

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING February 7, 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 February 7, 2012. 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, Deputy City Clerk Garrod, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Public Works Director Soucie, Finance Director Lindberg, Community Development Director Birch, Recreation Director Stopak and City Planner Solberg.

A notice of the meeting was given in advance thereof by publication in the Times on January 25, 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.

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.

### LIFE SAVING AWARDS – LT. MATT RAPPLEY, LT. VICKI PFEIFER, LEE KORTUS, MICKEY STUBBS, JUSTIN URLACHER, ALEX MARTIN, ASST. CHIEF RORY FROELICH, MIRANDA RAPPLEY, MARY CUTLER

Fire Chief Uhl presented: Lt. Matt Rapple, Lt. Vicki Pfeifer, Lee Kortus, Mickey Stubbs, Justin Urlacher, Alex Martin, Asst. Chief Rory Froehlich, Miranda Rapple, and Mary Cutler with Life Saving Awards. Due to their actions and quick response a 16 year old girl's life was saved.

### APPOINTMENTS – PARKS AND RECREATION ADVISORY BOARD – APPOINT – RUSS WIIG

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Russ Wiig to the Parks and Recreation Advisory Board. Councilmember Crawford motioned the approval, seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM JANUARY 17, 2012
3. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM JANUARY 12, 2012
4. APPROVAL OF CLAIMS

3E-ELECTRICAL, maint.	241.21
4 SEASONS AWARDS, supplies	30.00
911 CUSTOM, maint.	163.20
ACTION BATTERIES, supplies	346.97
ADT SECURITY, services	274.63
AED ZONE, supplies	455.00
ALAMAR, apparel	1801.45
APWA, dues	298.00
ARAMARK, services	239.71
ASPHALT & CONCRETE MATERIALS, maint.	73.20
ASSOCIATED FIRE PROTECTION, services	569.10
BAKER & TAYLOR, books	1318.65
BATTERIES PLUS, supplies	605.86
BEACON BUILDING SERVICES, services	6712.00
BETTER BUSINESS EQUIPMENT, rentals	53.19

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BKD LLP, services	41500.00
BLACK HILLS ENERGY, utilities	10049.40
BOLEY, M., travel	102.00
BRAKE, A., auto	100.00
BRAND, S., travel	46.00
BREWER, A., travel	102.00
BREWER, W., auto	100.00
BUILDERS SUPPLY, bld&grnds	218.48
CAVLOVIC, P., travel	22.00
CENTER POINT, books	211.50
CENTURY LINK, phone	1206.79
CITY OF PAPILLION	32.00
COMP CHOICE, services	124.50
CONSOLIDATED MANAGEMENT, travel	69.75
CORNHUSKER INTL, maint.	438.66
COX, services	78.04
D & D COMM., maint.	815.19
DANIELSON/TECH SUPPLY, bld&grnds	2915.00
DE LAGE LANDEN FIN. SVCS, services	31.88
DECOSTA SPORTING GOODS, apparel	151.35
DIAMOND VOGEL PAINTS, maint.	44.03
DOUGLAS COUNTY ENGINEER, services	97597.50
DULTMEIER, maint.	9.77
EASTERN LIBRARY SYSTEM, training	34.00
EBSCO, services	3283.29
ED ROEHR SAFETY, supplies	391.25
EDGEWEAR SCREEN PRINTING, apparel	171.00
EGS DETAILING, maint.	99.00
ENSLOW PUBLISHERS, books	480.90
ENTERPRISE LOCKSMITHS, maint.	25.75
FBINAA-FBI, training	150.00
FEDEX	16.16
FELSBURG HOLT & ULLEVIG, services	1288.63
FLEETPRIDE, maint.	93.42
FOCUS PRINTING, printing	897.07
FORT DEARBORN LIFE INSURANCE	1391.00
FOSTER, T., travel	46.00
FREMONT NATIONAL BANK, bond	1906.41
FROEHLICH, R., auto	100.00
G I CLEANER, services	249.40
GALE, books	419.92
GALLS, apparel	44.24
GCR TIRE, maint.	361.85
GOLDMAN, J., travel	22.00
GRAINGER, maint.	196.60
GRAYBAR, bld&grnds	195.67
H & H CHEV., maint.	614.82
HANEY SHOE, apparel	600.00
HARBOR FREIGHT TOOLS, equip.	39.98
HARM'S CONCRETE, bld&grnds	929.10
HARTS AUTO, maint.	564.50
HEARTLAND AWARDS	1607.25
HEIMES CORP., maint.	75.00
HELGET GAS, supplies	78.00
HENDERSON, J., travel	102.00
HOBBY LOBBY, supplies	33.15
HUSKER MIDWEST, printing	233.48

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IACP NET, services	800.00
IACP, dues	360.00
ICSC, dues	50.00
IIMC, dues	135.00
INLAND TRUCK PARTS, maint.	1220.03
J Q OFFICE EQUIP., services	1199.42
JOHNSTONE SUPPLY, bld&grnds	235.06
KAR SIM KENNEL, services	40.00
KLINKER, M., services	200.00
KOTTMANN, J., dues	90.00
KRIHA FLUID POWER, maint.	160.20
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LAUGHLIN, KATHLEEN A, TRUSTEE	474.00
LIEN TERMITE, services	1378.00
LIFE ASSIST, supplies	121.23
LITTLE, T., travel	102.00
LOGAN CONTRACTORS, bld&grnds	208.25
MASTER MECHANICAL SERVICE, bld&grnds	316.00
MATHESON TRI-GAS, supplies	313.06
MEADOWLARK MODEL A CLUB, refund	50.00
MICHAEL TODD & COMP., maint.	1174.70
MID AMERICA, phone	50.00
MIDLANDS LIGHTING, bld&grnds	152.20
MID-STATES UTILITY, supplies	114.00
MIDWEST BREATHING AIR, equip.	139.21
MIDWEST FENCE, maint.	83.50
MIDWEST RIGHT OF WAY SVCS, services	170.00
MIDWEST TAPE, media	104.46
MITCHELL & ASSOCIATES, services	1400.00
MOCIC, dues	200.00
MSC IND., supplies	115.77
MUD, utilities	2048.95
NATIONAL PAPER, supplies	201.65
NE DEPT OF LABOR-WORKFORCE DEV	2370.00
NE DEPT OF REVENUE-LOTT/51	87888.89
NEFSMA, dues	100.00
NEXTEL SPRINT, phones	205.17
NEXTEL SPRINT, phones	385.18
NLA, dues	280.00
NOBBIES, supplies	215.53
NOVA HEALTH EQUIP., services	798.00
NUTS & BOLTS, bld&grnds	51.80
OCCUVAX, services	27.00
OCLC, books	30.17
OFFICE DEPOT, supplies	788.60
O'KEEFE ELEVATOR, bld&grnds	982.04
OMAHA COMPOUND, supplies	21.75
OMAHA TACTICAL, apparel	956.80
OMNIGRAPHICS, books	163.70
OPPD, utilities	42165.12
ORIZON CPAS, services	3300.00
OVERHEAD DOOR, bld&grnds	770.00
PARAMOUNT, apparel	564.59
PAYLESS, supplies	396.85
PERFORMANCE CHRYSLER JEEP, maint.	54.97

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PERFORMANCE TOYOTA SCION, refund	250.00
PETTY CASH, maint.	72.72
PLAINS EQUIP., maint.	1315.34
PLUTA, D., travel	78.00
PROFESSIONAL GROUNDS MGMT, dues	175.00
PROJECT LIFESAVER, supplies	601.59
READY MIXED, bld&grnds	496.06
RETRIEVEX, services	84.52
S & W HEALTHCARE, supplies	79.59
SAPP BROS, fuel	996.00
SAPP BROS, maint.	188.75
SARPY COUNTY COURTHOUSE, services	3479.89
SCARPA, D., travel	46.00
SCHLEGEL, J., travel	46.00
SHAMROCK CONCRETE, bld&grnds	100.00
SHERRY, P., travel	46.00
SHRED-SAFE, services	30.00
SPRINT, phone	62.28
SPRINT, phone	39.99
STEVENS, M., travel	126.00
SUBURBAN NEWSPAPERS, adv.	39.50
TARGET, supplies	25.30
THORNBURG, J., services	31.00
TORNADO WASH, maint.	160.00
ULTRAMAX, apparel	250.00
UPS, services	51.47
UPSTART, books	307.85
US TREASURY/ ARMY, supplies	258.97
USPS, postage	1509.85
VAIL, A., auto	100.00
VAN-WALL EQUIP., maint.	331.69
VERIZON WIRELESS, phone	29.31
WAL-MART, supplies	823.63
WARD, D., travel	22.00
WICK'S STERLING, maint.	480.33
WORTH HARLEY-DAVIDSON, auto	18767.00

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten reported that earlier in the week a customer at Performance Automotive went into full cardiac arrest. A mechanic on site began CPR. The responding Officer with the assistance of an AED device was able to help the customer.

Public Works Director Soucie reported that there were no major issues with the weekend's snowstorm. Soucie also reported that the street lights that belong to OPPD will not be retro-fitted with LED lights until defined standards are set.

Recreation Director Stopak reported that AARP would be on site through April conducting free tax consultations for seniors. Stopak also stated that RSVP's for the Senior Valentine's Banquet were due that day, but he would accept them on Wednesday if any Council Members wanted to attend.

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Library Director Barcal advised the Council that the Teen Advisory Board received a Youth Excellence grant from the Nebraska Library Commission to start an Arkham Horror Gaming Club. The grant will be used to purchase books and gaming supplies. Barcal also provided information regarding a new database called A to Z World Travel.

## **B. 84<sup>TH</sup> STREET BLIGHT & SUBSTANDARD DECLARATION AND NEED FOR REDEVELOPMENT**

### **1. PUBLIC HEARING**

Mayor Kindig stated that a public hearing has been scheduled to consider the 84<sup>th</sup> Street Blight & Substandard Declaration and need for Redevelopment. He welcomed those in attendance regarding this agenda item.

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on 84<sup>th</sup> Street Blight & Substandard Declaration and Need for Redevelopment.

Community Development Director Birch addressed the Council and introduced Lonny Dixon with Hanna:Keelan Associates who performed the blight and substandard study.

Lonny Dixon with Hanna:Keelan Associates presented results from the Blight and Substandard Study. Dixon stated that the study results found that the area is considered blighted and substandard. Dixon explained that the study criteria showed that private property in the area was inadequate in: street layout, pedestrian safety, storm water drainage, and outdated infrastructure. The study also found that vacant commercial properties in the study area are not redeveloping with new businesses.

Councilmember Sheehan asked about the area included in the blight study that was not included in the current redevelopment plan. Dixon explained that those property owners would be given the option to take advantage of the tax incentives as well. Councilmember Crawford asked Dixon how the area that borders the blighted area is affected. Dixon responded that those areas typically see an increase in value as the blighted area is being restored.

Jim Lang representing Frank Krejci of Grenta, Nebraska addressed the Mayor and Council. Lang stated that Mr. Krejci supports offering the tax incentive for the blighted area and sees it as a positive project.

At 7:33 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain None. Absent: None. Motion carried.

### **2. RESOLUTION - DECLARE AREA AS SUBSTANDARD AND BLIGHTED**

Councilmember Gowan moved to adopt Resolution 12-011: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA A SUBSTANDARD AND BLIGHTED AREA, AND IN NEED OF REDEVELOPMENT.

WHEREAS, the Mayor and City Council hereby have determined that it is desirable to undertake and carry out redevelopment projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, under Section 18-2109, Nebraska Revised Statutes, it was 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 and

WHEREAS, the applicable notice and hearing requirements have been satisfied, and the Planning Commission, at their January 19, 2012 meeting reviewed and recommended approval of the blight and substandard designation to the City Council; and

WHEREAS, based on factors including the study and in consideration of the public comment at the hearing, if any, Council finds and determines that the designated area is and is hereby declared a substandard and blighted area in need of redevelopment.

WHEREAS, The City of La Vista has in place a Comprehensive Plan, which in the general plan for development of the City for purposes of the Community Development Law.

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NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska do hereby declare the 84<sup>th</sup> Street Redevelopment area a substandard and blighted area and in need of redevelopment.

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

## 3. ORDINANCE – CREATE COMMUNITY DEVELOPMENT AGENCY

Councilmember Ellerbeck introduced and moved for adoption of Ordinance 1167 entitled: AN ORDINANCE PROVIDING FOR THE CREATION OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF LA VISTA, NEBRASKA UNDER SECTION 32.08 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; AND PROVIDING FOR SEVERABILITY, PUBLICATION, AND EFFECTIVE DATE OF THIS ORDINANCE

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Ellerbeck seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. 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 Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 1167 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.

## 4. RESOLUTION – LA VISTA COMMUNITY DEVELOPMENT AGENCY – RESOLUTION – PREPARATION OF REDEVELOPMENT PLAN

Councilmember Quick moved to adopt Resolution 12-012: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, AUTHORIZING THE MAYOR, ON BEHALF OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO CONTRACT FOR OR OTHERWISE CAUSE A REDEVELOPMENT PLAN TO BE PREPARED AND SUBMITTED FOR REVIEWS, HEARINGS, RECOMMENDATIONS AND APPROVALS IN ACCORDANCE WITH APPLICABLE NEBRASKA LAW, INCLUDING BUT NOT LIMITED TO NRS SECTIONS 18-2101 THROUGH 18-2154.

WHEREAS, the Community Development Agency (Agency) comprised and governed by the Mayor and City Council of the City of La Vista has been created; and

WHEREAS, the Council acting as the La Vista Community Development Agency has determined that preparation of the Redevelopment Plan is necessary;

NOW THEREFORE, BE IT RESOLVED the Council acting as the La Vista Community Development Agency hereby authorizes the Mayor, on behalf of the Agency, to contract for or otherwise cause a redevelopment plan to be prepared and submitted for reviews, hearings, recommendations and approvals in accordance with applicable Nebraska law, including but not limited to NRS Sections 18-2101 through 18-2154.

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

## C. RESOLUTION – AUTHORIZATION TO PURCHASE SMITH PRESS – BENCH AND WEIGHTS

Councilmember Carlisle moved to adopt Resolution 12-013: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE

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PURCHASE OF ONE (1) CYBEX SMITH PRESS, BENCH AND WEIGHTS FROM NOVA HEALTH EQUIPMENT, OMAHA NE, IN AN AMOUNT NOT TO EXCEED \$5,844.24.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Cybex Smith Press, Bench and Weights is necessary; and

WHEREAS, the FY 2011/12 General Fund Budget provides funding for the purchase; 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska authorizing the purchase of one (1) Cybex Smith Press, Bench and Weights from Nova Health Equipment, Omaha NE, in an amount not to exceed \$5,844.24

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

## D. RESOLUTION – APPROVE SPECIAL DESIGNATED LIQUOR LICENSE – EASTER SEALS SOCIETY OF NEBRASKA DBA EASTER SEALS NEBRASKA – EVENT – MARCH 3, 2012

Councilmember Crawford introduced and moved for the adoption of Resolution No. 12-014; 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 MARCH 3, 2012.

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 March 3, 2012 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.

Councilmember Quick asked Easter Seals representative Ingra Anderson how successful the event has been since it has been held in La Vista. Anderson responded that things have gone so well they are looking at committing to the next 4 years at the Embassy Suites. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

No Comments from the Floor

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick asks who declares a snow emergency in the city. Mayor Kindig stated that he would officially, but he defers to staff. City Administrator Gunn stated that press releases were sent to local stations, but they may not pick them up or list them at the time we send them in. Public Works Director Soucie stated that the Snow Ordinance reads that once a resident sees snow in the streets they are to move their cars, and if a Snow Emergency is declared cars cannot be put back on the street until Snow Emergency is over.

Councilmember Sell stated that he would like staff to review the sign ordinances with the upcoming elections. Councilmember Sheehan added that he would like to have the differences from other cities noted. Councilmember Quick stated she believes that State and Federal laws supersede our local rules.

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Councilmember Gowan wanted to thank the citizen's who came to the latest Civic Park Master Plan meeting. Gowan stated he felt there was a lot of positive energy and that the project is seen in a very good light. Mayor Kindig agreed and thanked staff who had put time and energy into advertising for the event as it was impressive to have 120 to 130 people turn out. Kindig stated that no matter if you agree or disagree with the project everything has been very transparent. Councilmember Quick stated that she thought the signs were very impressive and that these are exciting times as La Vista has a lot of new citizens who are excited to participate.

Mayor Kindig reported that the Embassy Suites in La Vista was named the number 1 Embassy Suites in the world for the third year in a row. Kindig also reported that he has been in Lincoln attending legislative sessions. Kindig stated great testimony was received about the Entertainment District bill and that this is positive for the Southport Development. Kindig thanked City Administrator Gunn for the amount of time and preparations she put into preparing testimony. Kindig also reported that the bill regarding Occupation Licenses is being reviewed by the revenue committee to protect rights to control Occupation Licensing at the local level.

At 07:49 p.m. Councilmember Gowan made a motion to adjourn the 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.

PASSED AND APPROVED THIS 21ST DAY OF FEBRUARY, 2012

CITY OF LA VISTA

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Douglas Kindig  
Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk