

**LA VISTA CITY COUNCIL
MEETING
January 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 January 2, 2012. Present were Councilmembers: Gowan, Ronan, Sheehan, Carlisle, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueth, Finance Director Lindberg, Police Captain Pokorny, Fire Chief Uhl, Public Works Director Soucie, City Planner Solberg, Assistant Public Building and Grounds Director 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 January 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.

SWEAR IN POLICE OFFICER – STUART NADGWICK

Mayor Kindig administered the oath to swear in Police Officer Stuart Nadgwick and Captain Pokorny pinned on his badge.

**APPOINTMENTS – PLANNING COMMISSION – RE-APPOINT MICHAEL CIRCO – 3
YEAR TERM**

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Michael Circo to the Planning Commission for a three year term. Councilmember Sell motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick Hale, Sell. 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 JANUARY 2, 2013

3. APPROVAL OF CLAIMS

AAT, bld&grnds	980
ACTION BATTERIES, supplies	269.95
APWA-AMER PUBLIC WORKS ASSN, services	624.55
ARPS SALES & SERVICE, maint.	145.88
ASCAP, services	320
AUTO GLASS TINT, maint.	150
BABER, B., travel	396
BAKER & TAYLOR, books	2,032.36
BARCAL, R., travel	284
BARONE SECURITY SYSTEMS, services	120
BCDM, services	1,312.50
BLACK HILLS ENERGY, utilities	1,254.21
BOLD OFFICE SOLUTIONS, services	1,740.00
BOUND TREE MEDICAL, supplies	121.06
CAPSTONE, books	20.49

CARDMEMBER SERVICE, supplies	7,570.53
CENTER POINT PUBLISHING, books	257.04
CENTURY LINK BUSN SVCS, phone	57.15
CENTURY LINK, phone	48.86
CHILD'S WORLD INC., books	746.1
CITY OF OMAHA, services	672.24
CITY OF OTTAWA, senior donation	175
CJ'S HOME CENTER, maint.	601.83
COLIBRI SYSTEMS, books	2,069.00
COMP CHOICE, services	1,050.00
CONSTRUCTION EXAM CENTER, training	750
CONTINENTAL RESEARCH, maint.	199.54
COX, utilities	317.83
CRANE, R., training	126
CREW OMAHA METRO, dues	285
DANIELSON/TECH SUPPLY, bld&grnds	352.7
DARE CATALOG, supplies	941.15
DITCH WITCH, maint.	306.69
DON'S PIONEER UNIFORMS, apparel	119.95
DOUGLAS COUNTY SHERIFF, services	205
EASTERN NE SOCCER ASSN, registrations	350
EBSCO SUBSCRIPTION SERVICES, books	6,300.65
EDGEWEAR SCREEN PRINTING, apparel	94.25
FELD FIRE, apparel	123
FERRELLGAS, utilities	202.48
FILTER CARE, maint.	16.3
FIREGUARD, maint.	447.29
GALE, books	303.91
GENERAL FIRE & SAFETY, services	2,726.00
GLENDALE PARADE STORE, supplies	180
GRAINGER, supplies	498.75
GREAT PLAINS UNIFORMS, apparel	41.5
HANEY SHOE STORE, apparel	347.95
HARM'S CONCRETE, maint.	660
HARTS AUTO SUPPLY, maint.	564.5
HEARTLAND AWARDS, apparel	33.75
HEARTLAND TIRES AND TREADS, supplies	522.16
HEIMES CORP., maint.	40.69
HELGET GAS, supplies	94
HOTSY EQUIP., bld&grnds	1,817.88
HUNTEL, phone	154.47
ICSC, dues	50
IIMC, dues	145
JOE'S TOWING & REPAIR, maint.	81
KIMBALL MIDWEST, maint.	288.49
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LEARNER PUBLISHING GROUP, books	104.88
LIBRARY ADVANTAGE, supplies	345
LIBRARY IDEAS, media	8
LIFE ASSIST, supplies	368.9
LOGAN CONTRACTORS SUPPLY, maint.	5,843.89
LOWE'S CREDIT SERVICES, bld&grnds	161.61
MAPA, services	18,186.00
MATHESON TRI-GAS, equip.	750
MERRYMAKERS, services	1,125.00
MID AMERICA PAY PHONES, phones	50
MID CON SYSTEMS, maint.	285.37
MID-IOWA SOLID WASTE EQUIP, sewer	1,828.60
MIDWEST SERVICE AND SALES, supplies	1,674.18
MIDWEST TAPE, media	1,270.74
MOORE, D., refund	60

MOTOROLA SOLUTIONS, equip.	28,259.00
NATIONAL SIGN AND SIGNAL, supplies	112.94
NE IA INDL FASTENERS, maint.	1.22
NEGOLF COURSE SUPER., dues	125
NEX TRAQ, services	2,133.20
NLA LEGISLATIVE DAY, training	30
NMC EXCHANGE, maint.	23.32
OCLC, books	32.3
OFFICE DEPOT, supplies	333.19
O'KEEFE ELEVATOR COMPANY, services	1,009.22
OLD NEWS, books	17
OMAHA AEYC, training	55
OMAHA PUBLIC LIBRARY, books	17.95
OMNIGRAPHICS, books	81.85
OPPD, utilities	43,553.33
OVERHEAD DOOR, supplies	56
PAPILLION SANITATION, services	304.11
PERFORMANCE FORD, maint.	39.99
PLAINS EQUIPMENT GROUP, maint.	638.52
PPE INC., training	200
PUBLIC AGENCY TRAINING COUNCIL, training	550
QUALITY AUTO REPAIR & TOWING, maint.	245
QUILL CORP., supplies	228.2
RALSTON COSTUME, events	45
RECLAIM YOUR SPACE, programming	75
RECORDED BOOKS, media	1,085.10
REGAL AWARDS OF DISTINCTION, awards	356.9
REILING, S., refund	22.79
ROURKE PUBLISHING, books	268.9
SALEM PRESS, books	501.5
SAM'S CLUB, supplies	577.11
SAPP BROS, supplies	28,188.24
SCHOLASTIC LIBRARY, books	364
SEAT COVER CENTER, maint.	325
SHERWIN-WILLIAMS, bld&grnds	471.84
SMOOTHER CUT, services	990
STATE STEEL OF OMAHA, maint.	352.03
SUBURBAN NEWSPAPERS, books	40
TED'S MOWER SALES & SERVICE, maint.	698.78
TEUSCHER, C., services	250
ULTRAMAX, supplies	687
USI EDUCATION/GOVT SALES, supplies	286.19
VERIZON, phone	411.96
VIERREGGER ELECTRIC, bld&grnds	1,190.20
WAL-MART, supplies	1,227.09
WASTE MANAGEMENT NE., bld&grnds	256.59
WORLD BOOK, books	819
ZOLL MEDICAL, supplies	359.24

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reported that funding was in the budget for the upgrade of the audio and visual in the Council Chambers and a committee has been created to work on this.

City Clerk Buethe stated that 8 applications were received to host stands for fireworks sales in July 2013.

Police Captain Pokorny reported that Officer Danderand, as part of a Sarpy County Contingency, would be marching in the President's Inaugural Procession.

Library Director Barcal reported that the Teen Program was currently writing reviews on books to determine a list of Top Ten books to read.

B. ORDINANCES – AMEND MUNICIPAL CODE

1. ORDINANCE – AMEND SECTION 113.01 AND 113.02 – OCCUPATION TAX – PURPOSE AND AMOUNTS

Councilmember Gowan introduced Ordinance No. 1187 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 113.01 AND 113.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale and Sell. The following voted nay: None. The following were 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 Gowan. The Mayor then stated the question, "Shall Ordinance No. 1187 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale and Sell. The following voted nay: None. The following were 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. ORDINANCE – AMEND SECTION 132.02 – INTERFERING WITH OFFICER/CITY OFFICIAL

Councilmember Sell introduced Ordinance No. 1188 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 132.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan 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: Gowan, Ronan, Sheehan, Crawford, Quick, Hale and Sell. The following voted nay: None. The following were 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 Gowan. The Mayor then stated the question, "Shall Ordinance No. 1188 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale and Sell. The following voted nay: None. The following were 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 – AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT –
WESTERN STATES CONTRACTING ALLIANCE, CDW-G & DELL**

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-002; 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 \$34,000.

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 2012/13 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 \$34,000.

Seconded by Councilmember Sell. Councilmember Sheehan asked how many computers were being replaced. Finance Director Lindberg stated that the computers that were being replaced were purchased between 2005 and 2007 and would be sold on a surplus sale. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

D. RESOLUTION – PURCHASE OF A 4X4 PICKUP TRUCK

Councilmember Crawford introduced and moved for the adoption of Resolution No. 13-003; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2013 4X4 CHEVROLET SILVERADO 2500HD PICKUP TRUCK FROM HUSKER AUTO GROUP, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$47,984.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a new pickup truck is necessary, and

WHEREAS, the FY 12/13 General Fund budget does include funds for the purchase of said vehicle, and

WHEREAS, the truck is being purchase off the State of Nebraska Contract #13401 OC, and

WHEREAS, Husker Auto Group, Lincoln Nebraska, was awarded the state bid for Nebraska for the 2013 4X4 Chevrolet Silverado 2500HD pickup and will extend that price to the City of La Vista, 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 authorize the purchase of one (1) 2013 4X4 Chevrolet Silverado 2500HD pickup truck from Husker Auto Group, Lincoln, Nebraska in an amount not to exceed \$47,984.

Seconded by Councilmember Sell. Councilmember Crawford asked if the warranty was 5 years or 100,000 miles on the power train and 3 years or 36,000 miles on everything else. Public Works Director Soucie responded that was correct. Councilmember Sheehan asked if this would include the toolbox and Soucie responded No. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

**E. RESOLUTION – RECEIVE AND FILE NOTICE AND DECLARE A VACANCY –
CITY COUNCILMEMBER – WARD 1**

Councilmember Sell made a motion to receive and file the notice and declare a vacancy for a City Councilmember in Ward 1. Seconded by Councilmember Quick. Mayor Kindig informed the Council that he has been doing interviews and that he hopes to have a candidate by the next meeting. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

F. STRATEGIC PLAN UPDATE

City Administrator Gunn presented updates on the Strategic Plan. Gunn pointed out that discussions are continuing on the redevelopment plan for Vision 84, and that in March a joint meeting will be held to continue discussing the Park Plan. Gunn continued that the Thompson Creek Project was awarded \$150,000 by the DEQ with an additional \$100,000.00 match by the NRD Urban Drainageway Fund Grant. Gunn pointed out that the Social Media policy had been adopted and Social Media sites were launched. Gunn continued that progress was being made in planning updates to the audio and visual in the Council Chambers. Gunn stated that the new Holiday Lights were showing some water damage issues and that she would keep the Council apprised of any repairs or warranty replacements to the lights. Gunn pointed out that the Employee Focus group preformed a benefits survey with City Employees and used that information to determine the changes in benefits in 2013 and still stayed within the budget. Gunn continued by stating that meetings had been held to receive feedback about the pay for performance program and that the program was still in progress to make improvements from that feedback. Gunn also stated that a 360 degree evaluation would be piloted on the City Administrator and then determined how to use throughout the organization. Gunn also pointed out that the Department Heads were working on a Leadership Philosophy to be presented in the near future.

Councilmember Gowan made a motion to move Comments from the Floor up on the agenda ahead of Item G Executive Session. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, 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; LITIGATION

At 7:24 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for contract negotiations and litigation. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, 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 8:25 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated he would like to see comments on the swimming pool stay out of the media. The Mayor stated he had made comments.

Councilmember Sell thanked Public Works Director Soucie and staff for removing the holiday lighting and banners in a timely manner.

Mayor Kindig gave an update on the current legislative session, noting that Senator Kist was presenting a bill on Occupation Taxes, Senator Adam was elected Speaker of the House and that the Incentive Bill presented by Senator Harr may be combined with the Crossroads bill.

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At 8:32 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF FEBRUARY, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk