

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING May 5, 2015

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 May 5, 2015. Present were Councilmembers: Frederick, Ronan, 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, Director of Administrative Services Pokorny, Community Development Director Birch, 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 April 22, 2015. 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.

### **PROCLAMATIONS - BUILDING SAFETY MONTH; NATIONAL POLICE WEEK; NATIONAL PUBLIC WORKS WEEK**

Mayor Kindig read proclamations for Building Safety Month, National Police Week, and National Public Works Week.

### **SERVICE AWARDS - BRIAN LUKASIEWICZ - 15 YEARS; MARK HARDESTY, SHAWN DOOLING - 10 YEARS; NICK JEANETTE - 5 YEARS**

Mayor Kindig recognized Brian Lukasiewicz for 15 years of service to the City of La Vista. Mayor Kindig recognized Mark Hardesty and Shawn Dooling for 10 years of service to the City of La Vista. Mayor Kindig recognized Nick Jeanette for 5 years of service to the City of La Vista.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE MAY 5, 2015 CITY COUNCIL  
MEETING**
- 3. REQUEST FOR PAYMENT - MIDWEST RIGHT OF WAY SERVICES INC. -  
PROFESSIONAL SERVICES - BRENTWOOD CROSSING REDEVELOPMENT  
PROJECT - \$855.00**
- 4. REQUEST FOR PAYMENT - FELSBURG HOLT & ULLEVIG -  
PROFESSIONAL SERVICES - HELL CREEK CHANNEL IMPROVEMENTS -  
PHASE II - \$2,265.00**
- 5. REQUEST FOR PAYMENT - FELSBURG HOLT & ULLEVIG -  
PROFESSIONAL SERVICES - HELL CREEK CHANNEL IMPROVEMENTS -  
PHASE II - \$1,275.00**
- 6. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER INC. -  
PROFESSIONAL SERVICES - THOMPSON CREEK PHASE 1 - \$4,740.16**
- 7. REQUEST FOR PAYMENT - OLSSON ASSOCIATES - PROFESSIONAL  
SERVICES - 96<sup>TH</sup> STREET SIGNAL EVALUATION FROM GILES ROAD TO  
HARRISON STREET - \$3,132.50**
- 8. REQUEST FOR PAYMENT - OLSSON ASSOCIATES - PROFESSIONAL  
SERVICES - 96<sup>TH</sup> STREET SIGNAL EVALUATION FROM GILES ROAD TO  
HARRISON STREET - \$147.50**
- 9. RESOLUTION NO. 15-060 - APPROVE SPECIAL DESIGNATED LICENSE -  
NEBRASKA BREWING CO. - FUNDRAISER - MAY 31, 2015**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A FUNDRAISER AT 6940-6954 S 108<sup>TH</sup> STREET ON MAY 31, 2015.

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WHEREAS, 6940-6954 S 108th Street is located within the City of La Vista; and  
WHEREAS, Nebraska Brewing Company has requested approval of a Special Designated License to serve alcohol at an open house at 6940-6954 S 108<sup>th</sup> Street on May 31, 2015 from 11:00 a.m. to 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Nebraska Brewing Company to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at 6940-6954 S 108<sup>th</sup> Street on May 31, 2015.

## **10. RESOLUTION NO. 15-061 – APPROVE SPECIAL DESIGNATED LICENSE – NEBRASKA BREWING CO. – FUNDRAISER – SEPTEMBER 5, 2015**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT A FUNDRAISER AT 6940-6954 S 108<sup>th</sup> STREET ON SEPTEMBER 5, 2015.

WHEREAS, 6940-6954 S 108th Street is located within the City of La Vista; and  
WHEREAS, Nebraska Brewing Company has requested approval of a Special Designated License to serve alcohol at an open house at 6940-6954 S 108<sup>th</sup> Street on September 5, 2015 from 7:00 a.m. to 6:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Nebraska Brewing Company to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve alcohol at 6940-6954 S 108<sup>th</sup> Street on September 5, 2015.

## **11. APPROVAL OF CLAIMS**

4 SEASONS AWARDS, supplies	\$30.00
A.M. SURPLUS MILITARY STORE, apparel	\$142.80
ACTION BATTERIES, maint.	\$62.86
APWA-AMER PUBLIC WORKS ASSN, services	\$750.00
BADGER BODY, maint.	\$98.00
BAKER & TAYLOR, books	\$19.18
BARONE SECURITY SYSTEMS, services	\$804.00
BEACON BUILDING, services	\$5,812.00
BIRCH, A., travel	\$431.00
BLACK HILLS ENERGY, utilities	\$4,276.10
BRAD J EVERET, services	\$360.00
BRENTWOOD AUTO WASH, maint.	\$77.00
BROWN TRAFFIC PRODUCTS, supplies	\$702.50
BUILDERS SUPPLY CO., supplies	\$450.03
CALENTINE, J., travel	\$2,681.04
CARROT-TOP INDUSTRIES, supplies	\$110.29
CATHERINE DEMES MAYDEW, services	\$2,648.75
CENTER POINT PUBLISHING, books	\$340.32
CENTURY LINK BUSN SVCS, phones	\$60.51
CENTURY LINK, phones	\$215.10
CHRISTINE HOIT, services	\$404.00
CITY OF OMAHA, services	\$40.16
COCA-COLA BOTTLING CO., supplies	\$1,154.00
COMP CHOICE INC, services	\$227.50
CONRECO INC., maint.	\$133.67
CORE PRODUCTS USA, services	\$521.19
COX COMMUNICATIONS, services	\$250.45
D & D COMMUNICATIONS, services	\$35.00
DEARBORN NATIONAL LIFE INS CO., services	\$1,085.00
DEI INC., services	\$100.00
DEMCO INC., supplies	\$240.67

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DOUGLAS COUNTY SHERIFF'S OFC, services	\$225.00
EDGEWEAR SCREEN PRINTING, apparel	\$1,834.95
EMBASSY SUITES HOTEL, services	\$3,660.86
FOCUS PRINTING, services	\$3,069.68
GALE, books	\$188.92
GCR TIRES & SERVICE, maint.	\$16.21
GENERAL SERVICE BUREAU INC, services	\$116.00
GENUINE PARTS CO., maint.	\$1,212.85
GREAT PLAINS GFOA, services	\$300.00
GREENKEEPER CO., supplies	\$274.00
GUNN, B., travel	\$431.00
H & H CHEVROLET LLC, maint.	\$62.60
HARTS AUTO SUPPLY, maint.	\$293.00
HOCKENBERGS, supplies	\$42.09
HOLSTEIN'S HARLEY DAVIDSON, maint.	\$2,806.79
INGRAM LIBRARY SERVICES, books	\$1,263.06
INLAND TRUCK PARTS, maint.	\$37.28
J & J SMALL ENGINE SERVICE, maint.	\$1,041.09
JOCHIM PRECAST CONCRETE, services	\$4,080.00
KIM THOMAS, travel	\$213.00
KLINKER, MARK A, services	\$200.00
KRIHA FLUID POWER CO., maint.	\$49.18
LA VISTA COMM FOUNDATION, services	\$50.00
LANDPORT SYSTEMS INC, services	\$125.00
LIGHT AND SIREN, maint.	\$354.54
LOVELAND GRASS PAD, maint.	\$157.92
MAACO, maint.	\$659.85
MAPA-METRO AREA PLANNING AGN, services	\$30.00
MENARDS-RALSTON, bld&grnds	\$66.39
MERRY MAKERS ASSOCIATION, services	\$1,200.00
METRO LANDSCAPE MATERIALS, services	\$3,150.00
MID AMERICA PAY PHONES, services	\$50.00
MIDWEST TAPE, media	\$56.47
MIDWEST TURF & IRRIGATION, bld&grnds	\$120.53
MOTOROLA SOLUTIONS INC., services	\$76,361.00
MUD, utilities	\$1,862.52
MUNICIPAL PIPE TOOL CO., maint.	\$122.08
NE DEPT OF LABOR, services	\$6,366.76
NE DEPT OF REVENUE, lottery	\$92,526.00
NE LANDSCAPE SOLUTIONS, supplies	\$1,777.88
NEBRASKA AIR FILTER, bld&grnds	\$131.76
NEBRASKA TURF PRODUCTS, supplies	\$1,592.50
NPZA-NE PLANNING/ZONING ASSN, services	\$995.00
NUTS AND BOLTS INC., maint.	\$3.00
OCLC INC, media	\$117.99
OFFICE DEPOT, supplies	\$686.12
OMAHA COMPOUND CO., supplies	\$535.36
OMAHA PRINTING CO., services	\$265.00
OMAHA WORLD-HERALD, services	\$537.66
O'REILLY AUTOMOTIVE STORES, maint.	\$403.79
PARAMOUNT LINEN, services	\$332.46
PATRICK STIBBS, services	\$4,550.00
PERFORMANCE CHRYSLER JEEP, maint.	\$147.75
PERFORMANCE FORD, maint.	\$107.29
PETTY CASH, supplies	\$300.00
PITNEY BOWES INC., supplies	\$204.00
PLAINS EQUIPMENT GROUP, maint.	\$800.32
RAMIREZ, R., travel	\$431.00
REDSHAW PAINT SUPPLY INC, maint.	\$431.42

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RETRIEVEX, services	\$117.10
SAPP BROS PETROLEUM, supplies	\$846.00
SARPY COUNTY CHAMBER, services	\$40.00
SARPY COUNTY COURTHOUSE, services	\$4,083.17
SARPY COUNTY TREASURER, services	\$2,309.50
SHEPPARD'S BUSINESS INTERIORS, supplies	\$197.00
SHRM-SOCIETY FOR HUMAN, services	\$190.00
SIGN IT, supplies	\$5,066.00
SOLBERG, C., travel	\$431.00
SPRINT, services	\$119.97
STANDARD HEATING AND AIR COND, maint.	\$36.70
STOPAK, S., travel	\$431.00
SUTPHEN TOWERS INC., maint.	\$65.13
TARON BALLARD, services	\$60.00
TED'S MOWER, services	\$67.42
TIELKE'S SANDWICHES, supplies	\$132.91
TOTAL MARKETING INC., bld&grnds	\$34.00
TRACTOR SUPPLY, maint.	\$304.93
USBORNE BOOKS & MORE, books	\$126.24
VAN RU CREDIT CORP., services	\$28.86
VERIZON WIRELESS	\$277.78
VIERREGGER ELECTRIC CO., services	\$5,032.75
WAL-MART, supplies	\$1,432.60
WAUGH, B., travel	\$160.00

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Crawford 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.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn thanked the council chambers upgrade committee and all those involved with the upgrade.

Community Relations Coordinator Beaumont gave an update of Salute to Summer festivities.

Police Chief Lausten stated that Brad Rice's appointment to head up the Nebraska State Patrol was confirmed. Lausten stated that the interviews to hire a new 911 Director will be starting soon.

Director of Public Works Soucie gave an update on the current construction projects. Soucie stated that the cleanup days for La Vista on April 24 and 25 was successful.

Recreation Director Stopak invited all to come and play footgolf in the kickoff event on Friday night.

Library Director Barcal informed Council that Assistant Director Norton will be an honorary graduate at the May 16<sup>th</sup> ceremony for PrimRose School. This school visits the library every month for Storytime and to check out books. Barcal stated that there will be a Retirement Transition series at the library in June. The library has been selected for an Eagle Scout project – little free libraries.

## B. ORDINANCE – AMEND COX CABLE FRANCHISE AGREEMENT

Councilmember Hale introduced Ordinance No. 1248 entitled; AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE NONEXCLUSIVE CABLE FRANCHISE AGREEMENT, CERTIFICATE OF FRANCHISE AND COMMUNITY SERVICES AGREEMENT AND PERMIT COX COMMUNICATIONS OMAHA, L.L.C. TO CONTINUE TO OPERATE A CABLE SYSTEM; TO REPEAL CONFLICTING ORDINANCES, PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

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Councilmember Quick 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 Hale. The Mayor then stated the question, "Shall Ordinance No. 1248 be passed 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 – COMMUNICATIONS CABLE & FACILITIES AGREEMENT – CITY OF LA VISTA AND MCLEOD USA TELECOMMUNICATION SERVICES LLC**

Councilmember Hale introduced and moved for the adoption of Resolution No.15-062; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COMMUNICATIONS CABLE AND FACILITIES AGREEMENT TO OCCUPY PUBLIC RIGHTS-OF-WAY WITH MCLEOD USA TELECOMMUNICATION SERVICES, LLC FOR USE OF PUBLIC RIGHTS-OF-WAY WITHIN THE CITY LIMITS FOR INSTALLATION OF COMMUNICATIONS FACILITIES

WHEREAS, the Mayor and City Council find it necessary to have a new agreement setting forth conditions for use of the rights-of-way within the City of La Vista, Nebraska due to McLeod corporate restructuring; and

WHEREAS, a Communications Cable and Facilities Agreement to Occupy Public Rights-of-Way is attached hereto as Exhibit 1 and incorporated herein by reference (the "Agreement"). The Agreement would grant McLeod USA Telecommunication Services, LLC to use public rights-of way in the City of La Vista; and

WHEREAS, the Agreement includes a Statement of Policy and Standard Specifications for Communication Facilities on City Property; and

WHEREAS, the Agreement provides for the installation of communications facilities by McLeod USA Telecommunication Services, LLC subject to certain terms and conditions as set forth in the Agreement;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Agreement is hereby approved and the Mayor and City Clerk are hereby authorized to execute the Agreement with McLeod USA Telecommunication Services, LLC for use of public rights-of-way within the city limits for installation of communications facilities.

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

## **D. RESOLUTION – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT – WESTERN STATES CONTRACTING ALLIANCE, CDW-G & DELL**

Councilmember Thomas introduced and moved for the adoption of Resolution No.15-063; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TECHNOLOGY RELATED ITEMS FROM WESTERN STATES CONTRACTING ALLIANCE (WSCA) CDW-G AND DELL IN AN AMOUNT NOT TO EXCEED \$17,976.33.

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WHEREAS, the City Council of the City of La Vista has determined that the purchase of technology related items is necessary; and

WHEREAS, the FY 2015 Computer Budget provides funding for the proposed Information Technology purchases; and

WHEREAS, Subsection (C) (9) 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 authorize the purchase of technology related items, from Western States Contracting Alliance (WSCA) CDW-G and Dell in an amount not to exceed \$17,976.33.

Seconded by Councilmember Hale. Councilmember Sheehan asked where the new computers would be housed. Director of Administrative Services Pokorny stated that 6 would go to the Library and the rest would go to various departments. This follows the 5 year replacement schedule. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## E. DISCUSSION - 96<sup>TH</sup> STREET TRAFFIC SIGNAL STUDY

Assistant Public Works Director/City Engineer Kottmann presented the traffic signal study to the Mayor and City Council. Discussion was held regarding the recommendation of placement of the signal, timeline for installation, timing of the signal changes, and the requirements of whether an intersection needs to meet warrants before a traffic light can be installed. Kottmann informed the Council that if they choose to put a light at an intersection that has not met the warrants the City takes on the liability should something happen at that intersection.

## F. DISCUSSION - HOLIDAY LIGHTS PROGRAM

City Administrator Gunn gave an overview of the reason for the holiday lights discussion. Mayor Kindig stated this would be a good year to begin with the loss of the big evergreen tree used for tree lighting in the past. Council directed staff to get numbers on the cost of this program. Councilmember Hale would like to see something done at the Golf Course also.

Councilmember Crawford made a motion to move Comments from the Floor ahead of item G. Executive Session. Hale seconded. Councilmembers voting aye: Frederick, 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.

## G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:48 p.m. Councilmember Crawford made a motion to go into executive for protection of the public interest for contract negotiations. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:13 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan asked public works to check to be sure signs are posted at all the parks with the hours they are open so this can be enforced.

Mayor Kindig gave a legislative update.

At 8:26 p.m. Councilmember Hale made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

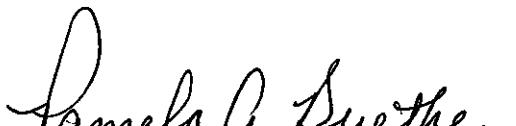
PASSED AND APPROVED THIS 19TH DAY OF MAY, 2015

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk