

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JULY 21, 2020 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
RATIFY ACTIONS TAKEN BY THE LA VISTA CITY COUNCIL DURING MEETINGS HELD VIRTUALLY FROM MARCH 17, 2020 THRU JUNE 30, 2020	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to ratify actions taken by the La Vista City Council during meetings held from March 17, 2020 thru June 30, 2020 by videoconference or by telephone conferencing or by conferencing by other electronic communication.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Ratify Actions taken at City Council meetings held from March 17, 2020 thru June 30, 2020

**BACKGROUND**

On March 13, 2020 the Governor of Nebraska declared a state of emergency in Nebraska due to COVID-19. On March 16, 2020 Mayor Kindig declared a state of emergency in La Vista due to COVID-10 as authorized under Nebraska State Statute R.R.S. 81-829.50.

The following meetings were held virtually by telephone and/or video conferencing pursuant to Governor Ricketts' Executive Orders No. 20-03 and No. 20-24:

March 17, 2020 (telephone conference)	May 19, 2020 (telephone and video conference)
April 6, 2020 (telephone conference)	June 2, 2020 (telephone and video conference)
April 21, 2020 (telephone and video conference)	June 16, 2020 (telephone and video conference)
May 5, 2020 (telephone and video conference)	

Proper notice was given in advance with the necessary information to allow the public and the media to attend these meetings.

The resolution being proposed will ratify actions identified in the attached minutes taken by the City of La Vista.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RATIFYING ACTIONS TAKEN BY THE LA VISTA CITY COUNCIL DURING MEETINGS HELD VIRTUALLY FROM MARCH 17, 2020 THROUGH JUNE 30, 2020.

WHEREAS, the Governor of Nebraska declared a state of emergency in Nebraska on May 13, 2020 due to the Coronavirus (COVID-19); and

WHEREAS, the Governor of Nebraska issued Executive Orders No. 20-03 and No. 20-24 allowing meetings to be held virtually by telephone and/or video conferencing before June 30, 2020; and

WHEREAS, the City of La Vista held the following meetings virtually by telephone and/or video conferencing:

March 17, 2020 (telephone conference)

April 6, 2020 (telephone conference)

April 21, 2020 (telephone and video conference)

May 5, 2020 (telephone and video conference)

May 19, 2020 (telephone and video conference)

June 2, 2020 (telephone and video conference)

June 16, 2020 (telephone and video conference); and

WHEREAS, The Mayor and City Council of the City of La Vista wish to ratify all actions taken during those meetings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby ratify actions taken by the La Vista City Council during meetings held virtually from March 17, 2020 through June 30, 2020.

PASSED AND APPROVED THIS 21ST DAY OF JULY 2020.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



STATE *of* NEBRASKA  
OFFICE OF THE GOVERNOR  
LINCOLN

**EXECUTIVE ORDER NO. 20—03**  
**CORONA VIRUS – PUBLIC MEETINGS REQUIREMENT LIMITED WAIVER**

**WHEREAS**, In order to provide flexibility to assist in meeting the emergency conditions and subsequent impacts brought on from COVID-19, a state of emergency was declared in Nebraska on March 13, 2020; and

**WHEREAS**, the State of Nebraska is committed to providing seamless government operations to the people of Nebraska throughout the state of emergency; and

**WHEREAS**, state and local governmental boards, commissions and other public bodies must comply with the Open Meetings Act so that citizens may exercise their democratic privilege of participating in meeting of public bodies; and

**WHEREAS**, for public health purposes, meetings and gatherings have now been limited to no more than 50 people and may be further limited if the presence of COVID-19 warrants;

**NOW THEREFORE**, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this limited waiver of certain requirements of the Nebraska Open Meetings Act.

Pursuant to this declaration, I hereby order the following:

1. This executive order applies to all governing bodies as defined in Neb. Rev. Stat. § 84-1409 (1) and to all public meetings as defined in Neb. Rev. Stat. § 84-1409 (2).
2. All governing bodies may meet by videoconference or by telephone conferencing or by conferencing by other electronic communication so long as there is made available at such meeting access to members of the public and to members of the media.

3. The advanced publicized notice and the agenda requirements for meetings that are set forth in Neb. Rev. Stat. §84-1411 and the remaining provisions of Nebraska's Open Meeting Act shall continue to be complied with by all governing bodies and are not waived by this executive order.
4. This waiver shall apply to all public governing body meetings that occur from today through May 31, 2020.

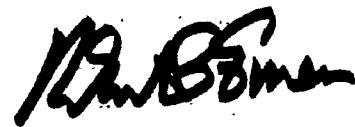
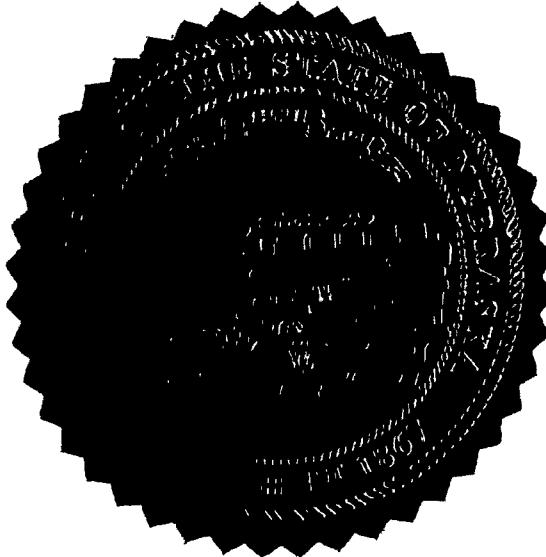
**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 17th day of March, 2020.

ATTEST:



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Pete Ricketts, Governor



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Robert B. Evnen, Secretary of State



STATE *of* NEBRASKA

OFFICE OF THE GOVERNOR

LINCOLN

**EXECUTIVE ORDER NO. 20-24**  
**CORONAVIRUS – CONTINUED LIMITED WAIVER OF**  
**PUBLIC MEETINGS REQUIREMENTS**

**WHEREAS**, in order to provide flexibility to assist in meeting the emergency conditions and subsequent impacts brought on from COVID-19, a state of emergency was declared in Nebraska on March 13, 2020; and

**WHEREAS**, the State of Nebraska is committed to providing seamless government operations that are open to the people of Nebraska throughout the state of emergency.

**NOW THEREFORE**, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, hereby issue this continued limited waiver of certain requirements of the Nebraska Open Meetings Act.

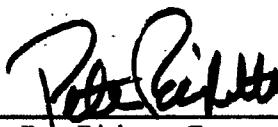
Pursuant to this declaration, I hereby order the following:

1. Executive Order No. 20-03, which is currently scheduled to end on May 31, 2020, shall remain in effect through June 30, 2020; and
2. The identical statutory waivers and conditions contained within Executive Order No. 20-03 shall continue through June 30, 2020.

**IN WITNESS THEREOF**, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 19th day of May, 2020.



Attest:

  
\_\_\_\_\_  
Pete Ricketts, Governor  
State of Nebraska

  
\_\_\_\_\_  
Robert B. Evnen,  
Secretary of State  
State of Nebraska

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING MARCH 17, 2020

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 March 17, 2020. Present via teleconference were Councilmembers Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Present in the Council Chambers were Mayor Douglas Kindig, City Attorney McKeon, Assistant City Administrator Ramirez, Police Chief Lausten, and City Clerk Buethe.

A notice of the meeting was given in advance thereof by publication in the Times on March 4, 2020. 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 in person and via teleconference. Governor Pete Ricketts issued Executive Order No. 20-03 – Corona Virus – public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone conferencing. Notice of the phone number was given to the public through the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE AGENDA AS PRESENTED
3. APPROVAL OF THE MINUTES OF THE MARCH 3, 2020 CITY COUNCIL MEETING
4. MONTHLY FINANCIAL REPORT – JANUARY 2020
5. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$6,714.25
6. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$5,991.92
7. APPROVE MANAGER APPLICATION – CLASS C LIQUOR LICENSE – OZZY'S ROADHOUSE – HALIE HULSEY
8. APPROVAL OF CLAIMS

AED ZONE, services	120.00
AGA, services	140.00
AMAZON CAPITAL, services	1,069.74
APWA-AMER PUBLIC WORKS ASSN, services	875.00
BADGER BODY, maint.	49.00
BAUER BUILT INC, maint.	344.00
BERGANKDV LLC, services	2,466.00
BERRY DUNN, services	4,500.00
BETH GEORGE, refund	2.88
BISHOP BUSINESS EQUIPMENT, services	237.91
BIZCO INC, services	1,688.15
BKD LLP, services	7,500.00
BLACK HILLS ENERGY, utilities	1,007.67
BOBCAT OF OMAHA, services	3,271.80
BRITE IDEAS DECORATING, services	291.99
BUETHE, P., travel	151.00
CARL, R., travel	76.00
CARROT-TOP INDUSTRIES, services	698.99
CCH INC, services	2,057.00
CENTER POINT INC, books	44.34
CENTURY LINK, phones	584.27
CENTURY LINK BUSN SVCS, phones	305.77
CINTAS CORP, services	576.24
CITY OF OMAHA, services	184,912.48

# MINUTE RECORD

March 17, 2020

No. 728 — REEDFIELD & COMPANY, INC. OMAHA, NE 681365860

CITY OF PAPILLION, services	12,549.79
CODE 2 CANINE, services	400.00
CORNHUSKER INTL TRUCKS, maint.	2,564.82
COX COMMUNICATIONS, services	282.86
CRIMINAL ADDICTION INC, services	300.00
CULLIGAN OF OMAHA, services	18.00
CUMMINS CENTRAL POWER, services	296.00
DELL MARKETING LP, services	319.56
DHHS REG/LIC-POOL PERMIT, services	240.00
DIGITAL EXPRESS, services	413.36
DOUGLAS COUNTY SHERIFF'S OFC, services	80.00
ENCYCLOPEDIA BRITANNICA INC, services	875.00
FBG SERVICE CORP, bld&grnds	11,930.00
FERGUSON ENTERPRISES INC, bld&grnds	78.86
FOCUS PRINTING, services	7,942.49
GALE, books	162.68
GRAHAM CONSTRUCTION, INC, services	435,278.72
HAWKEYE TRUCK EQUIPMENT, maint.	402.34
HAYES MECHANICAL LLC, bld& grnds	513.70
HDR ENGINEERING INC, services	973.07
HEARTLAND PNEUMATIC, maint.	252.85
HEARTLAND TIRES & TREADS, maint.	137.40
HOME DEPOT, bld&grnds	18.97
HOTSY EQUIPMENT CO, bld&grnds	2,084.32
HUE LIFE LLC, services	4,900.00
HUNDEN STRATEGIC PARTNERS, services	4,900.00
INGRAM LIBRARY SERVICES, books	2,119.00
JOHNSON CONTROLS, bld&grnds	571.50
JONES AUTOMOTIVE INC, maint	39.62
LARSEN SUPPLY CO, bld&grnds	941.94
LAUSTEN JR ROBERT, services	930.00
LIBRARY IDEAS LLC, books	6.00
LOGAN CONTRACTORS SUPPLY, bld&grnds	100.56
LOWE'S, bld&grnds	137.70
MARCO INC, services	127.28
MARK A KLINKER, services	200.00
MENARDS-RALSTON, bld&grnds	299.35
METRO COMM COLLEGE, services	16,852.08
MUD, utilities	59.75
MIDWEST TAPE, books	1,004.64
MISEREZ, C, travel	390.18
MSC INDUSTRIAL, supplies	175.53
NE DEPT OF LABOR, services	426.00
NE ENVIRONMENTAL PRODUCTS, services	3,510.77
NE STATE FIRE MARSHAL, services	30.00
NMC EXCHANGE LLC, maint	537.84
NOBBIES INC, supplies	131.67
NU DRYWALL INC, bld&grnds	850.00
OCLC INC, services	161.21
ODEYS INC, supplies	74.50
OFFICE DEPOT INC, supplies	496.18
OLD NEWS, media	17.00
OMAHA POLICE DEPARTMENT, services	59.84
OPPD, utilities	49,174.70
OMNI ENGINEERING, maint	446.85
ONE CALL CONCEPTS INC, services	123.01
O'REILLY AUTO PARTS, maint.	618.85
PAPILLION LA VISTA COMM SCHOOL, services	250.00
PAPILLION SANITATION, services	2,242.68
PAY-LESS OFFICE, supplies	100.05

# MINUTE RECORD

March 17, 2020

No. 729 REEDEL & COMPANY, INC. OMAHA E131J556LD

PLAINS EQUIPMENT GROUP, maint.	508.15
POWER DMS INC services	219.66
PROTECH ELECTRIC SERVICES INC. services	1,775.00
RDG PLANNING & DESIGN, services	3,154.19
RED WING, apparel	150.00
REDSHAW PAINT SUPPLY, maint.	27.20
REGAL AWARDS INC. services	11.00
REPCO MARKETING INC, services	40.05
SARPY COUNTY COURTHOUSE, services	4,207.68
SARPY COUNTY FISCAL ADMIN, services	12,103.75
SCHEMMER ASSOCIATES INC, services	2,115.00
SCHOLASTIC LIBRARY PUBLISHING, books	145.60
SOLBERG, C travel	22.53
SOUTHERN UNIFORM, apparel	411.62
STONE PLANNING LLC, services	2,500.00
SUN VALLEY LANDSCAPING services	2,315.11
THE HARRY A KOCH CO, services	6,725.75
THE NEW YORK TIMES, services	650.00
THOMPSON DREESSEN & DORNER, INC. services	2,058.15
TITAN MACHINERY maint	473.42
TORNADO WASH LLC, maint	625.00
TRANE U S. INC bld&grnds	155.20
TRANS UNION RISK, services	50.00
TRUCK CENTER COMPANIES, maint.	643.56
TURFWERKS, services	28,256.00
U.S. CELLULAR, phones	1,602.36
U.S. POSTAL, services	2,088.87
UTILITY EQUIPMENT CO, services	246.12
VAL VERDE ANIMAL HOSPITAL INC, services	248.01
VERIZON CONNECT, phones	731.25
WELLINGTON EXPERIENCE, INC, services	372.50
WESTLAKE HARDWARE, bld&grnds	305.48
WINTER EQUIPMENT CO, services	108.59
ZIMCO, supplies	130.00

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

## PRESENTATION – LA VISTA KENO

Mayor Kindig announced that the La Vista Keno presentation had been postponed

## UPDATE – SARPY/CASS HEALTH DEPARTMENT – CORONAVIRUS (COVID-19)

Sarah Schram, Director of the Sarpy/Cass Health Department, gave a presentation on Coronavirus (COVID-19).

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Police Chief Lausten reported on the City's response to COVID-19

Papillion Fire Chief Bowes reported on steps that the Fire Department has taken in response to COVID-19.

## B. ORDINANCE – DECLARATION OF SURPLUS PROPERTY – PART OF TAX LOT 12 14-14-12 AND PART OF OUTLOT A LA VISTA CITY CENTRE

Councilmember Hale introduced Ordinance No. 1390 entitled AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1383 MAKING FINDINGS AND DETERMINATIONS AND DECLARING A PORTION OF TAX LOT 12 14-14-12 AND A PORTION OF OUTLOT A, LA VISTA CITY CENTRE, (BEING REPLATTED AS PART OF LOT 3 LA VISTA CITY CENTRE REPLAT FOUR) AS SURPLUS

# MINUTE RECORD

March 17, 2020

No. 728 — REINHOLD & COMPANY INC. OMAHA E1310556LD

## PROPERTY AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AUTHORIZATION OF FURTHER ACTIONS, SEVERABILITY, AND AN EFFECTIVE DATE

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. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1390 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.

## C. ORDINANCE – DIRECTING CONVEYANCE – PART OF TAX LOT 12 14-14-12 AND PART OF OUTLOT A LA VISTA CITY CENTRE

Councilmember Frederick introduced Ordinance No. 1391 entitled: AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 1384 DIRECTING CONVEYANCE OF REAL ESTATE, A PORTION OF TAX LOT 12 14-14-12 AND A PORTION OF OUTLOT A, LA VISTA CITY CENTRE, (BEING REPLATTED AS PART OF LOT 3, LA VISTA CITY CENTRE REPLAT FOUR) AND THE MANNER AND TERMS THEREOF; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AUTHORIZATION OF FURTHER ACTIONS, SEVERABILITY, AND AN EFFECTIVE DATE

Councilmember Quick 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. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1391 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. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – SUPPLEMENT NO. 1 – APPLEWOOD CREEK TRAIL

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-037 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF SUPPLEMENT NO 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH & COMPANY FOR THE PROVISION OF ENVIRONMENTAL SERVICES FOR THE APPLEWOOD CREEK TRAIL PROJECT

WHEREAS, City of La Vista is developing a transportation project for which it intends to obtain Federal funds; and

WHEREAS, City of La Vista as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations policies and guidelines applicable to the funding of the Federal-aid project, and

# MINUTE RECORD

March 17 2020

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

WHEREAS, City of La Vista and Alfred Benesch & Company wish to enter into a Professional Services Agreement to provide environmental services for the Federal-aid project;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of La Vista that Douglas Kindig, Mayor of the City of La Vista City Council is hereby authorized to sign the attached environmental services agreement between City of La Vista, Nebraska and Alfred Benesch & Company

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 – PROFESSIONAL SERVICES AGREEMENT – 96TH STREET AND 108TH STREET PAVEMENT REHABILITATION

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-038 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH AND COMPANY, OMAHA, NEBRASKA FOR ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$116,995.00

WHEREAS, the Mayor and City Council have determined that engineering services are necessary; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed services

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a professional services agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Alfred Benesch and Company Omaha, Nebraska for the provision of engineering services in an amount not to exceed \$116,995.00

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

## F. RESOLUTION – INTERLOCAL AGREEMENT – MAINTENANCE & ACCESS ROAD – SID 237

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-039 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SANITARY & IMPROVEMENT DISTRICT NO. 237 OF SARPY COUNTY FOR THE CONSTRUCTION OF A MAINTENANCE AND ACCESS ROAD AND OTHER WORK IN AN AMOUNT NOT TO EXCEED \$25,000

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 construction of a maintenance and access road and other work in the vicinity of a culvert under the BNSF railroad tracks and open drainageway, Outlot E, Cimarron Woods and Outlot E, Val Vista are necessary; and

WHEREAS, the FY19/20 Biennial Budget provides funding for this project.

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

# MINUTE RECORD

March 17 2020

No. 728 — REEDFIELD & COMPANY INC. OMAHA E1310556LD

Agreement with Sanitary & Improvement District No. 237 of Sarpy County for the construction of a maintenance and access road and other work in an amount not to exceed \$25,000.

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

## **G. RESOLUTION – APPROVE PURCHASE – POLICE MOBILE (CAR) RADIOS**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-040 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO MOTOROLA SOLUTIONS, CHICAGO, IL FOR THE PURCHASE OF THREE (3) MOTOROLA APX 6500 PORTABLE RADIOS AND ACCESSORIES IN AN AMOUNT NOT TO EXCEED \$15,500

WHEREAS, the City Council of the City of La Vista has determined that the purchase of new Motorola mobile radios and accessories is necessary, and

WHEREAS, the FY20 General Fund budget does include funds for the purchase of three (3) Motorola portable radios and accessories; and

WHEREAS, Motorola Solutions is a sole source vendor and will extend that price to the City of La Vista; and

WHEREAS, Motorola Solutions is a highly qualified specialty public safety communications provider; and

WHEREAS, Subsection (c) 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 accept the requisition and authorize the purchase of three (3) Motorola APX 6500 portable radios and accessories from Motorola Solutions, Chicago, IL, in an amount not to exceed \$15,500

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

## **H. POSITION DESCRIPTION**

Councilmember Thomas made a motion to receive and file the updated description for the position of Communication Intern (Student). Seconded by Councilmember Sheehan. 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**

There were no comments from the Mayor and Council.

At 6:49 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

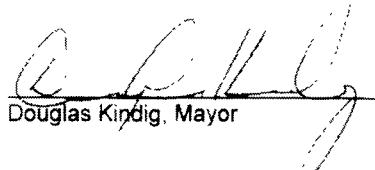
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March 17 2020

No. 729 — RHOE, B. & COMPANY, INC. OMAHA E1310556LD

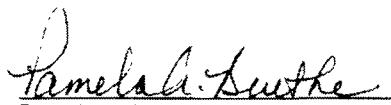
PASSED AND APPROVED THIS 7TH DAY OF APRIL 2020

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

No. 729 — RICHARD & COMPANY, INC. OMAHA E1310558LD

## LA VISTA CITY COUNCIL MEETING APRIL 7, 2020

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 April 7, 2020. Present via teleconference were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also present via teleconference were Mayor Douglas Kindig, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Finance Director Miserez, Community Development Director Fountain, City Engineer Dowse, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on March 25, 2020. 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 via teleconference. Governor Pete Ricketts issued Executive Order No 20-03 – Corona Virus – public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone conferencing. Notice of the phone number was given to the public through the publication in the Times, the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MARCH 3, 2020 CITY COUNCIL MEETING
3. REQUEST FOR PAYMENT – THE COLONIAL PRESS, INC. – PROFESSIONAL SERVICES – LA VISTA COMMUNITY GUIDE – \$9,133.14
4. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – CITY CENTER PARKING STRUCTURE 2 – \$55,654.20
5. REQUEST FOR PAYMENT – HDR ENGINEERING INC. – PROFESSIONAL SERVICES – PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS AND OTHER WORKS – \$681.42
6. REQUEST FOR PAYMENT – HGM ASSOCIATES, INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE I INVESTIGATION – \$34,160.53
7. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – 120TH & GILES TOTAL ACQUISITION – \$285.00
8. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – 84TH STREET NORTH OF BRENTWOOD DRIVE – \$262.50
9. REQUEST FOR PAYMENT – OMAHA PUBLIC POWER DISTRICT – CONSTRUCTION SERVICES – LA VISTA CITY CENTRE REROUTE LINE 26 – \$2,098,340.00
10. REQUEST FOR PAYMENT – SIGNIT – PROFESSIONAL SERVICES – 60TH ANNIVERSARY BANNERS – \$7,850.00
11. REQUEST FOR PAYMENT – THOMPSON, DREESSEN, & DORNER, INC. – PROFESSIONAL SERVICES – CIVIL ENGINEERING SERVICES – \$2,377.50
12. REQUEST FOR PAYMENT – TITLECORE NATIONAL, LLC – PROFESSIONAL SERVICES – \$200.00
13. REQUEST FOR PAYMENT – VALUATION SERVICES – PROFESSIONAL SERVICES – SOUTH 84TH STREET – \$3,500.00
14. REQUEST FOR PAYMENT – WELLINGTON – PROFESSIONAL SERVICES – 60TH ANNIVERSARY CELEBRATION – \$10,375.00
15. RESOLUTION NO. 20-041 – APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS.

# MINUTE RECORD

April 7, 2020

No. 729 — REED & COMPANY, INC. OMAHA, NE 681055600

WHEREAS, The City Council of the City of La Vista has determined that appointments to the La Vista Safety Steering Committee are necessary, and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments, and

WHEREAS the recommended appointments comply with NRS 48-443.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby appoint the following city employees to the La Vista Safety Steering Committee for the terms specified

Todd Armbrust	Employer Representative	2 year term through 4/2022
Randy Trail	Employer Representative	2 year term through 4/2022
Ryan South	Employee Representative	2 year term through 4/2022
Terry Foster	Employee Representative	2 year term through 4/2022
Jean Hurst	Ex-Officio (Non-Voting)	2 year term through 4/2022

## 16. APPROVAL OF CLAIMS

ABM INDUSTRIES, services	38.264 50
AMAZON CAPITAL, services	835 97
ASPEN EQUIPMENT CO, maint.	449 27
AT&T MOBILITY LLC, phones	93 78
BERGANKDV LLC, services	2,350 00
BIBLIONIX LLC, media	4,465.00
BISHOP BUSINESS EQUIPMENT, services	2,374 03
BIZCO, INC, services	2,953 19
BLACK HILLS ENERGY, utilities	4,506 43
BOBCAT OF OMAHA, services	295.00
BOBETTE JONES, refund	5 00
BS&A SOFTWARE, services	5 785 00
CAROL KOLB, refund	10 00
CCH INC, services	1,215.00
CENTER POINT, INC, books	408.66
CENTURY LINK, phones	464 58
CENTURY LINK BUSN SVCS, phones	160.34
CHARLES E TOSTENSON III services	3,000 00
CHERYL HELLER, refund	5 00
CINTAS CORP, services	444 32
CITY OF PAPILLION, services	195,894.39
COLIBRI SYSTEMS, supplies	1,351 28
COMFORT INN-KEARNEY, travel	599 70
COMP CHOICE INC, services	409 00
CONNIE BRAY, refund	5 00
CONNIE TWOHIG, refund	5.00
CONTINENTAL RESEARCH CORP, supplies	383 05
CONTROL MASTERS INC services	145 00
CORNHUSKER INTL TRUCKS INC, maint.	722 89
COX COMMUNICATIONS, INC, services	294 13
CPS HUMAN RESOURCES, services	711 00
CULLIGAN OF OMAHA, services	44 50
CYNTHIA PRILL, refund	5 00
D & K PRODUCTS services	915 00
DASH MEDICAL GLOVES, supplies	71 90
DATASHIELD CORP services	20 00
DELL MARKETING LP, services	179.08
DEMCO INC, supplies	121 67
DH WIRELESS SOLUTIONS, services	1,477 47
DIAMOND VOGEL, bld&grnds	60 27

# MINUTE RECORD

April 7, 2020

No. 728 — REEDFIELD & COMPANY, INC. OMAHA E1310556LD

DONALD B EIKMEIER, services	750.00
DXP ENTERPRISES INC, services	116.00
EBSCO INFORMATION, media	3,018.30
EDGEWEAR SCREEN PRINTING, apparel	73.60
ELAINE WESTBROOK, refund	10.00
ELDON PAPE, refund	10.00
ERIN BURGER, refund	72.00
FAC PRINT & PROMO CO, supplies	344.50
FASTENAL CO, services	65.74
FEDEX, services	25.48
FITZGERALD SCHORR BARMETTLER, services	34,236.40
FOUNTAIN, B., travel	201.25
FRANCES WIENEKE, refund	5.00
GALE, books	1,029.88
GARY ROTH, refund	5.00
GAYLE MAREK, refund	15.00
GENERAL FIRE & SAFETY, services	89.00
GENUINE PARTS CO, maint	1,547.12
GINGER MILLER, refund	5.00
GRAINGER, supplies	86.06
GRAYBAR ELECTRIC CO, bld&grnds	258.07
GREATAMERICA FINANCIAL, services	1,127.00
GREY HOUSE PUBLISHING, books	597.50
HANEY SHOE STORE, apparel	101.99
HERRICK, ANGELA DAWN, services	40.00
HY-VEE INC, supplies	53.64
IGM TECHNOLOGY CORP, services	19,796.00
INGRAM LIBRARY, books	1,385.16
INTERNATIONAL CODE COUNCIL, services	200.85
JOHNSON CONTROLS, services	677.84
JOHNSON HARDWARE, supplies	19.68
KANOPI, INC, services	39.00
KAREN PETERSEN, refund	5.00
KATHLEEN SMITH, refund	5.00
KEVIN JONES, services	900.00
KRIHA FLUID POWER, maint.	71.92
LV COMM FOUNDATION, payroll	60.00
LAIMA RICCIERI, refund	10.00
LANA POLITANO, refund	5.00
LARRY SELL, refund	10.00
LARSEN SUPPLY CO, supplies	1,399.86
LAUSTEN JR ROBERT S, services	4,200.00
LIBRA INDUSTRIES, supplies	500.00
LIBRARY IDEAS, books	967.30
LILLY JOHNSON, services	40.00
LOGO LOGIX EMBROIDERY, apparel	196.00
MAPLE 85, services	14,975.10
MATHESON TRI-GAS, supplies	510.14
MENARDS-RALSTON, bld&grnds	372.31
METRO COMM COLLEGE, services	10,755.72
MUD, utilities	2,059.43
MIDLANDS LIGHTING, supplies	398.28
MID-WEST MILITARY, services	40.00
MIDWEST TAPE, books	104.73
MIKE GREVE, refund	5.00
MILLARD METAL, services	167.00
MOBOTREX, INC, services	430.00
MSC INDUSTRIAL, supplies	228.60
NE LAW ENFORCEMENT, services	30.00
NE STATE PATROL, services	2,319.00

# MINUTE RECORD

April 7, 2020

No. 729 — RET ELD & COMPANY, INC. OMAHA E1310566LD

NMC EXCHANGE, maint	237.93
OCLC INC, services	322.42
ODEYS INC, supplies	2,716.90
OFFICE DEPOT INC, supplies	1,645.37
OLSSON, INC services	6,714.25
OPPD, utilities	50,912.69
OMNI ENGINEERING, maint	252.45
PAPER ROLL PRODUCTS, supplies	71.95
PAT LEVENE, refund	5.00
PAY-LESS OFFICE supplies	200.10
PER MAR SECURITY services	828.24
PETTY CASH, supplies	459.47
POSITIVE CONCEPTS, supplies	413.82
RDG PLANNING & DESIGN services	5,991.92
RECORDED BOOKS, media	1,677.96
RON & BRIDGET SHEEHAN, refund	10.00
ROWMAN & LITTLEFIELD PUBLISHING books	47.97
RUHGE, R, services	1,500.00
SARPY COUNTY LANDFILL, services	25.00
SECURITY EQUIPMENT, bld&grnds	169.00
SHARRON BAILEY, refund	10.00
SID DILLON WAHOO INC, services	72,772.00
SIGN IT services	1,009.80
SIGN-O-VATION, INC, services	25.00
SOLBERG, C., travel	201.25
SOUTHERN UNIFORM, apparel	294.00
STURGIS WEB, services	2,000.00
SUBSURFACE SOLUTIONS, services	240.00
SUBURBAN NEWSPAPERS INC, services	2,798.41
TED'S MOWER SALES supplies	1,092.26
THE CHILD'S WORLD, INC, books	1,192.20
THE HARRY A KOCH CO, services	214,467.75
TERESA MADEIROS, refund	10.00
TOSHIBA FINANCIAL services	138.00
TRADE WELL PALLET, supplies	405.00
TRANS UNION RISK, services	50.00
UNITE PRIVATE NETWORKS, services	4,400.00
UNITED PARCEL, services	23.10
UNITED SEEDS INC, bld&grnds	210.00
VERIZON WIRELESS, phones	500.39
WALMART supplies	1,061.85
WELLINGTON EXPERIENCE INC, services	372.50
WESTLAKE HARDWARE, bld&grnds	675.92
WHITE CAP CONSTR, apparel	51.47
WM NEWINGHAM refund	10.00
WOODHOUSE LINCLN-MAZDA maint	548.63
YANGIU DONG, refund	106.00

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

Police Chief Lausten reported that as of 6:00 p.m., all officers will be wearing N-95 masks when interacting with the public. Tomorrow, they will start taking their temperatures before and after their shifts.

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April 7, 2020

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

## B. RESOLUTION – FY 2018/2019 AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR)

Councilmember Crawford introduced and moved for the adoption of Resolution No 20-042 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2018-2019 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2018-2019 municipal operations, and

WHEREAS, BKD, LLP has completed said audit and provided copies of their findings.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska that the 2018-2019 municipal audit is hereby accepted and approved

Seconded by Councilmember Thomas Amy Shreck from BKD, LLC reported to the Council on the City's first Comprehensive Annual Financial Report (CAFR) Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell Nays: None Abstain None Absent None Motion carried

## C. ORDINANCE – AMEND SECTION 113.10 OF THE LA VISTA MUNICIPAL CODE

Councilmember Frederick introduced Ordinance No 1392 entitled AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA ADOPTING SECTION 113.10 4 1 OF THE LA VISTA MUNICIPAL CODE TO PROVIDE FOR QUARTERLY RETURN AND PAYMENT OF RESTAURANTS AND DRINKING PLACES OCCUPATION TAX, REPEALING CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE

—  
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 Frederick. The Mayor then stated the question, "Shall Ordinance No 1392 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 signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto

## D. RESOLUTION – MUTUAL AID AGREEMENT

—  
Councilmember Quick introduced and moved for the adoption of Resolution No 20-043 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A MUTUAL AID AGREEMENT BETWEEN SARPY COUNTY AND THE CITIES OF LA VISTA, PAPILLION, GRETNNA, BELLEVUE, AND SPRINGFIELD TO COORDINATE RESPONSE ACTIVITIES AND SHARE RESOURCES IN TIMES OF EMERGENCIES.

WHEREAS, it has long been recognized that mutual aid between agencies sharing similar demands is highly desirable, and

WHEREAS, it is recognized that, oftentimes, delivery of services during emergency situations can be done most cost-effectively and with enhanced flexibility when forces are combined, and

WHEREAS, the Federal Government, through the Department of Homeland Security and Federal Emergency Management Agency (FEMA), strongly encourages the formation of mutual aid agreements between local

# MINUTE RECORD

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No 729 — REEDFIELD & COMPANY, INC. OMAHA E1310556LD

jurisdictions for reciprocal disaster response and recovery assistance, and

WHEREAS, Sarpy County and the United Cities of Sarpy County have worked to formalize a mutual aid agreement for the local entities to support each other, coordinate and share available resources, and be reimbursed for those services as appropriate;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute a Mutual Aid Agreement between Sarpy County and the cities of La Vista, Papillion, Gretna, Bellevue, and Springfield to coordinate response activities and share resources in times of emergencies

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 PURCHASE – COMPUTER EQUIPMENT**

Councilmember Frederick introduced and moved for the adoption of Resolution No 20-044 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF NINE (9) IPAD PRO TABLETS, EIGHT (8) MS SURFACE PRO SCREEN TABLETS, AND FOUR (4) MS SURFACE GO FROM MNJ TECHNOLOGIES IN AN AMOUNT NOT TO EXCEED \$18,318 00

WHEREAS, the City Council of the City of La Vista has determined that the purchase of nine (9) iPad Pro tablets, eight (8) MS Surface Pro screen tablets, and four (4) MS Surface Go is necessary, and

WHEREAS, the FY19/20 Biennial Budget provides funding for the 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 nine (9) iPad Pro tablets, eight (8) MS Surface Pro screen tablets and four (4) MS Surface Go from MNJ Technologies in an amount not to exceed \$18,318 00

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

## **F. DISCUSSION – SALUTE TO SUMMER FESTIVAL**

After discussion, Mayor Kindig announced that the Salute to Summer Festival for 2020 had been cancelled due to concerns associated with the COVID-19 situation. The Councilmembers in support of residents' safety agreed with this decision. Mayor Kindig said that there may be an opportunity to do an event later in the year

## **COMMENTS FROM CITIZENS**

Tony Gowan commented on the passing of former mayor Harold "Andy" Anderson.

## **COMMENTS FROM MAYOR AND COUNCIL**

Mayor Kindig commented on the passing of both Harold "Andy" Anderson and the spouse of an employee. He asked for a moment of silence to remember them both. He said that the City will do something to honor former Mayor Anderson at a later date

At 6:31 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.

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No. 729 Republic & COMPANY, INC. OMAHA E1310558LD

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2020.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

No. 729 - REINHOLD & COMPANY INC. OMAHA E1310556LD

## LA VISTA CITY COUNCIL MEETING APRIL 21, 2020

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 April 21, 2020. Present via teleconference and videoconference were Mayor Douglas Kindig, Councilmembers Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also present via teleconference were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Finance Director Miserez, Community Development Director Fountain, City Engineer Dowse, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on April 8, 2020. 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 via videoconference and teleconference. Governor Pete Ricketts issued Executive Order No 20-03 – Corona Virus – public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone and video conferencing. Notice of the Zoom meeting link and phone number was given to the public through the publication in the Times, the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE APRIL 7, 2020 CITY COUNCIL  
MEETING
3. APPROVAL OF THE MINUTES OF THE MARCH 19, 2020 PLANNING  
COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – FEBRUARY 2020
5. REQUEST FOR PAYMENT – CITY OF OMAHA – SEWER FEES – \$72,777.60
6. REQUEST FOR PAYMENT – HDR ENGINEERING, INC. – PROFESSIONAL  
SERVICES – PROJECT MANAGEMENT FOR SERVICES FOR PUBLIC  
IMPROVEMENTS AND OTHER WORKS – \$892.46
7. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. –  
PROFESSIONAL SERVICES – 84<sup>TH</sup> ST NORTH OF BRENTWOOD DRIVE –  
VOLUNTARY ACQUISITION – \$157.50
8. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. –  
PROFESSIONAL SERVICES – 120<sup>TH</sup> & GILES – TOTAL ACQUISITION –  
\$142.50
9. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY  
CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$2,124.00
10. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY  
CENTRE GEOTECHNICAL SERVICES – \$714.00
11. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICES – PHASE 1 GOLF COURSE TRANSFORMATION  
– PROPOSED LAKE IMPROVEMENTS – \$893.25
12. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY, maint.	6 84
ACTION BATTERIES, bld&grnds	29 85
ALldata LLC, maint	1,500 00
AMAZON, supplies	1,153 35
AT&T MOBILITY LLC, phones	93 76
BAXTER CHRYSLER DODGE, maint	52.28
BIZCO INC, services	710 89
BKD LLP, services	15.000.00
BRENDA MECHELS-STRUBY, refund	80 00
CATERPILLAR FINANCIAL, services	1.344.42

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No. 729 -- REEDFIELD & COMPANY, Inc. Omaha E1310556LD

CENTURY LINK, phones	629 40
CENTURY LINK BUSN SVCS, phones	486 88
CINTAS CORP apparel	268 08
CITY OF PAPILLION services	7 452 33
CONNER PSYCHOLOGICAL PC, services	1.095 00
CONTINENTAL RESEARCH CORP, supplies	2.892 02
CORNHUSKER INTL TRUCKS, maint	52 39
COX COMMUNICATIONS services	280 55
CULLIGAN OF OMAHA, services	18 00
CUMMINS CENTRAL POWER maint	337 66
D & K PRODUCTS, supplies	113 50
DATASHIELD CORP, services	120 00
DEMCO INC supplies	120 65
DIAMOND VOGEL PAINTS, bld&grbds	60 27
DISPLAY SALES, services	4,456 00
DLR GROUP, services	55,654 20
DOG WASTE DEPOT supplies	278 76
DXP ENTERPRISES INC, maint	185 40
FASTENAL CO supplies	15 50
FBG SERVICE CORP, bld&grnds	5.965 00
FRANK GIANDINOTO, refund	15.00
GENUINE PARTS CO maint	1 121 57
GREATAMERICA FINANCIAL, services	1 239 70
GT DISTRIBUTORS, supplies	2 924 00
HARM'S CONCRETE INC maint	201 25
HARTS AUTO SUPPLY, maint	648 00
HAWKEYE TRUCK EQUIPMENT, maint	1 010 50
HAYES MECHANICAL LLC, bld&grnds	290 93
HDR ENGINEERING INC, services	681 42
HEARTLAND TIRES & TREADS, maint	310 45
HGM ASSOCIATES, services	34 160 53
HOLLY BENNETT, refund	80 00
HY-VEE INC. supplies	127 00
INTERSTATE POWER SYSTEMS INC, maint	149 80
JAMIE STEWART, refund	80 00
JILL FREDERICK, refund	160 00
K ELECTRIC, bld&grnds	257 02
KANOPIY INC. services	73 00
LARSEN SUPPLY CO. services	711 70
LAUSTEN JR ROBERT, services	4,830 00
LEAGUE OF NE MUNICIPALITIES services	86 00
LIBRA INDUSTRIES INC. supplies	675 00
LIBRARY IDEAS LLC, books	34 00
LISA DOUGHERTY, refund	80 00
LOVELAND GRASS PAD maint	53 06
MAPLE 85, supplies	5.239 80
MARCO INC. services	121 41
MARK A KLINKER, services	200 00
MELISSA SMITH, refund	80 00
MENARDS supplies	525 05
METRO LANDSCAPE MATERIALS bld&grnds	3,644 00
MUD, utilities	55 68
MIDWEST RIGHT OF WAY, services	547 50
MIDWEST SALES CO, services	394 08
MOBOTREX INC. services	3,792 74
MOTOROLA SOLUTIONS INC, services	20 353 30
MSC INDUSTRIAL SUPPLY, maint	71 49
NE LIBRARY COMMISSION, services	2.347 56
NMC EXCHANGE LLC maint	150 47
OCLC INC, services	161.21

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No. 728 — REEDIEU & COMPANY, INC. OMAHA E1310556LD

OFFICE DEPOT INC. supplies	304 63
OPPD utilities	2,143,907 49
OMNI ENGINEERING, maint	1,039 50
ONE CALL CONCEPTS INC services	248 38
O'REILLY AUTO PARTS, maint,	426 69
PAPILLION SANITATION, bld&grnds	1,163 61
PER MAR SECURITY, services	114 33
PLAINS EQUIPMENT GROUP, maint	436 78
RED MUNICIPAL & INDUSTRIAL EQUIP CO, services	838 36
RED WING BUSINESS ACCT, apparel	150 00
RHOMAR INDUSTRIES INC maint	763 95
SARPY COUNTY COURTHOUSE, services	4,207 68
SARPY COUNTY TREASURER, services	5 723 10
SARPY DOUGLAS LAW ENFORCE, services	441 00
SIGN IT, services	8,910 00
SIGN-O-VATION, INC, services	1 847 00
SOPHIE SPENCE, refund	160 00
SOUCIE, JOSEPH H JR. supplies	200 00
SOUTHERN UNIFORM apparel	587 93
STEPH JACKSON, refund	80 00
SUN VALLEY LANDSCAPING, services	357 92
THE COLONIAL PRESS INC services	9 133 14
THE SCHEMMER ASSOCIATES INC, services	5 379 25
THEATRICAL MEDIA, services	3,449 20
THOMPSON DREESSEN & DORNER, services	2 377 50
TITLECORE NATIONAL services	200 00
TOSHIBA FINANCIAL, services	138 00
TRAIL R travel	69 63
TRUCK CENTER COMPANIES, maint	391 12
U S CELLULAR, phones	1 602 36
UNITED PARCEL, services	8 82
UNITED STATES POSTAL services	1 481 36
VALUATION SERVICES, services	3,500 00
VAN-WALL EQUIPMENT INC maint.	180 12
VERIZON CONNECT phones	731 25
WELLINGTON EXPERIENCE INC, services	10,375 00

Councilmember Sell made a motion to approve the consent agenda Seconded by Councilmember Hale. 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 the City will be sending a report on the TIF program to various entities as required by LB874

Police Chief Lausten reported that the Police Department is operating at full capacity

Director of Public Works Soucie reported that the hot mix asphalt plant is up and running and that street repairs will begin

## B. FINAL PLAT – ECHO HILLS REPLAT FOUR – WEST MANAGEMENT, LLC

### 1. RESOLUTION – APPROVE FINAL PLAT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-045 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE FINAL PLAT FOR A REPLAT OF LOT 3 ECHO HILLS, TO BE REPLATTED AS LOTS 1 THROUGH 4 ECHO HILLS REPLAT FOUR, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE

# MINUTE RECORD

April 21, 2020

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

## NORTHEAST QUARTER OF SECTION 14 TOWNSHIP 14 NORTH RANGE 11 EAST OF THE 6TH P M CITY OF LA VISTA SARPY COUNTY

WHEREAS, the applicant, West Management LLC has made application for approval of a final plat for a replat of Lot 3 Echo Hills, and

WHEREAS the City Engineer has reviewed the Final Plat, and

WHEREAS, on March 19 2020 the La Vista Planning Commission reviewed the Final Plat and unanimously recommended approval.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of the City of La Vista Nebraska, that the final plat for Lot 3 Echo Hills to be replatted as Lots 1 through 4 Echo Hills Replat Four, a subdivision located in the southeast quarter of the northeast quarter of Section 14, Township 14 North, Range 11 East of the 6<sup>th</sup> P M Sarpy County, Nebraska, generally located northwest of the intersection of Chandler Road and 144<sup>th</sup> Street, be, and hereby is approved subject to the finalization and execution of the Subdivision agreement

Seconded by Councilmember Sell Brett West. West Management, LLC gave a presentation on the project. Doug Wilwerding asked about the length of the project and what measures would be taken to keep dirt from the project off the street. Councilmembers voting aye Frederick, Ronan Sheehan, Thomas Crawford Quick Hale, and Sell Nays None Abstain None Absent None Motion carried

### **2. RESOLUTION – APPROVE SUBDIVISION AGREEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No 20-046 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 THROUGH 4 ECHO HILLS REPLAT FOUR

WHEREAS, the City Council did on April 21, 2020, approve the Final Plat for Lots 1 through 4 Echo Hills Replat Four subject to certain conditions, and

WHEREAS the Subdivider West Management LLC on behalf of Vandelay Investments, LLC has agreed to execute a Subdivision Agreement satisfactory in form and content to the City

NOW THEREFORE BE IT RESOLVED that the Subdivision Agreement presented at the April 21, 2020 City Council meeting for Lots 1 through 4 Echo Hills Replat Four 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 the conditions of Council Final Plat approval and with such modifications that the City Administrator or City Engineer may determine necessary or advisable

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

### **C. CONDITIONAL USE PERMIT – LOT 3 ECHO HILLS/PROPOSED LOT 1 ECHO HILLS REPLAT FOUR - WEST MANAGEMENT, LLC**

#### **1. PUBLIC HEARING**

At 6 16 p m Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed conditional use permit. There was no public comment

At 6 17 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

# MINUTE RECORD

April 21, 2020

No. 729 — REEDIE & COMPANY, INC. OMAHA E1310558LD

## 2. RESOLUTION – APPROVE SUBDIVISION AGREEMENT

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 20-047 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT OWN AND OPERATE AN ASSISTED LIVING AND MEMORY CARE FACILITY ON LOT 1 ECHO HILLS REPLAT FOUR

WHEREAS, the City Council in an earlier agenda item approved a Subdivision Agreement between the City and Vandelay Investments, LLC ("Subdivider"), a Nebraska limited liability company, with respect to development of property to be replatted as Lots 1-4, Echo Hills Replat Four,

WHEREAS, West Management, LLC ("Applicant"), a Nebraska limited liability company and affiliated entity of Subdivider executed a purchase agreement to acquire ("Purchase Agreement"), and submitted applications to plat and develop the property to be platted as Lots 1-4, Echo Hills Replat Four, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska ("Property"), and

WHEREAS, Subdivider by an assignment of the Purchase Agreement from Applicant, desires to acquire the Property and develop and operate it in a unified, compatible manner as a mixed use development. Specifically, Subdivider directly or indirectly through one or more Controlled Entities desires to develop, construct, own, and operate in a unified compatible manner Private Improvements on the Property including without limitation the following

- a Own, develop and operate Lot 1 as an 80 unit assisted living and memory care facility comprised of a single building containing 60 assisted living units and 20 memory care units
- b Own develop and operate Lot 2 as a 210 unit multi-family residential housing project comprised of four separate residential apartment buildings, including without limitation, detached and attached fully enclosed single-vehicle parking garages, and
- c Own develop and operate Lots 3 and 4 as commercial pad sites,

all as presented to the City Council by or on behalf of the Applicant and Subdivider in connection with the request for approval of the Plat, PUD Plan and Conditional Use Permit and as finally approved, and

WHEREAS, Applicant, for itself and on behalf of Subdivider and Controlled Entities that will own, develop, and operate some or all of the Property, has applied for approval of a conditional use permit for an assisted living and memory care facility on Lot 1 Echo Hills Replat Four, located southwest of the intersection of S 144<sup>th</sup> Street and Echo Hills Drive, and

WHEREAS, the La Vista Planning Commission held a public hearing on March 19, 2020 to review the application and unanimously voted to recommend approval, and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes

NOW THEREFORE, BE IT RESOLVED, that recitals above are incorporated into this Resolution by reference and further that the terms used in such recitals or elsewhere in this Resolution shall have the meaning specified in the Subdivision Agreement referenced above unless a different meaning otherwise is clearly intended by the context.

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of La Vista hereby approve and authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, subject to any additions, subtractions, or modifications that the City Administrator may determine necessary or advisable, for Applicant, Subdivider, or any Controlled Entities to construct, own and operate an assisted living and memory care facility on Lot 1 Echo Hills Replat Four, contingent upon approval.

# MINUTE RECORD

April 21 2020

No. 728 - REEDER & COMPANY, INC. OMAHA E1310586LD

execution, and recording of the Echo Hills Replat Four Final Plat and Subdivision Agreement, substantial completion of the Design Review Process, and the creation of all Controlled Entities that will construct, own, and operate assisted living and memory care facility on Lot 1 Echo Hills Replat Four all of which shall be named as parties in and execute the Conditional Use Permit

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. CONDITIONAL USE PERMIT – LOT 3 ECHO HILLS/PROPOSED LOT 2 ECHO HILLS REPLAT FOUR – WEST MANAGEMENT LLC**

### **1. PUBLIC HEARING**

At 6:18 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed conditional use permit

At 6:19 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. RESOLUTION – APPROVE CONDITIONAL USE PERMIT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-048 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A CONDITIONAL USE PERMIT TO CONSTRUCT, OWN, AND OPERATE A MULTIPLE FAMILY DWELLING COMPLEX ON LOT 2 ECHO HILLS REPLAT FOUR

WHEREAS the City Council in an earlier agenda item approved a Subdivision Agreement between the City and Vandelay Investments, L.L.C. ("Subdivider"), a Nebraska limited liability company with respect to development of property to be replatted as Lots 1-4, Echo Hills Replat Four and

WHEREAS, West Management LLC ("Applicant"), a Nebraska limited liability company and affiliated entity of Subdivider executed a purchase agreement to acquire ("Purchase Agreement"), and submitted applications to replat and develop the property to be platted as Lots 1-4, Echo Hills Replat Four, a subdivision as surveyed platted and recorded in Sarpy County, Nebraska ("Property"), and

WHEREAS, Subdivider by an assignment of the Purchase Agreement from Applicant desires to acquire the Property and develop and operate it in a unified, compatible manner as a mixed use development. Specifically, Subdivider directly or indirectly through one or more Controlled Entities desires to develop, construct, own, and operate in a unified, compatible manner Private Improvements on the Property including without limitation the following.

- a Own, develop and operate Lot 1 as an 80 unit assisted living and memory care facility comprised of a single building containing 60 assisted living units and 20 memory care units
- b Own, develop and operate Lot 2 as a 210 unit multi-family residential housing project comprised of four separate residential apartment buildings, including without limitation, detached and attached fully enclosed single-vehicle parking garages, and
- c Own, develop and operate Lots 3 and 4 as commercial pad sites.

all as presented to the City Council by or on behalf of the Applicant and Subdivider in connection with the request for approval of the Plat PUD Plan and Conditional Use Permit and as finally approved and

WHEREAS Applicant, for itself and on behalf of Subdivider and Controlled Entities that will own, develop, and operate some or all of the Property, has applied for approval of a conditional use permit for a multiple-family

# MINUTE RECORD

April 21, 2020

No. 729 REEDEL & COMPANY, INC. OMAHA E1310556LJ

dwelling complex on Lot 2 Echo Hills Replat Four located southeast of the intersection of S 146<sup>th</sup> Street and Echo Hills Drive, and

WHEREAS the La Vista Planning Commission held a public hearing on March 19 2020 to review the application and unanimously voted to recommend approval, and

WHEREAS the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes

NOW THEREFORE BE IT RESOLVED, that the recitals above are incorporated into this Resolution by reference, and that the terms used in such recitals or elsewhere in this Resolution shall have the meaning specified in the Subdivision Agreement referenced above unless a different meaning otherwise is clearly intended by the context

BE IT FURTHER RESOLVED that the Mayor and City Council of the City of La Vista hereby approve and authorize the execution of a Conditional Use Permit in form and content submitted at this meeting subject to any additions, subtractions, or modifications that the City Administrator may determine necessary or advisable, for Applicant, Subdivider, or any Controlled Entities to construct, own, and operate multiple-family dwellings on Lot 2 Echo Hills Replat Four, contingent upon approval, execution, and recording of the Echo Hills Replat Four Final Plat and Subdivision Agreement substantial completion of the Design Review Process and the creation of all Controlled Entities that will construct, own, and operate multiple-family dwellings on Lot 2 Echo Hills Replat Four all of which shall be named as parties in and execute the Conditional Use Permit.

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

## E. RESOLUTION – HARRISON STREET BRIDGE RAIL REPAIR

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-049 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONTRACT WITH JMN CONSTRUCTION, LLC, VALLEY, NEBRASKA FOR CONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED \$27 420 00

WHEREAS, the Mayor and City Council have determined that construction services for the repair of the Harrison Street Bridge at Papillion Creek are necessary; and

WHEREAS the FY19/20 Biennial Budget provides funding for the proposed services.

NOW THEREFORE BE IT RESOLVED by the Mayor and City Council of La Vista Nebraska, that a contract, in a form satisfactory to the City Administrator and City Attorney, be authorized with JMN Construction, LLC, Valley Nebraska for the construction services in an amount not to exceed \$27 420 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.

## F. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – ANNUAL FINANCIAL REPORT AUDIT & KENO AGREED UPON PROCEDURES

Councilmember Quick introduced and moved for the adoption of Resolution No. 20-050 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR AUDIT SERVICES

WHEREAS, the Mayor and Council have determined that audit services are necessary; and

# MINUTE RECORD

April 21 2020

No. 729 REED & COMPANY INC. OMAHA E1310556LD

WHEREAS, the FY 21/22 Biennial Budget will provide funding for the proposed audits; and

WHEREAS, proposals will be due May 22, 2020

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for audit services

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 CITIZENS

There were no comments from citizens

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Hale commented on the special edition of the newsletter

Councilmember Sell commented that La Vista was behind other Sarpy cities in submitting census information. He encouraged all residents to complete and return their census information.

Councilmember Quick commented that she attended a Papillion – La Vista Schools foundation meeting through Zoom

Mayor Kindig commented that he would be hosting a Town Hall Meeting via Zoom on Thursday at 7 00pm

At 6 27 p m Councilmember Crawford made a motion to adjourn the meeting Seconded by Councilmember Sheehan Councilmembers voting aye Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale, and Sell Nays None Abstain None Absent None Motion carried

PASSED AND APPROVED THIS 5TH DAY OF MAY 2020

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST



Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

No. 729 HORN & COMPANY, INC. OMAHA, NE 68105560D

## LA VISTA CITY COUNCIL MEETING MAY 5, 2020

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 May 5, 2020. Present via teleconference and videoconference were Mayor Douglas Kindig, Councilmembers Frederick Ronan, Sheehan Thomas, Crawford Quick, Hale and Sell. Also present via teleconference were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Chief Lausten, City Clerk Buethe, Deputy Director of Public Works Calentine, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, Community Development Director Fountain, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on April 21, 2020. 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 via videoconference and teleconference. Governor Pete Ricketts issued Executive Order No. 20-03 – Corona Virus – public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone and video conferencing. Notice of the Zoom meeting link and phone number was given to the public through the publication in the Times, the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE APRIL 21, 2020 CITY COUNCIL  
MEETING
3. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY –  
PROFESSIONAL SERVICES – 96TH & 108TH ST. PAVEMENT  
REHABILITATION – \$25,103.08
4. REQUEST FOR PAYMENT – COMMERCIAL SEEDING CONTRACTORS –  
CONSTRUCTION SERVICES – 84TH STREET REDEVELOPMENT – \$5,668.23
5. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES –  
CITY CENTRE PARKING STRUCTURE 2 – \$73,920.91
6. REQUEST FOR PAYMENT – LAMP RYNEARSON – PROFESSIONAL  
SERVICES – 2020 ASSET MANAGEMENT – \$3,053.80
7. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL  
SERVICES – PLACEMAKING AND LA SERVICES – \$5,848.60
8. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY, maint	41 69
ACTION BATTERIES, maint	251 95
AED ZONE, services	636 00
AKSARBEN HEATING & AIR, refund	38 00
AMAZON CAPITAL, supplies	933 86
ANGELA HUSSMAN, refund	33 00
ATHLETICO EXCEL NE, services	25 00
AUTO BRAKE & CLUTCH, maint	35 00
BAUER BUILT INC, maint	420 04
BERGANKDV LLC, services	490 00
BETH GEORGE-JOHNSON, refund	96 00
BIBLIOTHECA LLC, services	728 35
BISHOP BUSINESS EQUIPMENT, services	1 085 90
BIZCO, INC, supplies	28 60
BJORKLUND CONSULTING, services	1,700 00
BKD LLP, services	2 195 45
BLACK HILLS ENERGY, utilities	2,349 00
CENTURY LINK, phones	192 67

## MINUTE RECORD

May 5 2020

No 729 - Felt, J. & Company Inc. Omaha E13105561D

CINTAS CORP	services	209 04
CITY OF OMAHA	services	280,017 18
CITY OF PAPILLION	services	188,687 00
COMP CHOICE INC.	services	2,031 72
COX COMMUNICATIONS, INC	services	147 03
CROUCH RECREATION	services	2,389 00
CULLIGAN OF OMAHA	services	29 50
CUMMINS CENTRAL POWER	services	650 57
D & K PRODUCTS	services	5,235 50
DALE GERDES	refund	96 00
DANIELLE MEIER	refund	30 00
DEBRA O'BRIEN	refund	33 00
DOUGLAS COUNTY SHERIFF'S OFC	services	250 00
DULTMEIER SALES LLC	bld&grnds	215 00
DUSTIN BANIK	refund	43 00
ESRI INC	services	3,350 00
FASTENAL CO.	supplies	17 73
FEDEX	services	34 54
FIRST NATIONAL BANK OF OMAHA	bonds	101,068 13
HDR ENGINEERING INC	services	892 46
HEARTLAND TIRES & TREADS	maint	1,205 80
HERITAGE CRYSTAL CLEAN LLC	services	390 04
HGM ASSOCIATES INC	services	3,000 00
HOTSY EQUIPMENT CO	supplies	136 52
HUNTEL COMMUNICATIONS, INC.	services	57 50
IDEAL IMAGES INC	apparel	1,056 00
INGRAM LIBRARY SERVICES	books	1,624 21
J & J SMALL ENGINE	maint	148 37
JAMI WADDELL	refund	108 00
JO ANDERSON	refund	30 00
JORDAN JACKSON	refund	53 00
KAIYA MEARS	refund	90 00
KARI BLAZEK	refund	30 00
KRISTIE ALBACK	refund	187 00
LIBRA INDUSTRIES INC	supplies	68 00
LIBRARY IDEAS LLC	books	33 88
LISA DEWEENE	refund	30 00
LYMAN-RICHEY SAND & GRAVEL	services	449 64
LYNN JOHNSON	refund	30 00
MANDY GRYSKIEWICZ	refund	33 00
MARCO INC	services	144 26
MARTIN ASPHALT - MONARCH OIL	supplies	521 70
MENARDS-RALSTON	maint	124 36
METRO LANDSCAPE MATERIALS	services	420 00
MUD	utilities	2,023 27
MIDLANDS LIGHTING & ELECTRIC	supplies	112 50
MIDWEST RIGHT OF WAY	services	300 00
MNJ TECHNOLOGIES DIRECT	services	17,234 00
MOLLY SANDERS	refund	53 00
MOTOROLA SOLUTIONS INC	services	4,989 70
NADINE MENKE	refund	30 00
NATASHA KERRIGAN	refund	53 00
NATIONAL LEAGUE OF CITIES	services	1,563 00
NE ENVIRONMENTAL PRODUCTS	maint	548 84
NE STATE FIRE MARSHAL	bld&grnds	300 00
NMC EXCHANGE LLC	maint	38 62
NPZA-NE PLANNING/ZONING	services	380 00
OLSSON INC.	services	2,838 00
PAPILLION TIRE INC	maint	87 67
PROJECT LIFESAVER INC.	supplies	67 98

# MINUTE RECORD

May 5 2020

No 729 - REED & COMPANY INC. OMAHA E1310556LD

SHARAYAH WILLERT refund	375 00
SHAUNA NILSEN refund	308 00
SHELLY WITTHUHN refund	30 00
SHERWIN-WILLIAMS bld&grnds	620 00
SHI INTERNATIONAL CORP. services	3,485 49
SOUTHERN UNIFORM apparel	804 96
SOUTHERNCARLSON INC. supplies	93 00
STACY NUSSRALLAH refund	53 00
SUBURBAN NEWSPAPERS INC. services	1,556 22
SUN VALLEY LANDSCAPING bld&grnds	344 16
TAMI O'NEILL refund	43 00
TAYLOR HAGEDORN refund	36 00
TED'S MOWER SALES services	30 48
THE COLONIAL PRESS INC. services	5 030 43
THE SCHEMMER ASSOCIATES INC services	3 339 25
THOMPSON DREESSEN & DORNER INC services	893 25
TRUCK CENTER CO maint	1 118 87
UNITED PARCEL services	16 13
WENDY GARCIA, refund	63 00
WOODHOUSE LINCLN-MAZDA maint	179 86

Councilmember Quick made a motion to approve the consent agenda Seconded by Councilmember Hale Councilmember Crawford 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 that curbside service will be beginning at the Library this month

Police Chief Lausten reported that calls for service are down from last year and the department is operating at full staff

Deputy Director of Public Works Calentine reported that Public Works is completing their fourth week of split shifts Starting next Monday they will return to their regular schedule and they will continue practicing social distancing

## B. RESOLUTION – APPROVAL OF CONTRACT – CITY HALL OFFICE REMODEL

Councilmember Sheehan introduced and moved for the adoption of Resolution No 20-051 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA APPROVING A CONTRACT WITH OAKHAVEN HOMES PAPILLION NEBRASKA FOR THE REMODEL OF OFFICE SPACE AT LA VISTA CITY HALL IN AN AMOUNT NOT TO EXCEED \$23 260 00

WHEREAS the Mayor and City Council have determined that there is a need for additional space at La Vista City Hall and

WHEREAS the FY20 CIP Budget provides funding for facility improvements and

WHEREAS long-term improvements to La Vista City Hall are several years away and

WHEREAS the Human Resources staff needs private office space to conduct its function in an acceptable manner and

WHEREAS there is the potential to remodel existing office space to accommodate the needs of Human Resources as well as free up other space to provide more flexibility for other office staff and

WHEREAS, Oakhaven Homes has done facility remodel work for the City in the past and has completed said work in a satisfactory manner and within budget and

# MINUTE RECORD

May 5 2020

No. 729 - REFL. # 8 COMPANY INC. OMAHA L1310556ED

WHEREAS, the La Vista Municipal Code requires all purchases over \$5 000 to be approved by the La Vista City Council

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of La Vista do hereby approve a contract with Oakhaven Homes, Papillion Nebraska for office remodeling work at La Vista City Hall, in an amount not to exceed \$23 260 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

## COMMENTS FROM CITIZENS

There were no comments from citizens

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented that the new website looks great and he asked about the polling sites for the primary election on Tuesday

Councilmember Sell commented that the new banners look good

Mayor Kindig commented that May 10-16 is National Police Week and May 17-23 is National Public Works Week. He thanked the employees in each department for their service. He also commented on federal legislation to provide funding to Nebraska during the pandemic

At 6 14 pm 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 19TH DAY OF MAY 2020

CITY OF LA VISTA

Douglas Kindig Mayor

ATTEST

Pamela A. Buethe

Pamela A. Buethe CMC  
City Clerk

# MINUTE RECORD

No. 729 - R. L. V. & COMPANY, INC., OMAHA, NE 68105-9610

## LA VISTA CITY COUNCIL MEETING MAY 19, 2020

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 May 19, 2020. Present via teleconference and videoconference were Mayor Douglas Kindig, Councilmembers Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also present via teleconference were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Recreation Director Stopak, Finance Director Miserez, Community Development Director Fountain, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on May 6, 2020. 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 via videoconference and teleconference. Governor Pete Ricketts issued Executive Order No. 20-03 - Corona Virus - public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone and video conferencing. Notice of the Zoom meeting link and phone number was given to the public through the publication in the Times, the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MAY 5, 2020 CITY COUNCIL  
MEETING
3. MONTHLY FINANCIAL REPORT - MARCH 2020
4. REQUEST FOR PAYMENT - ALFRED BENESCH & COMPANY -  
PROFESSIONAL SERVICES - 96TH & 108TH ST. PAVEMENT  
REHABILITATION - \$17,132.50
5. REQUEST FOR PAYMENT - DESIGN WORKSHOP, INC. - PROFESSIONAL  
SERVICES - 84TH STREETSCAPE PLAN - \$48,748.05
6. REQUEST FOR PAYMENT - HDR ENGINEERING, INC. - PROFESSIONAL  
SERVICES - PROJECT MANAGEMENT SERVICES FOR PUBLIC  
IMPROVEMENTS AND OTHER WORKS - \$704.82
7. REQUEST FOR PAYMENT - HGM ASSOCIATES, INC. - PROFESSIONAL  
SERVICES - EAST LA VISTA SEWER AND PAVEMENT REHABILITATION -  
PHASE I INVESTIGATION - \$1,854.73
8. REQUEST FOR PAYMENT - OLSSON - PROFESSIONAL SERVICES - CITY  
CENTRE PHASE 1 PUBLIC INFRASTRUCTURE - \$2,291.50
9. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. -  
PROFESSIONAL SERVICES - PHASE 1 GOLF COURSE TRANSFORMATION  
- PROPOSED LAKE IMPROVEMENTS - \$1,155.10
10. APPROVAL OF CLAIMS

911 CUSTOM LLC, maint	188 40
AKRS EQUIPMENT SOLUTIONS, maint	206 33
ALFRED BENESCH & CO, services	25,103.08
AMAZON CAPITAL, supplies	607 84
BIZCO INC, supplies	358 44
BLACK HILLS ENERGY, utilities	738 34
CENTURY LINK, phones	617 09
CENTURY LINK BUSN SVCS, phones	221 20
CINTAS CORP, services	528 67
COMMERCIAL SEEDING, services	5,668 23
COMP CHOICE INC, services	672 37
CORE PRODUCTS LLC, supplies	492 04

# MINUTE RECORD

May 19, 2020

No. 729 - HCC P & G, Service Inc. OMAHA E1G16b:6LD

CORNHUSKER INTL TRUCKS, maint	159 68
CULLIGAN OF OMAHA, services	18 00
CUMMINS CENTRAL POWER, bld&grnds	732 84
D & K PRODUCTS supplies	1,272 11
DELL MARKETING, services	2,706 88
DISPLAY SALES supplies	340 00
DLR GROUP services	73,920 91
FILTER CARE OF NE maint	9 90
FIRST NAT'L BANK OF OMAHA, bonds	10 758 75
FITZGERALD SCHORR BARMETTLER, services	31 152 10
GENUINE PARTS CO, maint	566 61
GRAINGER, supplies	104 77
GREATAMERICA FINANCIAL services	1,239 70
HANEY SHOE STORE apparel	150 00
HARM'S CONCRETE INC, services	130 00
HAWKEYE TRUCK EQUIPMENT, maint	257 80
HY-VEE INC, services	137 95
INDUSTRIAL SALES CO supplies	494 36
INGRAM LIBRARY SERVICES books	500 41
J & J SMALL ENGINE, services	248 37
K ELECTRIC services	223 47
KANOPLY, INC. services	34 00
KRIHA FLUID POWER CO maint	523 44
LV COMM FOUNDATION payroll	150 00
LAMP RYNEARSON & ASSOCIATES, services	3,053 80
LARSEN SUPPLY CO, supplies	82 08
MARK A KLINKER services	200 00
MENARDS bld&grnds	131 26
METRO LANDSCAPE MATERIALS bld&grnds	70 00
METRO COMM COLLEGE, services	295 225 60
MUD, utilities	155 49
MICROFILM IMAGING SYSTEMS, services	5,194 77
MNJ TECHNOLOGIES DIRECT INC, services	1,084 00
MSC INDUSTRIAL supplies	266 52
NE IOWA INDL FASTENERS, maint	9 51
NEWMAN SIGNS INC bld&grnds	228 57
OCLC INC, services	161 21
OFFICE DEPOT INC, supplies	214 26
OPPD, utilities	46,401 53
OMAHA WINNELSON supplies	555 47
OMNI ENGINEERING services	139 30
ONE CALL CONCEPTS INC, services	332 18
PAPILLION SANITATION, services	1,297 44
PAPILLION TIRE INC maint	12 75
PER MAR SECURITY, services	127 89
PITNEY BOWES, services	526 71
RDG PLANNING & DESIGN services	6,768 60
READY MIXED CONCRETE, services	225 32
REGAL AWARDS INC services	14 50
ROSE EQUIPMENT INC, maint	168 57
SAPP BROS, maint	110 00
SARPY COUNTY COURTHOUSE services	4 207 68
SHI INTERNATIONAL CORP services	773 01
SOUTHERN UNIFORM apparel	329 61
SUBURBAN NEWSPAPERS INC, services	78 00
SUN VALLEY LANDSCAPING, services	144 00
TOSHIBA FINANCIAL, services	138 00
TRAFCON INDUSTRIES, services	3,209 63
TRANS UNION RISK, services	50 00
TRUCK CENTER COMPANIES maint	61 70

# MINUTE RECORD

May 19, 2020

No. 729 -- FILER & COMPANY, INC. OMAHA F1310556 D

U S CELLULAR, phones	1 725 73
UNITE PRIVATE NETWORKS LLC, services	8 800 00
UNITED DISTRIBUTORS INC, services	81 22
UNITED PARCEL services	28 90
V & V MANUFACTURING INC, services	329 85
VERIZON WIRELESS phones	327 55
WALMART, supplies	199 91
WELLINGTON EXPERIENCE, services	2,302 46
WESTLAKE HARDWARE bld&grnds	886 29
WOODHOUSE LINCLN-MAZDA, maint	44 80

Councilmember Hale made a motion to approve the consent agenda Seconded by Councilmember Quick Councilmember Quick 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

City Administrator Gunn reported that Governor Ricketts extended the Executive Order allowing virtual meetings through June and that he has provided guidance to resume youth baseball and softball. She also reported that many baseball and softball registrants have contacted the Recreation Department to pull out and ask for refunds. The League of Nebraska Municipalities is working with an attorney group to provide cities with more information regarding the use of ballfields.

Recreation Director Stopak reported the Eastern Nebraska Office on Aging has approved expanding the grab and go lunch program at the community center. He also reported that transportation services are running Monday through Friday and that there will be a Merrymakers Concert and Car Bingo for seniors in the parking lot of the community center.

Police Chief Lausten reported that it is business as usual for Patrols and that Code Enforcement calls have increased.

## B. RESOLUTION – 84TH STREET REDEVELOPMENT AREA PHASE 2A TAX INCREMENT FINANCING – 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. 20-052 entitled A RESOLUTION AUTHORIZING THE ISSUANCE OF A TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PROJECT), SERIES 2020 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

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

# MINUTE RECORD

May 19 2020

No. 729 R-JIE D& COMPANY INC. Owner E1310556LD

for the Redevelopment Area, as amended by Amendment No. 1 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, a redevelopment contract between the Agency and La Vista City Centre LLC a Nebraska limited liability company, and its assignee City Centre 2 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 2020 (the 'Note') in the principal amount of \$798,000 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 AS FOLLOWS

## ARTICLE I

### DEFINITIONS

Section 1.1 Definitions of Words and Terms In addition to words and terms defined elsewhere in this Resolution, the following capitalized words and terms as used in this Resolution shall have the following meanings

'Act' means the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended

'Agency' means the Community Development Agency of the City of La Vista, Nebraska

'Business Day' means a day on which the banking institutions in the City are scheduled in the normal course of operations to be open to the public

'Chair' means the Chair of the Community Development Agency of the City of La Vista, Nebraska. The Chair shall be the Mayor of the City of La Vista unless otherwise designated by the governing body of the Agency

'City Administrator' means the Administrator of the City or the Administrator's designee

'City' means the City of La Vista, Nebraska

'Clerk' means the Clerk of the City of La Vista, Nebraska

'Code' means the Internal Revenue Code of 1986, as amended and the applicable regulations of the Treasury Department proposed or promulgated thereunder

'Council' means Council of the City of La Vista, Nebraska

'County' means The County of Sarpy in the State of Nebraska

'Cumulative Outstanding Principal Amount' means the aggregate principal amount of the Note issued and outstanding from time to time in accordance with the provisions of this Resolution, as reflected in the Note Register as provided in this Resolution

# MINUTE RECORD

May 19, 2020

No. 729 — R. H. & Company, Inc., Omaha, E1310558LJ

"Date of Original Issue" means the date the Note is initially issued and delivered to the Purchaser

"Government Obligations" means direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America

"Mayor" means Mayor of the City

"Note" means the Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Project) Series 2020 in an aggregate principal amount of \$798,000 authorized and issued pursuant to this Resolution

"Note Payment Date" means December 15 of each year, beginning on December 15, 2022, (or such other periodic payment date or dates as may be approved and incorporated in the Note when issued but not more frequently than semiannual payments) and ending on December 15, 2036

"Note Register" means the books for the registration transfer and exchange of the Note kept at the office of the City

"Permitted Investments" means any of the following securities and obligations, if and to the extent the same are at the time legal for investment of the City's moneys held in the funds and accounts referred to in Section 5.1 hereof

(a) United States Government Obligations.

(b) bonds, notes or other obligations of the State of Nebraska, or any political subdivision of the State of Nebraska, that at the time of their purchase are rated in either of the two highest rating categories by a nationally recognized rating service

(c) repurchase agreements with any bank, bank holding company, savings and loan association, trust company or other financial institution organized under the laws of the United States or any state that are continuously and fully secured by any one or more of the securities described in clause (a) or (b) above and have a market value exclusive of accrued interest at all times at least equal to the principal amount of such repurchase agreement and are held in a custodial or trust account for the benefit of the City

(d) obligations of the Government National Mortgage Association the Federal Financing Bank, the Federal Intermediate Credit Corporation Federal Banks for Cooperatives Federal Land Banks, Federal Home Loan Banks and Farmers Home Administration.

(e) certificates of deposit, time deposits or other deposits, whether negotiable or nonnegotiable, issued by any bank or trust company organized under the laws of the United States or any state provided that such certificates of deposit or time deposits shall be either (1) continuously and fully insured by the Federal Deposit Insurance Corporation, or (2) continuously and fully secured by such securities as are described above in clauses (a), (b) or (d) above which shall have a market value, exclusive of accrued interest, at all times at least equal to the principal amount of such certificate of deposit or time deposits, and

(f) any other securities or investments that are lawful for the investment of moneys held in such funds or accounts under the laws of the State of Nebraska

"Planning Commission" means the Planning Commission of the City

"Project" means that portion of the Mixed Use Redevelopment Project for Lots 3, 4 and 5 of La Vista City Centre, Replat Three and the improvements identified in Exhibit B-2, which shall be and is hereby determined to be a separate redevelopment project under the Act

"Project Area" means that portion of the Redevelopment Area described on Exhibit B-1

# MINUTE RECORD

May 19 2020

No 729 - REED & CLARK, INC. OMAHA F13105581D

'Project Costs' means the costs attributable to the Project and to work on any 'redevelopment project,' as defined in the Act that may be paid through TIF Revenues and which the Agency has agreed to pay under the Redevelopment Agreement with respect to the Project and such other costs allowed under the Redevelopment Plan and the Redevelopment Agreement including those identified in Exhibit B-2

'Project Fund' means the fund by that name described in Section 5 1 hereof

'Purchaser' means the Redeveloper or such other party approved by the Chair of the Agency, as the original purchaser of the Note

'Record Date' for the interest payable on any Note Payment Date means the 15th day (whether or not a Business Day) of the calendar month first preceding such Note Payment Date

'Redeveloper' means La Vista City Centre LLC a Nebraska limited liability company and its assignee with respect to the Project, City Centre 2 LLC a Nebraska limited liability company

'Redevelopment Area' means the 84<sup>th</sup> Street Redevelopment Area which the governing body of the City has found to be blighted and substandard pursuant to the Act

'Redevelopment Agreement' means the Redevelopment Agreement between the Agency and La Vista City Centre LLC, a Nebraska limited liability company, and City Centre 2, LLC as assignee of La Vista City Centre, LLC with respect to the Project Area

'Redevelopment Plan' means the redevelopment plan approved by the City for the Redevelopment Area, as amended by Amendment No 1

"Registered Owner" or 'Note Owner' when used with respect to any Note means the person in whose name such Note is registered on the Note Register

"Resolution" means this Resolution as from time to time amended in accordance with the terms hereof

"Secretary" means the Secretary of the Agency. The Secretary shall be the City Clerk of La Vista unless otherwise designated by the Agency governing body

'State' means the State of Nebraska

'TIF Revenue Fund' means the fund by that name described by Section 5 1 hereof

'TIF Revenues' means the moneys received from the County attributable to the increase in the current equalized assessed valuation of taxable real property in the Project Area over and above the initial equalized assessed value of each such unit of property in the Project Area, all as determined in accordance with the Redevelopment Plan and the Act as in effect on the date the Note is issued

## ARTICLE II

### AUTHORIZATION OF NOTE

Section 2 1 Authorization of Note. There is hereby authorized and directed to be issued a Note of the Agency, designated "Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Project) Series 2020" in the principal amount of \$798 000 for the purpose of paying a portion of the Project Costs, and paying the costs of issuance of the Note

Section 2 2 Description of the Note. The Note shall be substantially in the form set forth in Exhibit A hereto and shall be subject to registration, transfer and exchange as provided in Section 2 4 hereof. The Note shall be dated the date of its initial issuance and delivery, shall mature on the final Note Payment Date (subject to prior prepayment as provided in Article III) and shall bear interest at the rate of 5 5% per annum or such other rate of interest approved by the City Administrator or Chair

# MINUTE RECORD

May 19, 2020

No 729 Herold & Company, Inc. Omaha E1310556L0

The Note shall bear interest (computed on the basis of a 360-day year of twelve 30-day months), if any, from its issuance date or from the most recent interest payment date to which interest has been paid or duly provided for

**Section 2 3 Consideration for the Note** Upon execution of the Note, it shall be registered in the name of the Purchaser and shall be delivered in consideration of payment of the Project Costs by or on behalf of the Purchaser. Evidence of payment of Project Costs shall be submitted to the City as such Project Costs are paid by or on behalf of the Purchaser. Prior to each Note Payment Date evidence of payment of Project Costs submitted to the City shall be equal to or greater than the aggregate amount of principal and interest payments made on the Note

Upon the third anniversary of the date of delivery of the Note to the Purchaser if evidence of payment of total Project Costs submitted to the City is less than the original principal amount of the Note issued pursuant to this resolution, the principal amount of the Note shall be reduced so that the original principal amount of the Note issued pursuant to this Resolution is equal to the total Project Costs and the Cumulative Outstanding Principal Amount of the Note reflected on the Note Register shall be reduced accordingly at such time. In the event of a delay in completion of the Project or payment of Project Costs, the City Administrator may extend such three-year deadline for delivery of evidence of payment of Project Costs in the discretion of the City Administrator. No notation, replacement or reissuance of the Note shall be necessary in the event of a reduction in principal amount of the Note under the provisions of this Section 2 3

The records maintained by the Clerk shall be the official records of the Cumulative Outstanding Principal Amount for the Note for all purposes

**Section 2 4 Method and Place of Payment of Note** The principal of and interest on the Note shall be payable in any coin or currency which on the respective dates of payment thereof is legal tender for the payment of debts due the United States of America

Interest on the Cumulative Outstanding Principal Amount of the Note from the date of original issue or the most recent Payment Date to which interest has been paid or duly provided for on the Note is payable on each Payment Date until the principal of the Note has been paid, whether at maturity or upon earlier redemption, provided however, if any interest on the Note is in default the Note shall bear interest from the date to which interest has been paid

The principal and interest payable on the Note on any Note Payment Date shall be paid to the Registered Owner of such Note as shown on the Note Register at the close of business on the Record Date for such interest (a) by check or draft mailed to such Registered Owner, or (b) by electronic transfer to such Registered Owner upon written notice given to the Agency by such Registered Owner not less than 15 days prior to the Record Date for such interest, containing the electronic transfer instructions including the bank (which shall be in the continental United States) ABA routing number and account number to which such Registered Owner wishes to have such transfer directed. Such electronic transfer notice shall be effective until such Registered Owner gives the Agency written notice to the contrary

**Section 2 5 Registration, Transfer and Exchange of Note** The Agency covenants that it will, so long as the Note remains outstanding, cause to be kept at the office of the City books for the registration transfer and exchange of the Note as herein provided. The Note when issued shall be registered in the name of the Registered Owner thereof on the Note Register

The Note may be transferred and exchanged only upon the Note Register as provided in this Section. The Note is transferable only as permitted by the Agency in writing and only upon the execution by such transferee of an investment letter substantially in a form approved by the Agency

The Agency may deem and treat the person in whose name any Note is registered as the absolute owner of such Note, whether the Note is overdue or not for the purpose of receiving payment of, or on account of, the principal of and interest on said Note and for all other purposes. All payments so made to any such Registered Owner or upon the Registered Owner's order shall be valid and effectual to satisfy and

# MINUTE RECORD

May 19 2020

No 729 - R-19 - 8 Clerks, Inc. Owner E1310556.D

discharge the liability upon such Note to the extent of the sum or sums so paid and the Agency shall not be affected by any notice to the contrary

At reasonable times and under reasonable regulations established by the Agency, the Note Register may be inspected and copied by any Registered Owner (or a designated representative thereof)

Section 2 6 Execution Authentication and Delivery of the Note Any Note may be signed by such persons who at the actual time of the execution of such Note are the proper officers to sign such Note although at the date of such Note such persons may not have been such officers The Chair and Secretary of the Agency are hereby authorized and directed to prepare and execute the Note The Agency shall deliver the Note to the Purchaser upon satisfaction of conditions considered necessary and appropriate by the City Administrator and Chair

Section 2 7 Mutilated Destroyed, Lost and Stolen Note If (a) any mutilated Note is surrendered to the Agency or the Agency receives evidence to its satisfaction of the destruction, loss or theft of any Note, and (b) there is delivered to the Agency such security or indemnity as may be required to save the Agency harmless, then in the absence of notice to the Agency that such Note has been acquired by a bona fide purchaser the Agency shall execute, register and deliver in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Note, a new Note of the same maturity and of like tenor and principal amount

If any such mutilated, destroyed, lost or stolen Note has become or is about to become due and payable, the Agency in its discretion may instead of issuing a new Note, pay such Note when due

Upon the issuance of any new Note under this Section the Agency may require the payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses (including the fees and expenses of the Agency) connected therewith

Every new Note issued pursuant to this Section shall constitute a replacement of the prior obligation of the Agency, and shall be entitled to all the benefits of this Resolution equally and ratably with all other outstanding Note

Section 2 8 Sale of Note The Sale of the Note to the Purchaser at a purchase price of 100% of the principal amount of the Note, in consideration for the Redeveloper paying Project Costs in an amount equal to or greater than the principal amount of the Note is hereby ratified and confirmed Delivery of the Note shall be made to the Purchaser as soon as practicable after the adoption of this Resolution upon payment therefor in accordance with such terms of sale and satisfaction of conditions considered necessary and appropriate by the City Administrator and Chair

Section 2 9 Redemption of Note The Note is subject to redemption at the option of the Agency prior to the maturity thereof at any time as a whole or in part from time to time in such principal amount as the Agency shall determine, at a redemption price equal to 100% of the principal amount then being redeemed plus accrued interest thereon to the date fixed for redemption

Section 2 10 Determination of Outstanding Principal Amount of Note Notwithstanding the amount indicated on the face of the Note the Cumulative Outstanding Principal Amount of the Note shall be determined and maintained by the Clerk The Clerk shall make such notations in the Note Register as are required to reflect any redemptions of the Note from time to time The Redeveloper may examine the books of registry maintained by the Clerk upon request and the Clerk shall grant such request as soon as reasonably practicable

## ARTICLE III

### TERMS AND PAYMENT

Section 3 1 Terms and Payment The Note shall be issued substantially in the form set forth in Exhibit A The Note shall be dated the date of its initial issuance and delivery, shall become due and shall bear interest as set forth below and on the face of the Note

# MINUTE RECORD

May 19 2020

No 729 Filing & Recording in Omaha F#31055611

On each Note Payment Date, an amount equal to all amounts then on deposit in the TIF Revenue Fund shall be due and payable, first to interest due and the remainder to principal. To the extent amounts in the TIF Revenue Fund are insufficient to pay all of the principal of or interest on the TIF Indebtedness prior to or on the final Note Payment Date such deficiency shall be borne entirely by the Registered Owner of the Note and Redeveloper without recourse of any kind to the Agency or the City

The Agency may prepay all or any portion of the Note at any time and from time to time without premium or penalty of any kind

## ARTICLE IV

### SECURITY FOR THE NOTE

Section 4 1 Security for the Note The Note shall be a limited special obligation of the Agency payable solely from and secured as to the payment of principal and interest subject to the provisions of Section 4 2 by a pledge of the TIF Revenues and moneys in the Project Fund and no other moneys revenues, funds or accounts. The taxing power of the Agency and the City are not pledged to the payment of the Note either as to principal or interest. The Note shall not constitute a general obligation of the Agency or the City nor shall it constitute an indebtedness of the Agency or the City within the meaning of any constitutional or statutory provision limitation or restriction. Payment of principal and interest on the Note shall be subject to reduction as described in Section 2 3 of this Resolution

Section 4 2 Pledge of Certain Funds The moneys and securities now or hereafter held in and moneys and securities to be deposited in the TIF Revenue Fund and the Project Fund and all interest and earnings thereon and proceeds thereof are hereby pledged to secure the payment of the Note. When the Note has been paid in full and discharged, then the requirements contained in this Resolution and the pledge of revenues made hereunder and all other rights granted hereby shall terminate

Section 4 3 No Recourse Notwithstanding any other provisions of this Resolution neither the Registered Owner of the Note nor the Redeveloper shall have any recourse of any kind against the Agency or the City in the event of that the TIF Revenues are insufficient to pay the principal of or interest on the Note for any reason whatsoever

## ARTICLE V

### CREATION OF FUNDS AND ACCOUNTS. DEPOSIT AND APPLICATION OF NOTE PROCEEDS

Section 5 1 Creation of Funds and Accounts There are hereby created and ordered to be established within the treasury of the City the following separate funds and accounts

(a) City of La Vista, Nebraska La Vista City Centre Project TIF Revenue Fund 2020 (the 'TIF Revenue Fund')

(b) City of La Vista Nebraska, La Vista City Centre Project Fund 2020 (the 'Project Fund')

Such funds and accounts shall be segregated and kept separate and apart from all other moneys, revenues funds and accounts of the City. The TIF Revenue Fund and the Project Fund shall be maintained and administered in the manner provided in this Resolution so long as the Note remains outstanding hereunder

Section 5 2 Deposit of Note Proceeds Any cash or monies received in exchange for the sale and delivery of the Note shall be deposited in the Project Fund

Section 5 3 Application of Moneys in the Project Fund. Moneys in the Project Fund shall be used solely for the purpose of paying the Project Costs and the costs and expenses incident to the issuance of the Note

# MINUTE RECORD

May 19, 2020

No 728 RE: FLS COMPANY, INC. OMAHA #11055810

## ARTICLE VI

### DIVISION OF TAXES AND APPLICATION OF REVENUES

Section 6 1 Division of Taxes The effective date for the division of taxes with respect to the Project Area is hereby determined to be January 1, 2021, with taxes to be divided for a period of fifteen (15) years from and after such effective date

Section 6 2 TIF Revenue Fund The moneys in the TIF Revenue Fund shall be administered and applied solely for the purposes and in the manner provided in this Resolution. The TIF Revenues shall be determined and collected in the manner provided by law

All amounts paid and credited to the TIF Revenue Fund shall be expended and used for the sole purpose of paying costs of issuance of the Agency and City and then paying the principal of and interest on the Note as and when the same become due on each Note Payment Date or as otherwise provided in Section 3 1

## ARTICLE VII

### DEPOSIT AND INVESTMENT OF MONEYS

Section 7 1 Deposit of Moneys Moneys in each of the funds and accounts created by and referred to in this Resolution and held by the Agency or the City shall be continuously and adequately secured as provided by the laws of the State and invested only in Permitted Investments

Section 7 2 Investment of Moneys All earnings on any investments held in any fund shall accrue to and become a part of such fund

## ARTICLE VIII

### ADDITIONAL NOTE

Section 8 1 Additional Note The Agency covenants and agrees that so long as the Note remains outstanding, the Agency will not issue any additional bonds, notes or debt payable from the TIF Revenue Fund or the Project Fund or any part thereof without the prior written consent of the Registered Owner

## ARTICLE IX

### DEFAULT AND REMEDIES

Section 9 1 Acceleration of Maturity Upon Default The Agency covenants and agrees that if it defaults in the payment of the principal of or interest on the Note as the same becomes due on any Note Payment Date then at any time thereafter and while such default continues, the Registered Owner may by written notice to the Agency filed in the office of the Clerk or delivered in person to said Clerk, declare the principal of the Note then outstanding to be due and payable immediately, and upon any such declaration the Note shall become and be immediately due and payable, anything in this Resolution or in the Note contained to the contrary notwithstanding. This provision, however, is subject to the condition that if at any time after the principal of said outstanding Note has been so declared to be due and payable, all arrears of interest upon all of said Note, except interest accrued but not yet due on such Note, and all arrears of principal upon all of said Note has been paid in full and all other defaults, if any, by the Agency under the provisions of this Resolution and under the provisions of the statutes of the State of Nebraska have been cured, then and in every such case the Registered Owner shall rescind and annul such declaration and its consequences, but no such rescission or annulment shall extend to or affect any subsequent default or impair any rights consequent thereon. Notwithstanding the foregoing, failure by the Agency to pay any amounts due as principal or interest on any Note Payment Date that are in excess of the amounts available therefor in the TIF Revenue Fund shall not be deemed a default

Section 9 2 Remedies The provisions of this Resolution, including the covenants and agreements herein contained, shall constitute a contract between the Agency and the Registered Owner. Subject to the limitations set forth in Section 9 3, the Registered Owner shall have the following rights

# MINUTE RECORD

May 19, 2020

No. 729 - Re: City of Omaha, Nebraska

(a) by mandamus or other suit, action or proceedings at law or in equity to enforce the rights of the Registered Owner against the Agency and its officers, agents and employees, and to require and compel duties and obligations required by the provisions of this Resolution or by the constitution and laws of the State of Nebraska.

(b) by suit action or other proceedings in equity or at law to require the Agency, its officers, agents and employees to account as if they were the trustees of an express trust; and

(c) by suit, action or other proceedings in equity or at law to enjoin any acts or things which may be unlawful or in violation of the rights of the Registered Owner

Section 9 3 Remedies Cumulative No remedy conferred herein upon the Registered Owner is intended to be exclusive of any other remedy but each such remedy shall be cumulative and in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred herein. No waiver of any default or breach of duty or contract by the Registered Owner shall extend to or affect any subsequent default or breach of duty or contract or shall impair any rights or remedies thereon. No delay or omission of the Registered Owner to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein. Every substantive right and every remedy conferred upon the Registered Owner by this Resolution may be enforced and exercised from time to time and as often as may be deemed expedient. In case any suit action or proceedings taken by the Registered Owner on account of any default or to enforce any right or exercise any remedy has been discontinued or abandoned for any reason, or has been determined adversely to the Registered Owner then, and in every such case, the Agency and the Registered Owner shall be restored to their former positions and rights hereunder respectively and all rights, remedies, powers and duties of the Registered Owner shall continue as if no such suit, action or other proceedings had been brought or taken.

## ARTICLE X

### MISCELLANEOUS PROVISIONS

Section 10 1 Amendments The rights and duties of the Agency and the Registered Owner and the terms and provisions of the Note or of this Resolution may be amended or modified at any time in any respect by Resolution of the Agency with the written consent of the Registered Owner such consent to be evidenced by an instrument or instruments executed by the Registered Owner and duly acknowledged or proved in the manner of a deed to be recorded and such instrument shall be filed with the Clerk.

Without notice to or the consent of the Registered Owner the Agency may amend or supplement this Resolution for the purpose of curing any formal defect, omission, inconsistency or ambiguity therein or in connection with any other change therein which is not materially adverse to the interests of the Registered Owner.

Every amendment or modification of the provisions of the Note or of this Resolution to which the consent of the Registered Owner is given, as above provided, shall be expressed in a Resolution adopted by the governing body of the Agency amending or supplementing the provisions of this Resolution and shall be deemed to be a part of this Resolution. A certified copy of every such amendatory or supplemental Resolution, if any, and a certified copy of this Resolution shall always be kept on file in the office of the Clerk and shall be made available for inspection by the Registered Owner or a prospective purchaser or owner of the Note authorized by this Resolution, and upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental Resolution or of this Resolution will be sent by the Clerk to any such Registered Owner or prospective Registered Owner.

Any and all modifications made in the manner hereinabove provided shall not become effective until there has been filed with the Clerk a copy of the Resolution of the Agency duly certified as well as proof of any required consent to such modification by the Registered Owner. It shall not be necessary to note on any outstanding Note any reference to such amendment or modification.

Section 10 2 Payments Due on Days Other Than Business Days In any case where the date of maturity of principal or of interest on the Note or the date fixed for

# MINUTE RECORD

May 19 2020

No. 729 - BIRCH & COMPANY INC. OMAHA E1310556LD

prepayment of any Note is not a Business Day then payment of principal or interest need not be made on such date but may be made on the first succeeding Business Day with the same force and effect as if made on the date of maturity or the date fixed for prepayment, with no adjustment in accrued interest for the period between such prepayment date and such first succeeding Business Day

**Section 10 3 Notices, Consents and Other Instruments by Registered Owner**  
Any notice, consent, request, direction, approval, objection or other instrument required by this Resolution to be signed and executed by the Registered Owner other than the assignment of the Ownership of the Note may be in any number of concurrent writings of similar tenor and may be signed or executed by such Registered Owner in person or by agent appointed in writing. Proof of the execution of any such instrument or of the writing appointing any such agent and of the ownership of the Note, if made in the following manner shall be sufficient for any of the purposes of this Resolution and shall be conclusive in favor of the Agency with regard to any action taken, suffered or omitted under any such instrument, namely

(a) The fact and date of the execution by any person of any such instrument may be proved by a certificate of any officer in any jurisdiction who by law has power to take acknowledgments within such jurisdiction that the person signing such instrument acknowledged before such officer the execution thereof, or by affidavit of any witness to such execution

(b) The fact of ownership of the Note, the amount or amounts, numbers and other identification of the Note, and the date of holding the same shall be proved by the Note Register

**Section 10 4 Further Authority** The officers of the Agency, including the Chair and Secretary, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest and the execution or taking of such action shall be conclusive evidence of such determination

**Section 10 5 Severability** If any section or other part of this Resolution or the Note is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution

**Section 10 6 Governing Law** This Resolution shall be governed exclusively by and construed in accordance with the applicable laws of the State

**Section 10 7 Effective Date** This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency

Seconded by Councilmember Frederick Deputy Community Development Director Solberg presented an overview of the TIF project site plan. Chris Erickson answered questions on development at City Centre. Councilmembers voting aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays None. Abstain None. Absent None. Motion carried.

## COMMENTS FROM CITIZENS

There were no comments from citizens

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council

At 6:23 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.

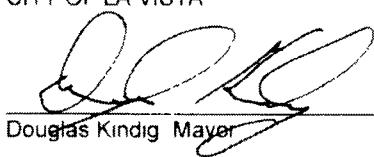
# MINUTE RECORD

May 19 2020

No. 729 - Revisor & Company, Inc., Omaha, E131055E0

PASSED AND APPROVED THIS 2ND DAY OF JUNE 2020

CITY OF LA VISTA



Douglas Kindig Mayor

ATTEST



Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

No. 729 — REEDER & COMPANY INC. OMAHA E1310556LD

## LA VISTA CITY COUNCIL MEETING JUNE 2, 2020

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 2, 2020. Present via teleconference and videoconference were Mayor Douglas Kindig, Councilmembers Frederick, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also present via teleconference were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, City Engineer Dowse, Community Development Director Fountain, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on May 27, 2020. 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 via videoconference and teleconference. Governor Pete Ricketts issued Executive Order No. 20-03 – Corona Virus – public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone and video conferencing. Notice of the Zoom meeting link and phone number was given to the public through the publication in the Times, the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MAY 19, 2020 CITY COUNCIL  
MEETING
3. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES –  
CITY CENTRE PARKING STRUCTURE 2 – \$50,166.40
4. RESOLUTION NO. 20-053 – CHANGE ORDER – MEDIUM DUTY TRUCKS  
PURCHASE

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A CHANGE ORDER FOR THE PURCHASE OF TWO (2) F-550 MEDIUM DUTY TRUCKS FROM ANDERSON AUTO GROUP, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$3,495.00.

WHEREAS, the City Council of the City of La Vista determined that the purchase of two (2) medium duty trucks was necessary and approved Resolution 19-166 on December 17, 2019, and

WHEREAS, the original quote accounted for the cost of two regular cab trucks, this change order accounts for one crew cab truck and one regular cab truck 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, and

WHEREAS, this change order will increase the total amount of purchase from \$170,290.00 to \$173,785.00

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby authorize a change order for the purchase of two (2) medium duty trucks from Anderson Auto Group, Lincoln, Nebraska, in an amount not to exceed \$3,495.00.

5. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL  
SERVICES – PLACEMAKING & LA SERVICES – \$9,167.65
6. APPROVAL OF CLAIMS

# MINUTE RECORD

June 2, 2020

No. 729 - Re: City of Omaha, Inc. OMAHA E131055610

ABM INDUSTRIES. services	22,064 20
ACTION BATTERIES. maint	140 55
AKRS EQUIPMENT SOLUTIONS. maint	48 45
ALFRED BENESCH & CO. services	17,132 50
ALL FLAGS ETC INC services	598 23
ALTEC INDUSTRIES INC, maint	172 61
AMAZON CAPITAL supplies	345 65
ASHLEY ERICKSON refund	22 00
AT&T MOBILITY LLC phones	93 76
AXON ENTERPRISE INC, services	5,820 00
BAUER BUILT INC, maint	285 24
BAXTER CHRYSLER DODGE maint	493 50
BERRY DUNN services	9,700 00
BIZCO INC supplies	285 62
BLACK HILLS ENERGY, utilities	1,050 95
BRITE IDEAS DECORATING services	458 00
CARL JARL LOCKSMITHS services	24 00
CENTURY LINK, phones	183 17
CENTURY LINK BUSN SVCS phones	245 64
CHAD MICHALSKI refund	105 00
CINTAS CORP services	145 02
CITY OF OMAHA, services	90 00
CITY OF PAPILLION services	195,435 74
COX COMMUNICATIONS services	147 03
D & K PRODUCTS supplies	238 80
DANIEL CHUMLEY refund	75 00
DEMCO INC, supplies	221 54
DENNY DAVENPORT refund	95 00
DESIGN WORKSHOP INC services	48 748 05
DOUGLAS COUNTY SHERIFF'S OFC services	350 00
DULTMEIER SALES LLC maint	88 00
ESTEPHANIA MONTOYA, refund	65 00
FAC PRINT & PROMO CO, services	1,422 63
FASTENAL CO supplies	446 44
FERGUSON ENTERPRISES bld&grnds	159 57
FIRST NATIONAL BANK OF OMAHA bonds	91,191 25
FLINN PAVING CO INC, maint	158 74
GENERAL FIRE & SAFETY EQUIP CO services	214 75
GRAINGER bld&grnds	100 79
GRETNA PUBLIC SCHOOLS, supplies	337 53
HARM'S CONCRETE INC services	130 00
HDR ENGINEERING INC, services	704 82
HGM ASSOCIATES INC, services	1,854 73
HOPE BLAKELY, refund	45 00
INDUSTRIAL SALES CO bld&grnds	67 30
INGRAM LIBRARY SERVICES, books	1,441 91
INTERNATIONAL CODE COUNCIL, books	415 00
ISLAND SPRINKLER SUPPLY CO, bld&grnds	175 00
J & J SMALL ENGINE, services	180 09
JAMIE CROUCH refund	85 00
JILL GARRAH refund	60 00
JOHNSTONE CO supplies	39 29
KATHY ZAMORA refund	17 00
KEYMASTERS LOCKSMITH bld&grnds	450 00
KRIHA FLUID POWER CO, maint	40 89
LAURA KRZYCKI refund	135 00
LAUSTEN JR ROBERT S, services	660 00
LIBRARY IDEAS LLC books	655 70
LOGAN CONTRACTORS SUPPLY, maint	7 00
LOVELAND GRASS PAD, services	24 90

# MINUTE RECORD

June 2 2020

No. 729 - REED & COMPANY, L.L.C., OMAHA E1310556LD

LYMAN-RICHEY SAND & GRAVEL CO	services	449 37
MAMA'S PIZZA	services	40 00
MARCO INC	services	120 46
MATHESON TRI-GAS INC	supplies	443 50
MELANIE SHAFI	refund	45 00
MENARDS	maint	80 69
METAL DOORS & HARDWARE CO.	bld&grnds	857 00
METRO COMM COLLEGE	services	10 852 36
MUD	utilities	2 154 28
MIDWEST TAPE	media	553 27
MILLARD METAL SERVICES INC	maint	130 00
MIRANDA SEARS	refund	75.00
MNJ TECHNOLOGIES DIRECT INC.	services	2 970.00
MSC INDUSTRIAL SUPPLY CO	maint	113.47
NE IOWA INDL FASTENERS INC	maint	14 34
NE NOTARY ASSOC.	services	104 00
OFFICE DEPOT INC	supplies	518 62
OLSSON INC	services	2,291 50
OMAHA WORLD-HERALD	services	11,915 64
OMNI ENGINEERING	maint	382 20
O'REILLY AUTO PARTS	maint	588 64
PAPILLION TIRE INC.	maint	87 67
PAPIO VALLEY NURSERY INC	bld&grnds	1 882 20
PROPHOENIX CORP.	services	3,256 00
RAINBOW GLASS & SUPPLY INC	supplies	1 710 00
RALSTON ADVERTISING.	supplies	686.00
RALSTON PUBLIC SCHOOLS.	services	751 15
READY MIXED CONCRETE CO.	maint	273 76
RED WING BUSINESS	apparel	150 00
ROSE EQUIPMENT INC.	maint	1,813 67
SARA HEMMINGER	refund	75.00
SARA MEDINA	refund	53 00
SARPY COUNTY SHERIFF.	services	2 000 00
SHERWIN-WILLIAMS	bld&grnds	51 41
SIGN IT	services	152 80
SOUTHERN UNIFORM	apparel	552 33
STAPLES INC.	supplies	195 13
STEPHANIE GARDNER,	refund	50.00
SUBURBAN NEWSPAPERS INC.	services	512.66
T & N ACQUISITION CO.	services	520 00
TAMI O'NEILL	refund	45 00
TED'S MOWER SALES	services	157 50
THOMPSON DREESSEN & DORNER INC	services	1,155 10
TINA BOWSMAN,	refund	33 00
TURFWERKS	maint	96 07
VERIZON CONNECT NWF	services	641 55
VERIZON WIRELESS.	phones	289 77
Z & Z SALES LLC	supplies	76 42

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Recreation Director Stopak reported that there will be additional senior parking lot events and he encouraged residents to visit the virtual rec center on the City's website

Police Chief Lausten reported that upon request and through the SWAT Team, the department had assisted the City of Omaha on Friday, Saturday, and Monday and had assisted the City of Bellevue on Sunday

# MINUTE RECORD

June 2 2020

No 729 - R of - & Cmmttee IV, Omaha E1310556LD

Director of Public Works Soucie reported that the playgrounds are open again with COVID-19 signage in place. Restrooms will open soon. The signage for the Sports Complex is almost complete.

## **B. FIREWORKS PERMITS**

### **1. RESOLUTION – ESTABLISH NUMBER OF PERMITS**

Councilmember Hale introduced and moved for the adoption of Resolution No 20-054 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2020

WHEREAS Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits and  
WHEREAS Section 111.17 (A) of the Municipal Code states in part that "Each year the City Council shall by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista Nebraska that the maximum number of fireworks stand permits to be issued in calendar year 2020 shall not exceed eight (8)

BE IT FURTHER RESOLVED that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined

BE IT FURTHER RESOLVED, that the written statement of income and expenses which is required by Section 111.17 (C) (3) of the Municipal Code be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks net profit, and specific community betterment expenditures

BE IT FURTHER RESOLVED that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations

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

### **2. RESOLUTION – ISSUANCE OF PERMITS**

Councilmember Sheehan introduced and moved for the adoption of Resolution No 20-055 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATIONS OF BEAUTIFUL SAVIOR LUTHERAN CHURCH, CORNERSTONE CHURCH, LA VISTA COMMUNITY FOUNDATION, LA VISTA LANCER SOCCER CLUB, LA VISTA YOUTH COMMUNITY BETTERMENT, LA VISTA YOUTH BASEBALL ASSOCIATION, PAPILLION LA VISTA SPIRIT FOOTBALL, AND PAPILLION LA VISTA YOUTH ATHLETIC ASSOCIATION

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18, and

WHEREAS, eight (8) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations and

# MINUTE RECORD

June 2, 2020

No. 729 - Rev. 10 & COMMA, Inc. OMA & F101C55GLD

WHEREAS, City staff has reviewed all applications received in 2020 for the purpose of determining which applications were compliant with the Municipal Code the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council of La Vista Nebraska hereby conditionally grant a permit to

Beautiful Savior Lutheran Church Cornerstone Church La Vista Community Foundation, La Vista Lancer Soccer Club, La Vista Youth Community Betterment La Vista Youth Baseball Association, Papillion La Vista Spirit Football and Papillion La Vista Youth Athletic Association to sell fireworks within the City of La Vista for the 2020 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan compliance with the Municipal Code the Zoning Ordinance and any other applicable regulations and attendance by an official of the nonprofit organization which applied for the permit and a representative for their fireworks supplies at a meeting with City staff (date and time to be established)

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

## C. RESOLUTION – USE OF MUNICIPAL PROPERTY FOR ADULT AND YOUTH TEAM SPORTS

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-056 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA REGARDING USE OF MUNICIPAL PROPERTY OR PARTICIPATION IN CITY PROGRAMS OR LEAGUES FOR SPORTS OR OTHER RECREATIONAL ACTIVITIES AND COVID-19 RISKS IN CONNECTION WITH SUCH USES OR PARTICIPATION

WHEREAS the novel coronavirus COVID-19 has been declared a worldwide pandemic is extremely contagious and is believed to spread mainly from person-to-person contact

WHEREAS on March 13 2020 the Governor of the State of Nebraska declared a state of emergency related to COVID 19 within the entire State of Nebraska, and this state of emergency remains in effect

WHEREAS directed health measures are in effect for every County in the State of Nebraska

WHEREAS, on May 21 2020 the Governor announced that the directed health measure prohibiting all organized team sports youth and adult, would be relaxed by the State of Nebraska beginning June 1, 2020 in order to permit the planned reopening of certain adult and/or youth team sports

WHEREAS a copy of the *June 1<sup>st</sup> Statewide Sports Reopening Guidelines* is presented with this Resolution and incorporated herein as part of these Recitals.

WHEREAS, it is anticipated that future guidance from the State of Nebraska will permit additional team sports and other recreational activities

WHEREAS, players coaches officials and others who participate in such games, practices, programs, leagues or other recreational activities spectators who attend such activities, or any other person who enters the property for any other reason or comes in contact with any such players, coaches, officials, spectators or others risk the dangers of illness, disease, medical complications, injury or death, caused by or related to COVID-19, by voluntarily entering the municipal property and/or facilities on which such activities take place, by watching such activities and by participating or authorizing the participation of a minor, in such games, practices or other recreational activities and such players, coaches, officials, spectators and others risk exposing and spreading such dangers to others with whom they subsequently come in contact, and

# MINUTE RECORD

June 2 2020

No 729 Printed & Company Inc. OMAHA E1310566LD

WHEREAS the City of La Vista its officers, agents and employees cannot guarantee that persons who voluntarily enter La Vista's property or facilities or participate in recreational activities on La Vista's properties or facilities or in City leagues or programs or that anyone with whom any such persons subsequently come in contact will not become infected by COVID-19 and as a result become seriously ill incapacitated, die or suffer other physical or economic harm, damages, costs, or expenses and

WHEREAS it is the intent of the City of La Vista to permit the resumption of City leagues and programs adult and/or youth team sports and other recreational activities on municipal property and/or facilities, in accordance with the directed health measures and other laws and guidance issued by the State of Nebraska including but not limited to the *June 1<sup>st</sup> Statewide Sports Reopening Guidelines* and such further laws and guidance that may be issued in the future, provided that every individual organization or group sponsoring such activities, and all participants and spectators fully assume the health risks associated with these activities, including the inherent risk now present in any such activities as a result of the presence of COVID-19 in the State of Nebraska and provided that participants in such activities sign an agreement that releases the City of La Vista its elected and appointed officials and employees, and all other participants in adult and/or youth team sports or other recreational activities from liability associated with exposure to COVID-19 in the course of such activities

NOW THEREFORE BE IT RESOLVED by the City Council that any individual organization or group sponsoring adult and/or youth team sports or other recreational activities that wishes to use the playing or practice fields, courts, grounds and/or other facilities of the City for games, practices or other recreational activities will be required to enter into the *COVID-19 License and Management Agreement for Use of Municipal Property for Sports or Other Recreational Activities* presented with this Resolution subject to any additions, subtractions or modifications as the City Administrator or her designee determines necessary or appropriate, or an Addendum in form and content satisfactory to the City Administrator or her designee with respect to any existing license or management agreement. These License and Management Agreements or Addendums will be maintained by the Municipal Clerk and shall constitute an addendum to any other contract, license agreement, lease or agreement in connection with the use of the municipal property and/or facilities or participation in any leagues or programs of the City by the same individual organization, or group

BE IT FURTHER RESOLVED that, in order to participate in any City leagues or programs or enter the playing or practice fields, courts, grounds and/or other facilities of the City to participate in games, practices, or other recreational activities all players, coaches, officials and other participants must sign the agreement titled *COVID-19 Participants Agreement for Sports or Other Recreational Activities* presented with this Resolution subject to any additions, subtractions or modifications as the City Administrator or her designee determines necessary or appropriate. Each team wishing to participate in any City leagues or programs or participate on or use the municipal property and/or facilities of the City must provide copies of signed *Agreements* for all participants affiliated with the team together with a roster containing a complete list of the names of all players, coaches, officials, and others affiliated with the team. Copies of these documents must be provided to and shall be maintained by the Municipal Clerk

BE IT FURTHER RESOLVED that, for the avoidance of doubt as to the risk assumed by participants, spectators, and others, in order to encourage compliance with directed health measures and guidelines, and in order to promote public safety the applicable provisions of the *June 1<sup>st</sup> Statewide Sports Reopening Guidelines* shall be posted on all practice and playing fields, courts, grounds and/or other facilities where adult and/or youth practices and/or games or other recreational activities

# MINUTE RECORD

June 2 2020

No 729 RE: KELLY & COMPANY INC OMAHA E1310556LO

occur. If the June 1<sup>st</sup> Statewide Sports Reopening Guidelines are subsequently modified or updated the applicable provisions of the modified or updated guidelines shall be posted in the same manner

BE IT FURTHER RESOLVED that all participants and spectators shall comply with all federal state and local laws and regulations, all directed health measures and guidelines, and all security policies or procedures established by the City relating to COVID-19 or other safety or hygiene precautions while participating or present on municipal property and/or facilities understanding that the City may elect to deny entrance to its playing or practice fields courts, grounds and/or other facilities to any non-complying participant, spectator, or other persons, or to require a non-complying participant, spectator, or other persons to leave the premises at any time or as otherwise determined necessary or appropriate

Seconded by Councilmember Thomas. There were Council questions regarding guidelines supervision supplies coaches responsibilities, signage equipment, and waivers. Councilmembers voting aye Sheehan, Thomas, Crawford, Quick and Hale. Nays Frederick and Sell. Abstain None. Absent Ronan. Motion carried

## D. RESOLUTION – CONTRACT RENEWAL – EASTERN NEBRASKA OFFICE ON AGING

Councilmember Quick introduced and moved for the adoption of Resolution No 20-057 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM

WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of the Eastern Nebraska Office on Aging (ENOA), and

WHEREAS the Mayor and City Council believe it is desirable to continue to participate in this important program

NOW THEREFORE BE IT RESOLVED that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program

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

## E. RESOLUTION – CONTRACT EXTENSION – CONCESSION STAND OPERATIONS

Councilmember Sell introduced and moved for the adoption of Resolution No 20-058 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR CONTRACT WITH HAMS, INC OMAHA NEBRASKA FOR THE OPERATION OF CONCESSIONS AT THE SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER

WHEREAS the City has determined that it is desirable to contract for the operation of concession stands at various recreation sites in the City with HAMS Inc and

WHEREAS HAMS, Inc operated concessions at various recreation sites in the City since 2005 and

WHEREAS the current contract with HAMS Inc expired in April of 2019, and

WHEREAS the Recreation Director recommends extending the current contract with HAMS Inc for one year and

# MINUTE RECORD

June 2 2020

No. 729 - REED & COMPANY INC. CHAM E1310558LD

WHEREAS the contract provides for Hams Inc to make payments of 10% of the gross revenues from all sales to the City

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista Nebraska, do hereby authorize the Mayor to sign a one-year contract with HAMS Inc Omaha, Nebraska, in form and content satisfactory to the City Administrator or City Administrator's designee for the operation of the concessions at the Softball Complex Soccer Complex City Park and Community Center

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

## F. RESOLUTION – STRATEGIC PLAN UPDATE

Councilmember Thomas introduced and moved for the adoption of Resolution No 20-059 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ADOPT THE STRATEGIC PLAN UPDATE 2020

WHEREAS the Mayor and City Council recognize the importance and value of having a deliberate planning process to help guide all facets of city government, and

WHEREAS the Mayor and City Council believe that it is essential to set goals and review them periodically to ensure progress and

WHEREAS on Saturday January 11 2020 the Mayor and City Council held a work session to update the City's Strategic Plan and

WHEREAS, the attached Strategic Plan Update 2020 is developed as a collaborative effort between the Mayor and City Council and the City's leadership team and establishes the organizational priorities

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista Nebraska, do hereby approve the Strategic Plan Update 2020 as attached and presented at the June 2, 2020 City Council meeting

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

## G. SWIMMING POOL OPENING

Councilmember Crawford made a motion to keep the pool closed this year Seconded by Councilmember Thomas Councilmembers voting aye Frederick, Sheehan Thomas Crawford Quick, Hale and Sell Nays None Abstain None Absent Ronan Motion carried

## COMMENTS FROM CITIZENS

There were no comments from citizens

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick complimented the new Senior Services Manager and senior recreation programs

Mayor Kindig commented that the Legislature will be back in July for 19 days

Councilmember Frederick thanked the Library for the curbside pickup program and he thanked the Police Department for their work

Councilmember Sheehan encouraged everyone to think about the last line of the Pledge of Allegiance

At 7:02 p.m. Councilmember Crawford made a motion to adjourn the meeting Seconded by Councilmember Sheehan Councilmembers voting aye Frederick

# MINUTE RECORD

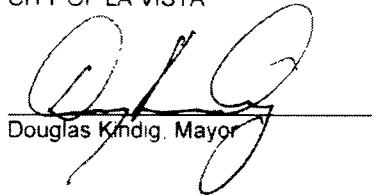
June 2 2020

No. 729 - HINKE & COMPANY INC. OMAHA E1310556LD

Sheehan Thomas Crawford, Quick, Hale and Sell Nays None Abstain None  
Absent Ronan Motion carried

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2020

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

No. 729 - FERREL & COMPANY INC. OMAHA F1310656LD

## LA VISTA CITY COUNCIL MEETING JUNE 16, 2020

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 16, 2020. Present via teleconference and videoconference were Mayor Douglas Kindig, Councilmembers, Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also present via teleconference were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, City Engineer Dowse, Community Development Director Fountain, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on June 10, 2020. 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 via videoconference and teleconference. Governor Pete Ricketts issued Executive Order No. 20-03 - Corona Virus - public meeting requirement limited waiver. Such order allowed for the governing body to meet by telephone and video conferencing. Notice of the Zoom meeting link and phone number was given to the public through the publication in the Times, the City of La Vista website and through social media and was posted at the entrance to the meeting facility. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 2, 2020 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE MAY 21, 2020 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT - APRIL 2020
5. REQUEST FOR PAYMENT - CITY OF OMAHA - CONSTRUCTION SERVICES - 84TH ST. ADAPTIVE SIGNALS - \$6,000.00
6. REQUEST FOR PAYMENT - COMMERCIAL SEEDING CONTRACTORS - CONSTRUCTION SERVICES - 84TH ST. REDEVELOPMENT - \$1,648.00
7. REQUEST FOR PAYMENT - COMMERCIAL SEEDING CONTRACTORS - CONSTRUCTION SERVICES - 84TH ST. REDEVELOPMENT - \$2,625.00
8. REQUEST FOR PAYMENT - DESIGN WORKSHOP, INC. - PROFESSIONAL SERVICES - 84TH STREETSCAPE PLAN - \$8,167.20
9. REQUEST FOR PAYMENT - HDR ENGINEERING, INC. - PROFESSIONAL SERVICES - PROJECT MANAGEMENT SERVICES FOR PUBLIC IMPROVEMENTS AND OTHER WORKS - \$387.24
10. REQUEST FOR PAYMENT - OLSSON - PROFESSIONAL SERVICES - CITY CENTRE PHASE I PUBLIC INFRASTRUCTURE - \$1,119.00
11. REQUEST FOR PAYMENT - PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT - ANNUAL CONTRIBUTION - PAPILLION CREEK WATERSHED PARTNERSHIP - \$10,750.00
12. REQUEST FOR PAYMENT - PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT - WEST PAPIO TRAIL, GILES ROAD TO MILLARD - \$250,000.00
13. REQUEST FOR PAYMENT - RDG PLANNING & DESIGN - PROFESSIONAL SERVICES - PLACEMAKING & LV SERVICES - \$9,167.65
14. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. - PROFESSIONAL SERVICES - PHASE 1 GOLF COURSE TRANSFORMATION - \$428.35
15. REQUEST FOR PAYMENT - THOMPSON, DREESSEN & DORNER, INC. - PROFESSIONAL SERVICES - MISCELLANEOUS CIVIL ENGINEERING SERVICES - \$1,334.50
16. APPROVAL OF CLAIMS

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A-1 BODY INC, maint.	2 251 69
ACTION BATTERIES maint	112 71
AKRS EQUIPMENT SOLUTIONS, supplies	794 59
ALTEC INDUSTRIES INC, maint	64 20
AMAZON CAPITAL, supplies	1 033 76
AMERICA'S FENCE STORE INC, bld&grnds	4 999 79
ASPEN EQUIPMENT CO maint	762 25
AXON ENTERPRISE INC, supplies	2 322 50
BISHOP BUSINESS EQUIPMENT, services	796 77
BJORKLUND COMP CONSULTING, services	240 00
BLACK HILLS ENERGY, utilities	775 62
BOOT BARN apparel	243 49
BRIAN HENNING refund	215 00
BUETHE, P , services	50 00
CENTURY LINK phones	674 13
CENTURY LINK BUSN SVCS phones	105 11
CINTAS CORP services	583 26
CITY OF PAPILLION, services	3 250 00
CONTINENTAL RESEARCH CORP supplies	783 94
COX COMMUNICATIONS, INC, services	589 14
CULLIGAN OF OMAHA, services	28 00
D & K PRODUCTS services	1 935 15
DIAMOND VOGEL PAINTS, bld&grnds	207 45
DLR GROUP services	50 166 40
DOG WASTE DEPOT, supplies	604 40
DOUGLAS COUNTY SHERIFF'S OFC, services	912 50
DULTMEIER SALES LLC, maint	14 16
EDGEWEAR SCREEN PRINTING apparel	120 00
FBG SERVICE CORP, services	11 930 00
FERGUSON ENTERPRISES, bld&grnds	37 98
FIRST WIRELESS INC, phones	560 00
FITZGERALD SCHORR BARMETTLER services	34 222 30
GENUINE PARTS maint	913 22
GRAINGER services	8 52
GREAT PLAINS UNIFORMS apparel	2,220 00
GREATAMERICA FINANCIAL services	1 127 00
HANEY SHOE STORE, apparel	150 00
HARM'S CONCRETE INC, services	130 00
HAWKEYE TRUCK EQUIPMENT maint	754 51
HEIM, JAMES A. services	3 354 00
HUNTEL COMMUNICATIONS, phones	115 00
HY-VEE INC services	275 00
INDUSTRIAL SALES CO, services	88 67
J & J SMALL ENGINE, maint	561 42
J RETZ LANDSCAPE INC services	1 640 00
JOHN MADSEN, refund	215 00
JOHNSTONE SUPPLY CO, maint	69 74
KRIHA FLUID POWER, maint	78 92
LV COMM FOUNDATION payroll	60 00
LARSEN SUPPLY CO, supplies	79 94
LOGAN CONTRACTORS SUPPLY Maint	81 65
LOU'S SPORTING GOODS, supplies	269 82
MARK A KLINKER, services	200 00
MENARDS-RALSTON supplies	1,322 55
METRO LANDSCAPE MATERIALS, bld&grnds	240 00
METRO COMM COLLEGE services	19,931 57
MUD utilities	224 61
MIDLANDS LIGHTING & ELECTRIC, supplies	9 65
MIDWEST SERVICE & SALES CO, supplies	678 00
MIRACLE RECREATION EQUIPMENT, supplies	334 00

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No. 729 — Ruskay S Company, Inc. Omaha E1310558LD

NE IOWA INDL FASTENERS INC	maint	19 84
NE LAKE MANAGEMENT, bld&grnds		590 00
OFFICE DEPOT INC	supplies	122 32
OPPD, utilities		47,666 36
OMAHA TACTICAL LLC	supplies	143 00
OMAHA WINNELSON	supplies	49 36
OMNI ENGINEERING	services	429 10
ONE CALL CONCEPTS	services	376 59
O'REILLY AUTO PARTS	maint	280 23
OVERHEAD DOOR CO	bld&grnds	4 467 00
PAPILLION SANITATION,	services	1 163 61
PAPILLION TIRE INC	maint	12 75
PER MAR SECURITY	services	924 00
RAINBOW GLASS, supplies		855 00
RDG PLANNING & DESIGN,	services	9 167 65
READY MIXED CONCRETE CO,	services	1,886 96
RED MUNICIPAL & INDUSTRIAL,	maint	5,547 02
RON TURLEY ASSOCIATES INC,	services	1,700 00
SARPY COUNTY COURTHOUSE,	services	4,207 68
SIGN IT,	services	2,705 60
SIGN-O-VATION INC,	services	427 33
SOUTHERN UNIFORM,	apparel	349 70
STAPLES INC	supplies	104 42
STOLTENBERG NURSERIES	services	1,618 70
SUN VALLEY LANDSCAPING	services	263 59
T & N ACQUISITION CO,	supplies	528 50
TED'S MOWER SALES	maint	160 08
THE HARRY A KOCH CO,	services	6,725 75
THE SCHEMMER ASSOC.	services	3,971 30
TOSHIBA FINANCIAL	services	138 00
TRAFCON INDUSTRIES,	services	3 209 63
TRAFFIX DEVICES	services	21 720 20
TRANS UNION RISK	services	50 00
TURFWERKS	maint	83 22
U S CELLULAR, phones		1 688 72
UNITE PRIVATE NETWORKS,	services	4,400 00
UNITED STATES POSTAL SERVICE,	postage	1,396 22
UNIVERSITY OF NEBRASKA-OMAHA	services	50 00
VERIZON WIRELESS, phones		289 77
VOIANCE LANGUAGE,	services	22 31
WALMAR,	supplies	417 44
WESTLAKE HARDWARE	bld&grnds	825 96
WHITE CAP CONSTR	supplies	164 70
WOODHOUSE LINCLN,	maint	38 96

Councilmember Sell 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

City Administrator Gunn gave a presentation on the financial impact of COVID-19

City Clerk Buethe reported that virtual Council Meetings will end as of July 1

Recreation Director Stopak reported on upcoming senior parking lot concerts and that AARP will be offering tax assistance at locations in Bellevue and Omaha

Police Chief Lausten reported on an incident at Triangle Park, reports on the department's use of force, and Code Enforcement transparency and information on the

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No 729 - H-11-6 Chapter 1000 E1510556LD

website He also reported on how the La Vista Police Department is already meeting President Trump's new initiatives for policing

## **B. ORDINANCE – SMALL WIRELESS FACILITIES**

Councilmember Thomas introduced Ordinance No 1393 entitled AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND THE LA VISTA MUNICIPAL CODE BY ADDING A NEW CHAPTER 120 REGARDING TELECOMMUNICATIONS SMALL WIRELESS FACILITIES, TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED TO PROVIDE FOR SEVERABILITY, AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick 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 Frederick. The Mayor then stated the question, 'Shall Ordinance No 1393 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.

## **C. RESOLUTION – APPROVE ALPINE VILLAGE SOUTH ADDITION REPLAT 1 – NORTHWEST OF 84TH ST. & BRENTWOOD DR.**

Councilmember Thomas introduced and moved for the adoption of Resolution No 20-060 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 21A1 21A2, 22B 22A1B & 22A1A1 ALPINE VILLAGE SOUTH & OUTLOT 1A1 GRANVILLE SOUTH TO BE REPLATTED AS LOTS 1 THROUGH 3 ALPINE VILLAGE SOUTH ADDITION REPLAT 1 A SUBDIVISION LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P M, IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lots 21A1 21A2 22B, 22A1B & 22A1A1 Alpine Village South & Outlot 1A1 Granville South, to be replatted as Lot 1 through 3 Alpine Village South Addition Replat 1 and

WHEREAS the City Engineer has reviewed the replat and

WHEREAS, on May 21 2020 the La Vista Planning Commission reviewed the replat and unanimously voted to recommended approval to 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 replat for Lots 21A1, 21A2 22B 22A1B, & 22A1A1 Alpine Village South & Outlot 1A1 Granville South, to be replatted as Lot 1 through 3 Alpine Village South Addition Replat 1, a subdivision located in the Northeast Quarter of the Southeast Quarter of Section 15, Township 14 North, Range 12 East of the 6th P M Sarpy County, Nebraska, generally located northwest of the intersection of 84th Street and Brentwood Drive be, and hereby is, approved

Seconded by Councilmember Frederick Scott Meyerson attorney for the applicant, and Steve Humphries, surveyor, were present to answer any questions. Councilmembers voting aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays None, Abstain. None Absent. None Motion carried

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No 729 - REEDER & COMPANY INC. OMAHA E131056LD

## D. RESOLUTION – PAPIO-MISSOURI RIVER NRD HAZARD MITIGATION PLAN PARTICIPATION

Councilmember Sell introduced and moved for the adoption of Resolution No 20-061 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING PARTICIPATION IN THE PAPIO-MISSOURI RIVER NRD MULTI-HAZARD MITIGATION PLAN

WHEREAS a Hazard Mitigation Plan identifies the vulnerability of public bodies to natural and man-made hazards and the measures that can be implemented to reduce or eliminate vulnerability exposure, and

WHEREAS, FEMA now requires that a public entity must have a current Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters and

WHEREAS, the Papio-Missouri River Natural Resources District is proposing to serve as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan for a six-county area including Burt, Dakota, Douglas, Sarpy Thurston and Washington Counties and all associated local governmental entities

NOW THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista Nebraska hereby approve participation in the proposed Hazard Mitigation Planning process described above and pledge to attend required meetings and participate in those activities necessary to complete an effective plan for the public we serve

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

## E. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – CONCRETE PANEL REPLACEMENT 96TH ST. & 108TH ST.

Councilmember Sell introduced and moved for the adoption of Resolution No 20-062 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR CONCRETE PAVEMENT RECONSTRUCTION ON 96TH STREET AND 108TH STREET

WHEREAS the Mayor and Council have determined that concrete pavement reconstruction on 96th Street and 108th Street is necessary, and

WHEREAS the FY19/FY20 Biennial Budget provides funding for the proposed project and

WHEREAS, the schedule for awarding this contract is as follows

Publish Notice to Contractors June 24 and July 1, 2020

Open Bids July 10, 2020 at 10:00 am at City Hall

City Council Award Contract July 21, 2020

NOW THEREFORE BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for Concrete Pavement Reconstruction on 96th Street and 108th Street

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

## F. RESOLUTION – AUTHORIZE LEASE BUY-OUT

Councilmember Quick introduced and moved for the adoption of Resolution No 20-063 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY

# MINUTE RECORD

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No. 729 - PLUMER & COMPANY, INC. Omaha E13105560

OF LA VISTA, NEBRASKA, AUTHORIZING THE LEASE BUY-OUT OF ONE (1) 2016 CATERPILLAR 308E2 EXCAVATOR AND ONE (1) FELLING FT-30-2 LP TRAILER FROM NEBRASKA MACHINERY COMPANY, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$70,201.24

WHEREAS the City Council of the City of La Vista has determined that the purchase of an excavator and trailer is necessary and

WHEREAS, the Capital Purchasing Team determined that buying out the lease on the current excavator was a more cost-effective solution than purchasing a new piece of equipment, and

WHEREAS, this equipment was included in the updated Capital Outlay List for FY20 which was approved by the City Council on December 3, 2019, and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the lease buy-out of one (1) 2016 Caterpillar 308E2 Excavator and one (1) Felling FT-30-2 LP Trailer from Nebraska Machinery Company, Omaha, Nebraska in an amount not to exceed \$70,201.24

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 CITIZENS

There were no comments from citizens

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented on the City of Omaha's new hate crime ordinance and if La Vista should be working on a similar ordinance. There was Council consensus for staff to research and bring back an ordinance for Council consideration at a future meeting.

Mayor Kindig asked for and received consensus to direct staff to work on a reopening plan for City facilities.

At 7:40 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 7TH DAY OF JULY 2020

CITY OF LA VISTA



Douglas Kindig Mayor

ATTEST

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Pamela A. Buethe CMC  
City Clerk