

# MINUTE RECORD

A-2

No. 729 — REFIELD & COMPANY, INC. OMAHA E1107788LD

## LA VISTA CITY COUNCIL MEETING September 2, 2014

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 2, 2014. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, Community Development Director Birch, Recreation Director Stopak, Library Director Barcal, Human Resource Manager Garrod and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on August 20, 2014. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE AUGUST 19, 2014 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JULY 16, 2014 PARK & RECREATION ADVISORY COMMITTEE MEETING
4. PAY REQUEST FROM THOMPSON, DREESSEN DORNER, INC. - PROFESSIONAL SERVICES - 120<sup>TH</sup> & GILES ROAD TRAFFIC SIGNALS - \$931.75
5. PAY REQUEST FROM UNIVERSITY OF NEBRASKA AT OMAHA - PROFESSIONAL SERVICES - BIOBLITZ - THOMPSON CREEK WATERSHED RESTORATION PROJECT - \$678.36
6. PAY REQUEST FROM HUNDEN STRATEGIC PARTNERS - PROFESSIONAL SERVICES - ECONOMIC DEVELOPMENT - \$3,113.75
7. PAY REQUEST FROM HUNDEN STRATEGIC PARTNERS - PROFESSIONAL SERVICES - ECONOMIC DEVELOPMENT - \$4,047.75
8. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG - PROFESSIONAL SERVICES - HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$300.00
9. PAY REQUEST FROM OMAHA ELECTRIC SERVICES - CONSTRUCTION SERVICES - 120<sup>TH</sup> & GILES TRAFFIC SIGNAL AND TURN BAYS - \$93,533.35
10. PAY REQUEST FROM DOSTALS CONSTRUCTION CO. INC - CONSTRUCTION SERVICES - THOMPSON CREEK RECONSTRUCTION PROJECT STREET PLANTER 2014 - \$23,064.75
11. PAY REQUEST FROM THOMPSON, DREESSEN DORNER, INC. - PROFESSIONAL SERVICES - 124<sup>TH</sup> CIRCLE & HARRISON STREET TRAFFIC SIGNAL - \$970.00
12. PAY REQUEST FROM THOMPSON, DREESSEN DORNER, INC. - PROFESSIONAL SERVICES - 120<sup>TH</sup> & GILES ROAD TRAFFIC SIGNALS - \$2,836.00
13. RESOLUTION - ADVERTISEMENT OF BIDS - THOMPSON CREEK - CITY HALL BIO-RETENTION BASIN

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF BIDS

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FOR CONSTRUCTION OF THE THOMPSON CREEK CITY HALL BIO-RETENTION BASIN.

WHEREAS, the City Council has determined that construction of the Thompson Creek City Hall Bio-Retention Basin is necessary, and

WHEREAS, the Capital Improvement Program budget provides funding for this project, and

WHEREAS, Thompson, Dreessen, Dorner, has prepared plans and specifications for said project.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council do hereby authorize the advertisement of bids for the construction of the Thompson Creek City Hall Bio-Retention Basin in accordance with plans and specifications prepared by Thompson, Dreessen, Dorner. Said bids are to be opened and publicly read aloud at 10 a.m. at the office of the City Clerk, 8116 Park View Boulevard, La Vista, Nebraska on September 3, 2014.

Publish Notice to Contractors	September 10 and September 17, 2014
Open Bids	September 23, 2014 at 10:00 a.m. at City Hall
City Council Award Contract	October 7, 2014

#### **14. RESOLUTION -- APPROVE APPLICATION FOR SPECIAL DESIGNATED LICENSE -- CITY OF LA VISTA -- RECEPTION -- OCTOBER 15, 2014**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE CONSUMPTION OF BEER AND WINE AT A RECEPTION AT THE LA VISTA PUBLIC LIBRARY ON OCTOBER 15, 2014.

WHEREAS, the La Vista Public Library is located within the City of La Vista; and

WHEREAS, the City of La Vista has requested approval of a Special Designated Permit to serve beer and wine at a reception at the Library, located at 9110 Giles Road in La Vista, on October 15, 2014.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the City of La Vista to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to serve beer and wine at a reception at the Library, located at 9110 Giles Road in La Vista, on October 15, 2014

#### **15. APPROVAL OF CLAIMS**

911 CUSTOM LLC, services	11,643.69
A-1 UNITED HEATING & AIR COND, refund	67.40
ABE'S PORTABLES, rentals	255.00
ACCO UNLIMITED CORP, equip.	1,750.80
ACTION BATTERIES, bld&grnds	118.37
ALAMAR UNIFORMS, supplies	215.91
ALTEC INDUSTRIES INC., vehicle	184,960.00
ARAMARK, services	30.04
ASI SIGN SYSTEMS, supplies	109.92
ASPHALT & CONCRETE MATERIALS, maint.	327.34
BAKER & TAYLOR, books	54.01
BARBARA JO WARNER, refund	42.79
BCDM-BERINGER CIACCIO DENNELL, services	2,394.22
BEACON BUILDING, services	5,812.00
BLACK HILLS ENERGY, utilities	1,287.09
BLEACH, L., services	85.00
BOOKPAGE, books	480.00

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BOTACH TACTICAL, supplies	650.00
BRIAN MATHEW, travel	158.04
BUETHE, P., travel	113.50
BUG GUY, services	100.00
CDW GOVERNMENT, supplies	3,478.12
CEDAR CONSTRUCTION COMPANY, services	18,823.00
CENTER POINT PUBLISHING, books	297.78
CENTURY LINK, phone	875.16
CENTURY LINK, phone	190.26
CITY OF PAPILLION PARKS/RECR, services	30.00
COLIBRI SYSTEMS, supplies	810.00
COMP CHOICE, services	360.00
CORNHUSKER STATE INDUSTRIES, services	1,130.00
COX COMMUNICATIONS, IT	160.01
CUMMINS CENTRAL POWER, bld&grnds	325.70
DANKO EMERGENCY EQUIP., maint.	274.01
DATASHIELD CORP., services	35.10
DIAMOND VOGEL PAINTS, signs	344.20
DIGITAL ALLY INC., supplies	60.00
DOUGLAS COUNTY SHERIFF'S OFC, services	287.50
DULTMEIER SALES & SERVICE, maint.	175.86
DXP, equip.	64.21
EASTERN LIBRARY SYSTEM, training	175.00
EDGEWEAR SCREEN PRINTING, supplies	720.00
EN POINTE TECHNOLOGIES SALES, IT	261.59
EXCHANGE BANK, lease	1,731.79
FAGIN, K., travel	199.00
FEDEX, bld&grnds	9.69
FELSBURG HOLT & ULLEVIG, services	707.50
FILTER CARE, maint.	25.70
FIREGUARD, maint.	45.17
FOCUS PRINTING, printing	6,970.52
GALE, books	122.95
GARROD, M., travel	199.00
GCR TIRES & SERVICE, supplies	881.05
GRAINGER, bld&grnds	139.69
GREAT PLAINS UNIFORMS, apparel	129.00
GREENKEEPER COMPANY, supply	335.00
HANEY SHOE STORE, apparel	98.95
HERITAGE CRYSTAL CLEAN, services	562.24
HOBBY LOBBY, supplies	66.50
HOLSTEIN'S HARLEY DAVIDSON, maint.	500.43
HOST COFFEE, supplies	26.85
ICMA-INTL CITY/COUNTY MANAGE, dues	1,097.74
INDUSTRIAL SALES, bld&grnds	1,068.09
INGRAM LIBRARY SERVICES, books	208.17
KARLSON, D., dues	794.20
KLINKER, M., services	200.00
LA VISTA COMMUNITY FOUNDATION	75.00
LANDPORT SYSTEMS, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	116.00
LEAGUE OF NEBR MUNICIPALITIES, services	1,473.00
LEAGUE OF NEBRASKA MUNICIPAL, training	412.00
LIBRARY IDEAS, media	7.50
LOGAN CONTRACTORS SUPPLY, maint.	51.95
LOVELAND GRASS PAD, bld&grnds	75.80
MARTIN MARIETTA AGGREGATES, bld&grnds	136.41
MASTER MECHANICAL SERVICE, bld&grnds	931.86
MAX'S BODY SHOP INC., maint.	109.95
MCC, utilities	17,539.14
MENARDS, bld&grnds	109.74
MIDWEST TAPE, media	52.48

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MUD, utilities	10,212.63
NATIONAL EVERYTHING WHOLESALE, supplies	217.46
NEBRASKA ENVIRONMENTAL PRODS, sewer	3,692.26
NEBRASKA GOLF & TURF, supplies	65.35
NIGHT FLYER GOLF, supplies	806.45
NOVA HEALTH EQUIP., equip.	241.89
OCLC INC., books	117.99
ODEY'S INC., bld&grnds	1,248.00
OFFICE DEPOT, supplies	1,205.06
OFFUTT YOUTH CENTER, services	864.00
OMAHA CHILDREN'S MUSEUM, services	195.00
OMAHA WINDUSTRIAL, bld&grnds	55.44
OMAHA WORLD-HERALD, ads	541.87
PAPILLION COMM FOUNDATION, training	375.00
PARAMOUNT LINEN & UNIFORM, apparel	317.56
PAYFLEX SYSTEMS, services	250.00
PAYLESS OFFICE PRODUCTS, supplies	179.94
PERFORMANCE CHRYSLER JEEP, bld&grnds	18.82
PERFORMANCE FORD, maint.	374.38
PITNEY BOWES, supplies	204.00
PLAINS EQUIPMENT GROUP, maint.	3,421.35
PREMIER-MIDWEST BEVERAGE CO, supplies	200.50
QUALITY BRANDS OF OMAHA, supplies	328.10
QUICK, T., refund	42.79
READY MIXED CONCRETE, maint.	1,401.65
RETRIEVEX, IT	158.00
RIVER CITY RECYCLING, maint.	610.00
RONEE SMITH, refund	60.00
SAPP BROS, supplies	1,745.00
SARPY COUNTY COURTHOUSE, services	3,960.21
SECURITY EQUIP., IT	842.00
SOLBERG, C., travel	51.55
SPRINT, services	119.97
STOLTENBERG NURSERIES, supplies	490.00
SUE NEWCOMB, refund	95.68
SUN COUNTRY DISTRIBUTING, maint.	58.20
SUPERCO SPECIALTY PRODUCTS, bld&grnds	184.43
SUSPENSION SHOP INC., maint.	2,187.53
SUTPHEN CORPORATION, maint.	15.00
TED'S MOWER SALES & SERVICE, equip.	118.75
THERESA M KREMER, refund	40.51
THERMAL SERVICES OF OMAHA, refunds	31.95
THOMPSON DREESSEN & DORNER, services	1,690.00
TIELKE'S SANDWICHES, supplies	67.04
TRANE U S INC., bld&grnds	225.15
TURF CARS, supplies	883.39
UNITE PRIVATE NETWORKS, IT	3,850.00
UPS STORE, maint.	11.53
UPS, maint.	9.06
VAL VERDE ANIMAL HOSPITAL, services	40.00
VAN RU CREDIT CORPORATION	41.91
VERIZON WIRELESS, phone	91.43
VERIZON WIRELESS, phone	171.96
WAL-MART, supplies	1,134.21
WILDLIFE ENCOUNTERS.ORG, services	250.00
WOODHAVEN COUNSELING ASSOCS, services	590.00
WOODHOUSE LINCOLN, maint.	187.95

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Thomas. Councilmember Crawford reviewed the claims for this period and stated everything was in order Councilmembers voting aye: Frederick,

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Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

Director of Public Works Soucie gave an update on current construction projects.

Recreation Director Stopak informed Council that the pool season had concluded and there were no major mechanical issues. Stopak thanked staff in the Parks Department for their work to keep everything running.

Library Director Barcal reported that the Teen summer program was completed and there were 66 sessions this summer and an attendance of 1566 teens.

## **B. RESOLUTION – INSURANCE PROGRAM – PROPERTY, LIABILITY AND WORKERS COMPENSATION**

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-107: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACCEPTING THE PROPERTY, LIABILITY AND WORKERS' COMPENSATION INSURANCE PROGRAM OFFERED BY TRAVELERS AT AN ANNUAL PREMIUM COST OF \$381,361.

WHEREAS, the City of La Vista previously authorized that a notice of termination be given to the League Association of Risk Management (LARM), the insurance pool that currently provides property, liability and workers' compensation coverages for the City; and

WHEREAS, the City of La Vista entered into an interlocal cooperation agreement with the cities of Holdrege, Hastings and Papillion to create an Insurance Service Group and work collectively with an insurance consultant to jointly select a broker to market and manage insurance coverages; and

WHEREAS, the four cities collectively issued an RFP for Insurance Agency/Broker Services and ultimately selected Arthur J. Gallagher & Co. to serve in this capacity; and

WHEREAS, Gallagher put together insurance coverage specifications and marketed the desired coverage; and

WHEREAS, Gallagher has recommended a proposed program submitted by Travelers that offers comparable coverage and significant savings over the City's existing provider.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the insurance program submitted by Travelers for property, liability and workers compensation coverages be, and the same hereby is, accepted and approved effective October 1, 2014 at an annual premium cost of \$381,361.

Seconded by Councilmember Sell. James Charlesworth with Charlesworth & Associates, LC was in attendance and gave an overview of the plan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **C. 2015-2019 CAPITAL IMPROVEMENT PROGRAM**

### **1. PUBLIC HEARING**

At 7:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the 2015 - 2019 Capital Improvement Program. Assistant to the City Administrator Calentine was available to answer any questions on the Capital Improvement Program.

At 7:09 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan,

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Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **2. RESOLUTION – ADOPTION OF 2015-2019 CAPITAL IMPROVEMENT PROGRAM**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 14-108: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2015-2019 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 2015-2019 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 2015-2019 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 2015-2019 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 2015-2019 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 Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **D. FISCAL YEAR 14/15 MUNICIPAL BUDGET**

### **1. APPROPRIATIONS ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1221 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2014 AND ENDING ON SEPTEMBER 30, 2015; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Hale moved for final passage of the ordinance which motion was seconded by Councilmember Sell. The Mayor then stated the question, "Shall Ordinance No. 1221 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, 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.

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## **2. MASTER FEE ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1222 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1210, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING 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. 1222 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, 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 7:12 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 7:12 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **b. RESOLUTION**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-109: 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 2014-15 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 2014-15 municipal budget on September 2, 2014; 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 2014-15 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 2014-15 municipal budget by an additional one percent.

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

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## **4. SETTING THE PROPERTY TAX LEVY**

### **a. PUBLIC HEARING**

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on setting the property tax levy.

At 7:13 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **b. RESOLUTION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 14-110: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FISCAL YEAR 15.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 15 property tax request be set at \$6,979,969.00 which would require a mill levy of \$0.55.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and City council of the City of La Vista Nebraska that the property tax to be distributed as follows:

General Fund - \$6,218,518 (\$0.49 mill levy)

Bond Fund - \$761,451.00 (\$0.06 mill levy)

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2014.

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

## **E. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO AND PHONE ALLOWANCE**

### **1. ORDINANCE - AMEND THE COMPENSATION ORDINANCE**

Councilmember Sell introduced Ordinance No. 1224 entitled; AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was



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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 Hale. The Mayor then stated the question, "Shall Ordinance No. 1224 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, 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.

## **2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCES**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-111; 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 FY15 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	Tier 6	\$90
Tier 7	\$200		
Tier 8	\$300		

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

## **F. ORDINANCE – AMEND THE MUNICIPAL CODE – CHAPTER 95 ANIMALS – SECOND READING**

City Clerk Bueth read Ordinance No. 1223 entitled: AN ORDINANCE TO AMEND SECTIONS 95.30, AND TO ADD SECTION 95.33 OF THE LA VISTA MUNICIPAL CODE, RELATING TO LICENSE APPLICATIONS AND FERAL CAT COLONY CARETAKER PERMITS; 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 Thomas seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Sheehan, Thomas, and Crawford. Nays: Frederick, Ronan, Quick, Hale and Sell. Abstain: None. Absent: None. The motion to suspend the rules failed.

Proponents and Opponents commented on this issue.

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Councilmember Sell stated that animal issues are emotional. He stated it appears to be more of a neighborhood problem. Sell stated there should be a way to address everyone's issue.

Councilmember Sheehan asked the Mayor and City Attorney if the ordinance needed introduced or read or is a motion needs made. Mayor Kindig stated that the ordinance has been introduced and has had the second reading so a motion to approve second reading and move to third and final reading would be the next step. Councilmember stated that a no vote on that motion would stop this item from moving on and the Mayor and City Attorney stated that this was correct.

Councilmember Sheehan moved to approve the second reading and move on to the third and final reading. Seconded by Councilmember Thomas. Councilmembers voting aye: None. Nays: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Abstain: None. Absent: None. Motion failed.

Councilmember Sheehan stated that the citizens need to come back with language that will work for both sides.

Mayor Kindig suggested that all the neighbors work together to come up with an ordinance that will work for all of them and come back to Council.

## **G. RIGHT OF WAY VACATION AND CONVEYANCE – 107<sup>TH</sup> STREET, GERTRUDE TO APPROXIMATELY 425' NORTH – ORDINANCE CORRECTION**

Councilmember Sell introduced Ordinance No. 1225 entitled; AN ORDINANCE AMENDING ORDINANCE NO. 1213 AND LEGAL DESCRIPTION FOR THE PORTION OF SOUTH 107<sup>TH</sup> STREET RIGHT-OF-WAY FOR VACATION, RESERVATION, SALE AND CONVEYANCE, TO PROVIDE FOR REPEAL OF SECTIONS 1 AND 2 OF ORDINANCE NO. 1213 AS PREVIOUSLY ENACTED, AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Councilmember Hale 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Sheehan. The Mayor then stated the question, "Shall Ordinance No. 1225 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, 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.

## **H. RESOLUTION – AMEND LOTTERY OPERATOR AGREEMENT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-112: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR AGREEMENT.

WHEREAS, the Contractor desires to amend the Lottery Operator Agreement to expressly permit up to thirty (30) days to redeem winning keno lottery tickets; and

WHEREAS, an amendment to the Lottery Operator Agreement has been prepared to allow the Contractor to set the time period for redemption of winning keno lottery tickets for a period specified in written rule established by the Contractor, which time period shall be no longer than thirty (30) days after the date shown on the ticket; and

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Lottery Operator Agreement dated August 8, 2008, as presented at this meeting, is hereby approved and the Mayor and City Clerk are hereby authorized to execute said amendment on behalf of the City of La Vista.

BE IT FURTHER RESOLVED, by the Mayor and City Council of the City of La Vista Nebraska that this amendment will go into effect upon execution of the agreement.

Seconded by Councilmember Sheehan. Councilmember Crawford stated that he would be abstaining as his spouse works for a Keno establishment and felt there may be a conflict of interest. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Hale and Sell. Nays: None. Abstain: Crawford. Absent: None. Motion carried.

Councilmember Crawford made a motion to move Comments from the Floor up on the agenda ahead of Item K Executive Session. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## SARPY COUNTY ECONOMIC DEVELOPMENT 2<sup>ND</sup> QUARTER REPORT

Andrew Rainbolt representing Sarpy County Economic Development gave the second quarter report.

## J. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; PERSONNEL

At 7:42 p.m. Councilmember Crawford made a motion to go into executive session for the protection of the public interest for contract negotiations, and for the protection of an individual to discuss personnel matters. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, 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 Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 8:26 p.m. Councilmember Sheehan made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER, 2014

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

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