

MINUTE RECORD

A-2

NO. 729 — REFIELD & COMPANY, INC. OMAHA E13105561D

LA VISTA CITY COUNCIL MEETING February 16, 2021

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on February 16, 2021. Present were Councilmembers: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Bueth, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Finance Director Miserez, Recreation Director Stopak, City Engineer Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on February 3, 2021. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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 FEBRUARY 2, 2021 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JANUARY 21, 2021 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – DECEMBER 2020
5. REQUEST FOR PAYMENT – FELSBURG, HOLT & ULLEVIG – PROFESSIONAL SERVICES – 114TH & GILES INTERSECTION IMPROVEMENTS – \$1,828.75
6. REQUEST FOR PAYMENT – LAMP RYNEARSON – PROFESSIONAL SERVICES – 2020 ASSET MANAGEMENT – \$16,975.20
7. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – PARK VIEW BLVD PAVEMENT REPAIR – \$5,200.00
8. RESOLUTION NO. 21-015 – AUTHORIZE RENEWAL – COMPUTER SOFTWARE SUBSCRIPTION – ZSCALER

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE RENEWAL OF A COMPUTER SOFTWARE SUBSCRIPTION FOR ZSCALER IN AN AMOUNT NOT TO EXCEED \$8,645.66.

WHEREAS, the City Council of the City of La Vista has determined that the renewal of a computer software subscription for Zscaler is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed renewal; 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 renewal of a computer software subscription for Zscaler in an amount not to exceed \$8,645.66.

9. APPROVAL OF CLAIMS

88 TACTICAL BUILDING, services	200.00
AE SUPPLY, bld&grnds	225.00
AIR-SIDE COMPONENTS, bld&grnds	265.00

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AKRS EQUIPMENT SOLUTIONS, maint.	369.36
AMAZON, supplies	839.02
BADGER BODY & TRUCK, maint.	31.55
BRITE IDEAS DECORATING, supplies	74.25
CINTAS CORP, services	315.60
CULLIGAN OF OMAHA, supplies	0.50
D & K PRODUCTS, supplies	416.50
DIGITAL EXPRESS, supplies	130.00
DON LYMAN, services	125.00
DULTMEIER SALES LLC, maint.	1,924.72
EDGEWEAR SCREEN PRINTING, apparel	95.00
EYMAN PLUMBING INC, bld&grnds	3,042.72
FBG SERVICE CORP, bld&grnds	5,965.00
FIRST WIRELESS INC, services	4,789.48
G I CLEANERS & TAILORS, services	288.50
GENUINE PARTS CO, maint	618.11
GRAINGER, bld&grnds	584.16
GREAT PLAINS UNIFORMS, apparel	1,480.00
INGRAM LIBRARY SERVICES, books	1,469.26
INTERNATIONAL CODE COUNCIL, services	87.80
KANOPY INC, media	70.00
KAY L CALDERON, services	28.00
KEVIN KUSH PUBLIC SPEAKING INC, services	65.00
KEYMASTERS LOCKSMITH, bld&grnds	79.00
KRIHA FLUID POWER, maint.	794.62
KUBOTA OF OMAHA, services	82.39
LARSEN SUPPLY CO, supplies	520.13
LOGO LOGIX EMBROIDERY, apparel	3,346.50
MARCO INC, services	162.42
MENARDS-RALSTON, supplies	382.54
METRO AREA TRANSIT, services	886.00
MILLARD METAL SERVICES, bld&grnds	108.00
MNJ TECHNOLOGIES DIRECT INC, services	2,684.00
MSC INDUSTRIAL, supplies	32.28
MUNICIPAL PIPE TOOL, supplies	22.00
NE STATE FIRE MARSHAL, bld&grnds	162.00
NE TURFGRASS ASSOC, services	540.00
NE WELDING LTD, supplies	325.00
NMC EXCHANGE LLC, maint.	65.26
OFFICE DEPOT INC, supplies	360.80
OLSSON INC, services	2,034.50
OMAHA DOOR & WINDOW CO, bld&grnds	15,220.00
OMAHA TACTICAL LLC, supplies	177.00
OMAHA WINNELSON SUPPLY, bld&grnds	973.21
ON YOUR MARKS, services	2,030.00
ONE CALL CONCEPTS INC, services	96.86
O'REILLY AUTO PARTS, maint.	732.25
ORIENTAL TRADING CO, supplies	139.40
PAPILLION SANITATION, services	1,163.61
PER MAR SECURITY, services	131.73
RAINBOW GLASS & SUPPLY INC, bld&grnds	2,640.00
RAY ALLEN MANUFACTURING, supplies	254.99
RDG PLANNING & DESIGN, services	2,067.42
READING EQUIPMENT, maint.	341.56
REVOLUTION WRAPS LLC, services	2,355.72
SAPP BROS INC, maint.	1,187.40
SARPY COUNTY FISCAL ADMIN, services	5,631.90
SCHAEFFER MANUFACTURING CO, maint.	502.80
SOUTHERN UNIFORM, apparel	1,068.12
SUNSET LAW ENFORCEMENT LLC, supplies	4,758.85

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SWAN ENGINEERING LLC, maint.	3.12
T & N ACQUISITION CO, supplies	563.75
TEAMSIDELINE.COM, services	599.00
THE COSGRAVE CO, services	127.00
THOMPSON DREESSEN & DORNER, services	2,530.30
TORNADO WASH LLC, services	585.00
TRACTOR SUPPLY, bld&grnds	16.37
TRANS UNION RISK, services	75.00
TRUCK CENTER CO, maint.	81.84
TURFWERKS, maint.	56.50
TY'S OUTDOOR POWER, maint.	343.58
U.S. CELLULAR, phones	3,536.67
UNITED PARCEL, services	65.95
VERIZON CONNECT, maint.	60.46
WALMART, supplies	153.76
WESTLAKE HARDWARE, bld&grnds	891.72

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Frederick reviewed the bills and stated everything was in order. Councilmembers voting aye. Frederick, 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 on events at the Community Center and Senior Center.

Chief of Police Lausten reported on an increase of catalytic converter thefts in the metro area and an arrest made in connection to the thefts. He also reported that all of the staff at the Police Department have had the opportunity to receive the COVID-19 vaccination.

SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION ANNUAL REPORT

Josh Charvat presented the Annual Report from the Sarpy County Economic Development Corporation.

B. CONDITIONAL USE PERMIT – 4SEAMS ACADEMY, LLC – LOT 5 PAPIO VALLEY 2 BUSINESS PARK INDOOR RECREATIONAL FACILITY

1. PUBLIC HEARING

At 6:12 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Conditional Use Permit. Sean Shrader, a member of the 4Seams Academy ownership team, was present to answer any questions.

At 6:18 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-016 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR 4SEAMS ACADEMY, LLC TO OPERATE AN INDOOR RECREATIONAL FACILITY ON LOT 5, PAPIO VALLEY 2 BUSINESS PARK.

WHEREAS, 4Seams Academy, LLC has applied for a Conditional Use Permit for an Indoor Recreational Facility on Lot 5, Papio Valley 2 Business Park, located south of Portal Road between S. 120th Street and S. 121st Street; and

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WHEREAS, the Planning Commission held a public hearing on January 21, 2021, and has recommended approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the Conditional Use Permit for such purposes

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for 4Seams Academy, LLC to allow for an Indoor Recreational Facility on Lot 5, Papio Valley 2 Business Park.

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

C. ORDINANCE – AMEND MUNICIPAL CODE – SECTION 131.09 – LOUD, UNNECESSARY NOISES

Councilmember Frederick introduced Ordinance No. 1413 entitled: AN ORDINANCE TO AMEND SECTIONS 131.09 OF THE LA VISTA MUNICIPAL CODE RELATING TO LOUD, UNNECESSARY NOISES, TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE 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, Sheehan, Thomas, Quick, and Sell. Nays: Crawford and Hale. Abstain: None. Absent: Ronan. Motion passed.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1413. Councilmember Thomas seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1413 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. 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 – APPROVE SECOND AMENDMENT TO INTERLOCAL AGREEMENT – SARPY COUNTY AND CITIES WASTEWATER AGENCY

Councilmember Frederick introduced and moved for the adoption of Resolution No. 21-017 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT CREATING THE SARPY COUNTY AND CITIES WASTEWATER AGENCY

WHEREAS, the City of La Vista is a party to an agreement (the "Agreement") entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq. (the "Act"), by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to Section XVII of the Agreement, the Agency Board may amend the Agreement upon the execution of a written amendment by the governing bodies of all Members, and the approval of resolutions adopting the terms of the written amendment by the governing body of each Member; and

WHEREAS, the Agency Board has determined that the current preliminary design for Phase 1A of the Unified SSWS are located outside of the Agency's jurisdiction but within portions of Sarpy County's and the City of Bellevue's extraterritorial zoning and planning jurisdictions; and

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WHEREAS, the Agency Board has determined that the Interlocal Agreement should be amended to clarify that certain Agency powers, privileges, and authority may be exercised jointly by the Agency and applicable members outside the boundary of the Agency's jurisdiction; and

WHEREAS, the Agency Board has discussed and approved the proposed amendment to the Agency Formation Agreement, as attached hereto as Exhibit A (hereinafter the "Amendment"), and

WHEREAS, the Additional Sewer Infrastructure Map of the proposed amendment to the Agency Formation Agreement is attached hereto as Exhibit B; and

WHEREAS, the City Council deems it appropriate and advisable to adopt the terms of the Amendment;

NOW, THEREFORE, BE IT RESOLVED BY the City Council of La Vista, Nebraska that the terms of the Amendment are hereby adopted; and

BE IT FURTHER RESOLVED BY the City Council that the Mayor hereby has the authority to execute the Amendment on behalf of the City Council

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

E. RESOLUTION – AUTHORIZE PURCHASE – ASPHALT HOT BOX TRAILER

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-018 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 4-TON HOT BOX TRAILER FROM FALCON ASPHALT REPAIR COMPANY, MIDLAND, MI, IN AN AMOUNT NOT TO EXCEED \$32,500.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a 4-ton Falcon Hot Box Trailer is necessary; and

WHEREAS, the proposed equipment will be purchased through the Nebraska State Bid Contract #14934 OC; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed purchase; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 4-ton Hot Box Trailer from Falcon Asphalt Repair Company, Midland, MI, in an amount not to exceed \$32,500.00.

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

F. DISCUSSION – DOG PARK

Director of Public Works Soucie presented information on constructing a temporary dog park. There was Council discussion.

Juliane Popelka and John Patton commented in favor of constructing a dog park.

Councilmember Sheehan made a motion to receive and file the information. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

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Councilmember Crawford motioned to move Comments from the Floor up on the agenda ahead of item G. Executive Session. 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 THE FLOOR

There were no comments from the floor.

G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 6:55 p.m. Councilmember Crawford made a motion to go into executive session for protection of the public interest for negotiating guidance regarding contract negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:18 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented in appreciation of Jodi Norton and the Library staff for allowing him to be a guest reader.

At 7:19 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF MARCH 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk