

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 18, 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 June 18, 2013. Present were Councilmembers: Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Community Development Director Birch, Public Building and Grounds Director Archibald, Recreation Director Stopak, Assistant Library Director Linhart, City Engineer Kottmann, City Planner Solberg, and Assistant to the City Administrator Calentine.

A notice of the meeting was given in advance thereof by publication in the Times on June 5, 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 OF BADGES TO FIRE DEPARTMENT PERSONNEL – MICHAEL KAMMERER, KRISTIN KROEKER, SALVATORE (VINNIE) LANNUTTI

Mayor Kindig and Fire Chief Uhl recognized Michael Kammerer, Kristin Kroeker, and Salvatore (Vinnie) Lannutti as full members of the La Vista Volunteer Fire Department after completing one year of training. Badges were presented and pinned on those present by Chief Uhl.

### SERVICE AWARD – JARED HENDERSON, STEVE LEIGHTON, TROY LITTLE – 5 YEARS

Mayor Kindig recognized Jared Henderson, Steve Leighton, and Troy Little for 5 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 4, 2013 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE MAY 9, 2013 LIBRARY ADVISORY BOARD MEETING
4. MONTHLY FINANCIAL REPORT – MAY 2013
5. APPROVAL OF CLAIMS

AAT, supplies	8,298.75
ABRAHAMS KASLOW & CASSMAN, services	799.14
ACCURATE TESTING, utilities	75.00
ACTION BATTERIES, supplies	166.68
ACTION SIGNS, services	332.00
AMERICAN FENCE, bld&grnds	100.12
ANN TROE, services	240.00
ARAMARK, services	23.74
ATLAS AWNING, maint.	75.00
BADGER BODY, maint.	2,393.21
BAKER & TAYLOR, books	2,689.94
BCDM, services	769.00

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BEACON BUILDING, services	1,250.00
BLACK HILLS ENERGY, utilties	42.22
BLUE CROSS BLUE SHIELD, refund	160.09
BMI, services	327.00
BOB'S RADIATOR REPAIR, maint.	128.00
BOUND TREE MEDICAL, supplies	20.70
BUILDERS SUPPLY, bld&grnds	8.19
CARDMEMBER SERVICES	12,490.59
CENTURY LINK, utilities	37.44
CITY OF KEARNEY, services	120.00
CIVIC PLUS, services	12,810.00
CJ'S HOME CENTER, supplies	1,618.58
COX, utilities	192.85
CUSHMAN, A., refund	40.00
DIAMOND VOGEL PAINTS, bld&grnds	351.88
DIGITAL ALLY, services	495.00
DOUGLAS COUNTY ENGINEER, services	500.00
DXP, maint.	61.99
EDGEWEAR SCREEN PRINTING, apparel	1,207.75
EXCHANGE BANK, lease	1,425.00
FEDEX KINKO'S, printing	207.36
FEDEX, supplies	18.28
FITZGERALD SCHORR BARMETTLER, services	26,032.06
FLEETPRIDE, maint.	129.57
FOCUS PRINTING, services	505.00
FRAZIER COMPANY, refund	30.00
FREDERICK, JILL, refund	7.95
G I CLEANER & TAILORS, services	257.25
GALE, books	71.22
GCR TIRE CENTERS, supplies	1,002.38
GENUINE PARTS COMPANY, maint.	2,024.21
GRAINGER, bld&grnds	55.84
GREENKEEPER COMPANY, supplies	374.50
HAMILTON COLOR LAB, services	766.64
HANEY SHOE STORE, apparel	120.00
HARTS AUTO SUPPLY, maint.	562.50
HEARTLAND TIRES AND TREADS, supplies	326.76
HERITAGE CRYSTAL CLEAN, services	391.42
HOME DEPOT CREDIT SERVICES, supplies	69.81
HULTBERG, A. supplies	57.58
HUNDEN STRATEGIC PARTNERS, services	4,988.10
HUSKER AUTO GROUP, maint.	47,984.00
ICMA, dues	1,068.12
INDUSTRIAL SALES COMPANY, maint.	47.88
INFOGROUP, cd rom	1,250.00
INLAND TRUCK PARTS, maint.	90.80
INSIGHT PUBLIC SECTOR, supplies	162.82
JOHNSTONE SUPPLY, bld&grnds	107.58
KIMBALL MIDWEST, maint.	173.31
KRIHA FLUID POWER, maint.	274.25
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LEAGUE ASSN OF RISK MGMT, ins.	412.00
LOGAN CONTRACTORS SUPPLY, bld&grnds	149.90
LOU'S SPORTING GOODS, equip.	304.80
LOWE'S CREDIT SERVICES, equip.	59.20
MANAGEMENT ONE, refund	50.00
MENARDS, maint.	357.60
MID CON SYSTEMS, bld&grnds	260.72
MIDWEST TAPE, media	44.99
MIDWEST TURF & IRRIGATION, maint.	108.65
MLB LOGISTICS, supplies	123.43
MNJ TECHNOLOGIES, supplies	976.00
NE ENVIRONMENTAL PRODS, maint.	36,309.49

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NEFF TOWING INC, maint.	200.00
NEFSMA-NE FLOODPLAIN/STORMWTR, training	90.00
OFFICE DEPOT, supplies	547.95
OMAHA COMPOUND, supplies	67.00
OMNI, maint.	683.63
OPPD, utilities	48,571.09
OPPD, utilities	182.59
ORIENTAL TRADING COMPANY, supplies	233.41
OXMOOR HOUSE, books	36.91
PAPILLION SANITATION, services	2,726.19
PARAMOUNT, services	167.10
PERFORMANCE CHRYSLER JEEP, maint.	433.61
PETTY CASH	1,942.57
PETTY CASH	116.10
PLAINS EQUIPMENT GROUP, maint.	983.74
PROTEX CENTRAL, bld&grnds	128.00
QUALITY BRANDS OF OMAHA, supplies	256.20
RAINBOW GLASS & SUPPLY, maint.	189.00
RECREONICS INC ETAL, supplies	132.10
REGAL AWARDS OF DISTINCTION, services	56.34
RICK NELSON PHOTOGRAPHY, services	800.00
ROTELLA'S ITALIAN BAKERY, supplies	113.04
SAM'S CLUB, supplies	2,458.63
SAPP BROS PETROLEUM, supplies	13,348.39
SCHOLASTIC BOOK FAIRS, books	281.73
SOLBERG, C., travel	54.00
STANDARD HEATING AND AIR COND, bld&grnds	169.00
SUPERIOR SPA & POOL, bld&grnds	109.90
TOMSU, L., travel	217.94
TRACTOR SUPPLY CREDIT PLAN, apparel	189.97
TRADE WELL PALLET, bld&grnds	200.00
TRICARE, refund	291.96
TURF CARS, supplies	162.83
UNITED RENT-ALL, rentals	1,052.36
VAL VERDE ANIMAL HOSPITAL INC, services	65.00
VAN RU, services	61.69
VERNON COMPANY, services	2,383.91
VIERREGGER ELECTRIC, services	5,120.00
WASTE MANAGEMENT NE., bld&grnds	381.79
WHITE CAP CONSTR SUPPLY/HDS, equip.	109.34
WICK'S STERLING TRUCKS, maint.	126.79
ZOO BOOKS MAGAZINE, books	25.95

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Crawford. Mayor Kindig reviewed the claims for this period and stated everything was in order. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reported that a meeting had been held prior to the Council Meeting with fireworks applicants in the city.

Public Works Director Soucie reported a section of the street on West Giles Road had been torn out and would be completed as soon as possible, but rain was delaying the project. Soucie also reported that the contractor had started the HVAC work on the overpass.

Assistant Library Director Linhart reported that the library was offering a fine amnesty to those who brought in items for the Food Bank.

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## **B. ANNEXATION OF SANITARY AND IMPROVEMENT DISTRICT #195 (MAYFAIR), MISC. LOTS #1 (MAYFAIR NON-SID LOTS), I-80 BUSINESS PARK 2<sup>ND</sup> ADDITION, TAX LOTS 17 & 18 (17-14-12), MISC. LOTS #2, AND ADJOINING STREET RIGHTS-OF-WAY – FINAL READING**

Mayor Kindig announced that the City Clerk formally complied with the provisions of State Statute Section 16-103(6) for each of the annexations proposed in the three ordinances.

### **1. ORDINANCE – FINAL READING AND ADOPT – SID #195 AND MISCELLANEOUS LOT #1**

City Clerk Buethe read Ordinance No. 1191 entitled; AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (SID NO.195, MAYFAIR, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, LOT 21, MAYFAIR 2<sup>ND</sup> ADDITION, AND OUTLOT "A", MAYFAIR, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick made a motion to approve Ordinance 1191 on its third and final reading. Seconded by Councilmember Sell. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried.

### **2. ORDINANCE – FINAL READING AND ADOPT – I-80 BUSINESS PARK – 2<sup>ND</sup> ADDITION AND TAX LOTS 17 AND 18**

City Clerk Buethe read Ordinance No. 1192 entitled; AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (LOTS 1 AND 2, I-80 INDUSTRIAL PARK 2<sup>ND</sup> ADDITION, A SUBDIVISION IN SARPY COUNTY, NEBRASKA; TAX LOTS 17 AND 18, LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SAID SARPY COUNTY; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Crawford made a motion to approve Ordinance 1192 on its third and final reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried.

### **3. ORDINANCE – FINAL READING TO ADOPT – MISCELLANEOUS LOTS #2**

City Clerk Buethe read Ordinance No. 1193 entitled; AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (TAX LOTS 11 AND 15 LYING WITHIN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; TOGETHER WITH PART OF THE NW 1/4 OF SECTION 17 AND PART OF THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA, FORMER UPRR RIGHT-OF-WAY IN THE NW 1/4 OF SECTION 17, T14N, R12E AND THE NE 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick made a motion to approve Ordinance 1193 on its third and final reading. Seconded by Councilmember Thomas. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried.

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## C. ADOPTION – CIVIC CENTER PARK MASTER PLAN

### 1. PUBLIC HEARING

At 7:14 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Civic Center Park Master Plan. Deloris Sapworth presented the Mayor and Council with the information as originally presented at the joint meeting with the Parks and Recreation Board.

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

### 2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-057; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ADOPT THE LA VISTA CIVIC CENTER PARK MASTER PLAN AS AN AMENDMENT TO THE LA VISTA PARK & RECREATION MASTER PLAN

WHEREAS, the City Council has determined that it is necessary and desirable to adopt the La Vista Civic Center Park Master Plan as an amendment to the La Vista Park & Recreation Master Plan; and

WHEREAS, in 2010 the City Council adopted A Vision Plan for 84<sup>th</sup> Street which proposes the transformation of the golf course in to the La Vista Civic Center Park; and

WHEREAS, the La Vista Civic Center Park would become the centerpiece of the redevelopment of 84<sup>th</sup> Street serving as the key incentive an amenity for future development along the corridor; and

WHEREAS, on August 2, 2011 the City Council authorized the selection of RDG Planning & Design as the consultant to prepare the plan; and

WHEREAS, on August 26, 2011 the project began with a start-up meeting and tour followed by stakeholder meetings, working group meetings, community workshops, City Council workshops, and a joint meeting of the City Council, Park & Recreation Advisory Board, and Planning Commission; and

WHEREAS, on May 15, 2013 the Park & Recreation Advisory Board held a public hearing on the final plan and recommended approval of the plan; and

WHEREAS, on May 16, 2013 the Planning Commission held a public hearing on the final plan and recommended approval of the plan;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby adopt the La Vista Civic Center Park Master Plan as an amendment to the La Vista Park & Recreation Master Plan

Seconded by Councilmember Sell. Councilmember Sell stated that it was a very good plan and was the consensus of the public. Councilmember Sheehan wanted everyone to keep in mind that the public was supportive of the pool until they learned the funding source. Mayor Kindig stated that approval of this plan was not an approval to spend funds and that it may take 20-25 years to complete. City Administrator Gunn stated that by adopting this plan it puts the City in a good position to apply for grants. Councilmember Crawford stated that it is a good plan for grants and done well so that phasing can be completed as funds become available. Councilmember Quick also agreed that it was a good vision for the future. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried.

## D. RESOLUTION - AWARD BID – LILLIAN AVENUE & JAMES AVENUE INTERSECTION RECONSTRUCTION

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Councilmember Quick introduced and moved for the adoption of Resolution No. 13-058; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO SWAIN CONSTRUCTION, INC., OMAHA, NE, FOR CONSTRUCTION OF THE LILLIAN AVENUE & JAMES AVENUE INTERSECTION RECONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$46,287.80.

WHEREAS, the City Council of the City of La Vista has determined that the construction of the Lillian Avenue and James Avenue Intersection Reconstruction is necessary; and

WHEREAS, the FY 12/13 Capital Fund Budget provides funding for this project; and

WHEREAS, the City Council authorized the advertisement of bids for construction of the Lillian Avenue and James Avenue Intersection Reconstruction on May 21, 2013, and

WHEREAS Swain Construction Inc, Omaha, NE, has submitted the low, qualified bid, 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 designate Swain Construction Inc, Omaha, NE as the low qualified bidder for the construction of the Lillian Avenue and James Avenue Intersection Reconstruction, in an amount not to exceed \$46,287.80.

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

## **E. PRESENTATION – NATIONAL CITIZEN SURVEY**

Assistant to the City Administrator Jeff Calentine presented a summary of the 2013 National Citizen Survey. Councilmember Sell commented that the survey was a great way to find the areas the residents are asking the City to work on. City Administrator Gunn added that the information obtained in the Citizen Survey is a good reason to perform the Recreation Study.

## **F. DISCUSSION – MUNICIPAL CODE 95.11 – MAXIMUM NUMBER OF PETS ALLOWED**

Mark Langan with the Nebraska Humane Society addressed the Council and presented information with regard to the maximum number or pets allowed in the different communities in Sarpy County and Omaha. Langan explained that this was in response to a complaint of a resident in La Vista that had more than three dogs, and those residents had asked the City Council to reconsider the number of dogs allowed by code. Langan continued that the Nebraska Humane Society had no concerns with a change in the code as the human society does not experience any larger number of calls in communities that allow three dogs. Langan explained that most owners with more than one dog provide better care for the animals.

Councilmember Quick asked what happens when annexation occurs in areas where home owners have more pets than the ordinance allowed. Langan explained that it was tough but the Human Society worked with those homeowners to find new homes for their pets.

Councilmember Sheehan stated that he was in favor of having 4 of any combination of dogs and cats.

City Administrator Gunn asked about special permits and fees that the City of Omaha has. Langan responded that Omaha residents are allowed up to 3 dogs and 5 cats and with a special permit they are allowed up to 5 dogs and 6 cats but no more than 8 animals total.

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Mayor Kindig asked what the difference was between a special permit and a kennel. Langan stated that kennels allow boarding and that there are no kennels in La Vista.

Mayor Kindig asked what happens when people breed their dogs. Langan stated that in Omaha they would have a breeder permit and have a set amount of time to get rid of the puppies.

Councilmember Sheehan asked if there were different requirements for people who rescue animals. Langan responded that the numbers of animals allowed by code would remain the same.

Councilmember Sell asked if there were any municipalities with spay and neuter requirements.

Councilmember Quick asked about micro chipping of pets. Langan stated that those adopted from the humane society are micro chipped.

Councilmember Thomas stated that the wording in the code is confusing as to whether the maximum number of animals is per residence or per person.

Brenda McBride approached the Council and stated her concern with a 30 day suspension but noted that her animals were spayed and neutered.

Councilmember Crawford stated he would be comfortable with 3 dogs and 4 total animals per residence and clarifying the language.

Councilmember Sheehan is in favor of 4 of any combination dogs and cats and is good with leaving the word harboring in the language.

Councilmember Sell suggested change to 3 of any combination of dogs and cats as opposed to 4.

Councilmember Thomas is fine with up to 3 dogs and a maximum of 4 dogs and cats.

Staff was directed to bring back recommended changes to the municipal code for consideration.

## G. STRATEGIC PLAN UPDATE

City Administrator Gunn presented the Mayor and Council with an update of the Strategic Plan

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

## COMMENTS FROM THE FLOOR

Ken Kendall addressed the Mayor and Council and asked what the status was with building a new and expressed a need for a pool with swim lanes to bring in swim meets which bring around 300 people in Millars. Mayor Kindig stated that there were no plans with regard to a new pool at this time.

## H. EXECUTIVE SESSION —CONTRACT NEGOTIATIONS: PERSONNEL

At 8:27 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 Sell. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 9:08 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember

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

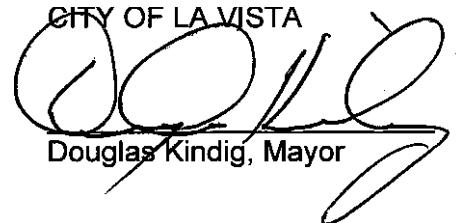
## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell commented on all the good programs at the Library including the recent book fine amnesty day which benefits the food bank. Councilmember Sheehan added that the Library does a good job thinking outside the box.

Mayor Kindig reported that he would be meeting with Mayor Stothert on Wednesday to talk about the potential 911 merger. There will be a governance meeting the week of June 24, 2013.

At 9:10 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Seconded by Councilmember Sell. Councilmembers voting aye: Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan and Ronan. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF JULY, 2013

  
CITY OF LA VISTA  
Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk