

# MINUTE RECORD

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

## LA VISTA CITY COUNCIL MEETING August 2, 2016

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 August 2, 2016. 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, Community Development Director Birch, Director of Public Works Soucie, Director of Administrative Services Pokorny, Finance Director Miserez, Library Director Barcal, Recreation Director Stopak and Assistant Public Works Director/City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on July 20, 2016. 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, led the audience in the Pledge of Allegiance, and made the announcements.

### PROCLAMATION – ATTENDANCE AWARENESS MONTH

Mayor Kindig announced Attendance Awareness Month and stated the proclamation would be given to the school.

### SERVICE AWARD – RYAN SOUTH – 5 YEARS

Mayor presented to Ryan South a service award for 5 years of service to the City of La Vista.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JULY 19, 2016 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JULY 18, 2016 CITY COUNCIL BUDGET WORKSHOP MEETING
4. APPROVAL OF THE MINUTES OF THE JULY 19, 2016 CITY COUNCIL BUDGET WORKSHOP MEETING
5. APPROVAL OF THE MINUTES OF THE JULY 21, 2016 PLANNING COMMISSION MEETING
6. REQUEST FOR PAYMENT – CITY OF OMAHA – SEWER TRACT CONNECTION FEES - \$7,813.58
7. REQUEST FOR PAYMENT – SARPY COUNTY – INDUSTRIAL SEWER TRACT CONNECTION FEES - \$54,219.00
8. REQUEST FOR PAYMENT - FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES - GILES ROAD QUEUE ANALYSIS - \$4,000.00
9. REQUEST FOR PAYMENT - FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES - GILES ROAD TRAFFIC STUDY - \$1,620.63
10. REQUEST FOR PAYMENT – OLSSON ASSOCIATES – PROFESSIONAL SERVICES – NEBRASKA MULTI SPORTS COMPLEX - \$6,692.64
11. REQUEST FOR PAYMENT – MBC CONSTRUCTION – CONSTRUCTION SERVICES – CITY PARKING DISTRICT - \$295,006.39
12. RESOLUTION NO. 16-081– CHANGE ORDER NO. 2 – CITY PARKING DISTRICT ACCESS IMPROVEMENTS – PORTSIDE PARKWAY

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MBC CONSTRUCTION CO., INC., OMAHA, NEBRASKA,

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FOR CHANGES IN THE HEIGHT AND EXTENT OF RETAINING WALLS AND EXTENSION OF THE SUBSTANTIAL COMPLETION DATE IN AN AMOUNT NOT TO EXCEED \$7,281.29.

WHEREAS, the City has determined it is necessary to make changes in the height and extent of retaining walls and extension of the substantial completion date from August 5, 2016 to September 19, 2016; and

WHEREAS, the FY16 Capital Fund Budget provides funding for this change order in the amount of \$7,281.29.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with MBC Construction Co., Inc., Omaha Nebraska, for changes in the height and extent of retaining walls and extension of the substantial completion date from August 5, 2016 to September 19, 2016 in an amount not to exceed \$7,281.29.

## **13. RESOLUTION NO. 16-082 – CHANGE ORDER NO. 3 – CITY PARKING DISTRICT ACCESS IMPROVEMENTS – PORTSIDE PARKWAY**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MBC CONSTRUCTION CO., INC., OMAHA, NEBRASKA, FOR CHANGES IN LABOR AND EQUIPMENT NEEDED FOR PAVEMENT PLACEMENT IN AN AMOUNT NOT TO EXCEED \$12,961.76.

WHEREAS, the City has determined it is necessary to perform hand placement of pavement where required to accommodate construction activities on the adjacent Costco site resulting in additional labor and equipment; and

WHEREAS, the FY16 Capital Fund Budget provides funding for this change order in the amount of \$12,961.76.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with MBC Construction Co., Inc., Omaha Nebraska, for changes in labor and equipment needed for pavement placement in an amount not to exceed \$12,961.76.

## **14. RESOLUTION NO. 16-083 – ADVERTISEMENT FOR BIDS – OFFICE CONSTRUCTION/REMODEL**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR OFFICE CONSTRUCTION/REMODEL OF THE UPPER LEVEL OF THE 8110 PARK VIEW BLVD. BUILDING.

WHEREAS, the Mayor and Council have determined that office construction/remodel of the upper level of the 8110 Park View Blvd. building is necessary, and

WHEREAS, the FY16 and FY17 Capital Improvement Program provides funding for the proposed project; and

WHEREAS, Proposals will be due August 26, 2016 with the award of contract date of September 6, 2016;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for bids for office construction/remodel of the 8110 Park View Blvd. building for the City of La Vista.

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## 15. APPROVAL OF CLAIMS:

8420 LLC, services	\$150.00
911 CUSTOM LLC, services	\$25,626.44
ACTION SIGNS INC, services	\$809.00
ALAMAR UNIFORMS, apparel	\$23.00
APWA-AMER PUBLIC WORKS ASSN, services	\$50.00
ASCAP, services	\$33.60
ASPHALT & CONCRETE MATERIALS, maint.	\$310.25
BAKER & TAYLOR, books	\$73.58
BARONE SECURITY, services	\$2,137.96
BAXTER CHRYSLER DODGE JEEP RAM, maint.	\$63.19
BAXTER FORD, maint.	\$71.72
BEACON BUILDING, services	\$5,812.00
BISHOP BUSINESS EQUIPMENT, services	\$299.20
BLACK HILLS ENERGY, utilities	\$1,566.34
BOBCAT OF OMAHA, maint.	\$202.42
BOB'S RADIATOR REPAIR, maint.	\$498.00
BUILDERS SUPPLY CO INC, bld&grnds	\$22.15
CENTER POINT PUBLISHING, books	\$302.58
CENTURY LINK BUSN SVCS, phones	\$62.95
CENTURY LINK, phones	\$751.31
CHRIS MADDEN, services	\$1,500.00
CITY OF OMAHA, services	\$296,231.27
CLARK CREATIVE GROUP, services	\$4,400.00
CLARK, CALEB, services	\$75.00
COMP CHOICE INC, services	\$50.00
CONRECO INC, maint.	\$141.00
CONSOLIDATED MANAGEMENT, services	\$693.73
CONTROL MASTERS INC, services	\$5,300.00
COX COMMUNICATIONS, services	\$160.09
CULLIGAN OF OMAHA, bld&grnds	\$68.50
D & K PRODUCTS, supplies	\$19.00
DASH MEDICAL GLOVES, supplies	\$60.90
DATASHIELD CORP, services	\$78.00
DEARBORN NAT'L LIFE INS CO, services	\$5,382.03
DIAMOND VOGEL PAINTS, bld&grnds	\$485.49
DIGITAL ALLY INC, maint.	\$215.00
DILLON BROS HARLEY DAVIDSON, maint.	\$401.99
DXP ENTERPRISES, maint.	\$163.15
EDGEWEAR SCREEN PRINTING, apparel	\$81.60
ELAN FINANCIAL SERVICES, supplies/services	\$6,882.47
FELSBURG HOLT & ULLEVIG, services	\$4,100.00
FERGUSON ENTERPRISES INC, maint.	\$11.52
FIRST NATIONAL BANK FREMONT, bonds	\$1,014,131.25
FOCUS PRINTING, services	\$75.00
GALE, books	\$125.95
GCR TIRES & SERVICE, maint.	\$904.74
GRAYBAR ELECTRIC CO, bld&grnds	\$179.12
GREENKEEPER CO, supplies	\$867.88
GT DISTRIBUTORS, services	\$1,401.00
H & H CHEVROLET, maint.	\$715.10
HARTS AUTO SUPPLY, maint.	\$188.00
HOLSTEIN'S HARLEY DAVIDSON, maint.	\$16.70
HOST COFFEE, services	\$25.75
HUNDEN STRATEGIC PARTNERS, services	\$940.36
HY-VEE INC, services	\$100.00
IA NE SD PRIMA CHAPTER, services	\$255.00
IIMC, services	\$95.00
INDUSTRIAL SALES CO, bld&grnds	\$4.22

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INGRAM LIBRARY SERVICES, books	\$1,867.88
J & J SMALL ENGINE, services	\$320.72
JENSEN WELL CO INC, bld&grnds	\$206.15
JOHNSTONE SUPPLY CO, bld&grnds	\$69.39
KEYPER SYSTEMS, services	\$66.13
LANDPORT SYSTEMS INC, services	\$125.00
LAW ENFORCEMENT TARGETS INC, services	\$544.28
LIBRA INDUSTRIES INC, supplies	\$17.95
LIBRARY IDEAS LLC, media	\$11.50
LIFEGUARD STORE INC, supplies	\$63.10
LINCOLN POLICE DEPT, services	\$84.98
LOGAN CONTRACTORS SUPPLY, maint.	\$757.55
LOVELAND GRASS PAD, maint.	\$46.06
LVCOMM FOUNDATION, payroll	\$90.00
LYMAN-RICHEY SAND & GRAVEL CO, bld&grnds	\$275.56
MAPA-METRO AREA PLANNING AGENCY, services	\$30.00
MARK A KLINKER, services	\$200.00
MATHESON TRI-GAS INC, apparel	\$146.80
MAX I WALKER UNIFORM, services	\$558.47
MENARDS-RALSTON, bld&grnds	\$332.40
METRO COMM COLLEGE, services	\$21,711.42
MIDWEST TAPE, media	\$608.77
MONARCH OIL INC, maint.	\$87.50
MUD, utilities	\$9,030.91
MUNICIPAL PIPE TOOL CO LLC, services	\$345,414.57
NE AIR FILTER INC, bld&grnds	\$14.50
NE DEPT OF REVENUE-LOTT/51, taxes	\$85,314.00
NEBRASKA WELDING LTD, services	\$42.10
NUTS AND BOLTS INC, maint.	\$18.81
OCLC INC, media	\$123.61
OFFICE DEPOT INC, supplies	\$225.23
OMAHA CHILDREN'S MUSEUM, services	\$195.00
OMAHA WORLD-HERALD, services	\$214.49
OMNIGRAPHICS INC, books	\$81.85
ONSET COMPUTER CORP, services	\$118.00
PAYFLEX SYSTEMS, services	\$251.55
PAYLESS OFFICE PRODUCTS, supplies	\$264.79
PAYROLL MAXX, services	\$3,950.00
PEPSI COLA CO, supplies	\$190.72
PETTY CASH-P BUETHE, services	\$1,560.00
PLAINS EQUIPMENT GROUP, maint.	\$446.23
RAINBOW GLASS & SUPPLY, maint.	\$30.00
READY MIXED CONCRETE CO, maint.	\$1,889.64
RETRIEVEX, services	\$125.61
RIVER CITY RECYCLING, bld&grnds	\$85.00
SAPP BROS PETROLEUM INC, supplies	\$345.00
SARPY COUNTY COURTHOUSE, services	\$4,100.37
SARPY COUNTY PUBLIC WORKS, services	\$272,441.99
SARPY COUNTY TREASURER, services	\$2,550.50
SARPY COUNTY TREASURER, services	\$185,600.00
SECURITY EQUIPMENT, services	\$1,298.00
SIGN IT, services	\$87.17
SIRCHIE FINGER PRINT LABS, services	\$138.17
SNAP-ON INDUSTRIAL TOOL, maint.	\$4,701.88
SPRINT, phones	\$763.27
SUN COUNTRY DISTRIBUTING, services	\$125.68
SWANK MOTION PICTURES INC, services	\$578.00
TED'S MOWER SALES, supplies	\$29.87
TERRY L WEAVER, services	\$20.00
TGB INC, services	\$1,100.00

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THOMPSON DREESSEN & DORNER, services	\$22,143.87
TORNADO WASH LLC, maint.	\$375.00
TRANS UNION RISK, services	\$25.00
TURFWERKS, maint.	\$9.90
UNITED SEEDS INC, bld&grnds	\$85.00
UNIVERSITY OF NE-OMAHA, services	\$75.00
US TREASURY, taxes	\$189.28
VAL VERDE ANIMAL HOSPITAL, services	\$30.87
VERIZON WIRELESS, phones	\$271.68
VIERREGGER ELECTRIC CO, bld&grnds	\$337.48
WAL-MART, supplies	\$2,861.40
WICK'S STERLING TRUCKS INC, maint.	\$700.90
WILLIAM MUSA, refund	\$33.00
YANO'S NURSERY, bld&grnds	\$255.00

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Sell. Councilmember Thomas reviewed the bills and stated everything was in order. Councilmembers voting aye: Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **REPORTS FROM CITY ADMINISTRATOR AND STAFF**

Director of Administrative Services Pokorny reported to Council about the new payroll stubs and online access and on hiring.

Recreation Director Stopak reported to Council on the Urban Adventure Race.

Police Chief Lausten reported to Council on the money raised from the dunk-a-cop event.

Director of Public Works Soucie reported to Council on projects going on within the City.

A representative of the Sarpy County Economic Development Corporation spoke to the Council about the 2<sup>nd</sup> Quarter SCEDC report.

## **B. FISCAL YEARS 16/17 AND 17/18 MUNICIPAL BUDGETS**

### **1. PUBLIC HEARING**

At 7:19 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Fiscal Year 16/17 and 17/18 Municipal Budgets.

At 7:20 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. APPROPRIATIONS ORDINANCE – FIRST READING**

Councilmember Sheehan introduced Ordinance No. 1289 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, 2016 AND ENDING ON SEPTEMBER 30, 2017; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2017 AND ENDING ON SEPTEMBER 30, 2018 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.

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Councilmember Sell made a motion to approve Ordinance No. 1289 on its first reading and pass it on to a second reading. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **3. MASTER FEE ORDINANCE – FIRST READING**

Councilmember Quick introduced Ordinance No. 1290 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1259, 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 Hale made a motion to approve Ordinance No. 1290 on its first reading and pass it on to a second reading. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **C. REDEVELOPMENT PLAN – 84<sup>TH</sup> STREET REDEVELOPMENT AREA – AMENDMENT NO. 1 (ACTION ON THIS ITEM WILL BE TAKEN BY THE COMMUNITY DEVELOPMENT AGENCY)**

#### **1. RESOLUTION – RECOMMEND REDEVELOPMENT PLAN – AMENDMENT NO. 1 TO CITY COUNCIL**

Mayor Kindig stated that action on this item will be taken by the Community Development Agency. Councilmember Hale introduced and moved for the adoption of Resolution No. 16-084; A RESOLUTION OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY ADOPTING AND RECOMMENDING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA PURSUANT TO NEBRASKA STATUTES, SECTIONS 18-2101 THROUGH 18-2154.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council, as the governing body of the La Vista Community Development Agency, ("Agency") do hereby find, determine, declare and approve as follows:

- I. **FINDINGS.** The Mayor and City Council hereby find and determine as follows:
  - A. A general plan for the development of the City as a whole currently exists as the La Vista Comprehensive Plan ("Comprehensive Development Plan").
  - B. The Mayor and City Council, on behalf of the City and after review and recommendation of the Planning Commission and satisfying all notice, public hearing and other applicable requirements, by Resolution No. 12-011 declared the 84<sup>th</sup> Street Redevelopment Area as a substandard and blighted area in need of redevelopment.
  - C. The City, upon recommendation of the Agency and Planning Commission, on July 16, 2013 approved a Redevelopment Plan "84<sup>th</sup> Street Redevelopment Area" ("Redevelopment Plan"), which Redevelopment Plan included an initial redevelopment project to acquire and clear portions of the 84<sup>th</sup> Street Redevelopment Area primarily to eliminate and prevent recurrence of the substandard and blighted area.
  - D. Amendment No. 1 to the Redevelopment Plan is presented at this meeting as prepared or caused to be prepared by the Agency ("Redevelopment Plan Amendment"), which Redevelopment Plan Amendment includes a Mixed Use Redevelopment Project and Public Improvement Redevelopment Project. The Redevelopment Plan Amendment supersedes and controls over any provisions of the initial

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Redevelopment Plan to the extent any of the provisions of the initial Redevelopment Plan is inconsistent with the Redevelopment Plan Amendment, and all provisions of the Redevelopment Plan are deemed revised, modified, and amended to be consistent with the provisions of this Redevelopment Plan Amendment. Terms and conditions of the Redevelopment Plan as initially adopted shall continue in effect except as modified by the Redevelopment Plan Amendment.

- E. The Agency, in initially recommending and adopting the Redevelopment Plan, designated the substandard and blighted Redevelopment Area as appropriate for one or more renewal projects, which designation the Agency, in recommending and adopting this Redevelopment Plan Amendment, ratifies and affirms. Accordingly, the 84<sup>th</sup> Street Redevelopment Area is a community redevelopment area and all works or undertakings in accordance with the projects described in this Redevelopment Plan Amendment or otherwise in accordance with the Community Development Law constitute redevelopment projects under the Community Development Law, and the area may be designated an enhanced employment area eligible for imposition of an occupation tax.
- F. City Staff has prepared and is proposing by separate action of the Mayor and City Council on behalf of the City an amendment to the Comprehensive Development Plan to incorporate the Redevelopment Plan Amendment, as finally approved, into said Comprehensive Development Plan ("Proposed Comprehensive Plan Amendment").
- G. The proposed Redevelopment Plan Amendment and Redevelopment plan as amended:
  - 1. Is for one or more community redevelopment areas, or redevelopment projects, which conforms to the general plan for the City as a whole, as set forth in the City's Comprehensive Development Plan, subject to City Council approval of the Proposed Comprehensive Plan Amendment, and is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements and rehabilitation as may be proposed to be carried out in the community redevelopment area, zoning and planning changes, if any, land uses, maximum densities, and building requirements, and
  - 2. Is sufficiently complete to indicate its relationship to definite local objectives as to appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements, and the proposed land uses and building requirements in each redevelopment project area, and
  - 3. Includes among other things:
    - a. The boundaries of each redevelopment project area, with a map showing the existing uses and condition of the real property therein,
    - b. A land-use plan showing proposed uses of each area,
    - c. Information regarding standards of population densities, land coverage and building intensities in each area after redevelopment,
    - d. A statement of the proposed changes, if any, in zoning ordinances or maps, street layouts, street levels or grades, or building codes and ordinance,
    - e. A site plan of each area,
    - f. A statement as to the kind and number of additional public facilities or utilities which will be required to support the new land uses in each area after redevelopment, and
    - g. Proposal for the designation of an enhanced employment area.
  - 4. The Agency submitted said Redevelopment Plan Amendment to the Planning Commission of the City of La Vista for review and recommendations as to its conformity with the Comprehensive Development Plan of the City.
  - 5. The Planning Commission, after required notice, held a public hearing on the proposed Redevelopment Plan Amendment.

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6. The Planning Commission after said hearing reviewed the proposed Redevelopment Plan Amendment and, taking into consideration all relevant factors including the Proposed Comprehensive Plan Amendment and any public comments at the public hearing, made findings and recommendations with respect to the proposed Redevelopment Plan Amendment, including that the proposed Redevelopment Plan Amendment is in conformity with the Comprehensive Development Plan of the City, which findings and recommendations were subject to various conditions including City Council approval of the Proposed Comprehensive Plan Amendment, and the Planning Commission recommended the Redevelopment Plan Amendment for approval. The findings and recommendations were submitted and presented to the Agency, as well as to the City Council with the proposed Redevelopment Plan Amendment, as on file with the City Clerk. The Planning Commission also considered and recommended the Proposed Comprehensive Plan Amendment for approval.

7. Prior to recommending the Redevelopment Plan to the City Council for approval, the Agency considered the following: Whether the proposed land uses and building requirements in each redevelopment project area are designed with the general purpose of accomplishing, in conformance with the City's Comprehensive Development Plan (subject to City Council adoption of the Proposed Comprehensive Plan Amendment) a coordinated, adjusted and harmonious development of the City and its environs which will, in accordance with the present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Mixed Use Redevelopment Project includes the use of funds authorized by Neb. Rev. Stat. Section 18-2147 ("TIF") and a cost-benefit analysis was conducted using a model developed for use by local projects which considered and analyzed:

- a. Tax shifts resulting from the approval of the use of funds pursuant to Neb. Rev. Stat. Section 18-2147,
- b. Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project,
- c. Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project,
- d. Impacts on other employers and employees within the City and immediate area that are located outside the boundaries of the area of the redevelopment project, and
- e. Any other impacts determined by the Agency to be relevant to the consideration of costs and benefits arising from the redevelopment project.

H. All applicable requirements of the Agency with respect to the proposed Redevelopment Plan Amendment, including any notice or hearing requirements, have been satisfied.

## II. RECOMMENDATION OF REDEVELOPMENT PLAN AMENDMENT.

Based on the foregoing and all other relevant factors, including any public comment at the public hearing, the Agency adopts and recommends the Redevelopment Plan Amendment to the City Council for approval, subject to City Council adoption of the Proposed Comprehensive Plan Amendment. This recommendation includes the following:



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A. The recommendation of the Planning Commission concerning the Redevelopment Plan Amendment; and

B. The following statements:

1. The proposed method and estimated cost of the acquisition and preparation for redevelopment of the redevelopment project areas, and estimated proceeds or revenue from its disposal to redevelopers are as follows:
  - i. Total estimated cost of all City and Agency work or improvements connected with the Mixed Use Redevelopment Project and Public Improvement Redevelopment Project: \$54.1 million, which includes:
    1. Acquisition of Property for City Improvements by voluntary acquisition and conveyance: estimated \$5 million
    2. Demolition and Site Preparation, including any related rights or interests in property acquired by voluntary acquisition and conveyance to carry out the work: estimated \$5 million - \$7 million.
  - ii. Estimated proceeds or revenue from its disposal to redevelopers: It is projected, with the exception of potential property disposed of as demolition waste pursuant to Demolition and Site Preparation, the only disposal would be two parcels on the existing southwestern slope of the golf course totaling approximately 1 acre that the City would exchange for equivalent parcels of Property for City Improvements.
2. The proposed method of financing the redevelopment projects is provided in the Redevelopment Plan Amendment or Redevelopment Plan as amended; and
3. A feasible method proposed for the relocation of families to be displaced from the redevelopment project areas, if any, is provided in the Redevelopment Plan Amendment or Redevelopment Plan as amended.

III. **FURTHER ACTIONS.** The Mayor or City Administrator, or his or her designee, in addition to any other person specified in the Redevelopment Plan Amendment, Redevelopment Plan, as amended, or any redevelopment contract or otherwise, is hereby authorized to take such further actions on behalf of the Agency as are necessary or appropriate to implement the Redevelopment Plan Amendment and the Redevelopment Plan as amended approved by the City Council, or to carry out the actions approved in this Resolution.

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

## **D. REDEVELOPMENT PLAN - 84<sup>TH</sup> STREET REDEVELOPMENT AREA - AMENDMENT NO. 1**

### **1. PUBLIC HEARING - ON RECOMMENDED REDEVELOPMENT PLAN AMENDMENT NO. 1**

At 7:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the recommended 84<sup>th</sup> Street Redevelopment Plan Amendment No. 1.

At 7:25 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## **2. RESOLUTION – APPROVE REDEVELOPMENT PLAN – AMENDMENT** **NO. 1**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 16-085; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA IN ACCORDANCE WITH NEBRASKA STATUTES, SECTIONS 18-2101 THROUGH 18-2154.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of La Vista, Nebraska does hereby find, determine, declare and approve as follows:

**I. FINDINGS.** The City Council of the City of La Vista finds and determines as follows:

- A. The findings and actions of the Agency as set forth in the resolution recommending Amendment No. 1 to the Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area ("Redevelopment Plan Amendment") to the City Council for approval ("Agency Resolution"), incorporated herein by reference, are ratified, adopted, affirmed and approved.
- B. All applicable requirements with respect to the actions taken or approved in this Resolution, including notice and hearing requirements, have been satisfied.
- C. In exercising its powers under Neb. Rev. Stat. Sections 18-2101 to 18-2144 with respect to the matters approved in this Resolution, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements, the City Council has given consideration to the following objective:

The City Council, to the greatest extent it deems to be feasible in carrying out the provisions of Neb. Rev. Stat. Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with the sound needs of the City as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises.

- D. The proposed Redevelopment Plan Amendment and the Redevelopment Plan as amended are feasible.
- E. The proposed Redevelopment Plan Amendment and the Redevelopment Plan as amended are in conformity with the Comprehensive Development Plan of the City, subject to adoption of the Proposed Comprehensive Plan Amendment described in the Agency Resolution.
- F. The proposed Redevelopment Plan Amendment and the Redevelopment Plan as amended are in conformity with the legislative declarations and determinations set forth in the Community Development Law of Nebraska.
- G. The proposed Redevelopment Plan Amendment or Redevelopment Plan as amended, and specifically, the Mixed Use Redevelopment Project includes the use of funds authorized by Neb. Rev. Stat. Section 18-2147 ("TIF"), and said use satisfies the following conditions:
  - 1. The redevelopment project in the Redevelopment Plan Amendment or Redevelopment Plan as amended with respect to which TIF may be used would not be economically feasible without the use of TIF,

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2. Such redevelopment project would not occur in the community redevelopment area without use of TIF, and
3. The costs and benefits of such redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community and demand for public and private services have been analyzed by the City Council and found to be in the long term best interest of the community impacted by said redevelopment project.

H. The proposed Redevelopment Plan Amendment or Redevelopment Plan as amended includes designation of an enhanced employment area; and the requirements of Neb. Rev. Stat. Section 18-2116(2) are satisfied.

**II. APPROVAL OF REDEVELOPMENT PLAN AMENDMENT.** Based on the foregoing and all relevant factors, including any public comment at the public hearing, the City Council of the City of La Vista hereby approves the proposed Redevelopment Plan Amendment, subject to adoption of the Proposed Comprehensive Plan Amendment.

**III. FURTHER ACTIONS.** The Mayor or City Administrator, or his or her designee, in addition to any other person specified in the Redevelopment Plan Amendment, Redevelopment Plan, as amended, or any redevelopment contract or otherwise, is hereby authorized to take such further actions as are necessary or appropriate to implement the Redevelopment Plan Amendment, Redevelopment Plan as amended, or carry out the actions approved in this Resolution on behalf of the City.

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

## **E. COMPREHENSIVE PLAN AMENDMENT TO INCORPORATE REDEVELOPMENT PLAN AMENDMENT NO. 1 - 84<sup>TH</sup> STREET REDEVELOPMENT AREA**

### **1. PUBLIC HEARING – ON INCORPORATION OF REDEVELOPMENT PLAN AMENDMENT NO. 1 INTO THE COMPREHENSIVE PLAN**

At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the incorporation of the 84<sup>th</sup> Street Redevelopment Plan Amendment No. 1 into the Comprehensive Plan.

At 7:26 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE – INCORPORATING REDEVELOPMENT PLAN AMENDMENT NO. 1 INTO THE COMPREHENSIVE PLAN**

Councilmember Quick introduced Ordinance No. 1291 entitled; AN ORDINANCE TO AMEND CHAPTER 10 OF THE COMPREHENSIVE PLAN, AND INCORPORATE INTO THE COMPREHENSIVE PLAN, AMENDMENT NO. 1 TO THE REDEVELOPMENT PLAN FOR THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE SEVERABILITY AND FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan 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.

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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. City Attorney McKeon stated that the Plan referred to in the ordinance was on file with the City Clerk. The Mayor then stated the question, "Shall Ordinance No. 1291 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.

## **F. 84<sup>TH</sup> STREET REDEVELOPMENT AREA**

### **1. PUBLIC HEARING – PROPOSED ACQUISITION OF PROPERTY FOR PUBLIC IMPROVEMENTS**

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed acquisition of property for public improvements.

At 7:29 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION – SUBDIVISION AGREEMENT APPROVAL – LA VISTA CITY CENTER**

Councilmember Quick introduced and moved for the adoption of Resolution No.16-086; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 THRU 17 AND OUTLOTS A THRU C, LA VISTA CITY CENTRE SUBDIVISION.

WHEREAS, the City Council on July 19, 2016, by Resolution No. 16-077 did approve La Vista City Centre Subdivision, subject to certain conditions ("Conditions"); and

WHEREAS, the Subdivider, La Vista City Centre, 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 as presented at this meeting of the City Council for the La Vista City Centre Subdivision ("Subdivision Agreement") 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 (i) such additions, subtractions, or modifications as that the City Administrator or City Engineer may determine necessary or appropriate; and (ii) satisfaction of the Conditions, as referenced in the recitals above and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the Mayor or City Administrator, in addition to any otherwise authorized persons, shall be authorized to take all actions on behalf of the City as he or she determines necessary or appropriate to carry out the actions approved in this Resolution, including, without limitation, executing and carrying out the Subdivision Agreement.

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

### **3. RESOLUTION – ACQUISITION OF PROPERTY FOR CITY IMPROVEMENTS**

Councilmember Thomas introduced and moved for the adoption of Resolution No.16-087; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF REAL PROPERTY, PURCHASE AGREEMENT AND FURTHER ACTIONS.

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WHEREAS, the City desires to purchase property described or depicted in attached Exhibit 1 ("Property") for public improvements and purposes. The estimated purchase price is approximately \$10.14, plus prorated costs at closing as approved by the City Administrator ("Price"), for tracts totaling an estimated 473,187 square feet. Terms and conditions of the purchase, including price, amounts, locations, and boundaries of the Property, are subject to adjustment, finalization, and approval by the City Administrator or City Engineer.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) Nebraska Statutes, among other provisions, require that the City Council, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (ii) The City published notice of public hearing on the proposed purchase of the Property, to be held during the regular City Council meeting on August 2, 2016, which notice is hereby approved. The public hearing was held and completed at the August 2, 2016 Council meeting before consideration of this Resolution; and
- (iii) All applicable statutory requirements related to the proposed purchase have been satisfied; and
- (iv) A purchase agreement for the Property has been presented in form and content attached hereto as Exhibit 2 and incorporated herein by this reference ("Purchase Agreement"). Purchase of the Property may be carried out by and through the parties entering and executing more than one purchase agreement and closing. The Purchase Agreement as presented will be the form of purchase agreement for all such purchases and closings, subject to any additions, subtractions, or changes in accordance with this Resolution.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the following actions:

1. The foregoing recitals are incorporated into this Resolution by reference;
2. Purchase of the Property at a price not to exceed \$10.14 per square foot, plus costs, is approved, subject to any adjustment as approved by the City Administrator in connection with the final determination of the total square footage acquired;
3. Property to be acquired in the estimated amount of 473,187 square feet is approved, subject to any adjustments and final determination of amounts, dimensions, locations, and boundaries as approved by the City Administrator, City Engineer, or her or his designee;
4. The Purchase Agreement as presented in form and content at this meeting is approved, subject to any additions, subtractions, or changes as the City Administrator or City Administrator from time to time determines necessary or appropriate. The Purchase Agreement shall be used to carry out the purchase of the Property in one or more transactions or closings.

BE IT FURTHER RESOLVED, that the Mayor, City Administrator, or City Engineer, or his or her designee, is hereby authorized to take all actions he or she determines necessary or appropriate to carry out this Resolution or the actions approved herein.

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

#### **4. RESOLUTION – REDEVELOPMENT AGREEMENT APPROVAL – MIXED USE REDEVELOPMENT PROJECT**

Mayor Kindig stated that action on this item will be taken by the Community Development Agency. Councilmember Sell introduced and moved for the adoption of Resolution No.16-088; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING AND AUTHORIZING THE MAYOR ON BEHALF OF THE AGENCY TO

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## ACCEPT REDEVELOPMENT CONTRACT FOR THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA

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

WHEREAS, The City Council approved a Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area ("Redevelopment Plan"), and subsequently approved Amendment No. 1 to the Redevelopment Plan for, among other things, two redevelopment projects; specifically a mixed use redevelopment project and a public improvement redevelopment project including areas in the vicinity of 84<sup>th</sup> Street and Brentwood Boulevard, Brentwood Crossing, La Vista Falls golf course, the City swimming pool and adjacent areas ("Amendment No. 1").

WHEREAS, The Agency desires to approve a redevelopment contract proposal as presented to the City or Agency in various documents, including without limitation the Tax Increment Financing Application for La Vista City Centre submitted by La Vista City Centre, LLC ("City Centre Redeveloper") and the Redevelopment Agreement as presented at this meeting ("Redevelopment Contract Proposal" or "Proposal").

NOW THEREFORE, BE IT RESOLVED that the City Council acting as the La Vista Community Development Agency hereby finds and approves as follows:

1. Recitals above are incorporated into this resolution by this reference.
2. With respect to redevelopers and redevelopment proposals other than City Centre Redeveloper and its Redevelopment Contract Proposal: All redevelopment proposals, if any, and the financial and legal ability of the prospective redevelopers to carry out their proposals have been considered.
3. With respect to City Centre Redeveloper and its Redevelopment Contract Proposal:
  - a. The Redevelopment Contract Proposal has been considered;
  - b. The Agency considered the legal ability of the City Centre Redeveloper to carry out its proposal, taking into consideration among other things, City Centre, LLC existing as a limited liability company in good standing under Nebraska law, and the purchase agreement City Centre Redeveloper or its principals have to acquire the Brentwood Crossing site;
  - c. The Agency deems the Redevelopment Contract Proposal to be in the public interest and in furtherance of the purposes of the Community Development Law;
  - d. Such Redevelopment Contract Proposal is hereby approved;
  - and
  - e. The Mayor on behalf of the Agency shall be authorized to accept such Redevelopment Contract Proposal on behalf of the Agency; and
  - f. Subsections (c) through (e) shall be subject to the City Administrator, or her designee, on behalf of the Agency:
    - (a) Receiving, if not already received, and considering if desired, the certification from City Centre Redeveloper prescribed by Neb. Rev. Stat. Section 18-2119(3), and
    - (b) Considering the financial ability of the City Centre Redeveloper to carry out the Redevelopment Contract Proposal to the satisfaction of the City Administrator or her designee (this subsection "f" referred to as "Conditions").
4. Acceptance of the Redevelopment Contract Proposal, subject to satisfaction of the Conditions, shall be accomplished by the Mayor executing the Redevelopment Agreement as presented at this meeting, subject any additions, subtractions or modifications to the Redevelopment Agreement as the City Administrator determines necessary or advisable ("Redevelopment

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Contract"); and not in any other manner. Acceptance of the Redevelopment Contract Proposal and the Redevelopment Contract shall be effective the later of August 22, 2016 or satisfaction of the Conditions, after which all steps shall be authorized as necessary to effectuate such Redevelopment Contract.

5. Sales, leases, or transfers of real property or any interest therein, if any, to any redeveloper for uses in accordance with the Redevelopment Plan, as amended, shall be deemed to be at fair value for uses in accordance with the Redevelopment Plan, as amended, taking into account and giving consideration to uses and purposes required by such plan; restrictions upon, and covenants conditions, and obligations assumed by the redeveloper of such property; objectives of the redevelopment plan for the prevention of the recurrence of substandard and blighted areas; and such other matters as determined appropriate; and in fixing any rentals or selling prices, it shall be deemed that consideration has been given to any appraisals of the property for such uses made by land experts employed by or for the authority.
6. The Mayor, City Clerk, or City Administrator, or his or her designee, in addition to and not in limitation of any other authority otherwise granted, shall be authorized to take all actions on behalf of the Agency as necessary or appropriate to carry out the Redevelopment Contract or actions approved herein.

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

## **G. 84<sup>TH</sup> STREET REDEVELOPMENT AREA** **(ACTION ON THIS ITEM WILL BE TAKEN BY THE COMMUNITY DEVELOPMENT AGENCY)**

### **1. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – PRE DEMOLITION INSPECTION**

Mayor Kindig stated that action on this item will be taken by the Community Development Agency. Councilmember Hale introduced and moved for the adoption of Resolution No.16-089; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH TERRACON CONSULTANTS, INC. TO PROVIDE PRE-DEMOLITION INSPECTION SERVICES OF BUILDINGS PURSUANT TO DEMOLITION AND SITE PREPARATION OR RELATED WORK IN THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA IN AN AMOUNT NOT TO EXCEED \$8,150.00.

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

WHEREAS, The City Council, upon recommendation of the Agency and Planning Commission, on July 16, 2013 approved a Redevelopment Plan for the 84<sup>th</sup> Street Redevelopment Area, which included an Initial Redevelopment Project and demolition, clearance, preparation, improvement, or disposal of the Initial Redevelopment Project Area or improvements thereon to eliminate or prevent recurrence of the substandard and blighted area or otherwise carry out the Redevelopment Plan ("Demolition and Site Preparation"); and

WHEREAS, the City Council acting as the La Vista Community Development Agency desires to approve and enter into a professional services agreement with Terracon Consultants, Inc. to provide pre-demolition inspection services of buildings pursuant to demolition and site preparation or related work in the 84<sup>th</sup> street redevelopment area.

NOW THEREFORE, BE IT RESOLVED that the City Council acting as the La Vista Community Development Agency hereby approves the Agreement presented with this Resolution.

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BE IT FURTHER RESOLVED that the City Administrator on behalf of the Agency, is authorized to execute the Agreement; and the City Administrator or her designee, to include the City Engineer, is authorized to take such further actions as she or he determines necessary or appropriate to carry out the actions approved herein.

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

## **H. RESOLUTION – AMENDMENT NO. 1 – PROFESSIONAL SERVICES AGREEMENT -THOMPSON CREEK WATERSHED RESTORATION - PLANTING PLAN**

Councilmember Hale introduced and moved for the adoption of Resolution No.16-090; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA APPROVING AN AMENDMENT TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH RDG PLANNING & DESIGN, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$4,400.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined additional professional design services for the Thompson Creek Watershed Restoration project are necessary; and

WHEREAS, the FY16 General Fund Budget contains fund for the proposed expense; 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 expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve an amendment to the agreement and authorize the City Administrator to execute said agreement for additional professional services with RDG., Omaha Nebraska in an amount not to exceed \$4,400 necessary or appropriate to carry out the actions approved herein.

Seconded by Councilmember Quick. Councilmember Crawford asked if the citizens will be contacted. City Engineer Kottmann stated that an open house was held last year and RDG also mailed notice to more than 40 property owners asking for feedback on plantings on their property with only 7 responding. Kottmann stated that they will talk to all property owners before any planting is done. Councilmember Sheehan asked if we would go on private property without their consent. Kottmann stated that we will not force anything on to private property if they do not want it. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **I. RESOLUTION – REQUEST FOR PROPOSALS – 72<sup>ND</sup> AND THOMPSON CREEK CULVERT REHABILITATION**

Councilmember Hale introduced and moved to ratify and adopt Resolution No.16-091; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR TRENCHLESS REHABILITATION OF A CULVERT THAT CONVEYS THOMPSON CREEK UNDER 72<sup>ND</sup> STREET.

WHEREAS, the Mayor and Council have determined that rehabilitation of the 120 inch diameter culvert that conveys Thompson Creek under 72<sup>nd</sup> Street is necessary, and

WHEREAS, this Capital Improvement will be funded by sales tax as this is an urgent repair that is not in the current CIP budget; and

WHEREAS, Proposals will be due August 26, 2016 with the award of contract date of September 6, 2016;



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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for trenchless rehabilitation of the 120 inch diameter culvert that conveys Thompson Creek under 72<sup>nd</sup> Street.

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

## **J. DISCUSSION – FIREWORKS**

Councilmember Sell stated that a resident had contacted himself, Councilmember Thomas, and the Mayor regarding fireworks and the issues created for people with PTSD. The Council discussed that selling fireworks is a large fundraiser for area non-profit organizations and it is the time of year for patriotic displays. Chief Lausten provided information on the hours fireworks are allowed to be set off in La Vista and the surrounding communities. Discussion was held regarding the inability to control surrounding communities even if the days and hours were changed in La Vista. Mayor Kindig asked if information could be put in the newsletter and on the website to make people aware of neighbors who might have a difficult time during this days of fireworks. Councilmember Sheehan stated that illegal fireworks are difficult to catch. Councilmember Thomas has also received complaints about people not cleaning up after they discharge fireworks and asked that something be put in the newsletter and on the website regarding this also.

## **K. DISCUSSION – NATIONAL CITIZEN SURVEY**

Assistant to the Administrator Calentine gave an overview of the timeline for conducting the survey and stated that it would be sent to as many as 1,500 recipients. Calentine stated that the results should be back in mid-November. Mayor Kindig stated that he is working with other mayors and the school to add a question to the survey. Councilmember Crawford asked whether this survey would go to those living in apartments since they are more likely to move out of the area. City Administrator Gunn stated that they may receive the survey but the survey group looks at demographics to get a good sampling from all areas of the city.

Councilmember Crawford made a motion to move Comments from the Floor ahead of Item L Executive Session. Seconded by Councilmember Hale. 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.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Sheehan stated that he would like to decrease the raise for Councilmembers to \$6,000 and asked councilmembers to think about it before the next meeting.

Mayor Kindig stated the Taste of La Vista went very well and had over 700 people in attendance. Mayor Kindig asked staff to relook at doing something separately for National Night Out next year. Mayor Kindig also stated that a new legislative session is fast approaching.

At 8:31 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

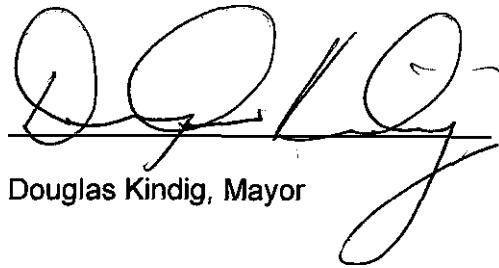
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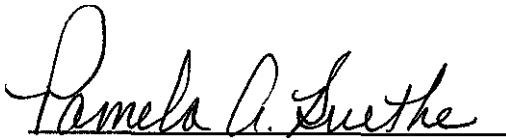
PASSED AND APPROVED THIS 16TH DAY OF AUGUST, 2016

CITY OF LA VISTA

A handwritten signature in black ink, appearing to read 'Douglas Kindig', written over a horizontal line.

Douglas Kindig, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Pamela A. Buethe', written over a horizontal line.

Pamela A. Buethe, CMC  
City Clerk