

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING May 1, 2012

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 1, 2012. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buethe, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Finance Director Lindberg, Recreation Director Stopak, Assistant Public Building and Grounds Director Siebels, City Engineer Kottmann, and Library Director Barcal.

A notice of the meeting was given in advance thereof by publication in the Times on April 18, 2012. 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 made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

PROCLAMATIONS – BUILDING SAFETY MONTH – NATIONAL POLICE WEEK

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

APPOINTMENT – BOARD OF ADJUSTMENTS – JAMES KARNIK

Mayor Kindig stated, with the approval of the City Council, he would like to appoint James Karnik to the Board of Adjustments. Councilmember Sell motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM APRIL 17, 2012
3. PAY REQUEST NO. 4 – MELVIN SUDBECK HOMES, INC. – APPLEWOOD CREEK IMPROVEMENTS PROJECT - \$48,818.76
4. APPROVAL OF CLAIMS
5. RESOLUTION 12-045 – ADVERTISE FOR BIDS – UPGRADE WIRELESS SYSTEM
6. RESOLUTION 12-046 – APPLICATION FOR ADDITION TO LIQUOR LICENSE – PHILLY'S SPORTS BAR AND GRILL
7. RESOLUTION 12-047- APPLICATION FOR ADDITION TO LIQUOR LICENSE – LUCKY BUCKET BREWING COMPANY

BARCAL, R., travel	123.00
GARROD, M., travel	123.00
RAMIREZ, R., travel	123.00
USPS, postage	1509.85
THOMPSON DREESSEN & DORNER, services	9873.00
MELVIN SUDBECK HOMES, services	21698.86
QUALITY BRANDS, supplies	239.60
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
NE DEPT OF REVENUE, taxes	92209.21
ACTION BATTERIES, supplies	407.28
AED ZONE, supplies	157.00
AKSARBEN HEATING/ARS, bld&grnds	250.25
ALAMAR, apparel	244.48

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ARAMARK, apparel	439.90
ASSOCIATED FIRE PROTECTION, supplies	53.50
AUSTIN PETERS GROUP, services	1100.00
AVI SYSTEMS, services	2700.00
BAKER & TAYLOR, books	1091.77
BARCAL, R., mileage	97.13
BARONE SECURITY SYSTEMS, services	804.00
BEACON BUILDING SERVICES, services	6712.00
BETTER BUSINESS EQUIP., lease	53.19
BLACK HILLS ENERGY, utilities	3127.75
BOUNDTREE MEDICAL, supplies	1421.98
BRAKE, A., auto	100.00
BREWER, W., auto	100.00
BUILDERS SUPPLY, bld&grnds	383.69
CAPSTONE, books	1408.73
CEBALLO, M., travel	138.00
CENTER POINT, books	214.50
CENTURY LINK, utilities	1168.70
CITY OF PAPILLION PARKS/RECR, services	50.00
COMP CHOICE, services	437.50
CONSOLIDATED MANAGEMENT, training	185.00
CORNHUSKER MARRIOTT HOTEL, training	278.58
COVENTRY HEALTHCARE NE, refund	718.00
COX, utilities	63.59
D & D COMM., services	1379.00
D & J BEVERAGE, supplies	308.00
DEIML, K., services	810.00
DOUGLAS COUNTY SHERIFF'S, services	312.50
DULTMEIER, maint.	22.20
EDGEWEAR SCREEN PRINTING, apparel	2035.25
ELBERT, A., travel	138.00
ELECTRIC SPECIALTIES, services	120.00
EMERGENCY SERVICES MARKETING, services	650.00
EXCHANGE BANK, lease	695.00
FASTENAL COMPANY, supplies	4.98
FELD FIRE, supplies	1525.00
FIREGUARD, services	1597.50
FITZGERALD SCHORR BARMETTLER, services	29678.00
FLEET US, bld&grnds	2273.00
FOCUS PRINTING, marketing	275.00
FOLLETT SOFTWARE COMPANY, supplies	166.23
FORT DEARBORN LIFE INSURANCE	1337.50
FROEHLICH, R., auto	100.00
FUTUREWARE DISTRIBUTING, services	19.00
GCR TIRE CENTERS, maint.	248.14
GENERAL TRAFFIC CONTROLS, supplies	245.86
H & H CHEV., maint.	138.02
HEARTLAND PAPER, supplies	395.00
HEIMES CORP., maint.	78.35
HELGET GAS, supplies	75.50
HUMMER, B., refund	50.00
INDUSTRIAL SALES, maint.	138.31
J Q OFFICE EQUIPMENT, services	182.89
JIRAK, B., travel	138.00
JONES AUTO., services	1236.00
JONES, T., refund	30.00

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KIMBALL MIDWEST, maint.	164.94
KLINKER, M., services	200.00
LANDPORT SYSTEMS, services	125.00
LERNER PUBLISHING, books	504.65
LOGAN CONTRACTORS SUPPLY, bld&grnds	2841.25
LOVELAND GRASS PAD, maint.	2244.73
LYMAN-RICHEY, bld&grnds	220.28
MANZO, M., refund	200.00
MASTER MECHANICAL SERVICE, bld&grnds	352.00
MATHESON TRI-GAS, maint.	163.74
MCCANN PLUMBING, bld&grnds	216.95
METRO LANDSCAPE, supplies	5320.00
MUD, utilities	1995.12
MICHAEL TODD, maint.	297.00
MID AMERICA PAY PHONES	50.00
MIDWEST TAPE, maint.	21.24
MIDWEST TURF & IRRIGATION, maint.	191.05
NE DEPT OF LABOR-WORKFORCE DEV	2562.00
NEBRASKA ENVIRONMENTAL PRODS	22900.00
NE GOLF COURSE, training	35.00
NE SOFTBALL ASSN DIST#10, services	1608.00
NE TURF PRODUCTS, supplies	1368.75
NEXTEL SPRINT COMMUNICATIONS	385.71
NEXTEL SPRINT COMMUNICATIONS	208.36
NMC EXCHANGE, maint.	131.07
NUTS AND BOLTS, maint.	112.24
OCLC, books	28.40
ODB COMPANY, maint.	315.47
OFFICE DEPOT, supplies	396.84
OFFUTT YOUTH CENTER, services	1440.00
OMAHA COMPOUND, supplies	99.92
OMAHA WINNELSON, maint.	157.29
OMB GUNS, apparel	82.50
OMNI, maint.	2776.31
ORIENTAL TRADING, supplies	139.50
PAPILLION TIRE, maint.	162.30
PARAMOUNT LINEN & UNIFORM, services	160.83
PAYFLEX SYSTEMS, services	250.00
PAYLESS OFFICE, supplies	111.90
PENWORTHY COMPANY, books	1185.39
PERFORMANCE CHRYSLER JEEP, maint.	2011.56
PETTY CASH	60.62
PETTY CASH	165.49
PFEIFER, V., travel	138.00
PITNEY BOWES, supplies	204.00
PLAINS EQUIPMENT GROUP, maint.	1426.19
RAINBOW GIRLS SOFTBALL LEAGUE	2500.00
RALSTON ADVERTISING	537.00
READY MIXED CONCRETE, bld&grnds	1822.00
REGAL AWARDS, services	50.30
RETRIEVEX, services	86.58
SAFARILAND, supplies	77.78
SARPY COUNTY CHAMBER, services	30.00
SARPY COUNTY COURTHOUSE, services	3479.89
SCHOLASTIC LIBRARY PUBLISHING, books	154.75
SHRED-SAFE, services	30.00
SOLBERG, C., travel	176.18

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SOUTHEAST AREA CLERK'S, dues	20.00
SPRINT, phone	119.97
SPRINT, phone	62.25
STATE STEEL, maint.	72.20
SUPERCO SPECIALTY PRODUCTS, supplies	313.05
SUPERIOR VISION SVCS INC	440.96
TARGET, supplies	42.59
TED'S MOWER, maint.	117.96
THOMAS E STEVENS & ASSOCS, services	3000.00
TORNADO WASH, services	80.00
UPS, services	100.57
VAIL, A., auto	100.00
VERIZON, phone	95.78
VERIZON, phone	111.95
WAL-MART, supplies	1051.40
WASTE MANAGEMENT NE, services	537.89
WHITE CAP CONSTR SUPPLY/HDS, maint.	60.62
WPS MEDICARE, refund	230.33
ZIMCO SUPPLY, bld&grnds	5789.85

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Sheehan. Councilmember Carlisle reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Public Works Director Soucie reported that the recycling and clean up days were a success.

Community Development Director Birch gave an update on the items being repaired at the vacant home located at 7727 Park View Blvd.

Recreation Director Stopak reported that the Kite Flying Festival would be held on May 6, 2012. Stopak also reported that a grant was received for Sun Safety Education and that work to open the pool for the 2012 summer had begun.

B. CONDITIONAL USE PERMIT – AUTOMOTIVE REPAIR SERVICES – TAX LOT 18, SECTION 17-14-12 HARRY ANDERSON AVE AND HARRISON

1. PUBLIC HEARING

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit.

John Wojitila of Zaremba Group gave an overview of the project and stated that no vehicle repairs would be done on site. This will be a regional claims office and create several jobs.

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

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 12-048; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR AUTOMOTIVE REPAIR SERVICES ON TAX LOT 18, SECTION 17-14-12, SARPY COUNTY, NEBRASKA.

WHEREAS, Dearborn Land Development, LLC, has applied on behalf of the property owner, Harrison I-80, LLC, for a conditional use permit for automotive repair services on Tax Lot 18, Section 17-14-12, Sarpy County, Nebraska; and

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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, subject to the following conditions:

1. Successful resolution of the following final design review issues:
 - a. Approval of the updated landscape plan.
 - b. Provision of acceptable brick samples.
 - c. The back entry feature is called to be painted. A continuation of the prefinished metal is recommended for longevity.
 - d. Building-mounted light fixture cuts need to be reviewed and approved.
2. Completion of a Wastewater Service Agreement modification with the City of Omaha that includes Tax Lots 17 and 18.

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 with this Resolution, subject to such modifications as approved by the City Administrator and satisfaction of the conditions listed in the last recital above.

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

C. RESOLUTIONS – INTERLOCAL AGREEMENT – IT SERVICES

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-049: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF A TWO (2) YEAR EXTENSION OF THE INTERLOCAL COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR INFORMATION TECHNOLOGY SERVICES.

WHEREAS, the City Council has determined that a need exists to contract for Information Technology Services; and

WHEREAS, Sarpy County has the resources and technology to provide said Information Technology Services; and

WHEREAS, Sarpy County has been an integral part of the IT Strategic Plan projects and the continuity of services is important for accomplishment of some larger IT Strategic Plan projects;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal agreement between Sarpy County and the City of La Vista regarding Information Technology Services for the City of La Vista two (2) year extension until June 30, 2014 is hereby approved subject to review by the City Attorney as to form, and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

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

D. RESOLUTION – MUTUAL AID AGREEMENT – NEBRASKA WARN

Councilmember Gowan introduced and moved for the adoption of Resolution No. 12-050; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A MUTUAL AID AGREEMENT FOR A PROGRAM KNOWN AS NEBRASKA WARN.

WHEREAS, the City desires to enter into a Mutual Aid Agreement for a Water and Wastewater and Stormwater Mutual Aid Program known as Nebraska WARN; and

WHEREAS, the Mutual Aid Program provides a method whereby water, wastewater, and stormwater departments sustaining physical damage from natural or man-made

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disasters can obtain emergency assistance, in the form of personnel, equipment, and materials and other associated services necessary from other water, wastewater, and stormwater departments; and

WHEREAS, the Mutual Aid Agreement shall remain effective until January 31, 2058 or until such time as the City would give written notice of termination of participation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute a Mutual Aid Agreement for a water and wastewater and stormwater mutual aid program known as Nebraska WARN.

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

D. RESOLUTION – AUTHORIZATION TO LEASE – GOLF CARS

Councilmember Quick introduced and moved for the adoption of Resolution No. 12-051; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE LEASE-TO-OWN OF FIVE ELECTRIC CLUB CAR GOLF CARS FOR LA VISTA FALLS GOLF COURSE FROM EXCHANGE BANK, KEARNEY, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$17,520.00 OVER 42 MONTHS.

WHEREAS, the City Council has deemed that a need exists to purchase additional golf cars for La Vista Falls Golf Course; and

WHEREAS, the City did appropriate funds in the FY 11/12 Golf Fund budget for said lease-to-own; and

WHEREAS, the Finance Director and Golf Course Manager have obtained suitable financing for this lease through Exchange Bank, Kearney, Nebraska; 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 lease-to-own agreement for five Electric Club Car Golf Cars for La Vista Falls Golf Course from Exchange Bank, Kearney, Nebraska, in an amount not to exceed \$17,520.00 and in form and content satisfactory to the City Administrator.

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

F. DISCUSSION – FIELD USAGE FEES

Recreation Director Stopak gave an overview of the background of the Field Usage Fees in the City of La Vista to the Council. The current cost to use the fields is \$40.00. The revenue generated from these fees does not cover current expenses related to the fields.

Brian Sparks of the Panthers addressed the Council and stated that the Panthers would like to see the City of La Vista charge the same fees as Papillion and offer teams like Papillion. Mayor Kindig stated that La Vista has recreation programs where the city of Papillion offers other choices. Kindig stated that the Parks and Recreation Board reviewed doing something similar to Papillion two years ago, but the Panthers chose not to participate for three main reasons: that the Recreation Department would select the coaches, concerns about sponsorships and the 501C3 status, and the identity of the team. Sparks stated that the Panthers still have those concerns as well as not wanting to be recognized as a recreation team. Lisa Vetter with the Panthers stated that they would like the city to offer both a recreation league and a competitive league.

Councilmember Sheehan stated that the Panthers have made a conscious decision to stay separate from the City Recreation Department and need to pay the extra fees. Councilmember

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Ellerbeck stated that the Recreation Department can help the group, but can't support a select team. Councilmember Crawford stated that possibly a slight fee increase could happen since most players and coaches are from La Vista. Councilmember Ronan stated that we are giving the youth a chance to play if they don't play select.

Discussion continued about the possibility of Recreation Teams and Select Competitive Teams as well as leaving the fees as is or lowering slightly. With multiple types of teams the discussion of practice times and tournaments was also addressed. Council determined that staff would address all issues and bring this back to the Council. The Panthers will be informed when this will be on an agenda in the future..

COMMENTS FROM THE FLOOR

Lisa Vetter informed the Mayor and Council that a benefit tournament for Randy Cahill will be held May 4th and 5th, 2012.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig expressed a need for the Council to create a policy to not allow smoking in the parks and sport complexes by the bleachers and teams. Councilmember Quick asked if alcohol was allowed and Recreation Director Stopak stated it is already posted alcohol is not allowed on signs in the parking lot. Councilmember Gowan stated he supports the no smoking policy.

At 8:33 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF MAY, 2012.

CITY OF LA VISTA

Douglas Kindig
Mayor

ATTEST:

Mandy Garrod
Deputy City Clerk

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