

MINUTE RECORD

No. 729 — REDFIELD DIRECT E2106195KV

**LA VISTA CITY COUNCIL
MEETING
February 6, 2024**

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on February 6, 2024. Present were Mayor Kindig and Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Police Captain Barcal, Director of Public Works Soucie, Finance Director Harris, Recreation Director Buller, Human Resources Director Lowery, Community Development Director Fountain, Library Director Barcal and City Engineer Dows.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on January 24, 2024. 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.

A. CONSENT AGENDA

1. **APPROVAL OF THE AGENDA AS PRESENTED**
2. **APPROVAL OF THE MINUTES OF THE JANUARY 16, 2024 CITY COUNCIL MEETING**
3. **REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – MUNICIPAL CAMPUS PLAN & DESIGN – \$6,734.74**
4. **REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY PARK PAVILION TESTING – \$900.00**
5. **REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$349.50**
6. **REQUEST FOR PAYMENT – HGM ASSOCIATES INC – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE 2 FINAL DESIGN – \$27,949.44**
7. **APPROVAL OF CLAIMS**

4 SEASONS AWARDS, services	123.00
ACI-NE, services	35.00
ACTIVE NETWORK, services	371.84
ALLIANCE FOR INNOVATION, services	1,860.00
AMAZON, supplies	1,899.09
AMERICAN HERITAGE LIFE INS CO, services	463.59
ARMBRUST T, supplies	179.94
ARNOLD MOTOR SUPPLY, maint.	238.64
AT&T MOBILITY, phones	98.40
BIBLIOTHECA, books	55.97
BISHOP BUSINESS EQUIP, supplies	1,941.58
BOK FINANCIAL, bonds	190,679.46
CARICATURES BY CONNIE, services	375.00
CENTER POINT, books	46.74
CENTURY LINK/LUMEN, phones	864.52
CINTAS CORP, services	28.83
CITY OF PAPILLION, services	12,124.82
CNA SURETY, services	125.00
COLONIAL LIFE & ACCIDENT INS, services	2,017.56
CONNER PSYCHOLOGICAL, services	1,275.00
CORNHUSKER INTL TRUCKS, maint.	255.16
COX COMMUNICATIONS, services	467.15
CREATIVE PLANNING BUSINESS, services	2,550.00
CROWN TROPHY & AWARDS, services	3,220.50
DEARBORN NATIONAL LIFE, services	8,647.10

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DLR GROUP, services	8,000.00
DOUGLAS COUNTY SHERIFF, services	550.00
EDGEWEAR SCREEN PRINTING, services	1,668.00
FAC PRINT & PROMO CO, services	497.00
FIRST RESPONDER OUTFITTERS, apparel	359.66
FIRST WIRELESS, supplies	313.20
FNIC, services	6,725.75
GALE, books	180.68
GALLS, supplies	347.91
GREAT PLAINS COMMUNICATION, services	2,169.58
GREAT PLAINS UNIFORMS, apparel	551.93
GREATAMERICA FINANCIAL, services	139.51
HOBBY LOBBY STORES, supplies	292.45
HUMANITIES NE, services	75.00
HY-VEE, supplies	438.77
INGRAM LIBRARY SERVICES, books	417.14
KIMBALL MIDWEST, maint.	356.43
KRIHA FLUID POWER CO, maint.	1,039.64
LIBRARY IDEAS, books	2.50
LINCOLN NATIONAL LIFE INS CO, services	6,914.00
LOU'S SPORTING GOODS, supplies	62.96
MALLOY ELECTRIC, maint.	68.66
MATT FRIEND TRUCK EQUIP, maint.	989.39
MEDICA INSURANCE CO, services	151,984.31
MENARDS, supplies	90.36
METLIFE, services	1,166.11
METROPOLITAN CHIEFS ASSOC, services	75.00
MUD, utilities	1,561.08
MICHAEL TODD & CO, supplies	985.13
MID-AMERICAN BENEFITS, services	6,985.12
MID-STATES ORGANIZED CRIME, services	200.00
MIDWEST TAPE, services	201.64
NE DENISTRY/ANIMALS, services	1,560.20
NE DEPT OF LABOR, services	6,682.00
NE DEPT OF REVENUE, taxes	72.74
NL & L CONCRETE, services	255,593.84
NMC GROUP, maint.	293.31
OFFICE DEPOT, supplies	398.35
OPPD, utilities	43,438.25
OMAHA WORLD-HERALD, services	1,799.20
OMNI ENGINEERING, services	504.00
PAYROLL MAXX, payroll & taxes	1,045,810.97
PITNEY BOWES, services	2,244.99
POLICE CHIEFS ASSN OF NE, services	100.00
POLKA DOT ENTERTAINMENT, services	200.00
POMP'S TIRE SERVICE, maint.	2,140.60
RTG BUILDING SERVICES, bldg & grnds	6,765.00
SIEBERT, PAUL, services	150.00
SIGN IT, services	380.00
SUBURBAN NEWSPAPERS, services	163.81
THE CHILD'S WORLD, books	1,497.75
THE COLONIAL PRESS, services	295.26
U.S. CELLULAR, phones	1,874.92
UNITE PRIVATE NETWORKS, services	1,100.00
US POSTAL SERVICE, postage	1,634.64

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US BANK NAT'L ASSOC, supplies	15,645.22
WESTLAKE HARDWARE, supplies	486.77
WOODHOUSE FORD, maint.	69.65

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Hale. Councilmember Frederick reviewed the bills and had no questions. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn reported on the Strategic Visioning on February 24th and the upcoming Facility Tours.

Assistant City Administrator Ramirez provided an update on the readers in Parking Garage #2.

Library Director Barcal reported on a money donation that was given to a GED Student.

Communications Manager Beaumont played a year end video of 2023.

PRESENTATION – LONG RANGE FINANCIAL FORECAST

Finance Director Harris presented the Long Range Financial Forecast to City Council.

B. CONDITIONAL USE PERMIT – HOPE COURT HOOPS LLC DBA SHOOT 360

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 Conditional Use Permit – Hope Court Hoops LLC dba Shoot 360. Kyle Pelster gave an overview.

At 6:49 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 24-009 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 HOPE COURT HOOPS, LLC D.B.A SHOOT360 TO ALLOW FOR THE OPERATION OF AN INDOOR RECREATIONAL FACILITY ON LOT 1 CENTECH BUSINESS PARK REPLAT 7.

WHEREAS, Hope Court Hoops, LLC has applied for a Conditional Use Permit to allow for the operation of an indoor recreational facility on Lot 1 Centech Business Park Replat 7; 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 Hope Court Hoops, LLC d.b.a. Shoot360 to allow for the operation of an indoor recreational facility on Lot 1 Centech Business Park Replat 7.

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

C. ZONING TEXT AMENDMENTS – SHORT TERM RENTALS

1. PUBLIC HEARING

At 6:51 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Zoning Text Amendments – Short Term Rentals.

At 6:56 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. ORDINANCE

Councilmember Thomas introduced Ordinance No. 1506 entitled: AN ORDINANCE TO AMEND SECTIONS 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, AND 7.19 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.05, 2.09, 2.19, 2.20, 5.06, 5.07, 5.08, 5.09, 5.19, 7.10, AND 7.19 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 Hale seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1506. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. 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.

D. ORDINANCE – AMEND MASTER FEE ORDINANCE

Councilmember Frederick introduced Ordinance No. 1507 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1505, 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 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, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1507. Councilmember Thomas seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale

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and Wetuski. 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 Acting Mayor declared the ordinance adopted and the Acting 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. DECLARE SURPLUS PROPERTY – OUTLOT A LA VISTA

1. PUBLIC HEARING

At 7:00 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Declare Surplus Property – Outlot A La Vista.

At 7:00 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. ORDINANCE

Councilmember Thomas introduced Ordinance No. 1508 entitled: AN ORDINANCE DIRECTING THE SALE AND CONVEYANCE OF, OUTLOT A LA VISTA LOCATED IN THE NW ¼ AND SW ¼ OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, AND THE MANNER AND TERMS THEREOF; AND TO AUTHORIZE FURTHER ACTIONS AND PROVIDE AN 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, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1508. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. 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.

F. ORDINANCE – AMEND POLICE RETIREMENT PLAN

Councilmember Thomas introduced Ordinance No. 1509 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND THE CITY OF LA VISTA POLICE OFFICERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND 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, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Frederick made a motion to approve final reading and adopt Ordinance 1509. Councilmember Thomas seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. 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 Acting Mayor declared the ordinance adopted and the Acting 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 – AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-010 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AMENDING SECTION 8 OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING HOLIDAYS.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 8.3 in the manual regarding holidays be amended to allow Juneteenth to be observed as a holiday; and

WHEREAS, it is the desire of the City Council to amend Section 8 of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change to Subsection 8.3 as submitted at the City Council meeting.

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

H. RESOLUTION – ENGINEERING SERVICES AGREEMENT – QUIET ZONE SAFETY MEASURES – REQUIRED PERIODIC REVIEW

Councilmember Thomas introduced and moved for the adoption of Resolution No. 24-011 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH FELSBURG, HOLT, & ULLEVIG FOR THE REVIEW OF THE LA VISTA QUIET ZONE SUPPLEMENTARY SAFETY MEASURES.

WHEREAS, the City desires to enter into a professional services agreement with Felsburg, Holt & Ullevig (FHU) for the review of the La Vista Quiet Zone Supplementary Safety Measures; and

WHEREAS, the FY23/FY2024 Biennial Budget includes funding for the proposed services and related costs; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute a professional services agreement with Felsburg, Holt, & Ullevig for the review of the La Vista Quiet Zone Supplementary Safety Measures.

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

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

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COMMENTS FROM THE FLOOR

There were no comments from the floor.

I. EXECUTIVE SESSION – PERSONNEL

At 7:06 p.m. Councilmember Quick made a motion to go into executive session for the protection of an individual to discuss personnel matters. Seconded by Councilmember Wetuski. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matters contained in the motion.

At 7:37 p.m. the Council came out of executive session. Councilmember Thomas made a motion to reconvene in open and public session. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor or Council.

At 7:38 p.m. Councilmember Sell made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF FEBRUARY 2024.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk