

# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING December 7, 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 December 7, 2021. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Buethe, Director of Administrative Services Pokorny, Director of Public Works Soucie, Library Director Barcal, Recreation Director Stopak, Community Development Director Fountain, Finance Director Miserez, City Engineer Dowse.

A notice of the meeting was given in advance thereof by publication in the Times on November 24, 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.

### SERVICE AWARDS: PAM BUETHE — 15 YEARS: DAN SCARPA — 20 YEARS

Mayor Kindig recognized Pam Buethe for 15 years of service to the City. Dan Scarpa was unable to attend.

### RE-APPOINTMENT — CIVIL SERVICE COMMISSION — REAPPOINT LARRY FILBRANDT — 5 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Larry Filbrandt to the Civil Service Commission for a 5 year term. Councilmember Crawford motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2021 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2021 PLANNING COMMISSION MEETING
4. APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2021 PLANNING COMMISSION MEETING
5. OCCUPATION TAX REPORT
6. REQUEST FOR PAYMENT — RDG PLANNING & DESIGN — PROFESSIONAL SERVICES — PLACEMAKING & LA SERVICES — \$2,396.64
7. REQUEST FOR PAYMENT — HDR — PROFESSIONAL SERVICES — PROJECT MANAGEMENT — PUBLIC IMPROVEMENTS AND OTHER WORKS — \$4,520.73
8. REQUEST FOR PAYMENT — SWAIN CONSTRUCTION — CONSTRUCTION SERVICES — 96TH & 108TH STREET PAVEMENT RECONSTRUCTION & REHABILITATION — \$7,120.90
9. REQUEST FOR PAYMENT — SWAIN CONSTRUCTION — CONSTRUCTION SERVICES — 96TH & 108TH STREET PAVEMENT RECONSTRUCTION & REHABILITATION — \$174,926.09
10. REQUEST FOR PAYMENT — THOMPSON, DREESSEN & DORNER, INC. — PROFESSIONAL SERVICES — CENTRAL PARK IMPROVEMENTS — \$11,787.91
11. REQUEST FOR PAYMENT — FELSBURG, HOLT & ULLEVIG — PROFESSIONAL SERVICES — 84TH STREET TRAFFIC IMPACT STUDY — \$11,979.04
12. REQUEST FOR PAYMENT — OLSSON — PROFESSIONAL SERVICES —

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**LA VISTA CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE –**  
**\$2,807.00**

**13. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. –**  
**PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND**  
**PAVEMENT REHABILITATION – PHASE 2 FINAL DESIGN –**

**\$60,474.70**

**14. APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE –**  
**SHAKTI FUELS LLC DBA DUAL STOP FOOD & FUEL AND N K**  
**CORPORATION DBA FOOD & FUELS R US – NIRAJ R. PATEL**

**15. RESOLUTION – AUTHORIZE SIGNATURE – YEAR-END**  
**CERTIFICATION OF CITY STREET SUPERINTENDENT**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO SIGN THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT 2021.

WHEREAS, State of Nebraska Statutes, Sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the City Street Superintendents appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable) and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor or Village Board Chairperson.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista, Nebraska is hereby authorized to sign the Year-End Certification of City Street Superintendent 2021.

**16. RESOLUTION – AUTHORIZE SIGNATURE – FINANCE DIRECTOR –**  
**JANSSEN SETTLEMENT DOCUMENTS**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE FINANCE DIRECTOR TO SIGN PARTICIPATION AGREEMENTS AND OTHER DOCUMENTS FOR THE JANSSEN OPIOID SETTLEMENT.

WHEREAS, The State of Nebraska Attorney General requires that the governing body authorize the individual (position) who is authorized to sign documents related to the Janssen Opioid Settlement on behalf of the City of La Vista; and

WHEREAS, The City Council has determined that joining in the Janssen Opioid settlement is necessary; and

WHEREAS, On July 21, 2021 the Plaintiffs' Executive Committee (including the Nebraska State Attorney General) in the federal opioid litigation announced the terms for the global settlement agreement with opioid manufacturer Johnson & Johnson and the "Big Three" drug distributors AmerisourceBergen, Cardinal Health, and McKesson. The Distributors will pay a maximum of \$21 billion over 18 years, while J&J will pay a maximum of \$5 billion over no more than nine years, with approximately \$22.8 billion in settlement proceeds payable to the states and local subdivisions. Nebraska's allocation is approximately \$82 million, and La

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Vista's allocation is approximately \$105,939 over the 18-year period;  
and

WHEREAS, The annual disbursement to the City will be approximately \$5,000 for the first 9 years and \$4,000 for the last 9 year of the 18-year total settlement period.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista, Nebraska is hereby authorized the Finance Director to sign participation agreements and other documents for the Janssen Opioid settlement.

## **17. APPROVAL OF CLAIMS**

911 CUSTOM LLC, services	315.00
ABM INDUSTRIES INC, services	7,665.18
ACCESS BANK, services	35.00
ACTIVE NETWORK LLC, services	123.66
ALFRED BENESCH & CO, services	10,677.60
ALLEN, J., travel	577.40
AMAZON, supplies	701.13
AMERICAN LIBRARY ASSOC, services	298.00
ASCAP, services	372.59
ASSOCIATED FIRE PROTECTION, bld&grnds	760.00
AT&T MOBILITY LLC, phones	97.34
BACON LETTUCE CREATIVE, services	735.00
BARCAL, R., travel	49.06
BAUER BUILT INC, maint.	3,829.00
BIBLIOTHECA LLC, media	1.39
BISHOP BUSINESS EQUIPMENT, services	1,616.07
BLACK HILLS ENERGY, utilities	1,832.77
BOOT BARN apparel	139.24
BRITE IDEAS DECORATING, services	578.31
CAPSTONE, books	791.12
CCAP AUTO LEASE LTD, services	391.12
CENTER POINT INC, books	45.54
CENTURY LINK/LUMEN, phones	907.26
CINTAS CORP, services	447.22
CITY CENTRE 1 LLC, services	105,938.28
CITY OF OMAHA, services	33.07
CITY OF PAPILLION, services	243,039.90
COMP CHOICE INC. services	205.00
CONTROL MASTERS INC, bld&grnds	2,035.54
COX COMMUNICATIONS INC, services	147.03
CULLIGAN OF OMAHA, supplies	52.25
CUMMINS CENTRAL POWER, bld&grnds	2,145.14
D & K PRODUCTS, supplies	1,092.50
DATASHIELD CORP, services	120.00
DELL MARKETING LP, services	3,943.32
DEMCO INC, supplies	221.67
DESIGN WORKSHOP INC, services	3,500.00
DULTMEIER SALES LLC, maint.	159.79
EBSCO INFORMATION, services	1,650.08
ECHO GROUP INC, maint.	918.90
EDGEWEAR SCREEN PRINTING, apparel	280.00
ESSENTIAL SCREENS, services	212.50
FELSBURG HOLT & ULLEVIG INC, services	875.00
FH BLACK & COMPANY INC, services	4,945.00
FIRST BANKCARD, supplies	6,646.17
FITZGERALD SCHORR BARMETTLER, services	26,338.40
GALE, books	125.20
GENERAL FIRE & SAFETY EQUIP, bld&grnds	218.00
GRAINGER, supplies	40.53
GREATAMERICA FINANCIAL, services	1,127.00

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GROSS BELGIANS INC, services	3,600.00
HANEY SHOE STORE, apparel	300.00
HDR ENGINEERING INC, services	2,876.99
HGM ASSOCIATES INC, services	42,106.66
HOBBY LOBBY STORES INC, supplies	502.79
HOME DEPOT, bld&grnds	213.40
HUNDEN STRATEGIC PARTNERS, services	2,500.00
HURST, J., travel	49.06
HY-VEE INC, services	99.31
INGRAM LIBRARY SERVICES, books	2,300.79
INTERNATIONAL CODE COUNCIL, services	195.35
JOSE VARGAS, refund	200.00
KANOPY INC, services	166.00
KIESLER POLICE SUPPLY, services	35.00
KRIHA FLUID POWER CO, maint.	132.98
LABRIE, DONALD P, services	150.00
LARSEN SUPPLY CO, supplies	646.64
LEADS ONLINE LLC, services	2,933.44
LERNER PUBLISHING GROUP, books	765.62
LIBRARY IDEAS LLC, books	932.40
LOWE'S, bld&grnds	389.76
MARCO INC, services	132.75
MENARDS-RALSTON, bld&grnds	1,034.51
METALAB LLC, services	6,900.00
MUD, utilities	9,014.41
MID-AMERICAN BENEFITS INC, services	8,274.66
MIDWEST TAPE, media	292.19
MIDWEST TURF & IRRIGATION, maint.	84.54
MIRACLE RECREATION EQUIPMENT, supplies	652.82
MSC INDUSTRIAL, supplies	250.68
NE DEPT OF REVENUE, sales tax	120.59
NE DEPT OF TRANSPORTATION, services	75.00
NE TURFGRASS ASSOCIATION, services	2,155.00
NEBRASKALAND TIRE INC, maint.	588.04
OFFICE DEPOT INC, supplies	323.47
OLSSON INC, services	8,010.25
OPPD, utilities	62,242.17
OMAHA TACTICAL LLC, services	200.00
ON YOUR MARKS INC, supplies	1,119.23
PAPILLION SANITATION, services	993.62
PAYROLL MAXX, payroll & taxes	350,214.28
PER MAR SECURITY, services	133.68
PITNEY BOWES, postage	1,376.00
QUALITY AUTO REPAIR, maint.	200.00
READY MIXED CONCRETE CO, services	4,855.30
RED EQUIPMENT LLC, maint.	404.15
REGAL AWARDS INC, services	207.36
ROTELLA'S ITALIAN BAKERY, services	50.75
ROURKE EDUCATIONAL MEDIA, books	77.00
SARPY COUNTY FISCAL ADMINSTRTN, services	15,102.96
SECURITY EQUIPMENT INC, services	2,455.00
SHI INTERNATIONAL CORP, services	79,880.00
SOUTHERN UNIFORM & EQUIP, apparel	17.21
STRATEGIC GOVERNMENT RESOURCES, services	900.00
TED'S MOWER SALES, maint.	142.00
THE COLONIAL PRESS INC, services	192.81
THE PENWORTHY CO, books	422.38
THE SCHEMMER ASSOCIATES INC, services	185.00
THE WALDINGER CORP, bld&grnds	2,072.88
THOMPSON DREESSEN & DORNER INC, services	2,250.00
TOSHIBA FINANCIAL, services	265.40

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TRACTOR SUPPLY, bld&grnds	45.94
TRAFFIC & PARKING CONTROL, services	794.00
TRUCK CENTER CO, maint.	2,870.11
UNITE PRIVATE NETWORKS LLC, services	4,400.00
US BANK NATIONAL ASSOC, supplies	6,577.58
USBORNE BOOKS & MORE, books	12.99
UTILITY EQUIPMENT CO, supplies	224.68
VERIZON CONNECT NWF INC, phones	631.41
VIVERE APARTMENTS, services	1,578.67
WALMART, supplies	611.84
WATER'S EDGE AQUATIC DESIGN, services	1,206.00
WEMHOFF, A., travel	49.06
WESTLAKE HARDWARE INC, bld&grnds	1,851.30
WOODHOUSE FORD-BLAIR, maint.	1,135.72
WOODHOUSE LINCLN-MERCURY, maint.	376.36

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

Director of Administrative Services Pokorny introduced the interim Human Resources Director Yasmine Coleman.

Communication Manager Beaumont provided an update on the coat drive and holiday events.

Chief of Police Lausten reported on having staffing shortages all year and now there are 6 recruits going to Academy in January 2022.

## **PRESENTATION – STREET PROJECT UPDATE**

Jeff Calentine presented an update on street projects.

### **B. PLANNED UNIT DEVELOPMENT SITE PLAN – LOT 19 SOUTHPORT WEST & LOTS 1-3 SOUTHPORT WEST REPLAT 7**

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

At 6:47 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Planned Unit Development Site Plan – Lot 19 Southport West & Lots 1-3 Southport West Replat 7.

At 6:50 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 – PUD SITE PLAN AMENDMENT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-137 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN AMENDMENT FOR LOT 19, SOUTHPORT WEST, AND LOTS 1-3 SOUTHPORT WEST REPLAT SEVEN, LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above-described property have applied for approval of a PUD Site Plan Amendment for Lot 19 Southport West, and Lots 1-3 Southport West Replat Seven; and

WHEREAS, the Deputy Community Development Director and the City Engineer have reviewed the PUD Site Plan Amendment; and

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WHEREAS, the La Vista Planning Commission held a public hearing on November 18, 2021, and voted unanimously to recommend approval of the PUD Site Plan Amendment; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD Site Plan Amendment presented at this meeting for Lot 19 Southport West, and Lots 1-3 Southport West Replat Seven, located in the Southwest ¼ of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located north of Southport Parkway between Giles Road and S. 125th Street, be, and hereby is, approved, subject to completion of all requirements and conditions specified in the Planning Division Recommendation Report included with this agenda item to the satisfaction of the City Administrator, City Engineer, or her or his designee.

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

### **3. RESOLUTION – REPLAT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-138 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 19 SOUTHPORT WEST AND LOTS 1-3 SOUTHPORT WEST REPLAT SEVEN, TO BE REPLATTED AS LOTS 1-4 SOUTHPORT WEST REPLAT EIGHT, A SUBDIVISION LOCATED IN THE SW ¼ OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above-described property applied for approval of a replat for Lot 19 Southport West and Lots 1-3 Southport West Replat Seven, to be replatted as Lots 1-4 Southport West Replat Eight; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on November 18, 2021, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lot 19 Southport West and Lots 1-3 Southport West Replat Seven, to be replatted as Lots 1-4 Southport West Replat Eight, a subdivision located in the Southwest ¼ of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located north of Southport Parkway between Giles Road and S. 125th Street, be, and hereby is, approved.

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

### **C. NEBRASKA DOG TRAINERS, LLC – CONDITIONAL USE PERMIT – LOT 243A VAL VISTA – ANIMAL SPECIALTY SERVICES**

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

At 6:52 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Nebraska Dog Trainers, LLC - Conditional Use Permit – Lot 243A Val Vista – Animal Specialty Services. The applicant, Lesley Thompson was present to answer any questions.

At 7:00 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.

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## **2. RESOLUTION**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-139 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 NEBRASKA DOG TRAINERS, LLC FOR AN ANIMAL SPECIALTY SERVICES FACILITY ON LOT 243A VAL VISTA IN LA VISTA, NEBRASKA.

WHEREAS, Nebraska Dog Trainers, LLC has applied for approval of a Conditional Use Permit for the operation of an indoor dog training facility on Lot 243A Val Vista, generally located north of Chandler Road and east of S. 108<sup>th</sup> Street; and

WHEREAS, the La Vista Planning Commission reviewed the application on November 4, 2021 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of 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 Nebraska Dog Trainers, LLC to allow for the operation of an indoor dog training facility (animal specialty services facility) on Lot 243A Val Vista.

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

## **D. CONNECT HUMAN PERFORMANCE, LLC – CONDITIONAL USE PERMIT – LOT 1 HEIMES REPLAT ONE – INDOOR RECREATIONAL FACILITY**

### **1. PUBLIC HEARING**

At 7:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Connect Human Performance, LLC – Conditional Use Permit – Lot 1 Heimes Replat One – Indoor Recreational Facility. Abby Servais was present to answer any questions.

At 7:03 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**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-140 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 CONNECT HUMAN PERFORMANCE, LLC FOR AN INDOOR RECREATIONAL FACILITY ON LOT 1 HEIMES REPLAT ONE.

WHEREAS, Connect Human Performance, LLC has applied for approval of a Conditional Use Permit for the operation of an indoor recreational facility on Lot 1 Heimes Replat One, generally located south of Portal Circle and west of S. 145<sup>th</sup> Street; and

WHEREAS, the La Vista Planning Commission reviewed the application on November 4, 2021 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of 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 Connect Human Performance, LLC to allow for the operation of an indoor recreational facility on Lot 1 Heimes Replat One.

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

## **E. ZONING TEXT AMENDMENT – ZONING CLEAN-UP**

### **1. PUBLIC HEARING**

At 7:05 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed zoning text amendment – Zoning Clean-up.

At 7:05 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember Hale introduced Ordinance No. 1433 entitled: AN ORDINANCE TO AMEND ARTICLES 2, 4, 5, 6, 7, AND 9 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL ARTICLES 2, 4, 5, 6, 7, AND 9 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1433. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1433 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.

## **F. ORDINANCE – AMEND SECTION 95.18 AND 95.99 – LA VISTA MUNICIPAL CODE – ANIMAL EXCREMENT; PENALTY**

Councilmember Hale introduced Ordinance No. 1434 entitled: AN ORDINANCE TO AMEND SECTIONS 95.18 AND 95.99 OF THE LA VISTA MUNICIPAL CODE, RELATING TO ANIMAL EXCREMENT AND PENALTIES; TO REPEAL SECTIONS 95.18 AND 95.99 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1434. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1434 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.



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## **G. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT AMENDMENT – DOUGLAS & SARPY MUTUAL AID**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-141 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIRST AMENDMENT TO THE INTERLOCAL AGREEMENT TO PROVIDE MUTUAL AID SUPPORT FOR LAW ENFORCEMENT SERVICES WITHIN THE JURISDICTION OF EACH OF THE OTHER COOPERATING AGENCIES.

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

WHEREAS, On or about July 21, 2020 the City of La Vista entered into an Interlocal Agreement with the Cooperating Agencies (attached hereto as Exhibit "A" "Interlocal Cooperation Agreement") to implement the provisions of Neb. Rev. Stat. Sec. 29-215 (hereinafter "Sec. 29-215"), so as to empower law enforcement officers (hereinafter "Officers") of each of the Cooperating Agencies to exercise extraterritorial law enforcement authority, including arrest and enforcement under the laws of this state and legal ordinances of each Cooperating Agency, within the jurisdiction of each of the other Cooperating Agencies; and,

WHEREAS, the Cooperating Agencies wish to amend the current Agreement by this First Amendment to add the Village of Boys Town in Douglas County, Nebraska as a Cooperating Agency to provide for personnel backup and such other assistance as any of the Agencies may require in time of emergency or other time of need; and,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute the First Amendment to Interlocal Agreement presented with this resolution to amend and add the Village of Boys Town as a party to the Interlocal Cooperation Agreement between the law enforcement agencies of City of La Vista in Sarpy County, Nebraska (hereinafter "LVPD"); City of Bellevue in Sarpy County, Nebraska (hereinafter "BVPD"); City of Omaha in Douglas County, Nebraska (hereinafter "OPD"); City of Papillion in Sarpy County, Nebraska (hereinafter "PPD"); City of Ralston in Douglas County, Nebraska (hereinafter "RPD"); City of Valley in Douglas County, Nebraska (hereinafter "VPD"); City of Waterloo in Douglas County, Nebraska (hereinafter "WPD"); City of Bennington in Douglas County, Nebraska (hereinafter "BPD"); Sarpy County, Nebraska (hereinafter "SCSO"), and Douglas County, Nebraska (hereinafter "DCSO"), herein collectively referred to as "Cooperating Agencies" to provide mutual aid maintenance and support for law enforcement services.

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

## **H. RESOLUTION – BID AWARD – DEMOLITION & SITE PREPARATION LOT 8 – CHILI'S GRILL AND BAR**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-142 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY AWARDDING A CONTRACT TO NL&L CONCRETE INC., RALSTON NEBRASKA FOR DEMOLITION & SITE PREPARATION ON LOT 8 OF LA

# MINUTE RECORD

December 7, 2021

No. 729 — REDFIELD DIRECT E2106195KV

VISTA CITY CENTRE REPLAT THREE IN AN AMOUNT NOT TO EXCEED \$87,700.00.

WHEREAS, the Mayor and Council on behalf of the La Vista Community Development Agency have determined that the demolition & site preparation on Lot 8 of La Vista City Centre Replat Three is necessary; and

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

WHEREAS, bids were solicited, and one bid was received; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, acting as the La Vista Community Development Agency award the contract to NL&L Concrete Inc., Ralston Nebraska for demolition & site preparation in an amount not to exceed \$87,700.00.

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

## **I. RESOLUTION – APPROVE PROFESSIONAL SERVICES AGREEMENT – CENTRAL PARK PAVILION & SITE IMPROVEMENTS – BOUNDARY & TOPOGRAPHIC SURVEY**

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-143 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 THOMPSON, DREESEN & DORNER, INC (TD2), OMAHA, NEBRASKA, TO PRODUCE A BOUNDARY AND TOPOGRAPHIC SURVEY IN AN AMOUNT NOT TO EXCEED \$8,875.00.

WHEREAS, the Mayor and City Council have determined that the boundary and topographic survey of the area in and around the Pavilion project is necessary; and

WHEREAS, the FY21/22 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 Thompson, Dreesen & Dorner, Inc (TD2), Omaha, Nebraska, to produce a boundary and topographic survey in an amount not to exceed \$8,875.00.

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

## **J. ORDINANCE – AMEND SECTION 11.05 – LA VISTA MUNICIPAL CODE – WARD BOUNDARIES**

Councilmember Sell introduced Ordinance No. 1435 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 11.05; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan,

# MINUTE RECORD

December 7, 2021

No. 729 — REDFIELD DIRECT E210619SKV

Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1435. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1435 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.

## **K. RESOLUTION – AUTHORIZE TO PURCHASE MERCHANDISE**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-144 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF MERCHANDISE IN AN AMOUNT NOT TO EXCEED \$10,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a merchandise is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed purchase through savings for events that cannot be held due to the continued pandemic; 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 merchandise in an amount not to exceed \$10,000.00.

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

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **COMMENTS FROM MAYOR AND COUNCIL**

There were no comments from the Mayor and Council.

At 7:27 p.m. Councilmember Sell 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 21ST DAY OF DECEMBER 2021.

CITY OF LA VISTA

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

ATTEST:

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