

**LA VISTA CITY COUNCIL
MEETING
February 5, 2013**

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:02 p.m. on February 5, 2012. Present were Councilmembers: Gowan, Ronan, Sheehan, 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, Community Development Director Birch, Public Building and Grounds Director Archibald, 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 23, 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 AWARD – THOMAS JACIK – 15 YEARS; MINDY HIKE – 5 YEARS

Mayor Kindig recognized Thomas Jacik for 15 years of service to the City and Mindy Hike for 5 years of service to the City.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 15, 2013**
- 3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES – JANUARY 10, 2013**
- 4. MONTHLY FINANCIAL REPORT – DECEMBER 2012**
- 5. PAY REQUEST – FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – GILES ROAD SIGNAL COORDINATION - \$625.90**
- 6. RESOLUTION 13-004 – ADVERTISEMENT OF BIDS – QUIET ZONE CROSSING IMPROVEMENTS – LA VISTA QUIET ZONE**
- 7. APPROVAL OF CLAIMS**

ABE'S PORTABLES, rentals	96.28
ACCURATE TOOL & DIE, maint.	257
ACTION BATTERIES, supplies	1,091.15
ACUFF CONSULTING, services	225
ALAMAR UNIFORMS, apparel	1,860.79
ARAMARK, services	1,406.39
ASPHALT & CONCRETE MATERIALS, maint.	59.78
ATLAS AWNING, maint.	740.36
BABER, B., travel	300
BAKER & TAYLOR, books	1,720.04
BCDM, services	1,233.75
BERNAN, books	41
BEST ACCESS SYSTEMS, equip.	23.93
BISHOP BUSINESS, supplies	935.12
BKD LLP, fees	2,500.00
BLACK HILLS ENERGY, utilities	9,364.53

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BOBCAT OF OMAHA, maint.	982.31
BOB'S RADIATOR REPAIR, maint.	220
BOLER WOOD, ins.	4,954.35
BRADLEY, K., travel	36
BRAND, S., travel	46
BRENTWOOD AUTO, maint.	35
BRODART, supplies	32.4
BUILDERS SUPPLY, maint.	56
CENTER POINT PUBLISHING, books	257.04
CENTURY LINK, phone	1,135.84
CENTURY LINK BUSN SVCS, phone	49.61
CITY OF OMAHA, services	200,775.26
CITY OF PAPILLION, services	500
CONTROL MASTERS INC., bld&grnds	1,791.64
CORNHUSKER INTL TRUCKS, maint.	642.6
COX, utilities	20.52
CREIGHTON EMS EDU., training	1,950.00
DATASPAN, supplies	694.5
DELL, services	52.49
DEMCO INC., services	192.66
DIAMOND VOGEL, supplies	231.2
DICE, D., services	1,912.50
DOUGLAS COUNTY SHERIFF'S OFC, services	25
DXP, maint.	82.11
EDGEWEAR SCREEN PRINTING, apparel	214.25
EN POINTE TECH., supplies	277.07
FILTER CARE, maint.	14.9
FITZGERALD SCHORR BARMETTLER, services	53,792.00
FLATWATER FOOLS, training	340
FLEETPRIDE, maint.	371.04
FOOD BANK FOR THE HEARTLAND, employee donations	712.89
FORT DEARBORN LIFE INS COMPANY	288
FORT DEARBORN LIFE INS COMPANY	1,023.00
FOSTER, T., travel	46
GALE, books	401.97
GAYLORD BROS, supplies	71.59
GCR TIRE CENTERS, maint.	1,258.63
GENERAL FIRE & SAFETY EQUIP, services	830
GENUINE PARTS COMPANY, maint.	1,112.61
GODFATHER'S PIZZA, supplies	59.92
GOMEZ, J., services	150
GRAYBAR ELECTRIC, bld&grnds	77.27
GREAT PLAINS UNIFORMS, apparel	389.5
H & H CHEV., main.	300
HAMPTON INN & SUITES-LA VISTA, refund	910
HANEY SHOE STORE, apparel	235.95
HARM'S CONCRETE, maint.	379.25
HEARTLAND AWARD, services	562.75
HEARTLAND PAPER, supplies	170
HEARTLAND TIRES AND TREADS, supplies	1,197.56
HEIMES CORP., maint.	34.95
HERITAGE CRYSTAL CLEAN, services	334.97
HOBBY LOBBY, supplies	173.82
HOCKENBERGS, supplies	172.04
HOOK-FAST SPECIALTIES, apparel	118.77
INDUSTRIAL SALES, bld&grnds	35.72
INLAND TRUCK PARTS, maint.	300.48
INTERNATIONAL CODE COUNCIL, books	225.75

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INTERSTATE POWER, maint.	1,199.71
J Q OFFICE, services	126.57
KAMMERER, M., travel	80
KEY MASTERS, bld&grnds	25
KRIHA FLUID POWER, maint.	50.52
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LAUGHLIN, KATHLEEN A, TRUSTEE	474
LEAGUE ASSN OF RISK MGMT, ins	154
LIBRARY IDEAS, media	3
LIEN TERMITE & PEST CONTROL, services	1,378.00
LIFE ASSIST, supplies	144.72
LINCOLN NATIONAL LIFE INS CO	20,072.72
LOGAN CONTRACTORS SUPPLY, maint.	289.03
LOU'S SPORTING GOODS, equip.	364.75
MAPA, services	5,000.00
MARTIN, A., travel	80
MATHESON TRI-GAS, supplies	260.65
MENARDS, bld&grnds	20.57
MAT, services	565
MCC, utilities	10,670.52
MUD, utilities	2,047.35
MID AMERICA, phones	50
MID-STATES UTILITY TRAILER, maint.	59.94
MIDWEST TAPE, media	187.94
MIDWEST TURF & IRRIGATION, bld&grnds	78.39
MILLER PRESS, printing	535
MINUTE MAN PRINTING, printing	187.09
MOCIC MID-STATES, dues	200
MPH INDUSTRIES INC., services	86.84
NATIONAL EVERYTHING WHOLESALE, supplies	1,068.08
NE DEPT OF LABOR-WORKFORCE DEV	27.71
NE DEPT OF MOTOR VEHICLE-94789	6.6
NE DEPT OF REVENUE-LOTT/51	91,167.79
NE CONCRETE & AGGREGATES, training	180
NE HUMANITIES COUNCIL, services	75
NE NOTARY ASSC. Dues	98.25
NEBRASKA WELDING, equip.	65.44
NEFSMA-NE FLOODPLAIN/STORMWTR, dues	100
NEWMAN TRAFFIC SIGNS, signs	2,816.41
NLA-NEBRASKA LIBRARY ASSN, dues	415
NMC EXCHANGE, maint.	713.14
NUTS AND BOLTS INC., maint.	75.61
OCLC INC, books	34.95
OFFICE DEPOT, supplies	1,547.84
OMAHA TACTICAL, supplies	371
OMAHA WORLD HERALD, ads	250.02
OMNI, maint.	227.81
OMNIGRAPHICS, books	163.7
ONE CALL CONCEPTS, services	302.5
O'REILLY AUTO., maint.	204.72
OVERHEAD DOOR, services	73.5
PAPILLION SANITATION, services	642.2
PAPILLION TIRE INC., maint.	71.35
PARAMOUNT LINEN & UNIFORM, services	927.18
PAUL CONWAY SHIELDS, apparel	185.94
PAYFLEX SYSTEMS, services	500
PERFORMANCE CHRYSLER JEEP, maint.	1,298.78
PETH, A., travel	36

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PLAINS EQUIPMENT GROUP, maint.	824.86
PLUTA, D., travel	46
PRO-PAPILLION RECREATION ORG, rec	2,175.00
PUBLIC AGENCY TRAINING COUNCIL, training	295
RAINBOW GLASS & SUPPLY, maint.	226.2
RALSTON AUTO., supplies	85.5
RAPPLEY, M., travel	36
READY MIXED CONCRETE, maint.	1,081.11
RECORDED BOOKS, books	3,869.38
RETRIEVEX, services	84.72
ROAD BUILDERS MACHINERY, maint.	52.2
SALEM PRESS, books	295
SAPP BROS PETROLEUM, supplies	15,279.74
SARPY COUNTY ECONOMIC DEV.CORP, services	10,000.00
SCARPA, D., travel	46
SCHLEGEL, J., travel	46
SESAC, services	197.42
SHANK, C., services	20
SHERRY, P., travel	46
SINNETT, J., travel	300
SMITH, M., travel	80
SOTAK, M., refund	50
SPRINT, phone	62.11
SPRINT, phone	119.97
STATE STEEL, maint.	30.04
STEVENS, M., travel	80
SUBURBAN NEWSPAPERS, dues	40
SUPERIOR VISION SVCS INC	326.32
SYMBOL ARTS, services	125
TED'S MOWER SALES & SERVICE, equip.	291.74
THOMPSON DREESSEN & DORNER, services	3,037.06
TORNADO WASH, maint.	250
TYCO INTEGRATED SECURITY, services	289.74
TY'S OUTDOOR POWER & SVC, maint.	31.22
UPS, postage	28.45
UNITED RENT-ALL, events	132.29
USPS, postage	1,593.40
VERIZON WIRELESS, phone	96.57
WAL-MART, supplies	760.92
WICK'S STERLING TRUCKS, maint.	226.63
WOODHAVEN COUNSELING, services	225
WORLD TRADE PRESS, media	642.6

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Gowan. Councilmember Quick 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

Police Captain Pokorny reported that DARE Graduation would be held on February 21, 2013 at 8:30 a.m. at Parkview Heights and at 9:00 a.m. at La Vista West.

Community Development Director Birch reported that Staff Member Baber had attended the Construction Exam Center Training in Colorado. Birch continued by reporting on the Board of Appeals Meetings in regards to multiple properties. Birch stated that the property on South 88th Street has until August 1st to to remove or rebuild on the foundation and must keep a fence around it and carry liability insurance. Birch continued by stating that the Shadow Ridge Apartments must correct all issues within 60 days. Birch also reported that the property at 7727 Park View Blvd was ordered to

bring the property up to code. Councilmember Crawford asked if the owners had provided any new information. Birch stated that she would check on this and let the Council know. Councilmember Quick asked if Birch knew if the property owners were going to sell the 88th Street property. Birch stated that the owners were trying to sell the property to someone who would build on the current foundation. Quick asked what would happen if the owners asked for more time? City Attorney McKeon stated that the Board of Appeals can make a decision at that time. Councilmember Sell asked when they would meet with Shadow Ridge again. Birch stated in April.

Recreation Director Stopak stated that the AAPR Free Tax Preparation began with such a large crowd that some had to be turned away. Stopak also stated that bathroom renovations at the golf course club house were almost complete.

Library Director Barcal reported that the state report had been submitted as well as the forms for grants for interns at the library. Barcal stated that she had attended the ALA mid-winter conference with 6,500 librarians. Councilmember Quick asked if there was any new book series coming out that is become popular as some have in the past. Barcal stated there was nothing huge at this time.

B. ORDINANCES – AMEND MUNICIPAL CODE – SECTION 114.46 HOURS OF SALE

Councilmember Sell introduced Ordinance No. 1189 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.46; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan 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. 1189 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 – APPROVAL OF GOLF CAR LEASE

Councilmember Quick introduced and moved for the adoption of Resolution No. 13-005; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE LEASE-TO-OWN OF TWO (2) ELECTRIC CLUB CAR GOLF CARS FOR LA VISTA FALLS GOLF COURSE FROM EXCHANGE BANK, KEARNEY, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$9,370.00 OVER 5 YEARS.

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 13 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 two Electric Club Car Golf Cars for La Vista Falls Golf Course from Exchange Bank, Kearney, Nebraska, in an amount not to exceed \$9,370.00 and in form and content satisfactory to the City Administrator.

Seconded by Councilmember Sheehan. Councilmember Crawford asked why a local bank was not used for this lease. Recreation Director Stopak stated that the Exchange Bank had always been used. Councilmember Crawford asked that local banks be looked into for future use. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

D. RESOLUTION – APPROVE SPECIAL DESIGNATED LICENSE – EASTER SEALS SOCIETY OF NEBRASKA DBA EASTER SEALS NEBRASKA – WINE EVENT- FEBRUARY 23, 2013

Councilmember Sell introduced and moved for the adoption of Resolution No. 13-006; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF ALCOHOL AT AN EASTER SEALS SOCIETY OF NEBRASKA INC FUNDRAISING EVENT AT THE LA VISTA CONFERENCE CENTER ON FEBRUARY 23, 2013.

WHEREAS, the La Vista Conference Center is located within the City of La Vista; and

WHEREAS, Easter Seals Society of Nebraska has requested approval of a Special Designated Permit to serve alcohol at a fundraising event at the Conference Center on February 23, 2013 from 5:00 p.m. to 10:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Easter Seals Society of Nebraska to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell serve alcohol at the La Vista Conference Center, in conjunction with a fundraising event.

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

Councilmember Crawford made a motion to move Comments from the Floor up on the agenda ahead of Item E Executive 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 THE FLOOR

There were no comments from the floor.

E. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:19 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Sell. 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 7:55 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

F. APPROVAL OF APPOINTMENT TO FILL CITY COUNCIL VACANCY – WARD 1

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Kim Thomas to fill the City Council vacancy in Ward 1. Councilmember Crawford motioned the approval, seconded by Councilmember Sheehan. Councilmembers voting aye: Gowan, Ronan, Sheehan, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Notice of the appointment will be sent to the Secretary of State and the County Clerk as required by law.

G. ADMINISTRATION OF OATH OF OFFICE CITY COUNCILMEMBER – WARD 1

Mayor Kindig administered the oath of office to Kim Thomas to fill the Ward 1 City Council vacancy.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Gowan asked where the railroad was with regard to approving the bid for the quite zone. City Engineer Kottmann stated they received a letter from the railroad with no opposition to the quite zone, and will also provide the railroad with a 90 day notice once the safety features are in place.

Recreation Director Stopak informed the Mayor and Council that the Senior's Valentine's Day Lunch would be Thursday February 14, 2013 at 11:30 am. Stopak stated that entertainment would be provided by Ray Gomez and the cost was \$5.00.

Mayor Kindig reminded the Council that the Employee Recognition Dinner was being held on Friday February 8, 2013.

At 8:06 p.m. Councilmember Gowan 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 19TH DAY OF FEBRUARY, 2013

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk