

# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING September 6, 2022

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 September 6, 2022. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Also in attendance were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Chief of Police Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, Finance Director Miserez, Library Director Barcal, 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 Papillion Times on August 24, 2022. 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 AWARD: JOSH MCNEIL – 10 YEARS

Mayor Kindig recognized Josh McNeil for 10 years of service to the City.

### APPOINTMENT – BOARD OF ADJUSTMENT ALTERNATE – KEVIN RUPPERT – FILL VACANCY

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Kevin Ruppert to the Board of Adjustment as the alternate to fill a vacancy. Councilmember Thomas motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, 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 AUGUST 16, 2022 CITY  
COUNCIL MEETING
3. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN –  
PROFESSIONAL SERVICES – MEMORIAL PLAZA PROJECT –  
\$3,521.00
4. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN –  
PROFESSIONAL SERVICES – PLACEMAKING PHASE 1 – \$35,404.00
5. REQUEST FOR PAYMENT – BRIAN SMILES – PROFESSIONAL  
SERVICES – STORM WATER PUBLIC EDUCATION & OUTREACH –  
\$600.00
6. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL  
SERVICES – LA VISTA CITY CENTRE PARKING STRUCTURE 2 –  
\$14,579.21
7. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER,  
INC. – PROFESSIONAL SERVICES – CENTRAL PARK  
IMPROVEMENTS – \$8,010.05
8. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER,  
INC. – PROFESSIONAL SERVICES – CENTRAL PARK  
IMPROVEMENTS – \$3,524.07
9. REQUEST FOR PAYMENT – FELSBURG, HOLT & ULLEVIG –  
PROFESSIONAL SERVICES – GILES ROAD WIDENING – \$77,886.88
10. REQUEST FOR PAYMENT – LEAGUE OF NEBRASKA  
MUNICIPALITIES – MEMBERSHIP DUES – \$50,299.00
11. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION –  
CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO.  
2, STRUCTURE NO. 2 – \$481,500.00

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**12. REQUEST FOR PAYMENT – HDR ENGINEERING – PROFESSIONAL SERVICES – PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS – \$1,710.83**

**13. REQUEST FOR PAYMENT – CITY CENTRE MUSIC VENUE, LLC & ASTRO THEATER, LLC – DISBURSEMENT OF EDP AWARD FUNDS – \$570,800.06**

**14. APPROVAL OF CLAIMS**

A-1 BODY INC, services	1,000.00
AAA RENTS, services	30.25
ACCO UNLIMITED CORP, supplies	987.05
ACTION BATTERIES, maint.	387.60
ACTIVE NETWORK LLC, services	179.87
AE SUPPLY, services	260.00
AKRS EQUIPMENT SOLUTIONS, maint.	3,957.12
AMAZON, supplies	2,050.37
AMERICAN HERITAGE LIFE INS CO, services	1,198.54
AMERICAN PLANNING ASSOC, services	95.00
A-RELIEF, services	196.01
AT&T MOBILITY LLC, phones	97.76
AUTO GLASS TINT, services	290.00
BACON LETTUCE CREATIVE, services	1,440.00
BIBLIOTHECA LLC, media	22.96
BISHOP BUSINESS EQUIPMENT, services	1,332.58
BLACK HILLS ENERGY, utilities	1,775.90
BOBCAT OF OMAHA, maint.	186.43
BOK FINANCIAL, bonds	272,521.25
BUETHE, P., travel	128.12
CARL, R., travel	416.00
CCAP AUTO, services	449.00
CENTER POINT, books	419.46
CENTURY LINK/LUMEN, phones	1,117.53
CHEERFUL BOOKS LLC, services	250.00
CINTAS CORP, services	433.79
CITY OF OMAHA, services	64.56
CITY OF PAPILLION, services	282,921.40
CORNHUSKER INT'L TRUCKS INC, maint.	3,939.27
COX COMMUNICATIONS INC, services	147.03
CULLIGAN OF OMAHA, services	97.75
D & K PRODUCTS, services	2,603.80
DARE IOWA INC, services	100.00
DATASHIELD CORP, services	60.00
DEARBORN NAT'L LIFE INS CO, services	7,674.15
DOG WASTE DEPOT, supplies	684.00
ECHO GROUP INC, supplies	112.19
EDGEWEAR SCREEN PRINTING, apparel	479.75
ELITE TOURS, services	100.00
EMBLEM ENTERPRISES INC, apparel	622.71
ESSENTIAL SCREENS, services	266.08
EYMAN PLUMBING INC, bld&grnds	354.79
FAC PRINT & PROMO CO, supplies	242.00
FELSBURG HOLT & ULLEVIG INC, services	13,841.70
FERGUSON ENTERPRISES, supplies	15.98
FIKES COMMERCIAL HYGIENE LLC, supplies	124.00
FIRST STATE BANK, services	2,132.91
FITZGERALD SCHORR BARMETTLER, services	25,284.00
GALE, books	128.20
GRAINGER, supplies	324.62
GREAT PLAINS COMMUNICATION, services	777.60
GREATAMERICA FINANCIAL, services	1,657.10
GT DISTRIBUTORS INC, supplies	81.36
GUNN, B., travel	352.00
HARM'S CONCRETE INC, services	352.55

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HDR ENGINEERING INC, services	3,592.03
HEARTLAND PNEUMATIC, bld&grnds	2,544.64
HITOUCHE BUSINESS SERVICES, supplies	375.39
HOBBY LOBBY, supplies	117.68
HOME DEPOT, supplies	99.00
HONEYMAN RENT-ALL, services	56.92
HOSE & HANDLING INC, maint.	83.86
HOTSY EQUIPMENT CO, supplies	908.37
HY-VEE INC, services	430.00
IA NE SD PRIMA CHAPTER, services	50.00
INGRAM LIBRARY SERVICES, books	503.01
JE DUNN CONSTRUCTION CO, services	746,678.00
JOHNSTONE SUPPLY CO, bld&grnds	114.92
K & J ELITE SPORTS TURF INC, services	4,170.00
KATIE DICKAMORE, services	315.00
KIMBALL MIDWEST, supplies	532.45
KUSTOM SIGNALS INC, supplies	866.00
LABRIE, DONALD P, services	150.00
LARSEN SUPPLY CO, supplies	834.46
LIBRA INDUSTRIES INC, supplies	20.00
LIBRARY IDEAS LLC, books	1,078.30
LINCOLN NATIONAL LIFE INS CO, services	6,574.80
LOGAN CONTRACTORS SUPPLY, apparel	336.50
LOGO LOGIX EMBROIDERY, apparel	690.00
LOWE'S, supplies	55.40
MARCO INC, services	145.90
MATHESON TRI-GAS INC, apparel	196.64
MEDICA INSURANCE CO, services	116,035.39
MENARDS-RALSTON, supplies	815.37
METLIFE, services	1,106.52
METRO AREA TRANSIT, services	1,890.00
METRO COMM COLLEGE, services	150,758.11
MUD, utilities	21,284.53
MID-AMERICAN BENEFITS INC, services	25,210.11
MIDLANDS LIGHTING, supplies	27.70
MIDWEST TAPE, media	221.73
MIDWEST TURF & IRRIGATION, maint.	414.51
MILLARD METAL SERVICES INC, maint.	1,794.00
MILLARD SPRINKLER INC, services	3,420.80
NDEE SWIMMING POOLS, services	115.00
NE DEPT OF REVENUE, sales taxes	80,075.28
NE ECON DEVELOPERS, services	150.00
NE IOWA DOOR SERVICES, bld&grnds	421.00
NE LAW ENFORCEMENT, services	291.00
NEBRASKALAND TIRE INC, maint.	1,252.20
NMC GROUP INC, maint.	186.05
OFFICE DEPOT INC, supplies	958.28
OLSSON INC, services	3,870.75
OPPD, utilities	45,319.06
OMAHA TACTICAL LLC, services	750.00
OMAHA WINNELSON, supplies	1,658.11
OMNI ENGINEERING, services	1,798.67
PAPILLION SANITATION, services	1,537.02
PAYROLL MAXX, payroll & taxes	396,595.42
PER MAR SECURITY, services	140.34
PITNEY BOWES, postage	1,279.00
POKORNY, K., travel	352.00
PORT-A-JOHNS, services	180.00
POWER DMS INC, services	14,506.74
RAINBOW GLASS, supplies	150.00
RAMIREZ, R., travel	416.00

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RDG PLANNING & DESIGN, services	27,324.55
READY MIXED CONCRETE CO, services	21,074.89
REGAL AWARDS INC, services	72.00
REVOLUTION WRAPS LLC, services	679.39
RIVER CITY RECYCLING, services	955.81
RTG BUILDING SERVICES, bld&grds	6,665.00
SAMPSON CONSTRUCTION CO, services	610,355.00
SARPY COUNTY COURTHOUSE, services	4,452.00
SHERWIN-WILLIAMS, supplies	2,546.24
SIGN IT, services	2,719.80
SIRCHIE ACQUISITION CO, supplies	467.27
SITE ONE LANDSCAPE, services	186.85
SOUTHEAST LIBRARY SYSTEM, services	160.00
SOUTHERN UNIFORM, apparel.	933.17
SUBURBAN NEWSPAPERS INC, services	664.56
SUN COUNTRY DISTRIBUTING, supplies	83.26
TED'S MOWER SALES, maint.	513.08
THE COLONIAL PRESS INC, services	525.79
THE SCHEMMER ASSOCIATES INC, services	1,611.25
THOMPSON DREESSEN & DORNER, services	14,514.64
TRACTOR SUPPLY, bld&grnds	60.63
TRANSPARENT LANGUAGE INC, services	1,200.00
TRUCK CENTER CO, maint.	839.08
TY'S OUTDOOR POWER, maint.	142.87
U.S. CELLULAR, phones	3,721.01
UNITED PARCEL, services	37.99
VAL VERDE ANIMAL HOSPITAL, services	85.32
VERIZON CONNECT, phones	615.22
VERIZON WIRELESS, phones	383.93
VIERREGGER ELECTRIC CO, services	1,636.23
WALMART, supplies	722.46
WATKINS CONCRETE BLOCK, supplies	52.00
WESTLAKE HARDWARE INC, supplies	1,331.40
WHITE CAP LP, supplies	43.39
WIRELESS CCTV LLC, services	2,700.00
WOODHOUSE FORD-BLAIR, maint.	129.90

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Recreation Director Scott Stopak provided an update on events at the Recreation Center.

Sports Complex Foreman Aaron Johannsen reported on City Park field 2 renovations.

## B. FISCAL YEAR 22/23 AND FISCAL YEAR 23/24 MUNICIPAL BUDGETS

### 1. PROPOSED BUDGET AMENDMENTS

Councilmember Hale made a motion to approve the proposed budget amendments as presented in the Council report. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. APPROPRIATIONS ORDINANCE AS AMENDED – FINAL READING

City Clerk Buethe read Ordinance No. 1455 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1,

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2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING ON SEPTEMBER 30, 2024 SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Thomas made a motion to approve final reading and adopt Ordinance 1455. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1455 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY**

### **a. PUBLIC HEARING**

At 6:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed increase of the base of restricted funds authority.

At 6:14 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **b. RESOLUTION**

Councilmember Quick introduced and moved for the adoption of Resolution No. 20-077 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE FISCAL YEAR 2023 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the Fiscal Year 2023 municipal budget on September 6, 2022; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the Fiscal Year 2023 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the Fiscal Year 2023 municipal budget by an additional one percent.

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

## **4. MASTER FEE ORDINANCE**

Councilmember Frederick introduced Ordinance No. 1456 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1454, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND

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COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hale seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, 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 Frederick moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1456 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. 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. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO AND PHONE ALLOWANCE**

### **1. ORDINANCE – AMEND THE COMPENSATION ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1457 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE 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, Quick, Frey, 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. 1457 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.

### **2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCE**

Councilmember Quick introduced and moved for the adoption of Resolution No. 20-078 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

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WHEREAS, the FY23 and FY24 municipal budgets establish funds for vehicle and mobile phone allowances for various officers, employees and volunteers of the City and are recommended by the Director of Administrative Services and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and cellular phone allowances:

Monthly Vehicle Tier	<u>Allowance</u>	Monthly Phone Tier	<u>Allowance</u>
Tier 1	\$30	Tier 1	\$30
Tier 2	\$50	Tier 2	\$60
Tier 3	\$100	Tier 3	\$90
Tier 4	\$150		
Tier 5	\$300		

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

## **D. ORDINANCE – PREMIUM PAY – FULL-TIME AND PART-TIME EMPLOYEES**

Councilmember Frederick introduced Ordinance No. 1458 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE FINDINGS, DETERMINATIONS, AND ONE-TIME, TEMPORARY PREMIUM PAY IN AN AMOUNT UP TO ONE THOUSAND DOLLARS (\$1,000) FOR EACH CITY FULL-TIME EMPLOYEE AND UP TO FIVE HUNDRED DOLLARS (\$500) FOR EACH CITY PART-TIME EMPLOYEE, EXCLUDING THE CITY ADMINISTRATOR, SEASONAL EMPLOYEES AND ELECTED OFFICIALS, PAID AT A RATE OF \$12.50 PER HOUR FOR HOURS WORKED FOR THE TIME PERIOD BEGINNING OCTOBER 23, 2022 THROUGH DECEMBER 17, 2022, IN TOTAL NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000); TO SPECIFY APPLICABLE CONDITIONS AND AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE HEREOF.

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, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1458. Councilmember Frederick seconded the motion. Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. 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.

## **E. CLASS D LIQUOR LICENSE CASEY'S RETAIL COMPANY DBA CASEY'S**

### **1. PUBLIC HEARING**

At 6:22 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Class D Liquor License application for Casey's.

At 6:23 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-079 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION FOR

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CASEY'S RETAIL COMPANY DBA CASEY'S, 7203 HARRISON STREET, LA VISTA, NEBRASKA.

WHEREAS, Casey's Retail Company dba Casey's, 7203 Harrison Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class D Liquor License application submitted by Casey's Retail Company dba Casey's, 7203 Harrison Street, La Vista, Sarpy County, Nebraska.

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

## **F. PHASE II SERVICES – 84<sup>TH</sup> STREET UNDERPASS (ICONIC FEATURE)**

### **1. PRESENTATION OF CONCEPTUAL DESIGN**

METALAB presented designs for the 84<sup>th</sup> Street Underpass. Council discussion was held.

### **2. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 22-080 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 METALAB FOR PHASE II SERVICES FOR THE ICONIC FEATURE OVER THE 84<sup>TH</sup> STREET UNDERPASS IN AN AMOUNT NOT TO EXCEED \$32,600.00.

WHEREAS, the City Council of the City of La Vista has determined that phase II services are necessary; and

WHEREAS, the FY22/FY23 Biennial Budget provides funding for these services; 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, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of a professional services agreement with METALAB for Phase II services for the iconic feature over the 84<sup>th</sup> Street Underpass in an amount not to exceed \$32,600.00.

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

## **G. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – BRIDGE INSPECTIONS**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-081 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 HGM ASSOCIATES INC. FOR BRIDGE INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$7,000.00.

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WHEREAS, the City Council of the City of La Vista has determined that bridge inspection services are necessary; and

WHEREAS, the FY22/FY23 Biennial Budget provides funding for these services; 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, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of a professional services agreement with HGM Associates Inc. for bridge inspection services in an amount not to exceed \$7,000.00.

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

## **H. RESOLUTION – INTERLOCAL COOPERATION AGREEMENTS – I.T. SERVICES & PUBLIC SAFETY SOFTWARE**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 22-082 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF INTERLOCAL COOPERATION AGREEMENTS WITH SARPY COUNTY AND THE CITY OF LA VISTA FOR INFORMATION TECHNOLOGY SERVICES AND PUBLIC SAFETY SOFTWARE.

WHEREAS, the City has been operating under an Interlocal Agreement with Sarpy Information Systems for the provision of Information Technology services and Public Safety Software; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed agreements; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, approve the interlocal agreements between Sarpy County and the City of La Vista regarding Information Technology Services and Public Safety Software.

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

## **I. RESOLUTION – CONSTRUCTION ENGINEERING AGREEMENT – APPLEWOOD CREEK TRAIL**

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-083 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A CONSTRUCTION ENGINEERING SERVICES AGREEMENT WITH SCHEMMER ASSOCIATES, INC. OMAHA, NEBRASKA TO PROVIDE CONSTRUCTION ENGINEERING SERVICES, ADMINISTRATIVE SERVICES AND MATERIALS TESTING 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

WHEREAS, City of La Vista and The Schemmer Associates, Inc. wish to enter into a Professional Services Agreement to provide Construction Engineering services for the Federal-aid project; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska that: Douglas Kindig, Mayor of the City of La Vista, is hereby

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authorized to sign the Construction Engineering services agreement between the City of La Vista and The Schemmer Associates, Inc.

NDOT Project Number: TAP-77(61)  
NDOT Control Number: 22757  
NDOT Project Name: Applewood Creek Trail, La Vista

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

## **J. RESOLUTION – CHANGE ORDER NO. 2 – PARKING DISTRICT NO. 2, GARAGE NO. 2**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-084 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH SAMPSON CONSTRUCTION TO PROVIDE FOR ADDITIONS AND DELETIONS OF WORK FOR A REDUCTION OF \$43,724.57 TO THE TOTAL CONTRACT AMOUNT.

WHEREAS, the City has determined it is necessary to make changes to the contract for parking garage no. 2; and

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

WHEREAS, the contract amount will decrease by \$43,724.57 for a contract total of \$12,470,275.43 with change order no. 2;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with Sampson Construction to provide for additions and deletions of work for a reduction of \$43,724.57 to the total contract amount.

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

## **K. THOMPSON CREEK REHABILITATION – CENTRAL PARK EAST**

### **1. RESOLUTION – CHANGE ORDER NO. 2**

Councilmember Hale introduced and moved for the adoption of Resolution No. 22-085 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 2 TO THE CONTRACT WITH HEIMES CORPORATION, OMAHA, NEBRASKA, TO PROVIDE FOR ADDITIONAL ITEMS OF WORK, FOR AN INCREASED AMOUNT OF \$10,293.16 AND A TOTAL PROJECT AMOUNT NOT TO EXCEED \$854,043.66.

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

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this project.

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, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for Change Order No. 2 to the contract with Heimes Corporation., Omaha, Nebraska, to provide for additional items of work, for an increased amount of \$10,293.16 and a total project amount not to exceed \$854,043.66.

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

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## 2. REQUEST FOR PAYMENT – HEIMES CORPORATION – CONSTRUCTION SERVICES – THOMPSON CREEK - \$94,783.99

Councilmember Frederick made a motion to approve a request for payment to Heimes Cooperation – Construction Services – Thompson Creek – \$94,783.99. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## L. RESOLUTION – HARRISON STREET RIGHT-OF-WAY CONVEYANCE – SW OF 144<sup>TH</sup> STREET & HARRISON STREET

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-086 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING SARPY COUNTY TO VACATE A PART OF HARRISON STREET RIGHT OF WAY LOCATED IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, Krishna, LLC has made a request to Sarpy County to vacate a portion of Harrison Street right of way adjacent to the Bear Creek Apartments;

WHEREAS, the legal description for the specific portion of right of way requested to be vacated is identified in Exhibit A, which is presented with this Resolution ("Property"); and

WHEREAS, Section 39-1722 of the Nebraska Revised Statutes requires approval of the governing body of the City where County right of way is located within the future growth boundary of the City, prior to vacating such right of way; and

WHEREAS, Sarpy County is amenable to the request; and

WHEREAS, the City Engineer has reviewed and is amenable to the request;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that Sarpy County's vacation of that portion of Harrison Street right of way within the northeast quarter of Section 14, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska as identified in Exhibit A presented with this Resolution ("Exhibit A") is approved pursuant to Section 39-1722 of the Nebraska Revised Statutes, subject to the following conditions:

In addition to any reserved rights set forth in Sarpy County's Resolution approving vacation of the right of way described in Exhibit A, or specified by applicable laws, rules or regulations governing vacation of right of way by the City or Sarpy County, the following rights, conditions and limitations shall be reserved in perpetuity to Sarpy County and the City of La Vista with respect to the Property:

- i. the right to maintain, operate, repair, replace, extend and renew sewers and other improvements now existing in, on, over, under or across the Property, and in the future to construct, maintain, repair, replace, extend and renew additional or other sewers and improvements;
- ii. the right to authorize public utilities, cable television companies and other persons, systems or services to construct, maintain, repair, replace, renew, extend and operate now or hereafter installed water mains and gas mains, poles, lines, conduits, equipment and appurtenances above, in, on, over, across or below the surface of the ground for the purpose of serving the general public or abutting property;
- iii. the right to authorize such connections or branch lines as may be ordered, desired or permitted by the City or such other utility, person, system or service; and

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iv. the right to enter upon Property to accomplish the above or to enforce or exercise any other rights or requirements set forth in this Resolution, the County Resolution, or under any applicable laws, rules, or regulations, or for any related or similar purposes, at any and all times.

Any proposed improvements on or to the Property shall require prior written approval of the County Engineer and City Engineer and shall be subject to damage or removal in whole or in part by the City or County at the Property owner's sole cost and expense in connection with City or County exercise of any rights reserved to it in this Resolution or the County's Resolution.

BE IT FURTHER RESOLVED that recitals at the beginning of this Resolution and Exhibit A presented with this Resolution are incorporated into this Resolution by reference.

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

## **M. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – TERRY DR, LILLIAN AVE AND S. 78<sup>TH</sup> ST PAVEMENT REHABILITATION**

Councilmember Frey introduced and moved for the adoption of Resolution No. 22-087 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 THE DESIGN AND CONSTRUCTION PHASE OF TERRY DR., LILLIAN AVE., AND S.78<sup>TH</sup> ST PAVEMENT REHABILITATION IN AN AMOUNT NOT TO EXCEED \$100,000.00.

WHEREAS, the Mayor and City Council have determined that engineering services for the design and construction phase of Terry Dr., Lillian Ave., and S.78<sup>th</sup> St are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project;

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, 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 engineering services in an amount not to exceed \$100,000.00.

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

## **N. RESOLUTION – AUTHORIZE REQUEST FOR QUALIFICATIONS & PROPOSALS – SEWER RATE STUDY**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-088 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR QUALIFICATIONS AND PROPOSALS FOR CONSULTANT ENGINEERING SERVICES NECESSARY TO CONDUCT A SEWER RATE STUDY FOR FY25 – FY29.

WHEREAS, the Mayor and Council have determined that a sewer rate study is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project; and

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

Publish

September 14, 21, 28, 2022

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Receive Proposals

Until October 7, 2022 @ 12:00pm

City Council Authorize Agreement November 1, 2022

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the request for qualifications and proposals for consultant engineering services necessary to conduct a sewer rate study for FY25 – FY29.

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

## **O. RESOLUTION – AUTHORIZE EXECUTIVE SEARCH FIRM – FINANCE DIRECTOR**

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-089 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE THE SELECTION OF AN EXECUTIVE SEARCH FIRM TO PROVIDE SERVICES ASSOCIATED WITH THE HIRING OF A FINANCE DIRECTOR IN AN AMOUNT NOT TO EXCEED \$45,000.00.

WHEREAS, the City Council of the City of La Vista has determined that assistance in filling the Finance Director position is necessary; and

WHEREAS, the FY23 annual budget provides funding for this; 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 hereby approve the selection of an executive search firm to provide services associated with the hiring of a Finance Director in an amount not to exceed \$45,000.00.

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

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

## **COMMENTS FROM THE FLOOR**

Terrie Russell 7427 S. 69<sup>th</sup> Street requested an update on sewer/streets in her neighborhood.

## **P. EXECUTIVE SESSION – PERSONNEL**

At 7:13 p.m. Councilmember Quick made a motion to go into executive session for protection of an individual to discuss personnel matters. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:50 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Frederick commented on the tour of the City Centre area.

At 7:50 p.m. Councilmember Quick made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan,

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Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None.  
Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF SEPTEMBER 2022.

CITY OF LA VISTA

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

ATTEST:

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