

MINUTE RECORD

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

LA VISTA CITY COUNCIL

MEETING

December 2, 2014

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:05 p.m. on December 2, 2014. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Bueth, Police Chief Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, City Planner Solberg, Recreation Director Stopak, Library Director Barcal, Human Resource Manager Garrod and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on November 19, 2014. 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.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE NOVEMBER 25, 2014 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2013 PARK & RECREATION ADVISORY COMMITTEE
4. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG - PROFESSIONAL SERVICES - HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$4,394.96
5. PAY REQUEST FROM MIDWEST EXCAVATING - CONSTRUCTION SERVICES - CITY HALL BIO BASIN PROJECT - \$21,668.80
6. PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. - PROFESSIONAL SERVICES - 120TH AND GILES ROAD TRAFFIC SIGNAL - \$1,088.24
7. PAY REQUEST FROM THOMPSON, DREESSEN & DORNER, INC. - PROFESSIONAL SERVICES - 124TH AND HARRISON STREET TRAFFIC SIGNAL - \$1,383.90
8. RESOLUTION NO. 14-154 - DEPARTMENT OF ROADS MAINTENANCE AGREEMENT - 84TH STREET - 2015

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AGREEMENT #121 WITH THE NEBRASKA DEPARTMENT OF ROADS FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84TH STREET).

WHEREAS, the Nebraska Department of Roads is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84th Street) which lies within the City of La Vista's corporate boundaries; and

WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Roads for maintenance of that portion of Highway N-85 (84th Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2015 to December 31, 2015.

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9. RESOLUTION NO. 14-155 – APPROVE TOLLING AGREEMENT

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RATIFY AN AMENDMENT OF AN AGREEMENT RELATED TO SECURITY FOR CONFERENCE CENTER FINANCING.

WHEREAS, an amendment to an agreement has been presented to extend the time until January 8, 2015 or thereafter with respect to certain claims and security for La Vista conference center financing and related performance; specifically as related to personal guarantees of John Q. Hammons, individually and as trustee ("Guarantees").

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the agreement, and execution thereof by the City Administrator, in form and content presented at this meeting is hereby ratified, affirmed, authorized and approved ("Amendment").

BE IT FURTHER RESOLVED, that the Mayor, City Administrator or his or her designee shall be authorized to take any further actions on behalf of the City as he or she determines necessary or appropriate to carry out the Amendment or the agreement as modified by the Amendment, or as he or she otherwise determines necessary or appropriate with respect to the Guarantees, conference center financing or other security, including without limitation adopting and executing further amendments extending times for performance under the agreement.

10. APPROVAL OF CLAIMS

4 SEASONS AWARDS, supplies	22.50
ACTION BATTERIES, maint.	13.80
AKSARBEN GARAGE DOOR, maint.	95.00
ALMETEK INDUSTRIES, maint.	1,697.00
ARAMARK UNIFORM, apparel	30.46
BCDM, services	2,057.88
BEACON BUILDING, services	5,812.00
BKD LLP, services	7,800.00
BLACK HILLS ENERGY, utilities	5,718.51
BRIDGESTONE GOLF, supplies	397.98
BUILDERS SUPPLY, maint.	98.59
CENTER POINT PUBLISHING, books	340.32
CENTURY LINK, phones	2,930.48
CENTURY LINK BUSN SVCS, phones	60.57
CITY OF OMAHA, services	150,031.48
COMP CHOICE INC, services	345.50
CONRECO INC., services	165.00
CONSOLIDATED MGMT., services	78.25
CORNHUSKER INTL TRUCKS, maint	216.99
COX COMMUNICATIONS, IT	352.86
D & D COMM., services	315.00
DATASHIELD CORP., services	6.75
DOUBLE K FEED, supplies	42.00
DOUGLAS COUNTY SHERIFF, services	300.00
DULTMEIER SALES, maint.	31.70
DXP ENTERPRISES, maint.	437.97
FEDEX, services	50.88
FIREGUARD INC, supplies	84.88
FITZGERALD SCHORR BARMETTLER, services	21,904.76
FOCUS PRINTING, supplies	7,786.82
GALE, books	122.20
GASSERT, MIKE, services	400.00
GCR TIRES & SERVICE, maint.	368.52
HANEY SHOE STORE, supplies	279.95
HAT-TRAP INC, apparel	276.00

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HERITAGE CRYSTAL CLEAN, maint.	560.60
HOBBY LOBBY, supplies	34.07
HONEYMAN RENT-ALL, supplies	107.91
HOSE & HANDLING INC., bld&grnds	163.10
HOST COFFEE, services	26.85
HSMC ORIZON LLC, services	2,955.00
HY-VEE, supplies	139.76
ICMA-INTL CITY/COUNTY MANAGE, dues	996.06
INDUSTRIAL SALES CO., supplies	21.06
INTERNATIONAL CODE COUNCIL, supplies	122.00
INTERNATIONAL EROSION CONTROL, dues	170.00
J Q OFFICE EQUIPMENT, services	47.16
JOHN F AITA, MD, services	1,500.00
JONI MADSON, refund	170.00
KLINKER, MARK A, services	200.00
KRIHA FLUID POWER CO., maint.	138.57
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT SYSTEMS, IT	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	116.00
LAUSTEN, R., travel	139.84
LIBRARY IDEAS, books	3.00
LOGAN CONTRACTORS SUPPLY, bld&grnds	3.16
LOVELAND GRASS PAD, bld&grnds	939.75
LOWE'S, maint.	739.88
MENARDS-RALSTON, maint.	48.07
MUD, utilities	2,468.56
MICHAEL TODD AND CO., maint.	197.95
MIDWEST FENCE CO., bld&grnds	956.05
MIDWEST TAPE, media	676.55
MILLER PRESS, supplies	375.00
MNJ TECHNOLOGIES, services	1,712.00
MULHALL'S, bld&grnds	797.49
NAT'L EVERYTHING WHOLESALE, supplies	401.48
NCMA-NEBR CITY MGRS, dues	1,050.19
NE MUNICIPAL CLERKS ASSN, dues	35.00
NMC EXCHANGE, bld&grnds	53.41
NUTS AND BOLTS INC., maint.	22.26
OCLC INC, books	117.99
OFFICE DEPOT, supplies	1,144.24
OMAHA COMPOUND CO., bld&grnds	89.00
OMAHA PNEUMATIC EQUIP., bld&grnds	283.64
OPPD, utilities	2,027.43
OMAHA WORLD-HERALD, services	250.60
OMAHA WORLD-HERALD, services	96.20
ONE CALL CONCEPTS, services	359.20
OVERHEAD DOOR CO., bld&grnds	360.00
PARAMOUNT LINEN, apparel	314.16
PATRICIA CATERING, services	1,000.00
PENWORTHY CO., books	978.01
PERFORMANCE CHRYSLER JEEP, maint.	796.30
PETTY CASH	243.88
PITNEY BOWES, postage	204.00
PLAINS EQUIPMENT GROUP, maint.	562.52
POLICE CHIEF'S ASSN OF NEBR, dues	50.00
PROFESSIONAL GROUNDS MGMT SOC, dues	175.00
ROSE EQUIPMENT INC., maint.	500.90
S.I.S. PAINT INC, bld&grnds	309.36

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SARPY COUNTY COURTHOUSE, services	4,083.17
SPRINT, phones	119.97
SRN INC, supplies	2,449.00
STOLLEY, B., services	137.96
TARGET BANK, supplies	61.74
TED'S MOWER SALES, maint.	2.29
THERMO KING CHRISTENSEN, maint.	124.60
UNITE PRIVATE NETWORKS, services	3,850.00
UNITED RENT-ALL, supplies	291.10
USBORNE BOOKS, books	251.41
VAN RU CREDIT CORPORATION	12.31
VERIZON WIRELESS, phones	539.53
VERIZON WIRELESS, phones	171.99
VERIZON WIRELESS, phones	91.45
WAL-MART, supplies	1,267.98
WELLS, DAVID, services	300.00
WHITE CAP CONSTR SUPPLY, apparel	409.95
WICK'S STERLING TRUCKS, maint.	225.19
WINGATE BY WYNDHAM, services	1,169.35
YAHOO A/R, IT	40.00
ZIMCO SUPPLY CO., bld&grnds	802.62

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

Nebraska State Senator Jim Smith was in attendance and gave an update on legislative issues which he will be working on in the new legislative session.

UPDATE - LA VISTA COMMUNITY FOUNDATION ACTIVITIES - LEAH HOINS

Leah Hoins presented an update on the activities of the La Vista Community Foundation.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten informed Council that, due to the extra effort of one of La Vista's police officers, a suspect was apprehended with regard to the UPS package thefts that have been occurring.

Director of Public Works Soucie updated the Council on projects that are going on within the City.

B. ORDINANCE - AMEND COMPENSATION ORDINANCE

Councilmember Hale introduced Ordinance No. 1235 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 Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Crawford seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Frederick, 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1235 be passed

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and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, 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.

C. RESOLUTION – APPROVE AGREEMENT FOR PROFESSIONAL SERVICES – LEO DALY – BUILDING DESIGN

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-156: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF AN AGREEMENT WITH LEO A DALY FOR PROFESSIONAL ARCHITECTURAL, ENGINEERING AND PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, Council has determined that a need exists for additional space at its City Hall facility; and

WHEREAS, the City currently has vacant space available in an existing facility located at 8110 Park View Blvd., adjacent to the existing City Hall facility; and

WHEREAS, discussions have been held regarding the potential of moving the Community Development Department out of City Hall and into this adjacent facility; and

WHEREAS, the vacant space needs extensive renovation in order to make it viable as office and conference space; and

WHEREAS, Leo A Daly completed the City's original Municipal Facilities Plan in 2008 and is familiar with the City's facilities; and

WHEREAS, Leo A Daly has submitted a proposal to provide professional services relative to revising the City's Municipal Facilities Plan and determining space needs and renovation feasibility for this building.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, hereby approves the agreement with Leo A Daly in an amount not to exceed \$10,000 and authorizes the Mayor to execute said agreement.

Seconded by Councilmember Hale. The motion included approval subject to Leo A. Daly allowing the City use of the work product. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

D. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – COUNCIL CHAMBERS TECHNOLOGY UPDATE

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-157: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUESTS FOR PROPOSALS FOR PROFESSIONAL SERVICES TO UPDATE THE TECHNOLOGY OF THE LA VISTA COUNCIL CHAMBERS.

WHEREAS, the Mayor and Council have determined that requesting proposals for professional services to update the technology of the Harold "Andy" Anderson Council Chamber is necessary, and

WHEREAS, the FY 15 Capital Fund Budget provides funding for this project; and

WHEREAS, Proposals will be due January 6, 2015 with the approximate contract award date of January 20, 2015;

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertising of requests for proposals for professional services to update the technology of the Harold "Andy" Anderson Council Chamber.

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

E. RESOLUTION – AUTHORIZE CONTRACT – DIRECTIONAL BORING – PARKS FACILITY

Councilmember Hale introduced and moved for the adoption of Resolution No.14-158: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A CONTRACT WITH TJ CABLE & UNDERGROUND SERVICES, GRETNA, NEBRASKA FOR DIRECTIONAL BORING SERVICES AT THE PARKS FACILITY IN AN AMOUNT NOT TO EXCEED \$7,200.00

WHEREAS, the City Council of the City of La Vista has determined that the directional boring at the parks facility on Hupp Drive is necessary; and

WHEREAS, the FY 15 Capital Fund Budget provides funding for the proposed project; and

WHEREAS, TJ Cable & Underground Services is the company Sarpy County IT contracts with for work, 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 authorize a contract with TJ Cable & Underground Services, Gretna Nebraska in an amount not to exceed \$7,200.00.

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

F. RESOLUTION – APPROVAL TO PURCHASE – MARKED POLICE VEHICLES

Councilmember Crawford introduced and moved for the adoption of Resolution No.14-159: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDDING A CONTRACT TO ANDERSON FORD, LINCOLN, NEBRASKA FOR THE PURCHASE OF TWO (2) 2015 FORD POLICE INTECEPTOR UTILITY VEHICLES ALONG WITH UP-FITTING FROM 911 CUSTOM, OVERLAND PARK, KANSAS, IN AN AMOUNT NOT TO EXCEED \$80,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of new marked police vehicles is necessary, and

WHEREAS, the FY 15 General Fund budget includes funds for proposed purchase, and

WHEREAS, the State of Nebraska did receive bids for 2015 police vehicles, and

WHEREAS, Anderson Ford, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2015 Ford Police Interceptor Utility Vehicle and will extend that price to the City of La Vista, and

WHEREAS, 911 Customs is a highly qualified and specialty emergency vehicle up-fitter, 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.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of two (2) 2015 Ford Police Interceptor Utility Police vehicles from Anderson Ford, Lincoln, Nebraska and up-fitting from 911 Customs, Overland Park, Kansas, in an amount not to exceed \$80,000.

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

G. APPROVAL OF A CLASS D LIQUOR LICENSE – SHAKTI FUELS LLC DBA LA VISTA SINCLAIR

1. PUBLIC HEARING

At 7:50 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the approval of a Class D Liquor License for Shakti Fuels LLC dba La Vista Sinclair. Mualin Patel was in attendance representing the applicant.

At 7:51 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No.14-160: 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 SHAKTI FUELS LLC DBA LA VISTA SINCLAIR IN LA VISTA, NEBRASKA.

WHEREAS, Shakti Fuels LLC dba La Vista Sinclair, 8307 Park View Boulevard, 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 Shakti Fuels LLC dba La Vista Sinclair, 8307 Park View Boulevard, La Vista, Sarpy County, Nebraska.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig thanked all who helped with the Christmas kickoff including Santa's sleigh ride and the tree lighting ceremony.

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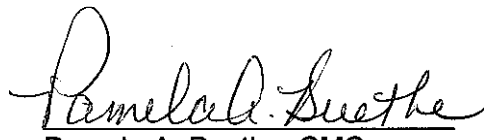
At 7:57 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER, 2014

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk