

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING December 20, 2011

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 December 20, 2011. Present were Councilmembers: Sell, Ronan, Sheehan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Also in attendance were City Administrator Gunn, Assistant City Administrator Ramirez, City Attorney McKeon, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Finance Director Lindberg, Community Development Director Birch, Recreation Program Coordinator South and City Engineer/Assistant Public Works Director Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on December 8, 2011. 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.

### SERVICE AWARD – DAN SCARPA – 10 YEARS

Mayor Kindig recognized Dan Scarpa for 10 years of service to the City.

### APPOINTMENTS – PARK AND RECREATION ADVISORY BOARD – RE-APPOINT PATRICK LODES AND JEFF KUPFER; CIVIL SERVICE COMMISSION – RE-APPOINT – LARRY FILBRANDT

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Kim Schmit-Pokorny and Valerie Russell to the Library Advisory Board and Tom Miller to the Planning Commission. Councilmember Sell motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Absent: None. Motion carried.

### PRESENTATION TO THE HEARTLAND FOOD BANK

Council President Terrilyn Quick presented a check to a representative of the Heartland Food Bank in the amount of \$754.67. This money was donated by City employees.

#### A. CONSENT AGENDA

- 1.APPROVAL OF THE AGENDA AS PRESENTED
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM DECEMBER 6, 2011
- 3.MONTHLY FINANCIAL REPORT – NOVEMBER 2011
- 4.REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. –  
THOMPSON CREEK PROJECT - \$680.00
- 5.REQUEST FOR PAYMENT – MULLEN & MULLEN – PROFESSIONAL SERVICES -  
\$6,662.50
- 6.REQUEST FOR PAYMENT – THOMPSON, DREESSEN, DORNER – PROFESSIONAL  
SERVICES - \$2,714.05
- 7.REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL  
SERVICES - \$12,117.00
- 8.APPROVAL OF CLAIMS

Councilmember Gowan made a motion to approve the consent agenda. Seconded by Councilmember Carlisle. Councilmember Sell 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.

4 SEASONS AWARDS, metals	18.00
ABE'S PORTABLES INC, rentals	82.03
ACCURATE TOOL & DIE, maint.	105.74

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ACTION SIGNS INC., maint.	332.00
ALAMAR UNIFORMS, apparel	420.71
ANDERSON EXCAVATING COMPANY, services	72,190.00
ARAMARK UNIFORM, services	374.11
ASPHALT & CONCRETE MATERIALS, maint.	528.19
ASSOCIATED FIRE PROTECTION, services	1,770.39
BAKER & TAYLOR BOOKS, books	303.18
BCDM-BERINGER CIACCIO DENNELL, services	506.50
BERRY DUNN, study	8,002.70
BLACK HILLS ENERGY, utilities	752.07
BRAKE, A., auto	100.00
BRENTWOOD AUTO WASH, maint.	56.00
BREWER, A., auto	100.00
BUILDERS SUPPLY CO., maint.	177.81
CARDMEMBER SERVICE	8,924.54
CARL JARL LOCKSMITHS, equip.	9.63
CENTER POINT PUBLISHING, books	211.50
CENTURY LINK, phone	1,071.63
CJ'S HOME CENTER, maint.	1,415.72
CORNHUSKER INTL, maint.	293.72
COX COMMUNICATIONS	148.65
CREIGHTON EMS, training	250.00
DANDERAND, J., training	412.20
DANIELSON/TECH SUPPLY, bld&grnds	1,413.30
DEIML, K., training	100.00
DIAMOND VOGEL PAINTS, bld&grnds	77.34
DOOR EXPRESS INC., bld&grnds	445.00
DULTMEIER SALES & SERVICE, maint.	13.98
DXP, maint.	69.00
EDGEWEAR SCREEN PRINTING, metals	39.00
ELECTRIC MACHINERY SALES, bld&grnds	102.05
EMBLEMS INC, apparel	364.65
FEDEX, postage	32.72
FELD FIRE, maint.	48.65
FILTER CARE, maint.	310.20
FITZGERALD SCHORR BARMETTLER, service	15,361.97
FOCUS PRINTING, printing	964.14
FOOD BANK FOR THE HEARTLAND	754.67
GALE, books	118.48
GCR TIRE CENTERS, maint.	285.44
GENUINE PARTS -OMAHA, maint.	1,044.36
GRAINGER, bld&grnds	545.63
GRAYBAR ELECTRIC, bld&grnds	555.50
GREAT PLAINS ONE-CALL, services	228.57
GROVER, C., books	17.89
H & H CHEV., maint.	319.70
HANEY SHOE STORE, maint.	360.00
HEIMES CORP., bld&grnds	84.99
HIGHSMITH, supplies	282.17
HOBBY LOBBY, events	41.95
HOME DEPOT, equip.	63.88
ICMA, training	9,550.00
IVERSEN, B., mileage	55.08
J Q OFFICE EQUIP., supplies	906.42
JI SPECIAL RISKS INSURANCE	229.08
JOHNSTONE SUPPLY, equip.	21.87
KRIHA FLUID POWER, maint.	194.01
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAUSTEN, D., services	40.00
LEAGUE ASSN OF RISK MGMT	135.00

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LEXIS NEXIS MATTHEW BENDER, books	299.34
LINCOLN NATIONAL LIFE INS CO	10,572.73
LOGAN CONTRACTORS SUPPLY, bld&grnds	3,113.12
LOWE'S, equip.	15.02
MARTIN MARIETTA AGGREGATES, bld&grnds	478.64
MATHESON TRI-GAS INC, maint.	26.85
MC DONALD AND ASSOCIATES, services	30.85
MENARDS, bld&grnds	326.56
METRO LANDSCAPE MATERIALS, bld&grnds	140.00
MID CON SYSTEMS INC., bld&grnds	205.93
MIDWEST SERVICE AND SALES, supplies	1,579.64
MUNICIPAL PIPE TOOL, equip.	91.03
MYERS TIRE, bld&grnds	3,587.00
NEBRASKA MUNICIPAL CLERKS, dues	70.00
NEBRASKA STATE FIRE MARSHALL, services	360.00
NUTS AND BOLTS INC., maint.	272.13
ODB COMP., maint.	281.99
OFFICE DEPOT, supplies	1,368.74
OPPD, utilities	43,910.78
OMAHA WORLD HERALD, ads.	210.42
O'REILLY AUTO., maint.	711.53
ORIZON CPAS, services	4,052.04
PAPILLION SANITATION, services	304.11
PARAMOUNT LINEN & UNIFORM, services	379.91
PAYLESS OFFICE PRODUCTS, supplies	74.28
PERFORMANCE CHRYSLER JEEP, maint.	5,728.15
PETTY CASH-BUETHE, P.	239.45
PITNEY BOWES, services	204.00
PLAINS EQUIPMENT GROUP, maint.	553.94
QUILL CORP., training	84.60
READY MIXED CONCRETE, maint.	702.16
RETRIEVEX, services	84.33
RUNZA, events	450.00
RUSTY ECK FORD, maint.	4.13
S & W HEALTHCARE CORP, supplies	120.00
SAM'S CLUB, supplies	907.17
SAPP BROS, supplies	1,455.00
SARPY COUNTY TREASURER, services	9,646.87
TED'S MOWER, equip.	152.19
TEUSCHER, C., services	250.00
THOMPSON DREESSEN & DORNER, design	2,714.05
TORNADO WASH, maint.	75.00
TURFWERKS, equip.	449.88
USB SEWER EQUIP., maint.	231.80
VOGEL, K., training	375.00
WASTE MANAGEMENT NEBRASKA, maint.	593.62
WITMER, equip.	444.96
WOOD, S., services	31.00
WOODHAVEN COUNSELING, services	210.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reported that the Employee Recognition Dinner is Friday, January 20, 2012.

Police Chief Lausten reported that the Police department has raised \$630.00 for the Heartland Food Bank with their "Fuzz for Food" Challenge and they have a week left. On December 1, 2011 the police department had a Community Crime Prevention seminar with residents and some Apartment managers. It was well attended.

Library Director Barcal reported that the Runza fundraising even in September raised \$308.00 to purchase children's and teen's books. The library received 12 computers and 18 months of paid

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wireless service from the Library Broadband Builds Nebraska Communities, Nebraska's public computer center project funded by the U.S. Department of Commerce.

## B. ORDINANCE – AMEND THE MUNICIPAL CODE – CHAPTER 95 ANIMALS

Councilmember Ellerbeck introduced and moved for adoption of Ordinance 1160 entitled: AN ORDINANCE TO AMEND SECTIONS 95.13 AND 95.15, AND TO ADD SECTIONS 95.19 THROUGH 95.29, OF THE LA VISTA MUNICIPAL CODE, RELATING TO DOMESTIC ANIMALS, DANGEROUS AND POTENTIALLY DANGEROUS DOMESTIC ANIMALS, THEIR OWNERS, AND PERSONS HARBORING THEM; TO REPEAL SECTIONS 95.13 AND 95.15 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Police Chief Lausten gave an overview of the ordinance.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Sell. 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 Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question, "Shall Ordinance No. 1160 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. 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 – 84<sup>TH</sup> STREET BLIGHT & SUBSTANDARD STUDY – SUBMIT TO PLANNING COMMISSION FOR CONSIDERATION

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-135; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA REQUESTING THE PLANNING COMMISSION TO REVIEW AND MAKE A RECOMMENDATION AS TO WHETHER THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA IS A SUBSTANDARD AND BLIGHTED AREA, AND SUBMIT THEIR RECOMMENDATION TO THE CITY COUNCIL, AND AUTHORIZING FURTHER ACTION OF THE CITY CLERK.

WHEREAS, the Mayor and City Council hereby find and determine that there has been placed on file with the City Clerk a study entitled Blight/Substandard Determination Study for area referred to as the "84<sup>th</sup> Street Redevelopment Area" prepared by Hanna-Keelan (the "Study"); and

WHEREAS, under Section 18-2109, Nebraska Revised Statutes, it is necessary and appropriate to refer the Study to the Planning Commission of the City of La Vista for its review and recommendation as to whether the 84<sup>th</sup> Street Redevelopment Area is substandard and blighted.

NOW THEREFORE, BE IT RESOLVED that the following actions are hereby approved:

1. The Study is hereby ordered submitted to the Planning Commission of the City,
2. The Mayor and City Council of La Vista, Nebraska hereby direct that the question as to whether the 84<sup>th</sup> Street Redevelopment Area ("Area") is a substandard and blighted area shall be submitted to the Planning Commission of the City for its review and recommendation at its January 2012 regular meeting or such other meeting as the City Administrator determines appropriate (the date of which meeting, whenever held, shall be deemed the date of receipt of the Council's request), and the Planning Commission within thirty days after said meeting shall submit their written recommendation to the City Council.
3. The City Clerk is hereby authorized and directed to set such public hearings, provide such notices (including notices required by Neb. Rev. Stat. Section 18-2115), and take such other actions as required by State law or as the

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City Clerk, in consultation with the City Administrator, otherwise determines necessary or advisable to carry out the actions approved herein or to present for consideration of the City Council the Study or, after receiving the Planning Commission's recommendation, the question whether or not the Area shall be declared a substandard and blighted area in need of redevelopment.

Seconded by Councilmember Carlisle. Councilmember Sheehan stated he felt the redevelopment area was too broad. Councilmember Crawford asked what affect this will have on houses in the area. Community Director Birch stated there are no houses in the proposed area. Councilmember Ellerbeck wanted clarification on the apartments that are listed at 62+ years old when the report comes back to council. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: Sheehan. Abstain: None. Absent: None. Motion carried.

## D. RESOLUTION – COMMUNICATIONS CABLE & FACILITIES AGREEMENT – UNITE PRIVATE NETWORKS, LLC

Councilmember Crawford made a motion to table this agenda item until the January 3, 2012 meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## E. RESOLUTION – APPROVE PURCHASE – POLICE MOTORCYCLE

Councilmember Quick introduced and moved for the adoption of Resolution No. 11-137; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2012 HARLEY DAVIDSON POLICE MOTORCYCLE FOR THE POLICE DEPARTMENT FROM WORTH HARLEY DAVIDSON, KANSAS CITY, MISSOURI, IN AN AMOUNT NOT TO EXCEED \$18,767.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Harley Davidson motorcycle for the Police Department is needed; and

WHEREAS, the FY12 Budget did include grant funds for the purchase of said motorcycle; and

WHEREAS, proposals have been received and after review by the Police Chief it has been determined that the bid submitted by Worth Harley Davidson for a 2012 Harley Davidson "Police Model" FLHTPI was the low, compliant bid; 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 one 2012 Harley Davidson Police Motorcycle for the Police Department from Worth Harley Davidson, Kansas City, Missouri, in an amount not to exceed \$18,767.00.

Seconded by Councilmember Gowan. Councilmember Crawford asked if maintenance would be local. Police Chief Lausten stated that all maintenance is done at the dealer on 72<sup>nd</sup> Street. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## F. RESOLUTION – APPROVE PURCHASE – SNOW BLOWER

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 11-138; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) SBX240 – 84" SNOW BLOWER FROM BOBCAT OF OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$6,200.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said snow blower for the Public Works Department is necessary; and

WHEREAS, the FY 2011/12 General Fund Budget provides funding for the purchase of said equipment; and

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WHEREAS, four quotes were received and reviewed by Public Works staff and the aforesaid purchase was recommended, 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 the purchase of one (1) SBX240 – 84" Snow Blower from Bobcat of Omaha, Nebraska, in an amount not to exceed \$6,200.00.

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

## G. RESOLUTION – APPOINTMENT OF COMMUNICATION COMMITTEE AND SUB-COMMITTEE MEMBERS

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-139; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF COMMITTEE AND SUB-COMMITTEE MEMBERS PER THE SARPY COUNTY COMMUNICATIONS SYSTEM INTERLOCAL AGREEMENT.

WHEREAS, the City Council of the City of La Vista has determined that the appointments to the Sarpy County Communications System Committees and Sub-Committees are necessary; and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby appoint the following city representatives to the Sarpy County Committees and Sub-Committees:

Communication Budget Advisory Committee — Chief Lausten

Communication Users Group — Chief Lausten; Alternate - Chief Uhl

Users Sub-Committees

- Fire/EMS — Chief Uhl
- Law Enforcement — Captain Pokorny

Shared Service Committee — Mayor Kindig; Brenda Gunn

Ex-Officio — Chief Lausten

Sub-Committees

- Fire — Chief Uhl
- Law — Captain Pokorny
- Fiscal — Sheila Lindberg

Seconded by Councilmember Quick. Councilmember Sheehan as when this would begin. City Administrator Gunn stated that it should be the middle of January 2012. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## H. STRATEGIC PLAN UPDATE

City Administrator Gunn gave an overview of the updates to the Strategic Plan. Councilmember Gowan asked if there was any feedback on the Thompson Creek Project. Gunn stated that there had been little if any negative feedback and there would be a survey going out in early 2012. Councilmember Quick made a motion to receive and file the Strategic Plan Progress Report. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Ronan made a motion to move Comments from the Floor up on the agenda ahead of Item I Executive Session. Seconded by Councilmember Carlisle. Councilmembers

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

## COMMENTS FROM THE FLOOR

Mayor Kindig brought two Eagle Scouts forward to recognize them for their dedication.

### I. EXECUTIVE SESSION – PERSONNEL; CONTRACT NEGOTIATIONS

At 7:43 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for contract negotiations and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. 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 8:32 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick stated there are items in the Council mailboxes she brought back from the National League of Cities annual conference.

At 08:34 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF JANUARY, 2012

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buethe, CMC  
City Clerk

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