

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING December 19, 2017

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 December 19, 2017. 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, City Engineer Kottmann, Director of Administrative Services Pokorny, City Planner Solberg, Finance Director Miserez, Library Director Barcal and Recreation Director Stopak.

A notice of the meeting was given in advance thereof by publication in the Times on December 6, 2017. 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.

### SWEAR IN POLICE OFFICERS – BRIAN STRAW; TANNER REISS

Mayor Kindig swore in Brian Straw and Tanner Reiss as Police Officers for the La Vista Police Department.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE DECEMBER 5, 2017 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2017 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – OCTOBER 2017
5. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – 72<sup>ND</sup> STREET AND THOMPSON CREEK CULVERT REHABILITATION - \$218.42
6. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – LA VISTA PHASE 1 GOLF COURSE TRANSFORMATION – PROPOSED LAKE IMPROVEMENTS - \$14,462.47
7. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – BIG PAPIO CREEK SIPHON REPAIR - \$1,690.17
8. REQUEST FOR PAYMENT – UPSTREAM WEEDS – PROFESSIONAL SERVICES – STORM WATER OUTREACH - \$825.00
9. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$9,221.05
10. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$226.10
11. REQUEST FOR PAYMENT – KSI CONSTRUCTION – CONSTRUCTION SERVICES – 84<sup>TH</sup> STREET REDEVELOPMENT PROJECT - \$166,884.00
12. REQUEST FOR PAYMENT – HDR ENGINEERING INC. – PROFESSIONAL SERVICES – PUBLIC IMPROVEMENTS AND OTHER WORKS - \$15,760.17
13. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY, maint.	\$126.43
ACTION BATTERIES, maint.	\$30.90
AMERICAN HERITAGE LIFE INS CO, services	\$1,498.13

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ANDERSON BROTHERS ENGINEERING, bld&grnds	\$215.00
ASCAP, services	\$341.75
ATLAS COPCO COMPRESSORS LLC, services	\$217.35
BAXTER CHRYSLER DODGE JEEP, maint.	\$48.56
BAXTER FORD, maint.	\$17.88
BKD LLP, services	\$2,235.00
BLACK HILLS ENERGY, utilities	\$4,645.24
CENTER POINT PUBLISHING, books	\$318.18
CENTRAL PLAINS LIBRARY SYSTEM, supplies	\$12.65
CENTURY LINK BUSN SVCS, phones	\$31.34
CENTURY LINK, phones	\$151.79
CENTURY LINK, phones	\$132.78
CHRIS MADDEN, services	\$825.00
CHRYSTAN FERRELL LLC, maint.	\$2,200.00
CITY OF OMAHA, utilities	\$211,619.57
CONSOLIDATED MANAGEMENT, services	\$177.74
CONTINENTAL RESEARCH CORP, services	\$580.50
CORNHUSKER STATE INDUSTRIES, services	\$202.04
COX COMMUNICATIONS, services	\$145.91
CROSSBUCK GUN CABINETS, services	\$750.00
D & K PRODUCTS, services	\$13,528.95
DLR GROUP, services	\$49,595.87
DULTMEIER SALES, bld&grnds	\$139.80
EBSCO INFORMATION, media	\$4,036.06
EDGEWEAR SCREEN PRINTING, apparel	\$57.00
FELSBURG HOLT & ULLEVIG, services	\$1,235.70
FIRST WIRELESS INC, services	\$75.80
FOCUS PRINTING, services	\$3,043.19
FOCUS PRINTING, services	\$3,043.19
GALE, books	\$164.18
GENERAL FIRE & SAFETY EQUIP CO, services	\$245.00
GOVERNMENT FINANCE OFFICER'S, services	\$190.00
GRAINGER, bld&grnds	\$140.57
GRAYBAR ELECTRIC CO, supplies	\$485.21
HDR ENGINEERING INC, services	\$19,427.04
HEIMES CORP, services	\$56.72
HOBBY LOBBY, supplies	\$83.46
HOME DEPOT, bld&grnds	\$104.13
INGRAM LIBRARY SERVICES, books	\$2,652.31
KSI CONSTRUCTION, services	\$89,119.09
LAUSTEN JR ROBERT S, services	\$1,400.00
LERNER PUBLISHING GROUP, books	\$713.39
LOGAN CONTRACTORS SUPPLY, maint.	\$89.00
LOGO LOGIX, apparel	\$120.00
LV COMM FOUNDATION, refund/payroll	\$1,560.00
MARCO INC, services	\$571.90
MARK A KLINKER, services	\$200.00
MARY HAGERUP, travel	\$94.95
MAX I WALKER UNIFORM, services	\$573.20
MENARDS-RALSTON, services	\$334.39
MICHAEL D SCHAWANG, services	\$750.00
MIDWEST TAPE, media	\$272.87
MNJ TECHNOLOGIES, services	\$1,047.00
MUD, utilities	\$313.66
MUD, utilities	\$1,661.09
NE DEPT OF REVENUE, sales tax	\$674.47
NE SALT & GRAIN CO, services	\$1,625.00
NE WELDING LTD, maint.	\$103.50
NEWMAN TRAFFIC SIGNS, services	\$1,014.50
NOVA FITNESS EQUIPMENT CO, services	\$960.20

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NUTS & BOLTS INC, maint.	\$18.00
NWEA-NE WATER ENVIRONMENT ASSN, services	\$580.00
OCLC INC, services	\$149.77
OFFICE DEPOT INC, supplies	\$165.33
OFFICE DEPOT INC, supplies	\$865.27
OPPD, utilities	\$2,250.02
ORIENTAL TRADING CO, supplies	\$574.27
PAPILLION SANITATION, services	\$280.76
PAYFLEX SYSTEMS, services	\$291.75
PAYLESS OFFICE PRODUCTS, supplies	\$147.42
PENWORTHY CO, books	\$768.05
PETTY CASH, supplies	\$332.65
PHAM, RACHEL THUY LINH, services	\$60.00
QUICK, T., travel	\$55.00
RAINBOW GLASS & SUPPLY, services	\$246.06
READ ALOUD NEBRASKA, services	\$40.00
READY MIXED CONCRETE CO, maint.	\$1,073.48
RETRIEVEX, services	\$151.49
ROCKY HENKEL, payroll	\$73.71
ROURKE PUBLISHING CO, books	\$736.30
RUNZA RESTAURANT, services	\$1,237.00
SARPY COUNTY COURTHOUSE, services	\$4,100.03
SCHEMMER ASSOCIATES INC, services	\$1,650.70
SIRCHIE FINGER PRINT LABS, services	\$73.24
SOUTHERN UNIFORM, apparel	\$628.45
SUSPENSION SHOP INC, maint.	\$735.00
TED'S MOWER SALES, maint.	\$9.49
THERMO KING CHRISTENSEN, maint.	\$136.01
THOMPSON DREESSEN & DORNER, services	\$170.00
TOSHIBA FINANCIAL, services	\$127.40
TRACTOR SUPPLY, maint.	\$49.99
TRAVELERS, services	\$756.76
UNITED RENT-ALL, services	\$394.66
VERIZON WIRELESS, phones	\$129.09
WAL-MART, supplies	\$893.30
WICK'S STERLING TRUCKS, maint.	\$110.11

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Sell. Councilmember Sheehan 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 Administrative Services Pokorny reported that City Staff donated \$650 to the Tri-City Food Bank for the jeans days in November.

Community Relations Coordinator Beaumont thanked the Mayor and Council for their help at Santa's Workshop. Beaumont stated 1500 people attend events over the holiday season.

## B. APPLICATION TO AMEND PUD SITE PLAN - LOTS 14-A AND 15-A, SOUTHPORT EAST REPLAT EIGHT AND LOTS 1-4, SOUTHPORT EAST REPLAT NINE (SOUTHPORT PKWY & EASTPORT PKWY)

### 1. PUBLIC HEARING

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application to amend PUD Site Plan - Lots 14-A and 15-A, Southport East Replat Eight and lots 1-4, Southport East Replat Nine (Southport Pkwy & Eastport Pkwy). Brett Beller, the applicant, was present. Discussion was held.

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At 7:19 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 Crawford introduced Ordinance No. 1319 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING ORDINANCE 1045 WITH RESPECT TO LOTS 1-4 SOUTHPORT EAST REPLAT NINE, AND ORDINANCE 1020 WITH RESPECT TO LOTS 14A AND 15A, SOUTHPORT EAST REPLAT EIGHT; ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hale 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.

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. 1319 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.

## 3. RESOLUTION

Councilmember Frederick introduced and moved for the adoption of Resolution No.17-159 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE AMENDED PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR LOTS 14-A AND 15-A, SOUTHPORT EAST REPLAT EIGHT, AND LOTS 1-4, SOUTHPORT EAST REPLAT NINE, SUBDIVISIONS LOCATED IN THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of an amended planned unit development site plan for Lots 14-A and 15-A, Southport East Replat Eight, and Lots 1-4, Southport East Replat Nine; and

WHEREAS, the City Planner and the City Engineer have reviewed the final planned unit development plan; and

WHEREAS, on November 16, 2017, the Planning Commission held a public hearing and recommended approval of the amended PUD site plan contingent on satisfactory amendments to the existing ingress/egress easement and the finalization of adjustments to the PUD plan set or PUD ordinance as required by city staff prior to City Council approval; and

WHEREAS, these contingencies have been reviewed and approved.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the Planned Unit Development (PUD) site plan for Lots 14-A and 15-A, Southport East Replat Eight, and Lots 1-4, Southport East Replat Nine, located in the SE 1/4 of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northwest and southwest of Southport Parkway and Eastport Parkway be, and hereby is, approved.

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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 – APPROVE AMENDMENT – DESIGN & CONSTRUCTION ENGINEERING AGREEMENT – CITY PARKING DISTRICT DRAINAGE IMPROVEMENTS**

Councilmember Frederick introduced and moved for the adoption of Resolution No.17-160 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AMENDMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT WITH THOMPSON, DREESSEN, AND DORNER, INC. (TD2) TO PROVIDE DESIGN PHASE AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR DRAINAGE IMPROVEMENTS RELATED TO CITY PARKING DISTRICT ACCESS IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$71,280.

WHEREAS, the Mayor and Council have determined that engineering services for the City Parking District access improvements are necessary; and

WHEREAS, the FY17/18 Biennial Budget provides funding for this service; and

WHEREAS, the Mayor and Council approved the original agreement at the September 15, 2015 meeting; and

WHEREAS, Thompson Dreessen and Dornier (TD2) will provide design and construction phase engineering services for the proposed drainage improvements related to City Parking District Access Improvements in Southport West and in areas downstream of Southport West;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby approve amendment no. 1 to a Professional Services Agreement with Thompson, Dreessen, and Dornier, Inc. to provide design phase and construction phase engineering services for drainage improvements related to city parking district access improvements in an amount not to exceed \$71,280.

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 SURVEYING SERVICES - GOLF COURSE TRANSFORMATION PHASE 1 GRADING**

Councilmember Hale introduced and moved for the adoption of Resolution No.17-161 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH TERRAMETRIX, LLC TO PROVIDE SURVEYING SERVICES FOR THE GOLF COURSE TRANSFORMATION PHASE 1 GRADING IN AN AMOUNT NOT TO EXCEED \$14,600.00

WHEREAS, the Mayor and City Council of the City of La Vista have determined that surveying services for the golf course transformation phase 1 grading are necessary; and

WHEREAS, the FY17/18 Biennial Budget provides funding for this project; and

WHEREAS, Terrametrix, LLC is unique to the area in the performance of mobile terrestrial LiDAR data collection; 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 an agreement with Terrametrix, LLC to

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provide surveying services for the golf course transformation phase 1 grading in an amount not to exceed \$14,600.00

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. RESOLUTION – AUTHORIZE AGREEMENT – STORM SEWER REPAIR WORK – 108<sup>TH</sup> & CHANDLER ROAD**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 17-162 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AGREEMENT WITH REDZ, LLC TO UNDERTAKE STORM SEWER IMPROVEMENTS IN CONJUNCTION WITH THE DEVELOPMENT OF THE BROOK VALLEY BUSINESS PARK REPLAT FIVE SUBDIVISION

WHEREAS, the Mayor and City Council of the City of La Vista have determined that sewer improvements in the area west of the intersection of 108<sup>th</sup> Street and Chandler Road are necessary; and

WHEREAS, the majority of the funding for construction of repairs will be \$105,000 provided by Sarpy County through an interlocal agreement. The balance of the funding for engineering and Corps permit efforts will be compensated by waiving City grading permit and administrative fees of approximately \$1,300 and directing the tract sewer connection fees that will result from the development of this property in the amount of \$29,356 towards the project; and

WHEREAS, Contributions are contingent on the completion of an Interlocal agreement between City of La Vista and Sarpy County; 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 an agreement with Redz, LLC to undertake storm sewer improvements in conjunction with the development of the Brook Valley Business Park Replat Five Subdivision in form and content approved by the City Administrator and City Attorney.

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

Councilmember Crawford made a motion to move Comments from the Floor ahead of Item F. Executive Session. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## **COMMENTS FROM THE FLOOR**

Kari Shores of 8812 Pine Drive and Nick Crawford of 7008 Monterrey Drive addressed the Council regarding zoning regulations on having chickens within the city.

Mayor Kindig stated the plan is to have this item on the agenda for the January 16, 2018 City Council meeting for discussion.

## **I. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; LAND ACQUISITION**

At 7:32 p.m. Councilmember Crawford made a motion to go into executive session for the protection of the public interest to discuss contract negotiations and land acquisition. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

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At 8:20 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick stated the staff did a great job at the Winter Carnival. LVPD and PFD helped and the event was great.

Councilmember Hale thanked Officer Brown for coordinating the recent Shop with a Cop. This is a great program to build relations between police and kids.

Mayor Kindig reminded Council the Senior Holiday Lunch will be tomorrow at 11:30am at the Recreation Center.

At 8:22 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 2ND DAY OF JANUARY, 2018.

CITY OF LA VISTA

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

ATTEST:

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