

**LA VISTA CITY COUNCIL
MEETING
November 20, 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 November 20, 2012. Present were Councilmembers: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Finance Director Lindberg, Police Chief Lausten, Fire District Chief Goley, Public Works Director Soucie, Community Development Director Birch, Public Building and Grounds Director Archibald, Recreation Director Stopak, and Library Director Barcal.

A notice of the meeting was given in advance thereof by publication in the World Herald on November 7, 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.

Acting Mayor Quick called the meeting to order and led the audience in the pledge of allegiance.

Acting Mayor Quick 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.

Acting Mayor Quick made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

- A. CONSENT AGENDA**
1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 6, 2012
**3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM
NOVEMBER 8, 2012**
**4. APPROVAL OF LA VISTA/METROPOLITAN COMMUNITY COLLEGE
CONDOMINIUM OWNERS ASSOCIATION, INC. MINUTES FROM
NOVEMBER 12, 2012**
5. MONTHLY FINANCIAL REPORT - OCTOBER 2012
**6. FINAL PAY REQUEST - MIDWEST RIGHT OF WAY SERVICES, INC. -
PROFESSIONAL SERVICES - THOMPSON CREEK - \$204.00**
**7. PAY REQUEST - MULLEN & MULLEN - PROFESSIONAL SERVICES -
\$9,826.40**
**8. PAY REQUEST - BLACHERE- ILLUMINATION USA INC. - LIGHTING -
\$17,400.00**
9. APPROVAL OF CLAIMS

3M, supplies	521.1
ACTION BATTERIES, supplies	299.94
ALAMAR, apparel	138.99
APA, dues	495
TROE A., printing	1,165.00
ARAMARK, services	467.99
ASSOCIATED FIRE PROTECTION, services	420
BAKER & TAYLOR, books	377.03
BCDM-BERINGER CIACCIO DENNELL, services	876.69
BEACON BUILDING, services	6,712.00
BISHOP BUSINESS EQUIP., supplies	591.92
BLACK HILLS ENERGY, utilities	50.94
BOB'S RADIATOR REPAIR, maint.	85
BRAKE, A., auto	100
BRENTWOOD AUTO WASH, services	35
BREWER, W., auto	100
BUILDERS SUPPLY, bld&grnds	327.86

CALIBRE PRESS, training	215
CARDMEMBER SERVICES, supplies	6,581.37
CENTER POINT PUBLISHING, books	42.54
CJ'S HOME CENTER, supplies	873.54
D & D COMMUNICATIONS, services	99.96
DATA TECH., services	11,162.62
DIAMOND VOGEL PAINTS, supplies	47.22
DOUBLE K FEED, events	72
DOUGLAS COUNTY SHERIFF, services	637.5
DULTMEIER, maint.	28.42
EAGLE ENGRAVING, apparel	11.25
ELECTRIC SPECIALTIES, services	120
ELITE EXTERIORS, permits	30
FEDEX, maint.	24.74
FELSBURG HOLT & ULLEVIG, services	1,839.21
FILTER CARE, supplies	25.8
FIREGUARD, supplies	72.9
FITZGERALD SCHORR BARMETTLER, services	24,339.21
FLEET, bld&grnds	1,159.00
FOCUS PRINTING, printing	878.2
GALE, books	379.18
GARROD, M., travel	61.05
GASSERT, M., services	458
GAYLORD BROS, supplies	384.42
GCR TIRE CENTERS, maint.	393.98
GENUINE PARTS, maint.	2,116.25
GILLETT, J., refund	95
GOLEY, C., auto	100
GRAYBAR ELECTRIC, bld&grnds	226.61
GREAT AMERICAN, lease	843.17
GREENKEEPER, supplies	120
H & H CHEV., maint.	154.03
HARM'S CONCRETE, maint.	5
HIGHSMITH, supplies	171.31
HOBBY LOBBY, supplies	122.78
HOME DEPOT, maint.	49.79
HY-VEE, supplies	77.89
ICMA, services	5,500.00
ICMA RETIREMENT CORP., services	3,400.00
INTELLIGENT PRODUCTS, bld&grnds	201
INTERNATIONAL EROSION CONROL, dues	170
J Q OFFICE EQUIP., services	81.02
JONES AUTO., maint.	1,307.71
KINDIG, D., travel	265
KLINKER, M., services	200
KRIHA FLUID POWER, maint.	502.19
KUSTOM SIGNALS, supplies	379
LA VISTA COMMUNITY FOUNDATION	50
LANDPORT, services	125
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LAW ENFORCEMENT SUPPLY, apparel	156.28
LEXIS NEXIS, books	279.3
LIBRARY IDEAS, media	6
LIFE ASSIST, supplies	19.62
LOGAN CONTRACTORS, bld&grnds	330.25
LOU'S SPORTING GOODS, equip.	416
LOVELAND GRASS PAD, bld&grnds	95.4
LOWE'S, bld&grnds	529.47
MARTIN MARIETTA, maint.	39.27
METRO COUNT, supplies	368
MID AMERICA PAY PHONES	50

MID CON SYSTEMS, maint.	180.7
MIDWEST TAPE, media	34.99
MINITEX, supplies	188
NATIONAL RESEARCH CENTER, services	7,800.00
NATIONAL RESEARCH CENTER, services	1,950.00
NEBRASKA GOLF COURSE SUPER., training	35
NEBRASKA IOWA INDL FASTENERS, bld&grnds	93.6
NEBRASKA IOWA SUPPLY, supplies	12,845.04
NEBRASKA LIBRARY COMMISSION, media	1,390.05
NUTS AND BOLTS INC., maint.	6.88
ODB, maint.	287.37
OFFICE DEPOT, supplies	656.8
OMAHA COMPOUND COMPANY, supplies	218.37
OMAHA WINNELSON, bld&grnds	675
OMAHA WORLD HERALD, ads	695.29
OMNI, maint.	163.77
O'REILLY AUTO, maint.	125.03
PAPILLION LA VISTA SCHL DISTR	600
PAPILLION SANITATION, services	2,257.04
PARAMOUNT LINEN & UNIFORM, apparel	165.28
PAYLESS OFFICE, supplies	46.67
PENWORTHY, books	1,925.65
PERFORMANCE CHRYSLER JEEP, maint.	1,864.11
PERFORMANCE FORD, maint.	3.37
PETTY CASH	255.81
PLAINS EQUIPMENT GROUP, maint.	532.84
QUICK, T., travel	265
RAINBOW GLASS & SUPPLY, maint.	149
RALSTON AD., supplies	362.46
RAY ALLEN, supplies	344.95
RDG PLANNING & DESIGN, services	55,574.36
READY MIXED CONCRETE, maint.	1,554.54
SAM'S CLUB, supplies	1,351.43
SAPP BROS PETROLEUM, maint.	17,999.92
SARPY COUNTY COURTHOUSE, services	3,629.03
SARPY COUNTY LANDFILL, bld&grnds	337.71
SCHEMMER ASSOCIATES, supplies	197.65
SHRED-SAFE, services	30
SIEBERT & ASSOCIATES, maint.	77.64
SIGN IT, printing	800
STATE STEEL OF OMAHA, maint.	44.74
STOLTENBERG NURSERIES, supplies	45
SUSPENSION SHOP INC., maint.	1,519.38
TED'S MOWER, maint.	388.61
THOMPSON DREESSEN & DORNER, services	349.05
TY'S OUTDOOR POWER, maint.	275
UPS, postage	6.31
UTILITY EQUIPMENT, bld&grnds	87.75
VAIL, A., auto	100
VAL VERDE ANIMAL HOSPITAL, services	13.2
VERIZON WIRELESS, phone	426.93
WASTE MANAGEMENT NE., services	121.39
WICK'S STERLING TRUCKS, maint.	50.53
ZIMCO SUPPLY, maint.	52
ZOLL MEDICAL CORP., services	6,151.00

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Public Works Director Soucie reported that staff is busy preparing for the Holiday activities around the City. Soucie also reported that the 96th Street Project main line paving was done, and that the water feature would be up for another week.

Library Director Barcal reported that the mural at the library is complete and a reception will be held honoring the two artists.

**B. APPLICATION FOR REPLAT AND SUBDIVISION AGREEMENT APPROVAL –
LOTS 1&2, MAYFAIR 2ND ADDITION REPLAT FIVE**

1. PUBLIC HEARING

At 7:05 p.m. Acting Mayor Quick opened the public hearing and stated the floor was now open for discussion on the Application for Replat and Subdivision Agreement Approval – Lots 1&2 – Mayfair 2nd Addition Replat Five. Gary Norton, engineer for the project was present to answer any questions. Councilmember Crawford inquired whether concrete would be used for the hard surface in this project. Mr. Norton stated that it would.

At 7:07 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

2. RESOLUTION – APPROVE REPLAT

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 12-108; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 1, MAYFAIR 2ND ADDITION, REPLAT 3, TO BE REPLATTED AS LOTS 1 AND 2, MAYFAIR 2ND ADDITION, REPLAT FIVE, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a Replat for Lot 1, Mayfair 2nd Addition, Replat 3, to be replatted as Lots 1 and 2, Mayfair 2nd Addition, Replat Five; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on October 18, 2012, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff; and

WHEREAS, the items identified by the city engineer and staff have been resolved.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the plat for Lot 1, Mayfair 2nd Addition, Replat 3, to be replatted as Lots 1 and 2, Mayfair 2nd Addition, Replat Five, a subdivision located in the Southeast ¼ of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of 96th Street and Giles Road, be, and hereby is, approved.

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

3. RESOLUTION – APPROVE SUBDIVISION AGREEMENT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 12-109; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA

VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 AND 2, MAYFAIR 2ND ADDITION, REPLAT FIVE SUBDIVISION.

WHEREAS, the City Council did on November 20, 2012, approve the replat for Lots 1 and 2, Mayfair 2nd Addition, Replat Five Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, L & B Properties, LLC, has agreed to execute a Subdivision Agreement satisfactory in form and content to the City; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the November 20, 2012, City Council meeting for the Mayfair 2nd Addition, Replat Five Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council Replat approval and with such revisions that the City Administrator or City Engineer may determine necessary or advisable.

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

C. RESOLUTION – PURCHASE OF DIGITAL RADIOS

Councilmember Crawford introduced and moved for the adoption of Resolution No. 12-110; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPOSAL SUBMITTED BY D & D COMMUNICATIONS, OMAHA, NE FOR PURCHASE OF SEVEN (7) MOTOROLA 800 MHZ P25 DIGITAL RADIOS IN AN AMOUNT NOT TO EXCEED \$28,259.00.

WHEREAS, the City Council of the City of La Vista has determined that purchasing the Motorola 800 MHz P25 digital radios is necessary; and

WHEREAS, said purchase of Motorola 800 MHz P25 digital radios is in the best interest of the citizens of La Vista.

WHEREAS, the FY13 budget contains funding for this project; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, accept the proposal submitted by D & D Communications Omaha, NE for the purchase of Seven (7) Motorola 800 MHz P25 digital radios in an amount not to exceed \$28,259.00.

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

D. DISCUSSION – FIELD USAGE FEES

Recreation Director Stopak gave an overview of the background on field usage fees.

At 7:12 p.m. Mayor Kindig arrived to take his place with the Council.

Councilmember Ellerbeck stated he was comfortable with the current fees.

Councilmember Sell also stated he was comfortable with the current fees.

Councilmember Ronan asked if there was a loss if the fees were to be lowered to \$20.00? Stopak responded that it is a yearly loss of \$25,015.00.

Councilmember Gowan asked that a representative for the Panthers group answer why the merger could not happen.

Kevin Kros a Board Member for the Panthers explained that the Panthers already run tournaments and hire umpires and it has taken a board to do that while the city would just provide one person. Kros continued that the Panther's board feels that they would prefer to continue to run their program, and that the board feels that the loss to the city by lowering the fees is insignificant in regard to the entire revenues received by the city. As the program is about the children participating. Councilmember Gowan stated that he supports the \$40.00 rule. Councilmember Crawford stated that he feels it is not fair to lower the field usage fees for one group. Councilmember Carlisle stated that

December 4, 2012

she could see both sides will stay with the consensus of the council. Mayor Kindig polled the Councilmember to determine if there was consensus on changing the fee to \$20.00.. Councilmember Sell: No. Councilmember Ronan: Yes. Councilmember Quick: No. Councilmember Carlisle: No. Councilmember Crawford: Yes. Councilmember Ellerbeck: No. Councilmember Gowan: No. Mayor Kindig stated the fees will stay as they are.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig asked for volunteers to serve soup at the tree lighting on November 26, 2012. Kindig also reminded Councilmembers of the reception to be held on December 4th after the meeting for those Councilmembers who will be leaving their seats on the Council. Kindig stated that he and Council President Quick would be out of town at a conference and Councilmember Crawford would be the Acting Mayor during that time.

Councilmember Gowan asked if the new street decorations had a warranty. City Administrator Gunn stated she would get that information and relay it to the Council.

Councilmember Carlisle stated that she is seeking names for a potential planning commission member for Sarpy County as she is to present a name from her district by Friday.

At 7:31 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF DECEMBER, 2012

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk