

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING OCTOBER 15, 2019

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on October 15, 2019. 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, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, City Engineer Dowse, Senior Planner Solberg, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on October 2, 2019. 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.

### APPOINTMENT – PAT DOWSE – CITY ENGINEER

Councilmember Thomas made a motion to approve the appointment of Pat Dowse as City Engineer. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 1, 2019 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE SEPTEMBER 19, 2019 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – AUGUST 2019
5. REQUEST FOR PAYMENT – BURTON PLUMBING – MAINTENANCE SERVICES – SANITARY SEWER REPAIR – \$12,709.78
6. REQUEST FOR PAYMENT – CIVICPLUS – PROFESSIONAL SERVICES – WEBSITE REDESIGN – \$15,805.17
7. REQUEST FOR PAYMENT – DESIGN WORKSHOP – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREETSCAPE PLAN – \$3,768.52
8. REQUEST FOR PAYMENT – HAWKINS CONSTRUCTION COMPANY – CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO. 2, STRUCTURE NO. 1 – \$464,508.46
9. REQUEST FOR PAYMENT – KISSEL, KOHOUT, ES ASSOCIATES LLC – PROFESSIONAL SERVICES – LEGISLATION – \$9,305.21
10. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$42,801.50
11. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY CENTER GEOTECHNICAL – \$2,855.99
12. REQUEST FOR PAYMENT – SIEREX DESIGN AND CONSTRUCTION – CONSTRUCTION SERVICES – MINI PARK IMPROVEMENTS – EBERLE WALDEN PARK STRUCTURE – \$15,149.20
13. REQUEST FOR PAYMENT – SWAIN CONSTRUCTION – CONSTRUCTION SERVICES – 84<sup>TH</sup> STREET REHABILITATION – \$691,237.68
14. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CITY PARKING DISTRICT ACCESS IMPROVEMENTS – DRAINAGE – \$15,712.50
15. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – PHASE 2 GOLF COURSE TRANSFORMATION – PROPOSED LAKE IMPROVEMENTS – \$3,589.70
16. REQUEST FOR PAYMENT – WATER'S EDGE AQUATIC DESIGN, LLC – PROFESSIONAL SERVICES – CONCEPT PLANNING – \$2,677.50
17. APPROVE MANAGER APPLICATION – CLASS I LIQUOR LICENSE – CHILI'S GRILL & BAR – STEPHANIE HINMAN

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## 18. APPROVAL OF CLAIMS

|  |            |
|--|------------|
| ACCENT DRYWALL SUPPLY CO, bld&grnds      | 184.32     |
| ACTION BATTERIES, maint.                 | 37.50      |
| ALFRED BENESCH & CO, services            | 6,187.96   |
| AMAZON CAPITAL SERVICES, supplies        | 96.37      |
| AMERICAN LEGAL PUBLISHING CO, services   | 2,277.00   |
| ANDERSON FORD OF LINCOLN, services       | 34,769.00  |
| BERRY DUNN, services                     | 3,500.00   |
| BIG RIG TRUCK ACCESSORIES, maint.        | 190.00     |
| BISHOP BUSINESS EQUIPMENT CO, supplies   | 261.90     |
| BLACK HILLS ENERGY, utilities            | 15.49      |
| BRODART CO, supplies                     | 142.20     |
| BURTON A/C, HEATING & PLUMBING, services | 1,512.21   |
| CENTER POINT, INC, books                 | 364.32     |
| CENTURY LINK, phones                     | 586.07     |
| CENTURY LINK BUSN SVCS, phones           | 139.01     |
| CINTAS CORP, services                    | 167.35     |
| CITY OF PAPILLION, services              | 188,687.00 |
| CONSOLIDATED MANAGEMENT CO, services     | 285.56     |
| CORNHUSKER INTL TRUCKS INC, maint.       | 398.76     |
| COX COMMUNICATIONS, INC, services        | 277.40     |
| CULLIGAN OF OMAHA, services              | 63.65      |
| D & K PRODUCTS, services                 | 1,167.60   |
| DATASHIELD CORP, services                | 40.00      |
| DELL MARKETING, services                 | 6,030.87   |
| DESIGN WORKSHOP INC, services            | 11,448.19  |
| DLR GROUP, services                      | 2,070.47   |
| DULTMEIER SALES, maint.                  | 329.71     |
| FASTENAL CO, bld&grnds                   | 99.06      |
| FBG SERVICE CORP, bld&grnds              | 11,930.00  |
| FERGUSON ENTERPRISES, bld&grnds          | 300.64     |
| FINDAWAY WORLD, services                 | 139.90     |
| FIRST NAT'L BANK FREMONT, bonds          | 25,309.38  |
| FLEETPRIDE, maint.                       | 233.37     |
| GALE, books                              | 164.18     |
| GCR TIRES & SERVICE, maint.              | 375.44     |
| GRAHAM CONSTRUCTION, INC, services       | 510,201.94 |
| GRAYBAR ELECTRIC CO INC, services        | 361.64     |
| GREATAMERICA FINANCIAL, services         | 1,127.00   |
| HDR ENGINEERING INC, services            | 7,881.59   |
| HERRICK, ANGELA DAWN, services           | 40.00      |
| HGM ASSOCIATES, INC, services            | 10,814.25  |
| HOBBY LOBBY, supplies                    | 196.95     |
| HOME DEPOT, bld&grnds                    | 52.74      |
| IDEAL IMAGES, INC, services              | 454.77     |
| INGRAM LIBRARY SERVICES, books           | 597.50     |
| INLAND TRUCK PARTS, maint.               | 325.55     |
| J & J SMALL ENGINE, maint.               | 65.95      |
| J RETZ LANDSCAPE, INC, services          | 8,082.66   |
| K & K MASONRY, INC, bld&grnds            | 4,500.00   |
| KRIHA FLUID POWER, maint.                | 140.07     |
| LIBRARY IDEAS LLC, books                 | 878.85     |
| LOGAN CONTRACTORS SUPPLY, services       | 21.24      |
| LOVELAND GRASS PAD, bld&grnds            | 170.55     |
| MARK A KLICKER, services                 | 200.00     |
| MARTIN MARIETTA AGGREGATES, services     | 209.85     |
| MATHESON TRI-GAS INC, supplies           | 255.12     |
| MAX I WALKER UNIFORM, services           | 30.50      |
| MENARDS-RALSTON, bld&grnds               | 2,035.43   |
| METRO COMM COLLEGE, services             | 47,888.22  |

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|   |           |
|---|-----------|
| MICROFILM IMAGING SYSTEMS, services       | 180.00    |
| MIDWEST TAPE, media                       | 306.58    |
| MONTANEZ, F., travel                      | 148.50    |
| MOTOROLA SOLUTIONS INC, services          | 12,086.40 |
| NE DEPT OF MOTOR VEHICLE, services        | 6.60      |
| NEBRASKA MUNICIPAL CLERKS ASSN, services  | 90.00     |
| OCLC INC, services                        | 322.42    |
| OFFICE DEPOT INC, supplies                | 434.69    |
| OPPD, utilities                           | 54,667.72 |
| ONE CALL CONCEPTS, services               | 340.44    |
| O'REILLY AUTO ENTERPRISES, maint.         | 1,828.15  |
| ORIENTAL TRADING CO, supplies             | 135.85    |
| PAPILLION SANITATION, services            | 1,099.40  |
| PAPIO VALLEY NURSERY INC, bld&grnds       | 893.86    |
| PETTY CASH, supplies                      | 492.37    |
| PLAINS EQUIPMENT GROUP, bld&grnds         | 1,006.19  |
| PLUTA, D., travel                         | 118.50    |
| QUALITY AUTO REPAIR, maint.               | 75.00     |
| RDG PLANNING & DESIGN, services           | 649.90    |
| READY MIXED CONCRETE, services            | 4,068.73  |
| RED WING BUSINESS, apparel                | 150.00    |
| SCARPA, D., travel                        | 100.50    |
| SCHLEGEL, J., travel                      | 100.50    |
| SHEPPARD'S BUSINESS INTERIORS, services   | 1,439.08  |
| SIEREX DESIGNS, INC, services             | 11,862.00 |
| SIGN-O-VATION, INC, maint.                | 273.43    |
| SUBURBAN NEWSPAPERS INC, services         | 779.83    |
| SUSAN G KOMEN GREAT PLAINS, services      | 100.00    |
| SWAIN CONSTRUCTION INC, services          | 98,429.50 |
| CASCADEN,T., travel                       | 100.50    |
| TED'S MOWER SALES, supplies               | 337.23    |
| THEATRICAL MEDIA, services                | 105.00    |
| THOMPSON DREESSEN & DORNER, INC, services | 1,789.25  |
| TOSHIBA FINANCIAL, services               | 138.00    |
| TRACTOR SUPPLY, bld&grnds                 | 19.99     |
| TRAIL, R., travel                         | 69.63     |
| TRANS UNION RISK, services                | 50.00     |
| TRUCK CENTER COMPANIES, maint.            | 18.40     |
| TURFWERKS, services                       | 215.87    |
| UHE, R., travel                           | 100.50    |
| UNITE PRIVATE NETWORKS, services          | 3,850.00  |
| UNITED PARCEL, services                   | 22.55     |
| VAL VERDE ANIMAL HOSPITAL INC, services   | 443.77    |
| VIERREGGER ELECTRIC CO, services          | 758.00    |
| VOIANCE LANGUAGE, services                | 8.39      |
| WALKUP WOOD PRODUCTS, supplies            | 190.00    |
| WATER'S EDGE AQUATIC DESIGN, services     | 1,387.50  |
| WEMHOFF, A., travel                       | 213.50    |
| WESTLAKE HARDWARE INC, bld&grnds          | 1,312.63  |
| WICK'S STERLING TRUCKS INC, maint.        | 58.22     |
| WOODHOUSE FORD OF OMAHA, maint.           | 694.31    |

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Frederick 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 DEPARTMENT HEADS

Director of Public Works Soucie reported on the upcoming Clean-Up Days.

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## **B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT**

At 6:02 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the EDP Report. Citizen Advisory Review Committee Chair Schovanec gave an overview of the report.

At 6:04 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.

## **C. AMEND ZONING ORDINANCE – SECTIONS 5.06, 5.07, 5.08, 5.09 AND 5.19 (SETBACKS FOR PUBLIC FACILITIES IN ZONES R1-R4 AND MU-CC)**

### **1. PUBLIC HEARING**

At 6:05 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed zoning text amendments.

At 6:05 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. ORDINANCE**

Councilmember Hale introduced Ordinance No. 1371 entitled: AN ORDINANCE TO AMEND SECTIONS 5.06, 5.07, 5.08, 5.09, AND 5.19 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 5.06, 5.07, 5.08, 5.09, AND 5.19 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title, and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1371 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.

## **D. PLANNED UNIT DEVELOPMENT SITE PLAN – LOTS 19-20, SOUTHPORT WEST & LOTS 2-3, SOUTHPORT WEST REPLAT 2 (NW OF WESTPORT PKWY)**

### **1. PUBLIC HEARING**

At 6:07 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the planned unit development site plan. Patrick Morgan, representing Brixmor, was present to answer any questions.

At 6:10 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: Hale. Absent: None. Motion carried.

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## 2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No.19-142 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN AMENDMENT FOR LOTS 19-20, SOUTHPORT WEST, AND LOTS 2-3 SOUTHPORT WEST REPLAT TWO, LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, Heritage Westwood La Vista, LLC, has made an application for approval of a PUD Site Plan Amendment for Lots 19-20 Southport West, and Lots 2-3 Southport West Replat Two; and

WHEREAS, the Senior Planner and the City Engineer have reviewed the PUD Site Plan Amendment; and

WHEREAS, the La Vista Planning Commission held a public hearing on September 19, 2019 and voted unanimously to recommend approval of the PUD Site Plan Amendment; and

WHEREAS, the PUD Site Plan Amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD Site Plan Amendment presented at this meeting for Lots 19-20 Southport West, and Lots 2-3 Southport West Replat Two, located in the Southwest 1/4 of Section 18, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, generally located north of Westport Parkway between Giles Road and S. 125th Street, be, and hereby is, approved, subject to completion of all requirements and conditions specified in the Planning Division Recommendation Report included with this agenda item to the satisfaction of the City Administrator, City Engineer, or her or his designee.

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

## E. ORDINANCE – AMEND MASTER FEE ORDINANCE

Councilmember Sell introduced Ordinance No. 1372 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1366, 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 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. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. 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 Frederick moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1372 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

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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. RESOLUTION – AWARD CONTRACT – MINI PARK IMPROVEMENTS –** **EBERLE WALDEN PARK PLAYGROUND**

Councilmember Quick introduced and moved for the adoption of Resolution No.19-143 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO CROUCH CONSTRUCTION, OMAHA NEBRASKA FOR THE EBERLE WALDEN PARK PLAYGROUND EQUIPMENT IN AN AMOUNT NOT TO EXCEED \$47,932.00.

WHEREAS, the City Council of the City of La Vista has determined that the construction of playground equipment at Eberle Walden Park is necessary; and

WHEREAS, the FY19/FY20 Biennial Budget provides funding for mini park improvements; and

WHEREAS, quotes were solicited, and four quotes were received; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska award the contract to Crouch Construction, Omaha Nebraska for the Eberle Walden Park Playground Project in an amount not to exceed \$47,932.00.

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

## **G. DISCUSSION: FIREWORKS**

There was Council discussion regarding fireworks. Councilmember Crawford proposed bringing back an ordinance to the next Council meeting that would change the fireworks rules to 7 days of sale and discharge starting on June 28 with the hours of 11:00 a.m. to 10:00 p.m. for the first five days and 11:00 a.m. to 11:00 p.m. on July 3rd and 4th. Councilmember Crawford also requested additional signage displaying the dates and times for sales and discharge.

Staff was directed to draft an ordinance with the proposed changes for the next meeting.

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Frederick commented on the ribbon-cutting at Jimbo's Diner and on the upcoming Winter Coat Drive.

At 6:34 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

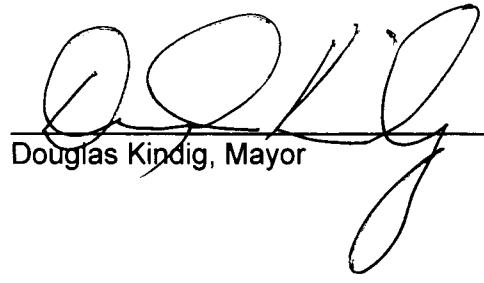
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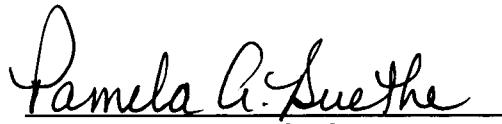
PASSED AND APPROVED THIS 5TH DAY OF NOVEMBER 2019.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk