ELECTRICAL, bld&grnds	270.00
3M, supplies	331.20
AA WHEEL & TRUCK, maint.	49.25
ABE'S PORTABLES, rentals	170.00
ACCO UNLIMITED, supplies	125.20
ACTION BATTERIES, supplies	438.75
ALAMAR UNIFORMS, apparel	218.97
ARAMARK UNIFORM, services	451.26
A-RELIEF, bld&grnds	124.00
AUTO GLASS TINT, maint.	150.00
BAKER & TAYLOR, books	201.77
BAUDVILLE, supplies	79.85
BBE, rentals	59.09

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BLACK HILLS ENERGY, utilities	19.73
BOB'S RADIATOR REPAIR, maint.	110.00
BOUND TREE MEDICAL, supplies	317.66
BRENTWOOD AUTO, services	49.00
BUILDERS SUPPLY, maint.	30.00
BULLEX INC., training	16571.67
CAPSTONE, books	59.91
CARDMEMBER SERVICES, supplies	6883.24
CENTURY LINK, utilities	48.87
CHANSА, L., refund	85.00
CHEMSEARCH, maint.	466.44
CHERCK, M., refund	28.89
CITY OF COUNCIL BLUFFS, training	240.00
CITY OF OMAHA, services	91372.19
CJ'S HOME CENTER, supplies	806.33
CONTROL MASTERS INC., bld&grnds	72.50
CORNHUSKER INTL TRUCKS, maint.	17.34
COX, utilities	207.30
DITCH WITCH, maint.	72.80
DOUGLAS CTY SHERIFF, services	337.50
DULTMEIER, supplies	137.15
EDGEWEAR SCREEN PRINTING, apparel	418.00
ELECTRONIC ENGINEERING, maint.	32.90
EXCHANGE BANK, rental	2588.43
FILTER CARE, maint.	62.25
G I CLEANER & TAILORS, services	243.75
GALE, books	256.39
GASSERT, M., services	524.00
GCR TIRE CENTERS, supplies	477.18
GENUINE PARTS, maint.	947.49
GODFATHER'S PIZZA, supplies	66.43
GRAYBAR ELECTRIC, equip.	59.47
GREAT PLAINS ONE-CALL, services	280.37
GREENKEEPER, supplies	1467.50
GUNN, B., mileage	193.89
H & H CHEV., maint.	43.53
HEARTLAND PAPER, supplies	324.00
HENDERSON, A., refund	6.99
HOME DEPOT, maint.	302.90
HOST COFFEE, conc.	50.75
HUSKER MIDWEST PRINTING, printing	233.48
INDUSTRIAL SALES, bld&grnds	2698.92
J Q OFFICE EQUIP., services	216.08
KRIHA FLUID POWER, maint.	106.36
LANDS' END, apparel	71.43
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LEXIS NEXIS, books	40.49
LIFE ASSIST, supplies	190.16
LIFEGUARD STORE, supplies	318.90
LNM, training	190.00
LOGAN CONTRACTORS, bld&grnds	302.82
LOVELAND GRASS PAD, bld&grnds	277.20
LYMAN-RICHEY, bld&grnds	205.62
MARTIN MARIETTA, maint.	169.55
MATHESON TRI-GAS, equip.	637.29
MCCANN PLUMBING, bld&grnds	31.00
MICHAEL TODD, maint.	714.00
MIDLANDS LIGHTING & ELECTRIC, bld&grnds	1681.88
MIDWEST FENCE, maint.	599.29

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MIDWEST TAPE, media	963.36
MIDWEST TURF & IRRIGATION, maint.	118.71
MNJ TECHNOLOGIES DIRECT, services	896.00
NE DEPT OF ECONOMIC DEV., training	260.00
NE DEPT OF ROADS	110676.42
NEBRASKA AIR FILTER, bld&grnds	346.60
NEBRASKA CODE OFFICIALS ASSN, training	360.00
NEBRASKA FIRE CHIEF'S ASSN, dues	20.00
NEBRASKA IOWA SUPPLY, supplies	11360.00
NEBRASKA STATE VOLUNTEER, dues	1240.00
NEBRASKA TURF PRODUCTS, supplies	182.85
NEUMAN EQUIPMENT, bld&grnds	28.05
NFPA, dues	165.00
NUTS AND BOLTS, maint.	32.57
OCSI TRAINING, training	120.00
OFFICE DEPOT, supplies	548.11
OMAHA WORLD HERALD, adv.	745.78
OPPD, utilities	50909.66
O'REILLY AUTO., supplies	1003.23
OXMOOR HOUSE, books	36.91
PAPILLION SANITATION, services	304.11
PARAMOUNT LINEN & UNIFORM, services	471.24
PARTSMASTER, equip.	169.55
PAYLESS OFFICE, supplies	256.38
PEPSI COLA, conc.	412.20
PETTY CASH	1560.00
PLAINS EQUIPMENT, maint.	329.65
PLEISS, T., services	40.00
PREMIER-MIDWEST BEV., supplies	262.50
PRO-SIGN & SCREEN PRINTING, apparel	250.00
PUNTENEY, K., permits	46.95
READY MIXED, maint.	1527.46
RETRIEVEX, services	85.11
SAM'S CLUB, supplies	2779.75
SARPY COUNTY REGISTER OF DEEDS	35.50
SARPY COUNTY TREASURER	10128.71
SCHEMMER ASSOCIATES, services	520.96
SIRCHIE FINGER PRINT LABS, supplies	73.43
SPIERS, J., refund	15.00
STANDARD HEATING, bld&grnds	2595.77
STATE STEEL OF OMAHA, bld&grnds	173.29
SUN COUNTRY, maint.	549.88
SUPERIOR SPA & POOL, equip.	23.98
TED'S MOWER, maint.	494.97
THERMO KING CHRISTENSEN, maint.	347.34
THOMPSON DREESSEN & DORNER, services	212.50
TITAN MACHINERY, maint.	80.54
TJ CABLE & UNDERGROUND SVCS, equip.	3684.00
TRACTOR SUPPLY, maint.	49.13
UHL, R., mileage	192.00
USI EDU., supplies	93.19
USPS, postage	1554.24
VERIZON, phone	399.00
WASTE MANAGEMENT NE., bld&grnds	1562.76
WENZEL, K., books	7.95
WILSON, S., services	200.00
WOODHAVEN COUNSELING, services	225.00

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Quick reviewed the claims for this period and reported

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that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Absent: None. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reminded everyone that the City Council Meeting on August 7th, 2012 would begin at 6:00 P.M.

Police Chief Lausten reported that new Police Officer Joshua McNeil was certified in 2009 and will begin a two week orientation followed by a 14 week field training program spending time with three different Officers. Lausten also reported that Officer Rothe will be leaving the force on July 31st, 2012. Applications to fill the position will be accepted until August 15th, 2012.

Public Buildings and Grounds Director Archibald reported that the wireless dishes purchased were installed and use would begin by the end of the week.

Library Director Barcal reported that an Eagle Scout was helping with projects at the Library and that a Book Fair was being held.

B. APPLICATION FOR REPLAT AND SUBDIVISION AGREEMENT APPROVAL - LOTS 1&2

1. PUBLIC HEARING

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Application for Replat and Subdivision Agreement Approval – Lots 1&2.

Councilmember Carlisle made a motion to continue the public hearing at the applicants request until the August 7, 2012 meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Absent: None. Motion carried.

C. RESOLUTION – CONSTRUCTION ENGINEERING CONTRACT AUTHORIZATION – 96TH STREET, PORTAL TO HARRISON MAPA – 4017(4)

Councilmember Carlisle introduced and moved for adoption of Resolution 12-075: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR AND CITY CLERK TO SIGN A TASK ORDER AGREEMENT WITH ALFRED BENESCH & COMPANY TO PROVIDE CONSTRUCTION ENGINEERING SERVICES FOR THE 96TH STREET, PORTAL TO HARRISON PAVEMENT REHABILITATION PROJECT.

WHEREAS, the City of La Vista is developing a transportation project for which it intends to obtain Federal funds; and

WHEREAS, the City of La Vista as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

WHEREAS, the City of La Vista and Alfred Benesch & Company wish to enter into a Professional Services Agreement to provide construction engineering services for the Federal-aid project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska that Douglas Kindig, Mayor of the City of La Vista, is hereby authorized to sign the construction engineering services agreement between the City of La Vista, Nebraska and Alfred Benesch & Company.

NDOR Project Number: MAPA-5017(4).

NDOR Control Number: 22478

NDOR Project Description: 96th St, Portal-Harrison, La Vista

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

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D. RESOLUTION – APPROVAL TO PURCHASE DIGITAL RADIOS

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-076; 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 MOTOROLA 800 MHZ P25 DIGITAL RADIOS.

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 FY12 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 the purchasing the Motorola 800 MHz P25 digital radios in an amount not to exceed \$34,587.81.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if these radios would be compatible with the new radio system? City Administrator Gunn stated that they are compatible and this is the third purchase of this type of radios in this fiscal year. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

E. RESOLUTION – SMOKE FREE AREAS – LA VISTA PUBLIC PARKS AND RECREATIONAL FACILITIES

Councilmember Sell introduced and moved for the adoption of Resolution No. 12-077; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING, TO THE EXTENT POSSIBLE, THAT AREAS, WHERE FIELDS FOR PLAYING SPORTS IN LA VISTA PARKS AND THE SPORTS COMPLEX, ARE DESIGNATED AS TOBACCO FREE AREAS.

WHEREAS, the Mayor and City Council have determined that second hand tobacco smoke, even in open areas, can be damaging to the health of children and adults;

WHEREAS, children who observe adults using tobacco products may choose to emulate unhealthy behaviors;

THEREFORE, BE IT RESOLVED that it is the policy of the City Council that:

1. The use of tobacco products is not allowed in areas designated in parks or other recreational facility of the City where fields for playing sports are located;
2. Smoking is defined as carrying a lighted cigarette, cigar, pipe, or any other paraphernalia containing a lighted tobacco product as defined herein;
3. The use of smokeless tobacco products is not allowed in areas designated in parks or other recreational facility of the City where fields for playing sports are located;
4. No tobacco products shall be discarded or thrown onto the ground in areas designated in parks or other recreational facility of the City where fields for playing sports are located;
5. Tobacco products shall include any substance containing tobacco leaf, including without limitation, cigarettes, cigars, pipe tobacco snuff, chewing tobacco, dipping tobacco/snuff, or any finely cut, ground or powdered tobacco leaf intended for placement in the human body.
6. La Vista Public Fields designated are located in the following:
 - A. City Park
 - B. Kelly McMahon Park
 - C. La Vista Sports Complex

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NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the elimination of the use of tobacco products in areas designated in parks or other recreational facility of the City where fields for playing sports are located and authorize the purchase and posts and placement of signs indicating this.

Seconded by Councilmember Carlisle. Councilmember Quick asked Joand Friedman with the Nebraska Tobacco Coalition if there was a challenge to make Nebraska smoke free. Friedman stated that she hopes that is a reality some day. Councilmember Ellerbeck questioned if this was a statement of advisement. Police Chief Lausten reported that the Police have no legal ability to enforce at this time. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

F. CLASS C LIQUOR LICENSE APPLICATION – NEBRASKA CVS PHARMACY, L.L. DBA CVS/PHARMACY #2741

1. PUBLIC HEARING

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class C Liquor License Application for Nebraska CVS Pharmacy, L.L, dba CVS/Pharmacy #2741. Chris Kelly, Dale ZurKammer, and Sarah Ashcraft representing CVS Pharmacy were available to answer any questions.

At 7:18 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 Crawford introduced and moved for the adoption of Resolution No. 12-078; 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 C LIQUOR LICENSE APPLICATION FOR NEBRASKA CVS PHARMACY LLC DBA CVS/PHARMACY 2741, LA VISTA, NEBRASKA.

WHEREAS, Nebraska CVA Pharmacy LLC dba CVS/Pharmacy 2741, 6901 S 84th Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C 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 C Liquor License application submitted by Nebraska CVA Pharmacy LLC dba CVS/Pharmacy 2741, 6901 S 84th Street, La Vista, Sarpy County, 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 Sell made a motion to move Comments from the Floor up on the agenda ahead of Item G Executive Session. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

There were no Comments from the Floor.

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G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; LAND ACQUISITION; PERSONNEL

At 7:20 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations and negotiating guidance regarding land acquisition and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Crawford. 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 8:28 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.

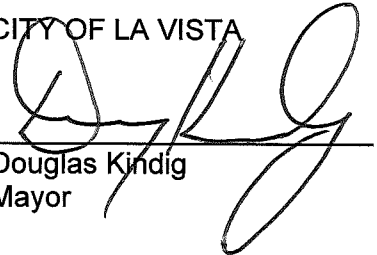
COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

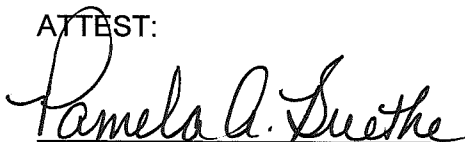
At 8:28 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF AUGUST, 2012.

CITY OF LA VISTA


Douglas Kindig
Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk