

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING September 3, 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 September 3, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Administrator Gunn, City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Finance Director Lindberg, Fire Chief Uhl, Police Chief Lausten, Public Works Director Soucie, Public Building and Grounds Foreman Siebels, Recreation Director Stopak, Library Director Barcal, and City Engineer Kottmann.

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

### SERVICE AWARDS - BRENDA GUNN - 15 YEARS; PAUL SHERRY, JEFF CALENTINE - 5 YEARS

Mayor Kindig recognized Brenda Gunn for 15 years of service to the City and Paul Sherry and Jeff Calentine 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 August 20, 2013 City Council Meeting
3. Pay Request - Thompson, Dreessen & Dorner, Inc - Professional Services - Lillian & James Avenue Intersection - \$1,245.50
4. Pay Request - Felsburg Holt & Ullevig - Professional Services - Giles Road Signal Coordination - \$604.50
5. Pay Request - RDG Planning & Design - Professional Services - Civic Center Park Master Plan - \$2,424.49
6. Pay Request - Swain Construction Inc. - 2013 Storm Sewer Inlet Repairs - \$72,564.68
7. Resolution - Approval - Agreement - PoliceReports.US - On-line distribution of Police Reports

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A 2-YEAR AGREEMENT WITH POLICEREPOR.TS.US FOR THE ON-LINE DISTRIBUTION OF POLICE REPORTS.

WHEREAS, PoliceReports.US currently provides services for law enforcement agencies and municipal governments in 30 states, and

WHEREAS, the Police Chief has recommended partnering with Police Reports.US to distribute incident and accident reports online, and

WHEREAS, the City Council of the City of La Vista has determined that the need exists to provide innovative and efficient services to the citizens of La Vista;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the Mayor and City Clerk be, and hereby are, authorized to execute a 2

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year agreement with PoliceReports.US, Mooresville, North Carolina for the on-line distribution of police reports.

## 8. Approval of Claims

3E-ELECTRICAL ENGINEERING, bld&grnds	1,516.20
ABRAHAMS KASLOW & CASSMAN, services	381.64
ACCO UNLIMITED, maint.	263.00
ACTION BATTERIES, supplies	399.60
AED ZONE, supplies	1,788.00
ALAMAR, apparel	311.74
APPLIED CONCEPTS, maint.	86.93
ARAMARK, services	99.14
ASPHALT & CONCRETE MATERIALS, maint.	756.42
BCDM, services	577.50
BEACON BUILDING, services	6,712.00
BIG RIG TRUCK, maint.	710.00
BISHOPS, supplies	819.78
BLACK HILLS ENERGY, utilities	1,885.62
BO-BO'S BOUNCY TOWN, events	350.00
BOB'S RADIATOR REPAIR, maint.	95.00
BOSTON, J., services	20.00
BRINKMAN, A., refund	60.00
BROWN TRAFFIC PRODUCTS, signs	600.00
BUILDERS SUPPLY, maint.	120.14
CAHILL, K., refund	105.00
CALENTINE, J., travel	457.00
CAVENDISH SQUARE, books	258.33
CELEBRITY STAFFING, services	1,076.74
CENTURY LINK, phone	1,098.99
CENTURY LINK, phone	26.55
CHARLESWORTH & ASSOCS, services	1,550.00
CITY OF OMAHA, services	204,384.15
CIVIC PLUS, services	6,666.66
COCA-COLA BOTTLING, conc.	1,180.40
CONLEY, K., refund	80.00
COX, utilities	227.16
D & D COMM., maint.	695.02
D & K PRODUCTS, supplies	173.61
DECOSTA SPORTING GOODS, supplies	99.26
DIAMOND VOGEL PAINTS, maint.	322.70
DIGITAL ALLY, maint.	119.00
DON'S PIONEER UNIFORMS, apparel	109.99
DULTMEIER SALES & SERVICE, maint.	32.95
EMPLOYEE BENEFIT SYSTEMS, refund	104.63
EXCHANGE BANK, rental	2,364.00
FASTENAL COMPANY, bld&grnds	6.87
FELSBURG HOLT & ULLEVIG, services	18,312.15
FLORATINE CENTRAL TURF PRODS, supplies	315.00
FOCUS PRINTING, printing	340.00
FORT DEARBORN LIFE INS	1,201.00
FRED PETERSON, maint.	45.00
FUTUREWARE DISTRIBUTING, services	299.00
GALLS, equip.	51.47
GASSERT, M., services	598.00
GCR TIRE CENTERS, maint.	99.03
GCR TIRE CENTERS, supplies	1,002.64
GCR TIRE CENTERS, supplies	27.00
GENERAL FIRE & SAFETY, equip.	80.00
GOLDMAN, J., travel	100.00
GOLEY, C., auto	100.00
GREAT WESTERN BANK, bonds	250.00
GREENKEEPER, supplies	949.63

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GUNN, B., travel	57.62
GUNN, B., travel	457.00
HARM'S CONCRETE, bld&grnds	122.50
HARTS AUTO SUPPLY, maint.	281.00
HEARTLAND PAPER, bld&grnds	185.00
HEIMES CORP., maint.	197.38
HELGET GAS, supplies	145.00
HOBBY LOBBY, supplies	75.30
HUNTEL COMM., services	207.73
HUSCH BLACKWELL, services	1,000.00
HUSCH BLACKWELL, services	784.00
HY-VEE, supplies	289.75
INLAND TRUCK PARTS, maint.	34.56
INTERSTATE ALL BATTERY CENTER, equip.	164.25
J & J SMALL ENGINE SERVICE, maint.	142.44
KLINKER, M., services	424.00
KRIHA FLUID POWER, maint.	192.74
L C INDUSTRIES, apparel	1,799.92
LA VISTA FIREFIGHTERS ASSN	6,083.20
LANDPORT, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LAUSTEN, R., travel	386.00
LAW ENFORCEMENT TARGETS, supplies	137.14
LEAGUE OF NEBR, services	1,473.00
LINCOLN NATIONAL LIFE INS	9,728.72
LOGAN CONTRACTORS, maint.	3,230.73
LOU'S SPORTING GOODS, apparel	883.20
LOVELAND GRASS PAD, bld&grnds	69.80
MALLARD SAND & GRAVEL COMPANY, maint.	26.54
MARKOWSKY, T J, auto	100.00
MAT, services	526.00
MATHESON TRI-GAS INC, maint.	314.00
MCC, utilities	16,302.16
MENARDS, bld&grnds	2,037.29
METRO LANDSCAPE MATERIALS , supplies	432.00
METRO YOUTH FOOTBALL LEAGUE, services	1,100.00
MID CON SYSTEMS, maint.	414.18
MIDLANDS LIGHTING & ELECTRIC, maint.	555.96
MIDWEST TURF & IRRIGATION, maint.	108.65
MIRACLE RECREATION EQUIPMENT, maint.	566.80
MLB LOGISTICS, supplies	291.79
MONARCH OIL, maint.	644.00
MUD, utilities	7,476.75
NATIONAL EVERYTHING WHOLESALE, supplies	361.66
NE DEPT OF ROADS, services	11,310.96
NE WELDING, maint.	69.53
NEFF TOWING, maint.	200.00
NEWMAN TRAFFIC SIGNS, signs	3,644.46
NIXLE, services	15,000.00
NOBBIES, supplies	31.93
NUTS AND BOLTS INC., equip.	185.13
ODEY'S INC., bld&grnds	99.95
OFFICE DEPOT, supplies	422.84
OMAHA COMPOUND, supplies	124.50
OMNI, maint.	3,837.01
ONE CALL CONCEPTS, services	468.10
PAPILLION TIRE, maint.	81.55
PARAMOUNT, apparel	15.00
PARAMOUNT, apparel	447.09
PAUL CONWAY SHIELDS, apparel	55.15
PAYFLEX, services	250.00

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PETTY CASH	78.38
PFEIFER, V., auto	100.00
PHYSICIANS MUTUAL, supplies	250.00
PITNEY BOWES, services	204.00
PLAINS EQUIPMENT, maint.	117.21
PREMIER-MIDWEST BEV., supplies	225.10
QUALITY BRANDS, supplies	459.40
RAMIREZ, J., services	20.00
RAMIREZ, R., travel	437.00
READY MIXED, maint.	4,201.67
RETRIEVEX, services	113.40
RIDALL, T., refund	95.00
S & W HEALTHCARE, supplies	150.00
S.I.S. PAINT, sewer	148.36
SAPP BROS, supplies	450.00
SARPY COUNTY DEEDS, services	94.00
SARPY COUNTY, services	3,629.03
SEVENER, C., refund	220.00
SHAMROCK CONCRETE, maint.	6,255.24
SHEPPARD'S BUSINESS, maint.	434.00
SMITH, M., auto	100.00
SMOOTHER CUT, services	1,650.00
SOLBERG, C., travel	281.15
STODOLA, C., refund	70.00
SUPERIOR VISION SVCS INC	407.84
SWANK MOTION PICTURES, rental	471.00
TED'S MOWER, maint.	135.14
THERMO KING, maint.	312.25
THOMPSON DREESSEN & DORNER, services	38,241.16
THOMPSON DREESSEN & DORNER, services	19,073.45
UNDERWRITERS LABORATORIES, services	2,806.45
UPS STORE, services	374.47
UTILITY EQUIPMENT, maint.	115.97
VAIL, A., auto	100.00
VAL VERDE ANIMAL, services	40.80
VAN RU CREDIT CORPORATION	37.70
VAN RU CREDIT CORPORATION	43.13
VERIZON, phone	91.37
VERIZON, phone	175.46
VERIZON, phone	137.83
VIERREGGER ELECTRIC, maint.	3,841.45
WAL-MART, supplies	1,821.50
WESTERN WATERPROOFING, bld&grnds	2,900.00
WHITE CAP CONSTR, maint.	76.00
YOUTH FOR CHRIST	500.00
ZIMCO, bld&grnds	178.00

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe updated the Council on the Council Chambers Update. The bids received came in higher than anticipated and, after review, the Committee has recommended that the bids be rejected as this will allow the City to gain more certainty over our current fiscal situations before moving forward with this project. The committee will further refine the scope of the RFP to find more efficiency while providing the improvements that are needed to the Council Chambers.

Police Chief Lausten thanked public works and outside law enforcement agencies with their help at the sobriety check point. Lausten invited the Mayor and Council to the

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open house for the 10 year anniversary of the Police Station. It will be on September 29 from 2 p.m. to 4 p.m.

Public Works Director Soucie stated 302 tires were received at the tire collection day on August 24. Soucie thanked Council for allowing him to attend the APWA National Conference in Chicago; it was very informative. Soucie informed Council that the Quiet Zone construction is set to begin September 9. There will be a loader at the school on September 13 for an event - 'Vehicle day'.

Recreation Director Stopak stated that the pool season has come to an end and it was a successful season.

Library Director Barcal stated that there was a generous donation of supplies received on August 30<sup>th</sup> from a patron to be used for children's programs at the library.

## **B. 2014-2018 CAPITAL IMPROVEMENT PROGRAM**

### **1. PUBLIC HEARING**

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2014 - 2018 Capital Improvement Program. Assistant City Administrator Ramirez gave an overview of the Capital Improvement Program.

At 7:15 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION – ADOPTION OF 2014-2018 CAPITAL IMPROVEMENT PROGRAM**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2014-2018 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

Mayor Kindig stated that for Agenda Item C the Council will be acting in the capacity of the Community Development Agency. Mayor Kindig also noted a correction in the Council Report that the fiscal impact portion states twenty six cents and should read two point six cents.

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## **C. RESOLUTION - AUTHORIZATION TO LEVY PROPERTY TAX ON BEHALF OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY (ACTION ON THIS ITEM WILL BE TAKEN BY THE LA VISTA COMMUNITY DEVELOPMENT AGENCY)**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-085: A RESOLUTION OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY AUTHORIZING THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA TO LEVY A PROPERTY TAX IN THEIR BEHALF IN THE AMOUNT OF 2.6¢ PER \$100 OF VALUATION FOR THE FISCAL YEAR 2013/14

WHEREAS, The Community Development Agency (CDA) was created through Ordinance 1167 passed by the City Council on February 7, 2012, and

WHEREAS, The Community Development Law provides CDAs the ability to certify, on or before September 20 of each year, to the governing body of the city a tax levy for the succeeding fiscal year, not to exceed 2.6¢ on each \$100 of taxable property in the city, for redevelopment purposes, subject to allocation under Neb. Rev. Stat. Section 77-3443

NOW THEREFORE, BE IT RESOLVED that the La Vista Community Development Agency, does hereby authorize the Mayor and City Council of the City of La Vista to levy a property tax in their behalf in the amount of 2.6¢ per \$100 of valuation for the fiscal year 2013/14.

Seconded by Councilmember Sell. Discussion was held regarding staffs recommendation not to take action at this time and to look at it for future years when there are actually bonds to be issued for a project. Councilmember Quick amended her motion from adoption to tabling this item until a future date. Councilmember Sell seconded the amended motion. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **D. FISCAL YEAR 13/14 MUNICIPAL BUDGET**

### **1. APPROPRIATIONS ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1197 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2013 AND ENDING ON SEPTEMBER 30, 2014; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 1197 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. 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.

### **2. MASTER FEE ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1198 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1185, 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

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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 Quick moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1198 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. 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.

## 3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY

### a. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Increase base of restricted funds authority.

At 7:26 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### b. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2013-14 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2013-14 municipal budget on September 3, 2013; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2013-14 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2013-14 municipal budget by an additional one percent.

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

## 4. SETTING THE PROPERTY TAX LEVY

### a. PUBLIC HEARING

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the property tax levy.

At 7:27 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## b. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-087: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 13/14.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 13/14 property tax request be set at \$6,841,817.00 which would require a mill levy of \$0.55.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and City council of the City of La Vista Nebraska that the property tax to be distributed as follows:

General Fund - \$6,095,437.00 (\$0.49 mill levy)

Bond Fund - \$746,380.00 (\$0.06 mill levy)

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2013.

Seconded by Councilmember Quick. Councilmember Sheehan asked if the tax rate will stay at \$0.55. City Administrator Gunn said that it will. Councilmember Crawford stated that he had met with staff and bus service officials and they are proposing to offer a park n ride with the stops to be determined. With some advertising he said there could be an increase in ridership with a reduced cost to the City. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## D. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO AND PHONE ALLOWANCE

### 1. ORDINANCE - AMEND THE COMPENSATION ORDINANCE

Councilmember Quick introduced Ordinance No. 1200 entitled; AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. 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 Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question, "Shall Ordinance No. 1200 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on

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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.

## **2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCES**

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-088; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY14 municipal budget establishes funds for vehicle and mobile phone allowances for various officers, employees and volunteers of the City and are recommended by the Finance Director and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

<u>Tier</u>	<u>Monthly Vehicle Allowance</u>	<u>Tier</u>	<u>Monthly Phone Allowance</u>
Tier 1	\$20	Tier 1	\$10
Tier 2	\$30	Tier 2	\$20
Tier 3	\$40	Tier 3	\$40
Tier 4	\$50	Tier 4	\$50
Tier 5	\$100	Tier 5	\$60
Tier 6	\$150		

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

## **F. RESOLUTION - NOTICE OF TERMINATION - LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-089; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THAT WRITTEN NOTICE OF TERMINATION BE GIVEN TO THE LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) EFFECTIVE SEPTEMBER 30, 2014.

WHEREAS, the City of La Vista is a member of the League Association of Risk Management (LARM), which is a pool of Nebraska political subdivisions that currently provides the City's property, casualty, liability and workers compensation insurance coverages; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City of La Vista to explore other insurance coverage options; and

WHEREAS, the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management (LARM) provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance; and

WHEREAS, the City's current agreement with LARM requires that said notice of termination be given at least 180 days prior to the desired termination date.

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize that written notice of termination be given to the League Association of Risk Management (LARM) and the Nebraska Director of Insurance effective September 30, 2014.

Seconded by Councilmember Thomas. Mayor Kindig stated that staff is looking at many city contracts this year and this hasn't been looked at since 1995. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **G. DISCUSSION - STRATEGIC GOVERNMENT RESOURCES FEASIBILITY STUDY - PUBLIC WORKS FACILITY - ACCEPT REPORT**

Assistant City Administrator Ramirez reported on the feasibility study for the public works facility stating that the report shows that at this time it would not be in the best interests of the city to do a joint venture in building a public works facility.

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

## **H. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 7:37 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 7:37 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-090; 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 SPECIAL ASSESSMENTS FOR PROPERTY IMPROVEMENTS AT THE LOCATIONS AND IN THE AMOUNTS CITED HEREIN.

WHEREAS, the property owners of

7727 Park View Blvd./Lot 888 La Vista, \$151.21;  
7703 Park View Blvd./Lot 900, La Vista, \$692.35;  
7780 Green Leaf Dr./Lot 210 Granville East, \$317.56;  
10202 Brentwood Dr/Lot 178 Val Vista, \$166.66;  
10204 Brentwood Dr/Lot 177 Val Vista, \$166.66;  
10208 Brentwood Dr/Lot 176 Val Vista, \$166.66;  
10618 Brentwood Dr/Lot 154 Val Vista, \$166.66;  
10216 Brentwood Dr/Lot 175 Val Vista, \$166.66;  
10619 Hillcrest Drive/Lot 2A Val Vista, \$166.66;  
10615 Hillcrest Drive/Lot 3 Val Vista; \$166.66; and  
10611 Hillcrest Drive/Lot 4 Val Vista; \$166.66;

were notified to clean up their properties 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 a bill for said clean up which has 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

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for improvements in the amount and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Hale. Councilmember Crawford asked if there is something we could do to go in and clean up properties before they are so bad. Mayor Kindig asked if there is more we can do. City Administrator Gunn stated that staff will look into this again and report back. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## I. APPROVAL – CLASS D LIQUOR LICENSE – WALMART STORES INC DBA WALMART STORE 3173

### 1. PUBLIC HEARING

At 7:42 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on approval of a Class D liquor license for Walmart Store 3173. The manager Dewey Schager was in attendance to answer questions. Mr. Schager stated that the opening date is November 6, 2013 and the store will be open 24/7. Mayor Kindig asked that they be cognizant of the neighbors when backing up the big trucks between 1 and 6 a.m.

At 7:44 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 13-09; 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 D LIQUOR LICENSE APPLICATION FOR WAL-MART STORES INC DBA WALMART STORE 3173, LA VISTA, NEBRASKA.

WHEREAS, Wal-Mart Stores Inc dba Walmart Store 3173, 9460 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D 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 D Liquor License application submitted by Wal-Mart Stores Inc dba Walmart Store 3173, 9460 Giles Road, La Vista, Sarpy County, Nebraska.

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

## J. APPROVAL – SPECIAL DESIGNATED LICENSE – CUT SPIKE DISTILLERY – BEER GARDEN - SEPTEMBER 21, 2013

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-092; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER, WINE, AND DISTILLED SPIRITS AT A BEER GARDEN, BY CUT SPIKE DISTILLERY, AT HAUNTED HOLLOW, 12501 OLD GILES ROAD ON SEPTEMBER 21, 2013

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WHEREAS, Haunted Hollow, 12501 Old Giles Road is located within the City of La Vista; and

WHEREAS, Cut Spike Distillery has requested approval of a Special Designated Permit to sell and serve beer, wine, and distilled spirits at a beer garden at 12501 Old Giles Road on September 21, 2013 from 7:00 p.m. to 11:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer wine, and distilled spirits at a beer garden, by Cut Spike Distillery, on the property of Haunted Hollow, 12501 Old Giles Road on September 21, 2013.

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

## COMMENTS FROM THE FLOOR

Victor Robb of 7720 Lillian Avenue addressed the Council about a fence he feels the City should put up between his property and the City's property.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig stated that on Friday August 30, La Vista Keno had a 25<sup>th</sup> Anniversary Celebration and there was a nice turnout. The Community Partner award was presented the Rich Bellino at that event. Mayor Kindig also reminded Council that they are welcome to attend a Seniors lunch on September 17 and there will be Senators there.

Councilmember Quick stated that she will not be attending the National League of Cities Conference this year in an effort to show savings in the budget.

At 7:56 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF SEPTEMBER, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk