

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING October 15, 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 October 15, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, 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 Director Archibald, 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 October 2, 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 - LIFE SAVING AWARDS - FIRE LIEUTENANT ADAM ELBERT, FIREFIGHTER JEFF JOHNSON, FIREFIGHTER OLIVER BERGLUND, FIREFIGHTER CHAD LINGEL, FIREFIGHTER TODD MOFFETT

Fire Chief Uhl and Mayor Kindig presented Fire Lieutenant Adam Elbert, Firefighter Jeff Johnson, Firefighter Oliver Berglund, Firefighter Chad Lingel and Firefighter Todd Moffett with Life Saving Pins for their efforts during a rescue call.

### PRESENTATION - EDYTHE MILLER - POLICE CANINE DONATION

Mayor Kindig and Chief Lausten presented a plaque to Edythe Miller for her generous donation to the City to purchase another police canine. The dog, Hart, was present with his handler Officer John Danderand.

### SWEAR IN POLICE OFFICER – MICHAEL BROWN

Mayor Kindig administered the oath to swear in Police Officer Michael Brown and Michael's wife pinned on his badge.

#### A. CONSENT AGENDA

##### 1. APPROVAL OF THE AGENDA AS PRESENTED

##### 2. APPROVAL OF THE MINUTES OF THE OCTOBER 1, 2013 CITY COUNCIL MEETING

##### 3. MONTHLY FINANCIAL REPORT – SEPTEMBER 2013

##### 4. REQUEST FOR PAYMENT - FELSBURG, HOLT & ULLEVIG - PROFESSIONAL SERVICES - HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$4,422.31

##### 5. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. - PROFESSIONAL SERVICES - THOMPSON CREEK PHASE 1 - \$60,198.76

##### 6. REQUEST FOR PAYMENT - UNIVERSITY OF NEBRASKA AT OMAHA - PROFESSIONAL SERVICES - THOMPSON CREEK MONITORING PROJECT PHASE 2 - \$5,721.00

##### 7. APPROVAL OF CLAIMS

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3CMA MEMBERSHIP, dues	390.00
ABE'S PORTABLES, rentals	170.00
ACTION BATTERIES, supplies	53.70
ACUPRESSURE TREATMENT CENTER, refund	75.00
ASPHALT & CONCRETE MATERIALS, maint.	153.79
AUSTIN PETERS GROUP, services	2,520.00
AWWA, training	885.00
BEACON BUILDING SERVICES, services	6,712.00
BIG RIG TRUCK, maint.	204.13
BISHOP BUSINESS EQUIP., services	907.78
BLACK HILLS ENERGY, utilities	1,786.33
BNA, dues	485.00
BO-BO'S BOUNCY TOWN, services	350.00
BUILDERS SUPPLY, bld&grnds	9.67
CALENTINE, J., travel	1,778.52
CARDMEMBER SERVICE, supplies	7,947.07
CAVLOVIC, P., travel	58.00
CELEBRITY STAFFING, services	1,638.33
CENTRAL STATES PETROLEUM, supplies	6,515.25
CENTURY LINK, phone	165.14
CJ'S HOME CENTER, bld&grnds	1,128.06
CONTROL MASTERS INC., bld&grnds	140.00
CORNHUSKER INTL TRUCKS, maint.	13.59
COX, utilities	67.15
DARE CATALOG, supplies	44.00
DXP, maint.	67.79
FELD FIRE, equip.	174.00
FITZGERALD SCHORR BARMETTLER, services	19,751.27
FORT DEARBORN LIFE INS COMPANY	1,447.00
FOSTER, T., travel	58.00
GCR TIRE CENTERS, supplies	685.54
GENUINE PARTS COMPANY, maint.	1,094.55
GOLDMAN, J., travel	51.00
GOLEY, C., auto	100.00
GRAPHIC SCREEN PRINTING, apparel	32.00
GREENKEEPER COMPANY, supplies	158.00
H & H CHEV., maint.	148.32
HANEY SHOE STORE, apparel	120.00
HARM'S CONCRETE, bld&grnds	2,352.00
HEARTLAND AWARDS, apparel	8.00
HERITAGE CRYSTAL CLEAN, services	524.48
HOME DEPOT, maint.	314.83
HOST COFFEE, coffee	47.80
IVERSON, D., apparel	120.00
J Q OFFICE EQUIP., services	49.71
KLINKER, M., services	200.00
KRIHA FLUID POWER, maint.	622.22
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT SYSTEMS, services	125.00
LEAGUE ASSN OF RISK MGMT, ins.	1,508.95
LEAGUE OF NEBR MUNICIPALITIES, training	320.00
LIFE ASSIST, supplies	62.55
LINCOLN NATIONAL LIFE INS CO	9,841.59
LOGAN CONTRACTORS SUPPLY, maint.	486.71
LOWE'S CREDIT SERVICES, supplies	168.94
LUKASIEWICZ, B., travel	212.00
MAGRITZ, W., refund	110.00
MAT, services	566.00
MATHESON TRI-GAS INC, maint.	90.50
MENARDS, supplies	247.62

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MID AMERICA PAY PHONES, phone	50.00
MIDLANDS BUSINESS JOURNAL, dues	140.00
MIDLANDS LIGHTING & ELECTRIC, bld&grnds	137.27
MUD, utilities	228.12
MULHALL'S, supplies	8,997.00
MUNICIPAL PIPE TOOL, maint.	252.38
NEBRASKA LAW ENFORCEMENT, other	80.00
NEFF TOWING, maint.	235.00
NORM'S DOOR SERVICE, bld&grnds	89.00
NUTS AND BOLTS INC., maint.	5.59
OFFICE DEPOT, supplies	484.58
OMAHA WINNELSON, bld&grnds	82.10
ONE CALL CONCEPTS, services	322.95
OPPD, utilities	59,185.15
O'REILLY AUTOMOTIVE STORES, maint.	276.22
PAPILLION LA VISTA SCHL DISTR, revenue	6,690.00
PAPILLION SANITATION, services	946.31
PARAMOUNT LINEN & UNIFORM, apparel	163.73
PERFORMANCE CHRYSLER JEEP, maint.	1,288.02
PETTY CASH	89.62
PFEIFER, V., auto	100.00
PLAINS EQUIPMENT GROUP, maint.	227.27
PLUTA, D., travel	70.00
PRO-PAPILLION RECREATION ORG, dues	360.00
RAINBOW GLASS & SUPPLY, bld&grnds	142.68
READY MIXED CONCRETE COMPANY, maint.	5,307.27
REDBOX AUTOMATED RETAIL LLC, refund	75.00
REDFIELD & COMPANY, supplies	811.77
REPUBLIC NATIONAL DISTR, concessions	69.94
SAM'S CLUB, supplies	321.92
SARPY COUNTY CHAMBER, dues	150.00
SARPY COUNTY COURTHOUSE, services	3,629.03
SARPY COUNTY TREASURER	52,547.15
SCARPA, D., travel	58.00
SCHLEGEL, J., travel	58.00
SHERRY, P., travel	58.00
SHRED-SAFE, services	60.00
SMITH, M., auto	100.00
SOUCIE, J., travel	51.00
STANDARD HEATING AND AIR COND, bld&grnds	412.71
SUPERIOR VISION SVCS INC	391.52
TED'S MOWER SALES & SERVICE, maint.	198.82
THORNBURG, J., travel	212.00
UHE, R., travel	58.00
UNITED DISTRIBUTORS, maint.	71.20
VAL VERDE ANIMAL HOSPITAL, services	99.96
VECTOR SECURITY, refund	25.00
VERIZON WIRELESS, phone	443.78
VIERREGGER ELECTRIC, services	261.25
WASTE MANAGEMENT NE., bld&grnds	419.39
WOODHAVEN COUNSELING, services	680.00
ZOLL MEDICAL CORP., services	3,200.00

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

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## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Fire Chief Uhl informed Council that the part time staff started work on the sixth.

Public Works Director Soucie informed Council that leaf collection day is November 2 and there will also be document shredding that morning.

Library Director Barcal stated that she had attended the state Library Association meeting. Lindsey Tomsu presented at two sessions and Jodi Norton and David Karlson presented on collaboration at a session.

Community Relations Coordinator Beaumont invited council to join in the activities at Halloween Safe Night which will be on October 31 from 5:30-7:00.

### **B. CONDITIONAL USE PERMIT - INDOOR RECREATIONAL FACILITY - LOT 4, I-80 INDUSTRIAL PARK**

#### **1. PUBLIC HEARING**

At 7:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comments on a conditional use permit for an indoor recreational facility located on lot 4 in I-80 Industrial Park. Nick Dafney was present representing the Millard Athletic Association to answer any questions. Councilmember Sheehan asked if this will be a year round operation. Mr. Dafney stated that it would. Councilmember Thomas asked if there will be other organizations using this facility. Mr. Dafney stated that there would not be at this time.

At 7:19 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

#### **2. RESOLUTION**

Councilmember Sheehan introduced and moved for the adoption of Resolution No.13-107; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR MILLARD ATHLETIC ASSOCIATION TO ALLOW FOR AN INDOOR RECREATIONAL FACILITY IN A 40,000 SQUARE FOOT BAY OF A BUILDING ON LOT 4, I-80 INDUSTRIAL PARK.

WHEREAS, Millard Athletic Association, on behalf of property owner 8840 S 137<sup>th</sup> Circle LLC, has applied for a conditional use permit for to allow for an indoor recreation facility within a 40,000 square foot bay of a building on Lot 4, I-80 Industrial Park located at 8840 S 137<sup>th</sup> Circle; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Millard Athletic Association to allow for a conditional use permit for to allow for an indoor recreation facility within a 40,000 square foot bay of a building on Lot 4, I-80 Industrial Park.

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

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## C. LAKEVIEW SOUTH II, REPLAT 5

### 1. PUBLIC HEARING

At 7:20 p.m. Mayor Kindig stated that the public hearing was open for comments on the Lakeview South II, Replat 5. Mark Westergard from E & A Consulting representing the applicant was available to answer questions.

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

### 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-108; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOT 4 LAKEVIEW SOUTH II AND LOT 2 LAKEVIEW SOUTH REPLAT 3, SARPY COUNTY, TO BE REPLATTED AS LOT 1 LAKEVIEW SOUTH II, REPLAT 5, A SUBDIVISION LOCATED IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lot 4, Lakeview South II and Lot 2, Lakeview South Replat 3, Sarpy County, to be replatted as Lot 1, Lakeview South II, Replat 5; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 4, Lakeview South II and Lot 2, Lakeview South Replat 3, Sarpy County, to be replatted as Lot 1 Lakeview South II Replat 5, a subdivision located in the Northeast  $\frac{1}{4}$  of Section 23, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located north of 145<sup>th</sup> Street and Meadows Boulevard, be, and hereby is, approved.

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

## D. CONDITIONAL USE PERMIT - FARM IMPLEMENT SALES AND SERVICE - LOT 1 LAKEVIEW SOUTH II, REPLAT 5

### 1. PUBLIC HEARING

At 7:22 p.m. Mayor Kindig stated that the public hearing was open for comments on a conditional use permit for a farm implement sales and service business on Lot 1 Lakeview South II, Replat 5.

At 7:23 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### 2. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 13-109: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR RETREAT FINANCIAL, LLC TO ALLOW FOR EXPANSION OF FARM IMPLEMENT SALES AND SERVICE ON LOT 1, LAKEVIEW SOUTH REPLAT 5.

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WHEREAS, Retreat Financial, LLC has applied for a conditional use permit for to allow for the expansion of an existing farm implement sales and service, specifically a Bobcat of Omaha dealership on Lot 1, Lakeview South II Replat 5 located on 145<sup>th</sup> Street, North of Meadows Blvd.; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes,

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Retreat Financial, LLC to allow for the expansion of an existing farm implement sales and service, specifically a Bobcat of Omaha dealership on Lot 1, Lakeview South II Replat 5.

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

## **E. APPROVAL OF A CLASS I LIQUOR LICENSE - HARWOOD PIZZA LA VISTA DBA MAMA'S PIZZA LA VISTA**

### **1. PUBLIC HEARING**

At 7:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on an application for a Class I Liquor License for Harwood Pizza La Vista dba Mama's Pizza La Vista. Paula and Jeff Harwood were present to answer questions. Councilmember Sell asked if there was a tentative opening date. Mr. Harwood stated the plan was to be open in the next 3 to 4 weeks.

At 7:25 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### **2. RESOLUTION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-110; 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 HARWOOD PIZZA LA VISTA DBA MAMA'S PIZZA LA VISTA IN LA VISTA, NEBRASKA.

WHEREAS, Harwood Pizza La Vista dba Mama's Pizza La Vista, 8146 South 96<sup>th</sup> 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 Harwood Pizza La Vista dba Mama's Pizza La Vista, 8146 South 96<sup>th</sup> Street, La Vista, Sarpy County, Nebraska.

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

## **F. RESOLUTION - INTERLOCAL AGREEMENT - PAPILLION-LA VISTA SCHOOLS**

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-111; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY OF LA VISTA AND THE PAPILLION – LA VISTA PUBLIC SCHOOL DISTRICT.

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the School District desires to have law enforcement officers available to aid in the education and safety of the children of School District and City; and,

WHEREAS, the City of La Vista believes that the presence and support of a police officer from the La Vista Police Department will be of assistance to the City, the Department, and the School District; and,

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Chief of Police to execute an Interlocal Cooperation Agreement with the Papillion – La Vista Public School District.

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

## **G. RESOLUTION - ESTABLISH NO PARKING ZONES - PORTAL ROAD & 107<sup>TH</sup> STREET**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-112; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING NO PARKING ZONES ON BOTH SIDES OF PORTAL ROAD AND 107<sup>TH</sup> STREET IN DESIGNATED AREAS.

WHEREAS, the Mayor and City Council have determined that "No Parking Zones" are necessary, due to ongoing and future development along Portal Road, to preserve the safe passage of vehicles on Portal Road; and

WHEREAS, the designation of No Parking Zones are in the following locations;

1. On both sides of Portal Road from the west right-of-way line of 96<sup>th</sup> Street to the west right-of-way line of 107<sup>th</sup> Street.
2. On both sides of 107<sup>th</sup> Street from the north right-of-way line of Portal Road to the south right-of-way line of Giles Road.; and

WHEREAS, City Engineer and staff have reviewed the plan and recommend approval,

NOW, THEREFORE, BE IT RESOLVED, that the "No Parking Zones" on both sides of the Portal Road and 107<sup>th</sup> Street on designated areas,

BE IF FURTHER RESOLVED, that the Public Works Department be, and hereby is, authorized to install the appropriate signage designating these "No Parking Zones".

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

## H. RESOLUTION - APPROVAL - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT CONTRACT - THOMPSON CREEK, PHASE VI, PART 2 - WATERSHED RESTORATION

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-113; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) FOR FUNDING FROM EPA SECTION 319 FUNDS FOR ACTIVITIES ASSOCIATED WITH THOMPSON CREEK WATERSHED MANAGEMENT IN AN AMOUNT NOT TO EXCEED \$150,000.

WHEREAS, the City Council of the City of La Vista has determined that said Thompson Creek improvements are necessary; and

WHEREAS, the FY 2013/14 Capital Improvement Program (CIP) has funding budgeted for this project; and

WHEREAS, the grant applications are required in order to seek funding from the Papio-Missouri NRD at the 60% level in their Urban Drainage way Program; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of an Intergovernmental Agreement with the Nebraska Department of Environmental Quality (NDEQ) for funding from EPA Section 319 funds for activities associated with Thompson Creek Watershed Management in an amount not to exceed \$150,000.

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

## I. RESOLUTION - AUTHORIZATION TO PURCHASE HOLIDAY DECORATIONS

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-114; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF EIGHTEEN (18) HOLIDAY DECORATIONS FROM BLACHERE-ILLUMINATION USA INC, CHRISTOPHER ILLINOIS, IN AN AMOUNT NOT TO EXCEED \$13,130.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of the remainder of the holiday decorations for street light poles is necessary, and

WHEREAS, the FY 13/14 Lottery Fund budget provides funding for the proposed purchase, 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 approve the purchase of eighteen (18) holiday decorations from Blacher-Illumination USA Inc., Christopher, Illinois, in an amount not to exceed \$13,130.

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

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## **J. RESOLUTION - COUNCIL POLICY STATEMENT - REMOVAL OF OR BAN AND BAR FROM CITY FACILITIES/PROPERTY**

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-115; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A NEW COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to establish Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a new Council Policy Statement has been prepared regarding the removal and banning and barring of individuals from City property and/or City facilities.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement regarding the removal and banning and barring of individuals from City property and/or City facilities.

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

## **K. RESOLUTION - AMEND PERSONNEL RULES AND REGULATIONS - EMPLOYEE & PERSONNEL DEVELOPMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 13-116; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 13 OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING THE EDUCATIONAL ASSISTANCE PROGRAM.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 13.4 in the manual regarding the educational assistance program be amended to incorporate reimbursement for eligible graduate program classes and prohibit the potential for duplicate reimbursement for the same costs; and

WHEREAS, it is the desire of the City Council to amend Section 13 of the Personnel Policy and Procedures Manual to incorporate the changes to the above listed subsection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed changes to Subsection 13.4 as submitted at the City Council meeting.

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

## **L. POSITION DESCRIPTIONS - UPDATED**

Councilmember Sell made a motion to receive and file the updated position descriptions. Seconded by Councilmember Hale. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

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## **M. ORDINANCE - AMENDMENTS - COMPENSATION ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1206 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.

Assistant City Administrator Ramirez stated the additional change in the ordinance is for the inspectors for their stipend when they get certified in different areas. Councilmember Gowan asked if we pay for their training. Community Development Director stated that we do pay for their training. This stipend is incentive to obtain other certifications in addition to what they are required to have. Councilmember Sheehan asked how many will serve under the Police Record-Office manager position. Police Chief Lausten stated that there would be three people.

Councilmember Sell 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, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1206 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. 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.

## **N. SPECIAL ASSESSMENTS**

### **1. PUBLIC HEARING**

At 7:42 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

At 7:43 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

### **2. RESOLUTION**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-117; 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

10202 Brentwood Dr. /Lot 178 Val Vista, \$168.11;  
10204 Brentwood Dr. /Lot 177 Val Vista, \$168.11;  
10208 Brentwood Dr. /Lot 176 Val Vista, \$168.11;  
10618 Brentwood Dr. /Lot 154 Val Vista, \$168.11;  
10216 Brentwood Dr. /Lot 175 Val Vista, \$168.11;  
10611 Hillcrest Drive/Lot 4 Val Vista, \$168.11;  
10615 Hillcrest Drive/Lot 3 Val Vista; \$168.11; and  
10619 Hillcrest Drive/Lot 2A Val Vista; \$168.11;

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

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

Seconded by Councilmember Hale. Discussion was held regarding clean ups and collection of expenses. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## O. RESOLUTION – APPROVE CHANGE ORDER – LA VISTA QUIET ZONE – CHANGE ORDER 1

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-118; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH TAB CONSTRUCTON COMPANY, OMAHA, NEBRASKA, IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$12,757.45

WHEREAS, the City has determined it is necessary to Nebraska to remove and replace deteriorated pavement below the proposed raised medians, modifications to the pavement widening on 132<sup>nd</sup> Street to accommodate truck turning movements for an existing industrial driveway and to make necessary revisions to signage locations

WHEREAS, these changes are necessary to complete this project; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order with TAB Construction Company., Omaha, Nebraska, in an additional amount not to exceed \$12,757.45..

Seconded by Councilmember Hale. Discussion was held regarding clean ups and collection of expenses. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## COMMENTS FROM THE FLOOR

There were not comments from the floor.

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## COMMENTS FROM MAYOR AND COUNCIL

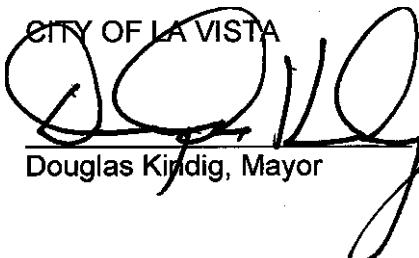
Councilmember Crawford asked that the wording be redone on item K to clarify (6) regarding other funding sources.

Mayor Kindig stated that there was very good feedback on the facilities and areas in La Vista from those that attended the League of Nebraska Municipalities Annual Conference. The bus tour also received positive feedback. LNM thanked the city for hosting this conference.

Mayor Kindig stated that he and Mayor Black will be speaking at the Tax Modernization Committee Hearings in Lincoln and Omaha respectively on Thursday and Friday.

At 7:52 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF NOVEMBER, 2013

  
CITY OF LA VISTA  
Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk