

# MINUTE RECORD

A-2

No. 729 - REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING September 5, 2023

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 5, 2023. Present were Mayor Kindig and Councilmembers: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Director of Public Works Soucie, Finance Director Harris, Library Director Barcal, Human Resources Director Lowery, Police Captain Barcal, Recreation Director Buller, City Engineer Dowse and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on August 23, 2023. 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 and made the announcements.

### POLICE DEPARTMENT LIFE SAVING AWARD PRESENTATION

Acting Police Chief Barcal presented Life Saving Awards to Officer Greg Carrico and Officer Cameron TenEyck.

### SERVICE AWARDS: JEREMY SCHLEGEL – 15 YEARS; JEFF CALENTINE – 15 YEARS; JOHN DANDERAND – 30 YEARS

Mayor Kindig recognized Jeremy Schlegel for 15 years of service to the City, Jeff Calentine for 15 years of service to the City and John Danderand for 30 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE AUGUST 15, 2023 CITY COUNCIL MEETING
3. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING PHASE 1 – \$15,211.85
4. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREET BRIDGE – \$4,125.00
5. REQUEST FOR PAYMENT – NL & L CONCRETE, INC – CONSTRUCTION SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – \$263,730.83
6. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO – CONSTRUCTION SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENTS – \$703,395.00
7. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$2,244.50
8. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY PARK PAVILION TESTING – \$1,488.50
9. REQUEST FOR PAYMENT – HOUSTON ENGINEERING, INC – PROFESSIONAL SERVICES – 73<sup>RD</sup> AVE CULVERT REHAB PROJECT – \$8,178.00
10. REQUEST FOR PAYMENT – NEBRASKA STATE FIRE MARSHALL AGENCY – PROFESSIONAL SERVICES – BOILER INSPECTION – THE LINK – \$97.00
11. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION – CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO. 2, STRUCTURE NO. 2 – \$431,318.00
12. APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE – WALMART, INC. – MICHAEL J. BREWSTER
13. APPROVAL OF CLAIMS

ABM INDUSTRIES, services	11,163.28
ACCO UNLIMITED CORP, supplies	484.40

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ACTIVE NETWORK LLC, services	197.26
AED ZONE, services	220.00
AKRS EQUIPMENT, maint.	1,141.47
ALFRED BENESCH & CO, services	1,287.25
AMAZON, supplies	1,289.88
AMELIA BELIK, payroll	606.00
AMERICAN HERITAGE LIFE INS, services	1,266.10
ARNOLD MOTOR SUPPLY, maint.	1,332.39
AT&T MOBILITY LLC, phones	98.24
AUTOGRAPHIX INC, services	3,150.00
BACON LETTUCE CREATIVE, services	2,560.00
BERGANKDV LLC, services	1,040.00
BIBLIOTHECA LLC, media	30.82
BIG RED LOCKSMITHS, bld&grnds	9.50
BISHOP BUSINESS EQUIPMENT, services	1,326.43
BLACK HILLS ENERGY, utilities	1,293.59
BUETHE, P., travel	198.50
BULLER FIXTURE CO, services	4,930.00
CANOYER GARDEN CENTER, services	1,184.83
CENTER POINT, books	283.44
CENTURY LINK/LUMEN, phones	865.06
CINTAS CORP, services	503.33
CITY OF PAPILLION, services	15,419.22
CNA SURETY, services	1,855.00
COLD STONE CREAMERY, services	350.00
CONCRETE SUPPLY, services	35,865.23
CONTROL MASTERS INC, bld&grnds	20.36
CORNHUSKER INTL TRUCKS INC, maint.	134.38
COSGRAVE CO, supplies	103.50
COX COMMUNICATIONS, services	470.53
D & K PRODUCTS, supplies	1,707.21
DEARBORN NAT'L LIFE INS CO, services	7,560.65
DELL MARKETING LP, services	6,980.00
DEMCO INC, supplies	261.03
DESIGN WORKSHOP INC, services	11,582.50
DIAMOND VOGEL PAINTS, supplies	186.80
DOG WASTE DEPOT, supplies	791.92
DOUGLAS COUNTY SHERIFF, services	150.00
EMBLEM ENTERPRISES, supplies	356.38
EMBLEMS INC, supplies	399.00
ESSENTIAL SCREENS, services	195.40
EYMAN PLUMBING INC, bld&grnds	4,887.08
FUN EXPRESS LLC, supplies	348.33
FUN SERVICES, supplies	54.75
GALE, books	382.36
GENERAL FIRE & SAFETY, services	1,059.50
GLOCK INC, supplies	69.00
GODFATHER'S PIZZA, services	82.09
GRAINGER, bld&grnds	347.29
GREATAMERICA FINANCIAL, services	1,585.69
GREGG YOUNG CHEVROLET INC, maint.	417.38
HDR ENGINEERING INC, services	706.59
HGM ASSOCIATES INC, services	39,194.50
HOBBY LOBBY STORES, supplies	58.26
HUNTEL COMMUNICATIONS INC, services	624.00
INGRAM LIBRARY SERVICES, books	2,007.06
J & J SMALL ENGINE SERVICE, supplies	656.57
KONA-ICE OF THREE RIVERS, services	1,300.00

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LARSEN SUPPLY CO, supplies	645.83
LEAGUE OF NE MUNICIPALITIES, services	55,446.00
LIBRA INDUSTRIES INC, apparel	232.00
LIBRARY IDEAS LLC, media	1,215.30
LINCOLN NAT'L LIFE INS CO, services	6,787.39
LYMAN-RICHEY SAND & GRAVEL, services	866.58
MAINTAINX INC, services	1,950.00
MAPA, services	20,000.00
MARCO INC, services	147.87
MEDICA INSURANCE CO, services	131,745.70
MENARDS-RALSTON, supplies	482.49
METLIFE, services	1,015.40
METRO LANDSCAPE MATERIALS , bld&grnds	1,248.00
MUD, utilities	44,729.01
MID-AMERICAN BENEFITS INC, services	27,732.26
MIDWEST TAPE, media	226.44
MNJ TECHNOLOGIES DIRECT, services	8,988.00
NE DEPT OF REVENUE, sales tax	555.66
NE IOWA DOOR SERVICES INC, bld&grnds	6,340.00
NMC GROUP INC, services	1,570.02
OFFICE DEPOT INC, supplies	510.04
OPPD, utilities	46,383.76
OMAHA WINNELSON, supplies	670.83
OMNI ENGINEERING, services	386.65
ON YOUR MARKS INC, services	2,613.55
O'REILLY AUTO PARTS, maint.	1,431.73
PAYROLL MAXX, payroll & taxes	857,174.93
PER MAR SECURITY, services	220.95
PITNEY BOWES, postage	1,548.00
POMP'S TIRE SERVICE INC, maint.	997.68
QUALITY AUTO REPAIR, services	81.00
REGAL AWARDS INC, services	89.95
REVOLUTION WRAPS LLC, services	2,916.16
RIVER CITY RECYCLING, services	81.03
ROBERT HALF, services	7,748.22
ROGELIO GUERRERO, refund	200.00
SAMPSON CONSTRUCTION CO, services	555,079.00
SARPY COUNTY TREASURER, services	108,295.00
SIGN IT, services	2,929.00
SIRCHIE ACQUISITION CO, supplies	88.91
SOUTH, R., reimbursement	23.84
SOUTHEAST LIBRARY SYSTEM, services	210.00
SOUTHERN UNIFORM, apparel	138.50
SPENCER MANAGEMENT, services	446,133.88
STOREY KENWORTHY CORP, supplies	429.81
SUBURBAN NEWSPAPERS INC, services	1,868.48
SUNSET LAW ENFORCEMENT LLC, services	4,375.75
T & N ACQUISITION CO, supplies	246.00
THE SCHEMMER ASSOCIATES INC, services	2,199.29
THOMPSON DREESSEN & DORNER, services	4,500.00
TRUCK CENTER COMPANIES, maint.	515.96
TURFWERKS, supplies	25.73
TY'S OUTDOOR POWER, maint.	495.00
U.S. CELLULAR, phones	1,872.13
UNITED PARCEL, services	72.73
US POSTAL SERVICE, postage	2,619.60
UNMC, services	355.00
UTILITY EQUIPMENT CO, services	111.04

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V & V MANUFACTURING INC, supplies	133.90
VERIZON WIRELESS, phones	365.59
WALMART, supplies	2,555.26
WESTLAKE HARDWARE, supplies	2,322.61
WHITE CAP LP, services	705.58
WHITE, SCOTT L, services	1,000.00
WOODHOUSE FORD, maint.	342.95

Councilmember Thomas 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: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

Library Director Barcal provided an update on the summer reading program.

Fire Chief Gottsch gave a report on statistics for the fire department.

Police Captain Kinsey reported on the code enforcement actions.

Director of Public Works Soucie provided an update on the Central Park playground equipment and the NRD Grant received.

## **B. FISCAL YEAR 22/23 & FISCAL YEAR 23/24 MUNICIPAL BUDGETS**

### **1. PROPOSED BUDGET AMENDMENTS**

Finance Director Harris reported that the final valuations are lower than last year.

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

### **2. APPROPRIATIONS ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1490 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1455 AND THE BIENNIAL BUDGET APPROPRIATING 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, 2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING ON SEPTEMBER 30, 2024, AND TO AMEND AMOUNTS APPROPRIATED FOR THE FIRST AND SECOND YEARS OF SUCH BIENNIAL BUDGET FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING 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; TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES OR RESOLUTIONS AS ORIGINALLY ENACTED; 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 1490. Councilmember Sheehan seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1490 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. The passage and adoption of said ordinance having been concurred on by a majority of all

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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 6:46 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 6:46 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### **b. RESOLUTION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-105 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 2024 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 2024 municipal budget on September 5, 2023; 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 2024 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 2024 municipal budget by an additional one percent.

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

## **4. SETTING THE PROPERTY TAX LEVY**

### **a. PUBLIC HEARING**

At 6:47 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed property tax levy.

At 6:47 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### **b. RESOLUTION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-106 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA SETTING THE CITY'S PROPERTY TAX REQUEST FOR THE FISCAL YEAR 2023-2024.

WHEREAS, Nebraska Revised Statute 77-1632(4) provides that the Governing Body of the City of La Vista passes by a majority vote a resolution setting the tax request; and

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WHEREAS, Public hearings were held as required by law to hear and consider comments concerning the property tax request; and

NOW THEREFORE, the Governing Body of the City of La Vista, resolves that:

1. The 2023 – 2024 property tax request be set at \$12,338,422.00.
2. The total assessed value of property differs from last year's total assessed value by 12%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.5247 per \$100 of assessed value.
4. The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$.54 per \$100 of assessed value; and
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will decrease from last year's budget by 19%.
6. A copy of this resolution be certified and forwarded to the Sarpy County Clerk on or before October 15, 2023.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and City council of the City of La Vista Nebraska that the property tax to be distributed as follows:

**General Fund - \$11,424,465.00 (\$0.50 mill levy)**

**Bond Fund - \$913,957.00 (\$0.04 mill levy)**

A copy of this resolution and other required documents be certified and forwarded to the County Clerk in accordance with applicable law.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record below the record vote of the Governing Body in passing this Resolution, which record vote shall be incorporated into this Resolution by reference.

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

## **5. MASTER FEE ORDINANCE**

Councilmember Sell introduced Ordinance No. 1493 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1489, 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 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 Sheehan 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: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. 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 Thomas. The Mayor then stated the question, "Shall Ordinance No. 1493 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. 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

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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 – AMENDING THE COMPENSATION ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1494 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 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: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. 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 Thomas. The Mayor then stated the question, "Shall Ordinance No. 1494 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. 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.

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

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-107 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

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		

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

## **D. CONDITIONAL USE PERMIT AND IMPROVEMENTS AGREEMENT – OLYMPUS PINES, LLC DBA TOMMY'S CAR WASH – LOT 5 VAL VISTA REPLAT ONE**

### **1. PUBLIC HEARING**

At 6:54 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the conditional use permit and improvements agreement – Olympus Pines, LLC dba Tommy's Car Wash – Lot 5 Val Vista Replat One.

At 7:17 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

### **2. RESOLUTION – CONDITIONAL USE PERMIT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-108 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 OLYMPUS PINES, LLC TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A TOTALLY ENCLOSED, AUTOMATED AND CONVEYOR STYLE CAR WASH ON LOT 5 VAL VISTA REPLAT ONE.

WHEREAS, Olympus Pines, LLC has applied for a Conditional Use Permit to allow for the construction and operation of a Tommy's Car Wash on Lot 5 Val Vista Replat One; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends 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 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 Olympus Pines, LLC to allow for the construction and operation of a Tommy's Car Wash on Lot 5 Val Vista Replat One.

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

### **3. RESOLUTION – IMPROVEMENTS AGREEMENT**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-109 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN IMPROVEMENTS AGREEMENT FOR LOT 5 VAL VISTA REPLAT ONE.

WHEREAS, the City Council did on September 5, 2023, approve of a Conditional Use Permit for Olympus Pines, LLC to construct and operate a Tommy's Car Wash on Lot 5 Val Vista Replat One; and

WHEREAS, the Developer, Olympus Pines, LLC agreed to execute the Improvements Agreement satisfactory in form and content to the City;

NOW THEREFORE, BE IT RESOLVED, that the Improvements Agreement be and hereby is approved and the Mayor and City Clerk be and hereby are

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authorized to execute the same on behalf of the City, subject to any specified conditions of Council and any revisions that the City Administrator or City Engineer may determine necessary or advisable.

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

## **E. RESOLUTION – APPROVAL OF SARPY COUNTY AND CITIES WASTEWATER AGENCY REVISED GROWTH MANAGEMENT PLAN**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-110 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE REVISED GROWTH MANAGEMENT PLAN AND RELATED POLICIES AND PROCEDURES FOR THE SARPY COUNTY AND CITIES WASTEWATER AGENCY.

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board; and

WHEREAS, the Agency Board approved the Growth Management Plan (as amended, the "Growth Management Plan") that prioritizes areas of land development and growth and serves as a necessary step in the development of a master plan within parts of the Agency's Jurisdiction, located in southern portions of Sarpy County south of the hydrological ridgeline, and excluding any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista. The Agency Board further approved certain policies and procedures that are intended to implement and enforce the revised Growth Management Plan, attached as EXHIBIT A (the revised "GMP Policies").

WHEREAS, certain actions of the Agency Board require approval of the Members. The Members previously approved the revised Growth Management Plan, and the Agency Board has submitted the revised GMP Policies to the Members for approval.

NOW, THEREFORE BE IT RESOLVED, that neither the revised Growth Management Plan nor the revised GMP Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that the recitals above and the attached exhibit are incorporated into this Resolution by reference.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska do hereby approve the Revised Growth Management Plan and related policies and procedures for the Sarpy County and Cities Wastewater Agency.

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

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## **F. RESOLUTION – RELEASE OF EASEMENT – LOT 1 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT EIGHT**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-111 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE RELEASE OF AN EXISTING SANITARY SEWER EASEMENT ON LOT 1 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT EIGHT, FORMERLY PLATTED AS LOT 2 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT THREE, LOTS 1, 2, AND 3 MAYFAIR 2<sup>ND</sup> ADDITION REPLAT SEVEN AND TO AUTHORIZE THE ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, The City of La Vista (Easement Holder) has been granted a certain sanitary sewer easement as depicted on the below listed plat;

1. Plat and Dedication of Mayfair 2<sup>nd</sup> Addition filed March 23, 1999 at Instrument No. 1999-08323, records of Sarpy County, Nebraska;

WHEREAS, the City of La Vista approved a final plat for formerly platted Lot 2 Mayfair 2nd Addition Replat Three, Lots 1, 2, and 3 Mayfair 2nd Addition Replat Seven; and

WHEREAS, the sanitary sewer easement is no longer needed and the City Engineer is amenable to its release; and

WHEREAS, the location of the sanitary sewer easement is shown on the attached Exhibit A; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the release of the sanitary sewer easement and authorize such further actions necessary or appropriate to carry out the actions approved herein.

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

## **G. RESOLUTION – AMENDMENT NO. 1 – 84<sup>TH</sup> STREET TRAIL – GILES TO HARRISON**

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-112 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH & COMPANY FOR ENVIRONMENTAL SERVICES ASSOCIATED WITH THE 84<sup>TH</sup> STREET TRAIL, GILES ROAD TO HARRISON STREET IN THE AMOUNT OF \$87,199.85 FOR A REVISED AMOUNT NOT TO EXCEED \$97,294.97.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined that the 84<sup>th</sup> Street Trail project is necessary;

WHEREAS, The FY23/FY24 Biennial Budget provides funding for this project; 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 expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve Amendment No. 1 to the professional services agreement with Alfred Benesch & Company for environmental services associated with the 84<sup>th</sup> Street Trail, Giles Road to Harrison Street in the amount of \$87,199.85 for a revised amount not to exceed \$97,294.97.

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

## H. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – EXISTING CENTRAL PARK ACCESS ROAD RECONSTRUCTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-113 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR GRADING, PAVING, STORM SEWER AND TRAFFIC CONTROL DEVICE WORK WITHIN CENTRAL PARK FROM THE NEWLY CONSTRUCTED PARK VIEW BOULEVARD ACCESS TO EDGEWOOD BOULEVARD.

WHEREAS, the Mayor and Council have determined that the grading, paving, storm sewer and traffic control device work within Central Park 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 Notice to Contractors September 13, 2023 and September 20, 2022

Open Bids September 29, 2023 at 10:00am at City Hall

City Council Award Contract October 17, 2023

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 grading, paving, storm sewer and traffic control device work within Central Park from the newly constructed Park View Boulevard access to Edgewood Boulevard.

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

## I. RESOLUTION – APPROVE INTERLOCAL COOPERATION AGREEMENT – TRANSFER OPIOID SETTLEMENT TO SARPY COUNTY

Councilmember Hale introduced and moved for the adoption of Resolution No. 23-114 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY TO TRANSFER THE CITY'S CURRENT AND FUTURE OPIOID SETTLEMENT PROCEEDS.

WHEREAS, the parties are political subdivisions, duly created and validly existing under the laws of the State of Nebraska; and

WHEREAS, in order to promote the health, safety, and welfare of the residents of the parties to this Agreement and pursuant to the authority granted to the parties per the Interlocal Cooperation Act, Section 13-801, et. seq., Sarpy County and the City are authorized to enter into this Agreement with each other so as to make the most efficient use of their powers by enabling them to cooperate on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of such political subdivisions; and

WHEREAS, the City and County each has received, and expects to continue to receive, moneys from various class action opioid lawsuit settlements; and

WHEREAS, given amounts the City and County each expects to receive every year

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from the Settlements, the Parties wish for the City to transfer to the County moneys received by the City under the Settlements ("City Settlement Receipts"), for the County to combine with moneys received by the County under the Settlements ('City Settlement Receipts"), and more efficiently pool such resources to serve the goals of the Settlements within the City and County.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal cooperation agreement with Sarpy County and the City of La Vista to transfer future opioid settlement proceeds is hereby approved in form and content submitted with this resolution, subject to any additions, subtractions, or changes as the City Administrator or any designee of the City Administrator determines necessary or appropriate in consultation with the City Attorney, and that the Mayor is hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Tom Dargy with Sarpy County explained the reason for the agreement. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## J. RESOLUTION – AUTHORIZE PURCHASE – AUDIO, VIDEO, LIGHTING AND POWER SYSTEMS

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-115 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TECHNICAL EQUIPMENT AND SUPPLIES INCLUDING AUDIO, VIDEO, LIGHTING AND POWER SYSTEMS FROM TECHNICAL MEDIA SERVICES, OMAHA, NE IN AN AMOUNT NOT TO EXCEED \$87,159.02.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of technical equipment and supplies is necessary; and

WHEREAS, the FY23/FY24 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 approve the purchase of technical equipment and supplies including audio, video, lighting and power systems from Technical Media Services, Omaha, NE in an amount not to exceed \$87,159.02.

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

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

## COMMENTS FROM THE FLOOR

Connie Bowie 7307 Frederick Avenue addressed the Council about a property with weeds that needs to be cleaned up.

Martin Ware 7311 Lillian Avenue and Lester Fitch 7424 Terry Drive addressed the Council with concerns.

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## K. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 7:43 p.m. Councilmember Quick made a motion to go into executive session for protection of the public interest for contract negotiations. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 9:12 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Wetuski. Councilmembers voting aye: Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and City Council.

At 9:13 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk