

MINUTE RECORD

A.2

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

LA VISTA CITY COUNCIL MEETING September 3, 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 September 3, 2013. Present were Councilmembers: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Administrator Gunn, City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buehe, Community Development Director Birch, Finance Director Lindberg, Fire Chief Uhl, Police Chief Lausten, Public Works Director Soucie, Public Building and Grounds Foreman 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 August 21, 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.

SERVICE AWARDS - BRENDA GUNN - 15 YEARS; PAUL SHERRY, JEFF CALENTINE - 5 YEARS

Mayor Kindig recognized Brenda Gunn for 15 years of service to the City and Paul Sherry and Jeff Calentine for 5 years of service to the City.

A. CONSENT AGENDA

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the August 20, 2013 City Council Meeting
3. Pay Request - Thompson, Dreessen & Dörner, Inc - Professional
Services - Lillian & James Avenue Intersection - \$1,245.50
4. Pay Request - Felsburg Holt & Ullevig - Professional Services - Giles
Road Signal Coordination - \$604.50
5. Pay Request - RDG Planning & Design - Professional Services - Civic
Center Park
Master Plan - \$2,424.49
6. Pay Request - Swain Construction Inc. - 2013 Storm Sewer Inlet Repairs -
\$72,564.68
7. Resolution - Approval - Agreement - PoliceReports.US - On-line
distribution of Police Reports

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A 2-YEAR AGREEMENT WITH POLICEREPORTS.US FOR THE ON-LINE DISTRIBUTION OF POLICE REPORTS.

WHEREAS, PoliceReports.US currently provides services for law enforcement agencies and municipal governments in 30 states, and

WHEREAS, the Police Chief has recommended partnering with Police Reports.US to distribute incident and accident reports online, and

WHEREAS, the City Council of the City of La Vista has determined that the need exists to provide innovative and efficient services to the citizens of La Vista;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the Mayor and City Clerk be, and hereby are, authorized to execute a 2

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GUNN, B., travel	57.62
GUNN, B., travel	457.00
HARM'S CONCRETE, bld&grnds	122.50
HARTS AUTO SUPPLY, maint.	281.00
HEARTLAND PAPER, bld&grnds	185.00
HEIMES CORP., maint.	197.38
HELGET GAS, supplies	145.00
HOBBY LOBBY, supplies	75.30
HUNTEL COMM., services	207.73
HUSCH BLACKWELL, services	1,000.00
HUSCH BLACKWELL, services	784.00
HY-VEE, supplies	289.75
INLAND TRUCK PARTS, maint.	34.56
INTERSTATE ALL BATTERY CENTER, equip.	164.25
J & J SMALL ENGINE SERVICE, maint.	142.44
KLINKER, M., services	424.00
KRIHA FLUID POWER, maint.	192.74
L C INDUSTRIES, apparel	1,799.92
LA VISTA FIREFIGHTERS ASSN	6,083.20
LANDPORT, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LAUSTEN, R., travel	386.00
LAW ENFORCEMENT TARGETS, supplies	137.14
LEAGUE OF NEBR, services	1,473.00
LINCOLN NATIONAL LIFE INS	9,728.72
LOGAN CONTRACTORS, maint.	3,230.73
LOU'S SPORTING GOODS, apparel	883.20
LOVELAND GRASS PAD, bld&grnds	69.80
MALLARD SAND & GRAVEL COMPANY, maint.	26.54
MARKOWSKY, T J, auto	100.00
MAT, services	526.00
MATHESON TRI-GAS INC, maint.	314.00
MCC, utilities	16,302.16
MENARDS, bld&grnds	2,037.29
METRO LANDSCAPE MATERIALS, supplies	432.00
METRO YOUTH FOOTBALL LEAGUE, services	1,100.00
MID CON SYSTEMS, maint.	414.18
MIDLANDS LIGHTING & ELECTRIC, maint.	555.96
MIDWEST TURF & IRRIGATION, maint.	108.65
MIRACLE RECREATION EQUIPMENT, maint.	566.80
MLB LOGISTICS, supplies	291.79
MONARCH OIL, maint.	644.00
MUD, utilities	7,476.75
NATIONAL EVERYTHING WHOLESALE, supplies	361.66
NE DEPT OF ROADS, services	11,310.96
NE WELDING, maint.	69.53
NEFF TOWING, maint.	200.00
NEWMAN TRAFFIC SIGNS, signs	3,644.46
NIXLE, services	15,000.00
NOBBIES, supplies	31.93
NUTS AND BOLTS INC., equip.	185.13
ODEY'S INC., bld&grnds	99.95
OFFICE DEPOT, supplies	422.84
OMAHA COMPOUND, supplies	124.50
OMNI, maint.	3,837.01
ONE CALL CONCEPTS, services	468.10
PAPILLION TIRE, maint.	81.55
PARAMOUNT, apparel	15.00
PARAMOUNT, apparel	447.09
PAUL CONWAY SHIELDS, apparel	55.15
PAYFLEX, services	250.00

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open house for the 10 year anniversary of the Police Station. It will be on September 29 from 2 p.m. to 4 p.m.

Public Works Director Soucie stated 302 tires were received at the tire collection day on August 24. Soucie thanked Council for allowing him to attend the APWA National Conference in Chicago; it was very informative. Soucie informed Council that the Quiet Zone construction is set to begin September 9. There will be a loader at the school on September 13 for an event - 'Vehicle day'.

Recreation Director Stopak stated that the pool season has come to an end and it was a successful season.

Library Director Barcal stated that there was a generous donation of supplies received on August 30th from a patron to be used for children's programs at the library.

B. 2014-2018 CAPITAL IMPROVEMENT PROGRAM

1. PUBLIC HEARING

At 7:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2014 - 2018 Capital Improvement Program. Assistant City Administrator Ramirez gave an overview of the Capital Improvement Program.

At 7:15 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION – ADOPTION OF 2014-2018 CAPITAL IMPROVEMENT PROGRAM

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2014-2018 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2014-2018 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2014-2018 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

Mayor Kindig stated that for Agenda Item C the Council will be acting in the capacity of the Community Development Agency. Mayor Kindig also noted a correction in the Council Report that the fiscal impact portion states twenty six cents and should read two point six cents.

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INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1198 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Gowan, 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.

3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY

a. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Increase base of restricted funds authority.

At 7:26 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

b. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 13-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2013-14 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2013-14 municipal budget on September 3, 2013; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2013-14 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2013-14 municipal budget by an additional one percent.

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

4. SETTING THE PROPERTY TAX LEVY

a. PUBLIC HEARING

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the property tax levy.

At 7:27 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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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. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCES

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-088; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY14 municipal budget establishes funds for vehicle and mobile phone allowances for various officers, employees and volunteers of the City and are recommended by the Finance Director and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

<u>Tier</u>	<u>Monthly Vehicle Allowance</u>	<u>Tier</u>	<u>Monthly Phone Allowance</u>
Tier 1	\$20	Tier 1	\$10
Tier 2	\$30	Tier 2	\$20
Tier 3	\$40	Tier 3	\$40
Tier 4	\$50	Tier 4	\$50
Tier 5	\$100	Tier 5	\$60
Tier 6	\$150		

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

F. RESOLUTION - NOTICE OF TERMINATION - LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-089; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THAT WRITTEN NOTICE OF TERMINATION BE GIVEN TO THE LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) EFFECTIVE SEPTEMBER 30, 2014.

WHEREAS, the City of La Vista is a member of the League Association of Risk Management (LARM), which is a pool of Nebraska political subdivisions that currently provides the City's property, casualty, liability and workers compensation insurance coverages; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the City of La Vista to explore other insurance coverage options; and

WHEREAS, the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management (LARM) provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance; and

WHEREAS, the City's current agreement with LARM requires that said notice of termination be given at least 180 days prior to the desired termination date.

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

Seconded by Councilmember Hale. Councilmember Crawford asked if there is something we could do to go in and clean up properties before they are so bad. Mayor Kindig asked if there is more we can do. City Administrator Gunn stated that staff will look into this again and report back. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

I. APPROVAL – CLASS D LIQUOR LICENSE – WALMART STORES INC DBA WALMART STORE 3173

1. PUBLIC HEARING

At 7:42 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on approval of a Class D liquor license for Walmart Store 3173. The manager Dewey Schager was in attendance to answer questions. Mr. Schager stated that the opening date is November 6, 2013 and the store will be open 24/7. Mayor Kindig asked that they be cognizant of the neighbors when backing up the big trucks between 1 and 6 a.m.

At 7:44 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Gowan, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 13-09; 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 WAL-MART STORES INC DBA WALMART STORE 3173, LA VISTA, NEBRASKA.

WHEREAS, Wal-Mart Stores Inc dba Walmart Store 3173, 9460 Giles Road, 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 Wal-Mart Stores Inc dba Walmart Store 3173, 9460 Giles Road, La Vista, Sarpy County, Nebraska.

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

J. APPROVAL – SPECIAL DESIGNATED LICENSE – CUT SPIKE DISTILLERY – BEER GARDEN - SEPTEMBER 21, 2013

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-092; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER, WINE, AND DISTILLED SPIRITS AT A BEER GARDEN, BY CUT SPIKE DISTILLERY, AT HAUNTED HOLLOW, 12501 OLD GILES ROAD ON SEPTEMBER 21, 2013