

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 15, 2021

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 June 15, 2021. 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, Chief of Police Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, City Engineer Dowse, Community Development Director Fountain, and Finance Director Miserez.

A notice of the meeting was given in advance thereof by publication in the Times on June 2, 2021. 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.

Council President Thomas called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 1, 2021 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE MAY 20, 2021 PLANNING COMMISSION MEETING
4. APPROVAL OF THE MINUTES OF THE MAY 10, 2021 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC. MEETING
5. MONTHLY FINANCIAL REPORT – APRIL 2021
6. REQUEST FOR PAYMENT – HDR – PROFESSIONAL SERVICES – PROJECT MANAGEMENT – PUBLIC IMPROVEMENTS AND OTHER WORKS - \$550.23
7. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL SERVICES – LA VISTA WAYFINDING - \$5425.00

### 8. APPROVAL OF CLAIMS

3C PAYMENT USA CORP, services	200.00
3CMA MEMBERSHIP, services	380.00
4 SEASONS AWARDS, services	47.90
AA WHEEL & TRUCK SUPPLY, maint.	16.50
ABM INDUSTRIES INC, services	9,592.29
ACCO UNLIMITED CORP, supplies	84.95
AKRS EQUIPMENT SOLUTIONS, INC.	91.88
ALFRED BENESCH & CO, services	27,388.40
ALKAR BILLIARDS, services	1,270.00
AMAZON, supplies	159.97
AMERICAN HERITAGE LIFE INS, services	1,173.35
A-RELIEF, services	746.00
BAUER BUILT INC, maint.	1,386.30
BIBLIOTHECA LLC, media	1.98
BISHOP BUSINESS EQUIPMENT, services	1,244.17
BKD LLP, services	2,170.00
BLACK HILLS ENERGY, utilities	3,241.74
BOK FINANCIAL, services	100,050.63
BUILDERS SUPPLY, maint.	790.40
CAVLOVIC, PAT, apparel	144.99
CCAP AUTO LEASE LTD, services	840.12
CENTURY LINK/LUMEN, phones	1,028.34
CINTAS CORP, services	288.92
CITIBANK COSTCO VISA, supplies	356.95



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COMP CHOICE INC, services	1,591.61
COX COMMUNICATIONS, services	280.55
CULLIGAN OF OMAHA, supplies	32.00
CUMMINS CENTRAL POWER LLC, bld&grnds	663.48
DATASHIELD CORP, services	120.00
DEARBORN NATIONAL LIFE INS CO, services	7,995.21
DEMCO INC, supplies	215.76
DONAL FISCHER, refund	207.78
DOOLING, SHAWN A, refund	900.00
DXP ENTERPRISES INC, maint.	29.60
EDGEWEAR SCREEN PRINTING, apparel	2,924.65
ESSENTIAL SCREENS, services	682.00
EYMAN PLUMBING INC, bld&grnds	161.50
FASTENAL CO, apparel	42.12
FBG SERVICE CORP, bld&grns	5,965.00
FEDEX, services	138.97
FERGUSON ENTERPRISES, bld&grnds	63.77
FILTER CARE OF NE, bld&grnds	10.25
FIRST BANKCARD, services	12,784.74
FIRST STATE BANK, services	12,205.78
GENERAL FIRE & SAFETY, bld&grnds	349.00
GENUINE PARTS CO, maint.	761.13
GRAYBAR ELECTRIC CO, bld&grnds	47.88
GREATAMERICA FINANCIAL, services	2,355.31
HANNAH CARDEN, refund	349.25
HARM'S CONCRETE INC, bld&grnds	495.00
HOBBY LOBBY, supplies	142.56
HOIT, CHRISTINE M, services	348.00
HOME DEPOT, supplies	35.94
HURST, JEAN, refund	49.98
INGRAM LIBRARY SERVICES, books	1,781.34
J & J SMALL ENGINE, maint.	724.93
JOHNSON, ALLEN L, services	195.00
K ELECTRIC, services	1,925.08
KANOPY INC, services	134.00
KEYMASTERS LOCKSMITH, bld&grnds	84.00
KRIHA FLUID POWER CO, maint.	233.42
LABRIE, DONALD P, services	375.00
LEXIS NEXIS MATTHEW BENDER, services	83.08
LIBRARY IDEAS LLC, books	194.75
LINCOLN NATIONAL LIFE INS CO, services	6,486.30
LOGAN CONTRACTORS SUPPLY, apparel	100.75
LOGO LOGIX EMBROIDERY, apparel	792.00
LOWE'S, supplies	498.17
MACQUEEN EQUIPMENT LLC, services	1,762.64
MALLOY ELECTRIC, supplies	58.62
MARCO INC, services	168.00
MARK A KLINKER, services	400.00
MARTIN ASPHALT, maint.	514.30
MARTIN MARIETTA MATERIALS, bld&grnds	91.74
MEDICA INSURANCE CO, services	114,122.89
MENARDS-RALSTON, maint.	1,767.70
MID-AMERICAN BENEFITS, services	650.00
MID-IOWA SOLID WASTE EQUIP, services	163.20
MIDWEST TAPE, media	78.97
MIDWEST TURF & IRRIGATION, maint.	247.52
MSC INDUSTRIAL, supplies	607.65
MUD, utilities	2,870.63
MUNICIPAL PIPE TOOL CO, maint.	1,262.47
NE DEPT OF REVENUE, sales tax	89.59

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NE NOTARY ASSOC, services	100.00
NE STATE TREASURER, services	211.00
OCLC INC, services	161.21
OFFICE DEPOT INC, supplies	346.76
OMNI ENGINEERING, maint.	695.54
OPPD, utilities	49,011.51
O'REILLY AUTO PARTS, maint.	768.22
ORIENTAL TRADING CO, supplies	655.51
PAPILLION SANITATION, services	275.70
PAYROLL, salaries & taxes	385,822.75
PEPSI COLA CO, supplies	365.85
POMP'S TIRE SERVICE INC, maint.	323.00
PSI PLASTIC GRAPHICS, supplies	484.89
QUALITY AUTO REPAIR, maint.	83.00
RDG PLANNING & DESIGN, services	1,338.52
RED WING, apparel	300.00
REGAL AWARDS INC, services	77.76
RICHARD CROWDER, refund	20.00
RIVER CITY RECYCLING, services	709.50
SAPP BROS INC, maint.	1,684.40
SIGN IT, services	100.00
SILAS CREEK, services	2,000.00
STONE PLANNING LLC, services	1,000.00
SUBURBAN NEWSPAPERS INC, services	384.60
SWAIN CONSTRUCTION INC, services	212,900.35
THE LIFEGUARD STORE, supplies	555.35
THE SCHEMMER ASSOCIATES INC, services	185.00
TOSHIBA FINANCIAL, services	265.40
TRACTOR SUPPLY, services	73.93
TRANS UNION RISK, services	75.00
TRUCK CENTER CO, maint.	926.58
TY'S OUTDOOR POWER, maint.	60.95
U.S. CELLULAR, phones	1,822.08
UNITE PRIVATE NETWORKS LLC, services	8,800.00
UNITED HEALTHCARE INS, services	1,043.23
UTILITY EQUIPMENT CO, supplies	31.84
VERIZON WIRELESS, phones	18.02
VIERREGGER ELECTRIC CO, services	1,452.00
WALMART, services	424.81
WESTLAKE HARDWARE, bld&grnds	1,692.58

Councilmember Hale made a motion to approve the consent agenda. Seconded by Councilmember Frederick. 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**

Library Director Barcal reported on the Summer Reading Program and that the Pre-Conference for State Conference was held at the Library.

Recreation Director Stopak reported on programs through the Recreation Department.

City Engineer Dowse reported on street construction projects.

At 6:10 p.m. Mayor Kindig arrived to preside over the meeting.

## **SERVICE AWARDS: DAVID KARLSON – 25 YEARS**

Mayor Kindig recognized David Karlson for 25 years of service to the City.



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## **PRESENTATION – WAYFINDING – DESIGN WORKSHOP**

Renee Ludlam with Design Workshop gave a presentation on the Wayfinding project.

## **B. 2022-2026 CAPITAL IMPROVEMENT PROGRAM**

### **1. PUBLIC HEARING**

At 6:57 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Capital Improvement Program. Jeff Calentine gave a presentation of the program.

At 7:10 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 – ADOPTION OF 2022-2026 CAPITAL IMPROVEMENT PROGRAM**

Councilmember Crawford introduced and moved for the adoption of Resolution No. 21-065 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2022-2026 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2022-2026 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2022-2026 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2022-2026 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2022-2026 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

## **C. RESOLUTION – 84<sup>TH</sup> STREET REDEVELOPMENT AREA PHASE TAX INCREMENT FINANCING – PART OF MIXED USE REDEVELOPMENT PROJECT (ACTION ON THIS ITEM WILL BE TAKEN BY THE LA VISTA COMMUNITY DEVELOPMENT AGENCY)**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-066 entitled: A RESOLUTION AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PROJECT), SERIES 2021, OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, FOR THE PURPOSE OF PAYING CERTAIN PROJECT COSTS IN CONNECTION WITH A REDEVELOPMENT PROJECT; PRESCRIBING THE FORM AND DETAILS OF SUCH NOTE AND THE COVENANTS AND AGREEMENTS MADE BY THE AGENCY TO FACILITATE AND PROTECT THE PAYMENT THEREOF; AND PRESCRIBING OTHER MATTERS RELATING THERETO.



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- WHEREAS, the City of La Vista (the "City") has established a community development agency (the "Agency") under Chapter 18, Article 21, Reissue Revised States of Nebraska, as amended (the "Act");
- WHEREAS, the Act prescribes the requirements and procedures for the planning and implementation of redevelopment projects;
- WHEREAS, pursuant to the Act and upon the recommendation of the Planning Commission, the Redevelopment Area was previously declared to be blighted and substandard and in need of redevelopment pursuant to the Act;
- WHEREAS, the Council previously adopted and the City has in place a comprehensive plan, which includes a general plan for development of the City within the meaning of Section 18-2110 of the Act;
- WHEREAS, pursuant to the Act and upon the recommendation of the Agency and of the Planning Commission, the City Council approved the Redevelopment Plan for the Redevelopment Area, as amended by Amendment No. 1 and Amendment No. 2 and including a multi-year mixed use redevelopment project (the "Mixed Use Redevelopment Project") and related tax increment financing pursuant to Neb. Rev. Stat. Section 18-2147 to be developed in phases in the vicinity of 84<sup>th</sup> Street and Brentwood Boulevard;
- WHEREAS, pursuant to the Act the Agency approved the Redevelopment Agreement, as amended, a redevelopment contract between the Agency and La Vista City Centre, LLC, a Nebraska limited liability company, and its assignee City Centre Music Venue, LLC, a Nebraska limited liability company, (together, the "Redeveloper"), and authorized the Redeveloper to undertake all phases of the Mixed Use Redevelopment Project, including the Project (hereinafter defined), and related tax increment financing within the Project Area (hereinafter defined) in accordance with the Act;
- WHEREAS, the Redevelopment Plan and Agreement provide, among other things, that the Agency will issue debt to be secured by moneys in the TIF Revenue Fund for the purpose of paying a portion of the Project Costs (hereinafter defined) for the Project; and
- WHEREAS, in connection with commencement of an additional phase of the Mixed Use Redevelopment Project, it is necessary, desirable, advisable, and in the best interest of the Agency to issue the Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Project), Series 2021 (the "Note"), in the principal amount of \$3,000,000 to pay a portion of the Project Costs, to pay the costs of issuing the Note, and to be issued and secured in the form and manner as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, acting as the Community Development Agency is, accepted and approved.

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

**D. RESOLUTION – AUTHORIZE ADVERTISEMENT FOR BIDS – 84<sup>TH</sup> STREET REDEVELOPMENT AREA PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT – OFFSTREET PARKING DISTRICT NO. 2 STRUCTURE NO. 2**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-067 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF OFFSTREET PARKING DISTRICT NO. 2 – STRUCTURE NO. 2 ASSOCIATED WITH THE PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT IN THE 84TH STREET REDEVELOPMENT AREA.



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WHEREAS, the City has determined it is necessary to make changes and additions to the contract; and

WHEREAS, the FY2/22 Biennial Budget provides funding for this project; and

WHEREAS, the schedule for awarding this bis is as follows:

Publish Notice to Contractors	June 30 and July 7, 2021
Mandatory Pre-Bid Meeting	July 9, 2021 at 10:30 am City Hall
Open Bids	July 27, 2021 at 10:00 am City Hall
Council Award Contract	August 17, 2021 (Tentative)

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement of bids for the Offstreet Parking District No. 2 – Structure No. 2 associated with the public improvement redevelopment project in the 84th Street Redevelopment Area.

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

E. 84<sup>TH</sup> STREET REDEVELOPMENT AREA – PUBLIC IMPROVEMENT AND MIXED USE REDEVELOPMENT PROJECT AREAS

1. RESOLUTION – APPROVE RECIPROCAL CONSTRUCTION, GRADING, AND SITE PREPARATION EASEMENT

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-068 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AND AUTHORIZING EXECUTION OF A RECIPROCAL CONSTRUCTION, GRADING AND SITE PREPARATION EASEMENT WITHIN THE PUBLIC IMPROVEMENT AND THE MIXED USE REDEVELOPMENT PROJECT AREAS.

WHEREAS, the City of La Vista, pursuant to the Public Improvement Redevelopment Project, will construct certain improvements within the Public Improvement Redevelopment Project Area; and

WHEREAS, City Centre Music Venue, LLC or any affiliated entity of City Centre Music Venue, LLC, as the Redeveloper, pursuant to the Mixed Use Redevelopment Project will construct certain improvements within the Mixed Use Redevelopment Project Area, as amended; and

WHEREAS, the parties desire to grant reciprocal easements over certain Redeveloper property and City property for the purposes of construction, grading and site preparation in connection with such improvements; and

WHEREAS, a proposed Reciprocal Construction, Grading, and Site Preparation Easement is presented with this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Reciprocal Construction, Grading, and Site Preparation Easement as presented, subject to any additions, subtractions, or modifications as the City Administrator, City Engineer, or any designee of the City Administrator or City Engineer determines necessary or appropriate (“Easement”).

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Easement and to take all other actions as he or she determines necessary or appropriate to carry out this Resolution or the Easement.



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

## **F. 84<sup>TH</sup> STREET REDEVELOPMENT AREA – PUBLIC IMPROVEMENT AND MIXED USE REDEVELOPMENT PROJECT AREAS**

### **1. RESOLUTION – APPROVE ENCROACHMENT EASEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-069 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN ENCROACHMENT EASEMENT AGREEMENT IN CONNECTION WITH PUBLIC IMPROVEMENTS TO BE CONSTRUCTED ON LOT 2, LA VISTA CITY CENTER REPLAT FOUR.

WHEREAS, the Mayor and City Council of the City of La Vista, pursuant to the Public Improvement Redevelopment Project, will construct certain improvements on Lot 2, La Vista City Centre Replat Four that will encroach upon Lot 3 La Vista City Center Replat Four ("Lot 3"); and

WHEREAS, City Centre Music Venue LLC or any affiliated entity of City Centre Music Venue, LLC, as owner of Lot 3, finds the encroachments upon Lot 3, La Vista City Centre Replat Four acceptable and is willing to grant the City of La Vista an easement for such encroachments; and

WHEREAS, a proposed Encroachment Easement Agreement is presented with this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Encroachment Easement Agreement as presented, subject to any additions, subtractions, or modifications as the City Administrator, City Engineer, or any designee of the City Administrator or City Engineer determines necessary or appropriate ("Easement").

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Easement and to take all other actions as he or she determines necessary or appropriate to carry out this Resolution or the Easement.

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

## **G. RESOLUTION – APPROVE CONSTRUCTION MANAGERS AND AUTHORIZE REQUEST FOR PROPOSALS FOR CENTRAL PARK PAVILLION AND SITE IMPROVEMENT SERVICES**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-070 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, SELECTING AND APPROVING CONSTRUCTION MANAGERS AS PREQUALIFIED, AND AUTHORIZING REQUEST FOR PROPOSALS UNDER THE CONSTRUCTION MANAGEMENT AT RISK DELIVERY SYSTEM FOR CENTRAL PARK PAVILION AND SITE IMPROVEMENTS LOCATED NORTH OF 8302 CITY CENTRE DRIVE IN CENTRAL PARK.

WHEREAS, the Mayor and City Council authorized and approved Construction Management at Risk delivery system ("Construction Management at Risk" or "CMR") under Neb. Rev. Stat. Section 13-2901 et seq ("Act"), approved CMR policies ("Policies"), and approved Construction Management at Risk for the proposed Central Park Pavilion and Site Improvements project located north of 8302 City Centre Drive in Central Park; and

WHEREAS, the City, based on information submitted in responses to request for letters of interest, desires to select construction managers as prequalified and eligible to receive request for proposals for the CMR



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contract for the Central Park Pavilion and Site Improvements and to authorize requesting proposals from them.

NOW, THEREFORE, BE IT RESOLVED that the following is approved:

1. The following construction managers, as recommended by the La Vista City Engineer and City Administrator based on review of information submitted in responses to request for letters of interest, are hereby selected in accordance with the Policies as prequalified and eligible to receive request for proposals for the CMR contract for the Central Park Pavilion and Site Improvements.

- Boyd Jones
- Graham
- JE Dunn Construction
- Lund Ross
- MCL
- Weitz

("Prequalified Construction Managers"). In making such selection, the review and findings of the City Administrator or City Engineer are hereby ratified, affirmed, adopted, and approved. Construction managers shall be informed of such selection by such means as the City Administrator or City Engineer or his or her designee determines appropriate. Request for proposals shall be sent only to the Prequalified Construction Managers.

2. The City Engineer or City Administrator, or any designee of the City Engineer or City Administrator, shall prepare and provide each of the Prequalified Construction Managers a request for proposals for the CMR contract for the Central Park Pavilion and Site Improvements in form and content satisfactory to the City Engineer or City Administrator, and further shall publish notice of the request for proposals.
3. The City Administrator or City Engineer, or any designee of the City Administrator or City Engineer, shall be authorized on behalf of the City to take all actions as she or he determines necessary or appropriate in connection with the request for proposals, the actions approved in this Resolution, or the CMR process, except for any action or approval that the Policies expressly require of the Selection Committee, and all such actions shall be final, conclusive and binding on the City and all parties. The authorization provided by this paragraph "3" shall include without limitation:
  - a. Determining content, preparing, publishing notice of, and distributing requests for proposals;
  - b. Receiving, opening, analyzing, evaluating, reviewing, and making recommendations regarding proposals, rankings, and recommended construction managers under applicable criteria;
  - c. Referring proposals to, assisting, and obtaining recommendation of the Selection Committee;
  - d. Negotiating and preparing construction management at risk contracts with prospective construction managers;
  - e. Determining applicable criteria and content of all proposed documents and instruments of the City; and
  - f. Taking all other actions as determined necessary or appropriate under the circumstances to prepare or present a proposed Construction Management at Risk contract to the Mayor and City Council for consideration or approval.

This Resolution shall be in full force and take effect from and after adoption as provided by law.

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

## **H. RESOLUTION – APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – AMENDMENT NO. 11 – 84<sup>TH</sup> STREET AND CITY CENTRE INFRASTRUCTURE – ADDITIONAL SERVICES**



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Councilmember Hale introduced and moved for the adoption of Resolution No. 21-071 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 11 TO A PROFESSIONAL SERVICES AGREEMENT WITH OLSSON, INC. TO PROVIDE PROJECT MANAGEMENT, DESIGN SERVICES, AND CONSTRUCTION PHASE SERVICES, FOR THE DESIGN MODIFICATION AND FILL PLACEMENT MONITORING FOR THE GRADING OF THE INTERFACE STRUCTURE.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined additional professional services related to the Interface Structure are necessary; and

WHEREAS, the City Council on behalf of the City of La Vista desires to approve amendment No. 11 to a professional services agreement with Olsson Associates to provide additional services; and

WHEREAS, The FY21/22 Biennial Budget provides funding for this project; 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 amendment No. 11 to a professional services agreement with Olsson, Inc. to provide project management, design services, and construction phase services, for the design modification and fill placement monitoring for the grading of the interface structure.

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

## **I. RESOLUTION – APPROVAL OF ADDITION TO AREA OF LIQUOR LICENSE – NEBRASKA BREWING COMPANY**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-072 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE ADDITION TO THE LIQUOR LICENSE FOR NEBRASKA BREWING COMPANY IN LA VISTA, NEBRASKA.

WHEREAS, Nebraska Brewing Company, 6946 S. 108<sup>th</sup> Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their Liquor License; and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application; and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission; and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the addition to the Liquor License submitted by Nebraska Brewing Company, 6946 S. 108<sup>th</sup> Street, La Vista, Sarpy County, Nebraska.

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



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## **J. RESOLUTION – AUTHORIZE PURCHASE – WORKIVA DOCUMENT PRODUCTION SOFTWARE**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-073 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA TO AUTHORIZE THE PURCHASE OF WORKIVA DOCUMENT PRODUCTION SOFTWARE IN AN AMOUNT NOT TO EXCEED \$41,600.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of Workiva Document Production Software is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed 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 purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of Workiva Document Production Software in an amount not to exceed \$41,600.

