

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING October 18, 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 October 18, 2011. Present were Councilmembers: Sell, Ronan, Sheehan, 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, Finance Director Lindberg, Community Development Director Birch, Public Works Director Soucie, Building and Grounds Director Archibald and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on October 06, 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 – JOE SOUCIE- 25 YEARS

Mayor Kindig recognized Joe Soucie for 25 years of service to the City.

A. CONSENT AGENDA

- 1.APPROVAL OF THE AGENDA AS PRESENTED
- 2.APPROVAL OF CITY COUNCIL MINUTES FROM OCTOBER 4, 2011
- 3.APPROVAL OF SAFETY STEERING COMMITTEE MINUTES FROM JULY 12, 2011
- 4.APPROVAL OF PLANNING COMMISSION MINUTES FROM SEPTEMBER 15, 2011
- 5.APPROVAL OF BOARD OF ADJUSTMENT MINUTES FROM SEPTEMBER 28, 2011
- 6.MONTHLY FINANCIAL REPORT – SEPTEMBER 2011
- 7.PAY REQUEST – BERRY DUNN- PROFESSIONAL SERVICES – IT STRATEGIC PLAN
-\$15,972.75
- 8.PAY REQUEST – MIDWEST RIGHT OF WAY SERVICES INC. – PROFESSIONAL SERVICES – THOMPSON CREEK \$2,348.00
- 9.PAY REQUEST – KISSEL/E&S ASSOCIATES, LLC – PROFESSIONAL SERVICES -
\$8,989.64.

10.APPROVAL OF CLAIMS

ABE'S PORTABLES, rentals	158.54
ACTION BATTERIES, supplies	186.68
ALAMAR UNIFORMS, apparel	14.00
ALERT-ALL CORP, printing	3,750.50
ANN TROE, printing	680.00
ARAMARK UNIFORM, apparel	243.12
ASPHALT & CONCRETE MATERIALS, maint.	246.65
BCDM, services	517.59
BENNINGTON EQUIPMENT, maint.	545.48
BIERBRAUER, A., training	50.00
BKD, services	2,250.00
BLACK HILLS ENERGY, utilities	19.53
BNA, dues	432.00
BOB'S RADIATOR REPAIR, maint.	210.00
BRAKE, A., auto	100.00
BRENTWOOD AUTO WASH, maint.	126.00
BUILDERS SUPPLY, bld&grnds	123.00
CARDMEMBER SERVICE, supplies	11,295.23
CENTURY LINK, phone	37.28
CPM, services	1,282.26

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CPM, services	50.00
CJ'S HOME CENTER, bld&grnds	723.03
COMMONWEALTH CENTER, training	8,625.50
CORNHUSKER INTL, maint.	314.38
DECOSTA SPORTING GOODS, apparel	693.55
DIAMOND VOGEL, supplies	799.35
EDGEWEAR, apparel	256.50
FILTER CARE, maint.	23.75
FORT DEARBORN LIFE INSURANCE	1,351.00
FROELICH, R., auto	100.00
FUTUREWARE DISTRIBUTING, maint.	195.00
G I CLEANER & TAILORS, services	315.85
GENUINE PARTS, maint.	1,403.88
GOLDMAN, J., training	46.00
GRAYBAR ELECTRIC, bld&grnds	121.96
HANEY SHOE STORE, apparel	129.00
HOST COFFEE SERVICE, supplies	23.90
INTERNATIONAL CODE COUNCIL, training	550.00
J Q OFFICE EQUIPMENT, services	587.27
JI SPECIAL RISKS INSURANCE	708.64
KLINKER, M., services	200.00
KRIHA FLUID POWER, maint.	214.85
LANDPORT, services	125.00
LAUGHLIN, KATHLEEN A, TRUSTEE	648.00
LINCOLN NATIONAL LIFE INS CO	8,721.68
LOU'S SPORTING GOODS, supplies	146.04
LOVELAND GRASS PAD, bld&grnds	44.64
LOWE'S CREDIT SERVICES, supplies	393.89
LUKASIEWICZ, B., travel	46.00
MARKOWSKY, T J., auto	100.00
MATHESON TRI-GAS, supplies	130.33
MERTING, J., refund	36.00
MUD, utilities	200.00
MIDLANDS LIGHTING & ELECTRIC, bld&grnds	246.73
MIDWEST BREATHING AIR, equip.	289.42
MONARCH OIL, maint.	462.00
NATIONAL ARBOR DAY FOUNDATION, dues	15.00
NEBRASKA NATIONAL BANK, lease	1,163.43
NOVA HEALTH EQUIPMENT, equip.	2,921.44
NSAWWA, training	160.00
NUTS AND BOLTS, maint.	14.58
OFFICE DEPOT, supplies	47.66
OMAHA COMPOUND, supplies	149.68
OPPD, utilities	25.00
OPPD, utilities	20,079.38
OMAHA WORLD HERALD, services	382.59
O'REILLY AUTO, supplies	570.62
PAPILLION SANITATION, services	304.11
PARAMOUNT LINEN & UNIFORM, apparel	213.08
PERFORMANCE CHRYSLER JEEP, maint.	579.68
READY MIXED CONCRETE, equip.	1,130.29
RIDGE, R.&K., other	740.00
RIDGE, R.&K., other	700.00
RUFFNER, J., travel	46.00
SAM'S CLUB, supplies	1,324.74
SARPY COUNTY COURTHOUSE, services	3,588.49

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SARPY COUNTY TREASURER, services	9,646.87
SINNETT, J., training	420.00
SOUCIE, J., travel	425.02
STRATEGIC INSIGHTS, services	675.00
SUPERIOR VISION SVCS	359.60
THOMPSON DREESSEN & DORNER, services	19,069.26
TRICARE, refund	267.64
U S ASPHALT, maint.	623.88
VAIL, A., auto	100.00
WASTE MANAGEMENT NE., services	1,224.56
ZOLL MEDICAL, services	6,151.00

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Lindberg reported that City staff will begin raising money for the Food Bank for the Heartland. For the month of November Staff can make donations to wear jeans and tennis shoes or for the opportunity to park in the Mayors parking spot.

Fire Chief Uhl reported that the week of October 9th was Fire Prevention Week and firefighters visited area schools. Uhl stated it was very successful.

Police Chief Lausten reported that the Citizens Police Academy begins October 27th, 2011 and lasts 8 weeks. Lausten also stated a DUI checkpoint will be in place on October 28th, 2011.

Public Works Director Soucie thanked everyone for his 25 years of service to the city. Soucie reported that the Harrison Street Project as well as the LED light project has been completed, and work on the Keystone Trail project continues. Public Works employees are going through Snow Plow Training, and Parks Crews have begun shutting down restrooms and water fountains for the winter.

Buildings and Grounds Director Archibald reported the American Flag cable broke and so the flags are down, but repairs should be done soon.

Recreation Director Stopak reported that Halloween Safe Night will be held October 31, 2011 from 5:30 to 7:00pm.

Library Director Barcal reported that Lindsey is completing statistics for the Summer Reading Programs.

B. CITIZEN ADVISORY REVIEW COMMITTEE- EDP REPORT

1. PUBLIC HEARING

At 07:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Citizens Advisory Review Committee EDP report.

At 07:12 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

C. CONDITIONAL USE PERMIT – HOME OCCUPATION GUNSMITH – LOT 28 MILLARD HIGHLANDS SOUTH

1. PUBLIC HEARING

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At 07:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit for a Home Occupation Gunsmith at Lot 28 Millard Highlands South.

At 07:13 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 11-119; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT TO OPERATE A HOME OCCUPATION, GUNSMITH, ON LOT 28, MILLARD HIGHLANDS SOUTH, LOCATED AT 7114 S 137TH AVENUE.

WHEREAS, Lee A. McMurray has applied for a conditional use permit for the purpose of operating a Home Occupation (Gunsmith) at 7114 S 137th Avenue; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the conditions identified within Section 6.05 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit for Lee A. McMurray to operate a Home Occupation (Gunsmith) at 7114 S 137th Avenue in a form and content presented at this meeting, subject to any modifications as the City Administrator determines necessary or advisable.

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

D. DISCUSSION – MUNICIPAL CODE SECTION 95.13

Police Chief Lausten presented information to the Council in regards to what defines a Pit Bull and what defines a dangerous dog. He also discussed the numbers of Pit Bulls in Omaha versus Pit Bulls in La Vista. Lausten presented statistics about the number of bites and the breeds of dogs that have bitten in the last three years. Mark Langdon with the Nebraska Humane Society presented with Chief Lausten in regards to defining Potentially Dangerous Animals and Reckless Dog Owners and the criteria in regards to owning a Potentially Dangerous Animal, and how a Potentially Dangerous Animal can be removed.

Councilmember Carlisle asked if Homeowners Insurance Liability covers a dog in a car. Langdon responded that it would. Councilmember Gowan asked about when a dog owner visits a dog park, and Langdon responded that each situation is different. Councilmember Sell asked about calls to dog parks, and Langdon stated that yes, they do respond to calls at the dog park because owners take small dogs in with large dogs, or the dogs have not been socialized. Councilmember Gowan asked who responds to the complaints. Lausten responded that the Nebraska Human Society responds unless a dog has someone trapped.

The consensus of the Council was to move forward with the Potential Dangerous Dog and Reckless Owner Code. Councilmember Crawford would like to see it explained to the public and Administrator Gunn stated that she would recommend a public information session.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

E. EXECUTIVE SESSION – CONTRACT NEGOTIATION

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At 07:53 p.m. Councilmember Carlisle made a motion to go into executive session for contract negotiation. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 08:24 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated he had looked at the redistricting and came up with something similar. Administrator Gunn stated to please let her know about any additional questions.

At 08:26 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck and Gowan. Nays: None. Abstain: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF NOVEMBER, 2011

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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