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

## **K. RESOLUTION – ADOPT FINANCIAL POLICY**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-074 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to city administration in regard to various issues which regularly occur; and

WHEREAS, a Council Policy Statement entitled "138 – City Financial Policies" has been established.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement entitled "138 – City Financial Policies" and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

## **L. REORGANIZATION – BUILDING MAINTENANCE DIVISION**

### **1. RESOLUTION – AUTHORIZE REORGANIZATION OF BUILDING MAINTENANCE DIVISION**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-075 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE THE REORGANIZATION OF THE BUILDING MAINTENANCE DIVISION WITHIN THE PUBLIC WORKS DEPARTMENT.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that the reorganization of the Building Maintenance Division within the Public Works Department is necessary; and



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WHEREAS, the Building Maintenance Division is responsible for maintaining all City facilities comprised of over 166,000 square feet of space of which 124,781 square feet is occupied; and

WHEREAS, the positions within the Building Maintenance Division will include the Building Superintendent (new), Building Technician (reclassified), and Building Maintenance Workers (no change),

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, hereby approves the reorganization of the Building Maintenance Division within the Public Works Department.

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

## **2. POSITION DESCRIPTION – PUBLIC WORKS – BUILDING MAINTENANCE DIVISION – NEW AND UPDATE**

Councilmember Crawford made a motion to receive and file the position description for Public Works – Building Maintenance Division – New and Update. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick and Sell. Nays: Hale. Abstain: None. Absent: None. Motion carried.

## **M. RESOLUTION – APPROVE INTERLOCAL AGREEMENT – PROSECUTORIAL SERVICES – LA VISTA CITY CODE VIOLATIONS**

Councilmember Quick introduced and moved for the adoption of Resolution No. 21-076 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE CITY OF PAPILLION FOR PROSECUTORIAL SERVICES RELATED TO LA VISTA CITY CODE VIOLATIONS EFFECTIVE JULY 1, 2021.

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and

WHEREAS, the Mayor and City Council have determined that the City is required to prosecute criminal violations of the La Vista City Code; and

WHEREAS, the City of La Vista does not have an in-house legal department, so has contracted with a private attorney to provide this service; and

WHEREAS, the City of Papillion has an in-house legal department the currently providing this service for Papillion; and

WHEREAS, the cities desire to enter into an Interlocal Agreement under which the Papillion City Attorney or designee will provide prosecutorial service to the City of La Vista for criminal violations of the La Vista City Code, and bill the City of La Vista for actual time spent by the Papillion City Attorney; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this service; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with the City of Papillion for prosecutorial services related to La Vista City Code violations effective July 1, 2021

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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## **N. DISCUSSION – HOLIDAY LIGHTS**

Community Relations Coordinator Mitch Beaumont presented information on the purchasing of holiday lights. There was Council discussion.

City Council requested samples of the holiday lights.

## **O. RESOLUTION – APPROVE PURCHASE – DOG PARK FENCING**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-077 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF DOG PARK FENCING FROM AMERICAN FENCE COMPANY, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$24,515.01.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of dog park fencing is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed 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 purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of temporary dog park fencing from American Fence Company, Omaha, Nebraska in an amount not to exceed \$24,515.01.

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

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

## **COMMENTS FROM THE FLOOR**

Tammy Bray of 7138 Plum Dale Road commented on the additional traffic on Plum Dale Road created by the road closures on 96<sup>th</sup> Street during reconstruction.

## **EXECUTIVE SESSION – CONTRACT NEGOTIATIONS**

At 7:57 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for negotiating guidance regarding contract negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:17 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Motion carried.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Sheehan commented on the good work of the police department with the missing person search. Councilmember Frederick stated his agreement with Councilmember Sheehan.



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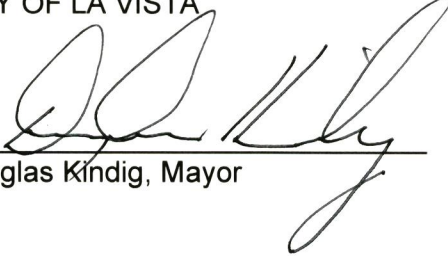
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At 8:17 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF JULY 2021.

CITY OF LA VISTA

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

ATTEST:

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



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