

# MINUTE RECORD

A.2

No. 729 — REFIELD & COMPANY, INC. OMAHA E1107788LD

## LA VISTA CITY COUNCIL MEETING July 15, 2014

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on July 1, 2014. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buehe, Human Resources Generalist Fagin, Police Chief Lausten, Director of Administrative Services Pokorny, Community Development Director Birch, Recreation Director Stopak, Library Director Barcal, Director of Public Works Soucie, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on July 2, 2014. 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 led the audience in the pledge of allegiance.

Mayor Kindig announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

### SWEARING IN — POLICE DEPARTMENT POLICE CAPTAINS — BRYAN WAUGH AND JEREMY KINSEY POLICE SERGEANT — MARK FLASH POLICE OFFICER — DANA MILLER

Mayor Kindig administered the oath to Police Officer Dana Miller, Police Sergeant Mark Flash, and Police Captains Bryan Waugh and Jeremy Kinsey. Family members pinned on their badges.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JULY 1, 2014 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JUNE 19, 2014 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT — JUNE 2014
5. RESOLUTION 14-078 — APPROVE APPLICATION FOR SPECIAL DESIGNATED LICENSE — LUCKY BUCKET BREWING COMPANY — BEER GARDEN — SEPTEMBER 12, 2014

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AND DISTILLED SPIRITS AT LUCKY BUCKET BREWING COMPANY, 11941 CENTENNIAL ROAD ON SEPTEMBER 12, 2014 IN CONJUNCTION WITH A BEER GARDEN.

WHEREAS, Lucky Bucket Brewing Company, 11941 Centennial Road is located within the City of La Vista; and

WHEREAS, Lucky Bucket Brewing Company has requested approval of a Special Designated Permit to sell and serve beer and distilled spirits at 11941 Centennial Road on September 12, 2014, in conjunction with a beer garden.

# MINUTE RECORD

July 15, 2014

No. 728 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Lucky Bucket Brewing Company to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer and distilled spirits at Lucky Bucket Brewing Company, 11941 Centennial Road on September 12, 2014, in conjunction with a beer garden.

## 6. APPROVAL OF CLAIMS

3M, supplies	4,566.00
ABE'S PORTABLES, services	255.00
ACTION BATTERIES, supplies	146.90
ALAMAR UNIFORMS, apparel	55.00
ARAMARK UNIFORM, apparel	30.04
A-RELIEF SERVICES, services	225.00
ASPHALT & CONCRETE MATERIALS, supplies	2,281.94
AUSTIN PETERS GROUP, services	800.00
BAKER & TAYLOR, books	1,920.06
BARCAL, R., travel	123.54
BARONE SECURITY SYSTEMS, services	120.00
BISHOP BUSINESS EQUIPMENT, services	847.26
BLACK HILLS ENERGY, utilities	102.60
BOB'S RADIATOR REPAIR, maint.	149.50
BOLD OFFICE SOLUTIONS, supplies	848.82
BRENTWOOD AUTO WASH, services	28.00
CAR QUEST AUTO PARTS, supplies	26.44
CARDMEMBER SERVICE, services	4,757.61
CENTURY LINK, utilities	157.80
CITY OF OMAHA, services	2,160.00
CJ'S HOME CENTER, supplies	849.81
COCA-COLA BOTTLING, supplies	786.44
COLIBRI SYSTEMS NORTH AMER INC, supplies	775.00
COX COMM., IT	192.85
D & D COMM., services	586.44
DAIKIN APPLIED, maint.	213.00
DATASHIELD CORP., services	2.77
DAYSPRING PRINTING, printing	750.00
DIGITAL ALLY INC., maint.	119.00
DXP ENTERPRISES, maint.	23.18
EDGEWEAR SCREEN PRINTING, metals	117.00
EXPRESS ENTERPRISES, bld&grnds	395.90
FELSBURG HOLT & ULLEVIG, services	2,647.43
FILTER CARE, maint.	82.45
GALE, books	141.69
GASSERT, M., services	476.00
GCR TIRES & SERVICE, maint.	130.52
GENUINE PARTS COMPANY-OMAHA, maint.	2,424.29
GREENKEEPER COMPANY, supplies	939.00
H & H CHEVY., maint.	142.41
HANEY SHOE STORE, apparel	240.00
HARM'S CONCRETE, maint.	177.50
HARTS AUTO SUPPLY, maint.	236.00
HEIMES CORP., maint.	47.65
HOME DEPOT CREDIT SERVICES, supplies	464.66
IIMC, dues	85.00
INDUSTRIAL SALES COMPANY, bld&grnds	72.50
INLAND TRUCK PARTS, maint.	193.32
J A HEIM FARMS, services	3,935.00
BOSTON, J., services	40.00
KAR SIM KENNEL, services	36.00

# MINUTE RECORD

July 15, 2014

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

KRIHA FLUID POWER CO, maint.	77.17
LEAGUE ASSN OF RISK MGMT, ins	201.28
LOGAN CONTRACTORS SUPPLY, maint.	433.52
LOU'S SPORTING GOODS, equip.	43.00
LOWE'S, services	132.96
LYMAN-RICHEY SAND & GRAVEL, bld&grnds	221.54
MATT PARROTT, printing	608.76
MENARDS, bld&grnds	251.27
MUD, utilities	1,043.59
JOHNSON, M., services	53.00
MID CON SYSTEMS INC., maint.	479.00
MIDWEST SERVICE AND SALES, signs	1,356.58
MIDWEST TAPE, media	21.24
MIDWEST TURF & IRRIGATION, equip.	18.00
MINITEX - CPP, supplies	128.00
MNJ TECHNOLOGIES, IT	178.64
MONARCH OIL, maint.	661.50
MOTOROLA SOLUTIONS, equip.	2,781.50
OFFICE DEPOT, supplies	508.57
OPPD, utilities	54,979.41
ORIENTAL TRADING COMPANY, supplies	64.50
PAPILLION SANITATION, services	1,110.58
PAPILLION TIRE, maint.	83.59
PARAMOUNT LINEN & UNIFORM, services	155.08
PERFORMANCE CHRYSLER JEEP, maint.	485.51
PERFORMANCE FORD, maint.	372.99
PETTY CASH	1,560.00
PETTY CASH	30.00
PLAINS EQUIPMENT GROUP, maint.	656.92
PSI PLASTIC GRAPHICS, supplies	491.43
RAMIREZ, R., travel	135.52
REGAL AWARDS OF DISTINCTION, services	83.95
SALEM PRESS, books	382.50
SAM'S CLUB, supplies	1,530.28
SAPP BROS PETROLEUM, maint.	278.40
SARPY COUNTY FISCAL ADMINSTRTN, services	7,350.00
SARPY COUNTY TREASURER, IT	8,750.00
SCHOLASTIC BOOK FAIRS, books	566.34
SHAMROCK CONCRETE COMPANY, maint.	1,981.08
SHRM-SOCIETY FOR HUMAN, dues	170.00
SUPERIOR VISION SVCS INC	570.28
SUTPHEN CORP., maint.	398.15
SUTPHEN.TOWERS, maint.	261.32
TED'S MOWER SALES & SERVICE, equip.	50.11
TEUSCHER, C., services	250.00
TIELKE'S SANDWICHES, supplies	46.32
TITAN MACHINERY, maint.	50.35
TOMSU, L., travel	123.54
TORNADO WASH, maint.	405.00
TOTAL MARKETING, bld&grnds	24.00
TRUDI HENKE, refund	60.00
U S TOY COMP., supplies	52.98
UPS, postage	35.34
UNIVERSITY NE LINCOLN, Services	60.00
UNIVERSITY OF NEBRASKA-OMAHA, services	5,986.45
USB SEWER EQUIPMENT CORP., equip.	149.55
VAN RU CREDIT CORP.	46.31
VIERREGGER ELECTRIC COMP., signs	104.50
WASTE MANAGEMENT NE., bld&grnds	730.91

# MINUTE RECORD

July 15, 2014

No. 729 — REGFIELD & COMPANY, INC. OMAHA E1107788LD

WATER SHED INC., apparel	632.60
WOODHOUSE LINCOLN, maint.	263.35

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

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

City Clerk Buethe reminded the City Council that the August 5 meeting will begin at 5:30 p.m.

Finance Director Lindberg reminded the City Council that the budget workshop books are ready to be picked up and the workshops will be held July 21<sup>st</sup> and 22<sup>nd</sup> beginning at 6:00 p.m.

Director of Public Works Soucie stated that the Sewer rehab by Popeye's will be done by Cedar Construction next Monday and Tuesday. The 120<sup>th</sup> and Giles staking and utility work is currently being done. City crews are doing work on 96<sup>th</sup> South of Harrison along the railroad tracks.

Recreation Director Stopak stated the 5<sup>th</sup> Annual La Vista Urban Adventure Race will take place on August 2<sup>nd</sup>. There are currently 35 teams signed up.

Library Director Barcal gave summer reading statistics for the halfway mark of the program. Children's programming has over 2,400 attendees and the teens have over 700 attendees. Barcal handed the Council the library's annual report and stated that it has a different look with graphics and statistics. She thanked Mitch Beaumont for his work on this report.

## **B. ORDINANCE – AMEND MASTER FEE ORDINANCE – FINAL READING**

City Clerk Buethe read Ordinance No. 1218 entitled; AN ORDINANCE TO AMEND ORDINANCE NO.1210, 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 for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question, "Shall Ordinance No. 1211 be passed and adopted?" Upon roll call vote the following Councilmember 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.

## **C. ZONING TEXT AMENDMENTS – DEFINITIONS AND C-3 DISTRICT**

### **1. PUBLIC HEARING**

At 7:18 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the approval of Zoning Text Amendments – Definitions and C-3 District.

# MINUTE RECORD

July 15, 2014

No. 729 — REDFIELD & COMPANY, INC. OMAHA E110778BLD

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

## **2. ORDINANCE – APPROVE ZONING TEXT AMENDMENTS**

Councilmember Sell introduced Ordinance No. 1219 entitled; AN ORDINANCE TO AMEND SECTIONS 2.02 AND 5.12 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTIONS 2.02 AND 5.12 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. 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 Crawford moved for final passage of the ordinance which motion was seconded by Councilmember Hale. Councilmember Sheehan asked what the reasoning was for this change. Community Development Director Birch stated that the changes fall under the intent of this use. Councilmember Sheehan asked if this would affect signage, landscape or building requirements. Birch stated that this would not change those, only operating conditions. The Mayor then stated the question, "Shall Ordinance No. 1219 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. 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. APPLICATION FOR REZONING, FINAL PUD, FINAL PLAT & SUBDIVISION AGREEMENT – LOTS 42, 43A, 43B, 44A, 44B & 45 BROOK VALLEY BUSINESS PARK (NORTH OF HARRY WATANABE DRIVE & WEST OF 108<sup>TH</sup> STREET**

### **1. ORDINANCE – APPROVE REZONING**

Councilmember Sell introduced Ordinance No. 1220 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE.

Councilmember Hale 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. The following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. The Mayor then stated the question, "Shall Ordinance No. 1220 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. 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.

# MINUTE RECORD

July 15, 2014

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

## **2. RESOLUTION – APPROVE THE FINAL PUD PLAN**

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-079: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOTS 1 THRU 5, BROOK VALLEY CORPORATE PARK, A SUBDIVISION LOCATED IN THE SE 1/4 OF SECTION 17, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a final planned unit development plan for Lots 1 thru 5, Brook Valley Corporate Park; and

WHEREAS, the City Planner and the City Engineer have reviewed the final planned unit development plan; and

WHEREAS, the final planned unit development plan is consistent with the preliminary planned unit development plan approved by the City Council on May 20, 2014.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the final Planned Unit Development (PUD) plan for Lots 1 thru 5, Brook Valley Corporate Park, located in the SE 1/4 of Section 17, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northwest of 108<sup>th</sup> Street and Harry Watanabe Drive be, and hereby is, approved.

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

## **3. RESOLUTION – APPROVE THE FINAL PLAT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-080: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE FINAL PLAT FOR LOTS 42, 43A, 43B, 44A, 44B AND 45, BROOK VALLEY BUSINESS PARK, TO BE REPLATTED AS LOTS 1 THRU 5, BROOK VALLEY CORPORATE PARK, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a final plat for Lots 42, 43A, 43B, 44A, 44B and 45, Brook Valley Business Park, to be replatted as Lots 1 thru 5, Brook Valley Corporate Park; and

WHEREAS, the City Engineer has reviewed the final plat; and

WHEREAS, on June 19, 2014 the La Vista Planning Commission held a public hearing and reviewed the final plat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the final plat for Lots 42, 43A, 43B, 44A, 44B and 45, Brook Valley Business Park, to be replatted as Lots 1 thru 5, Brook Valley Corporate Park, a subdivision located in the Southeast 1/4 of Section 17, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northwest of 108<sup>th</sup> Street and Harry Watanabe Drive, be, and hereby is, approved.

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

# MINUTE RECORD

July 15, 2014

No. 729 — REBILD & COMPANY, INC. OMAHA E1107788LD

## **4. RESOLUTION – APPROVE THE SUBDIVISION AGREEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-081: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 THRU 5, BROOK VALLEY CORPORATE PARK SUBDIVISION.

WHEREAS, the City Council did on July 15, 2014, approve the final plat for Lots 1 thru 5, Brook Valley Corporate Park Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, BV 44, LLC, has agreed to execute a Subdivision Agreement satisfactory in form and content to the City; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the July 15, 2014, City Council meeting for the Brook Valley Corporate Park Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council final plat approval and with such revisions that the City Administrator or City Engineer may determine necessary or advisable.

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

## **E. CONDITIONAL USE PERMIT – MY PLACE HOTEL - LOT 3, SOUTHPORT EAST REPLAT THREE**

### **1. PUBLIC HEARING**

At 7:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the approval of a Conditional Use Permit for My Place Hotel on Lot 3, Southport East Replat Three.

Ryan Rivett representing My Place Hotels was in attendance. Councilmember Crawford asked what the makeup of business is. Rivett stated that 40% of business is from corporate stays and 25% from special events and the rest is transit through the city. 40% of this business is long term business and the other is from transit through the city, primarily the working traveler. Councilmember Thomas asked what the average length of stay is. Rivett stated it is 4 nights. Councilmember Thomas asked if the demand for this type of hotel is high in this market. Rivett stated that with extended stay there is enough market to fill the 64 unit hotel. Councilmember Quick asked what the roof color will be. Rivett stated it would be a dark bronze. Community Development Director Birch stated that the company doing the plan review felt that this color would go much better with the design of the building. Councilmember Quick asked if the sign was ok. Birch recommended the Council approve the CUP pending approval of the sign by city staff. Councilmember Sell asked if this is the first My Place Hotel in Nebraska and where is the next closest hotel. Rivett stated that it was the first in Nebraska and the next closest is in Sioux Falls South Dakota.

At 7:37 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-082 pending the approval of the sign by city staff: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR R W LA VISTA, LLC, TO ALLOW FOR A HOTEL ON LOT 3, SOUTHPORT EAST REPLAT THREE.

# MINUTE RECORD

July 15, 2014

No. 729 — REDIELLO & COMPANY, INC. OMAHA E1107788LD

WHEREAS, R W La Vista, LLC has applied for a conditional use permit for to allow for a hotel, specifically My Place Hotel, on Lot 3, Southport East Replat Three, located northwest of Southport Parkway and Port Grace Boulevard; 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, subject to the following conditions:

1. Approval of the roof color as recommended by the city's design review architect; and
2. Compliance of all building signage with the Southport Design Guidelines.

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, for R W La Vista, LLC to allow for a hotel, specifically My Place Hotel, on Lot 3, Southport East Replat Three.

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

## **F. RESOLUTION – AWARD BID – 85<sup>TH</sup> STREET SANITARY SEWER REPLACEMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-083: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO CEDAR CONSTRUCTION CO. INC., OMAHA, NE, FOR CONSTRUCTION OF THE 85<sup>TH</sup> STREET SANITARY SEWER REPLACEMENT IN AN AMOUNT NOT TO EXCEED \$18,823.00.

WHEREAS, the City Council of the City of La Vista has determined that the construction of the 85<sup>th</sup> Street Sanitary Sewer Replacement is necessary; and

WHEREAS, the FY 13/14 Capital Improvement Program provides funding for this project; and

WHEREAS, Requests for Proposals were sent to four contractors that typically perform this type of construction work and three bids were received, and

WHEREAS Cedar Construction Co., Inc., Omaha, NE, has submitted the low, qualified bid, 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 designate Cedar Construction Co., Inc., Omaha, NE as the low qualified bidder for the 85<sup>th</sup> Street Sanitary Sewer Replacement, in an amount not to exceed \$18,823.00.

Seconded by Councilmember Quick. Councilmember Thomas asked why the other two estimates were significantly higher. City Engineer Kottmann stated that the lower bidder is well known for this construction and it fit better in their schedule to do this project thus they were able to provide a competitive estimate. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.



# MINUTE RECORD

July 15, 2014

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

## **G. RESOLUTION — AUTHORIZE AGREEMENT — THOMPSON CREEK WATERSHED RESTORATION — CITY HALL BIO-RETENTION BASIN — NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT CONTRACT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-084: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) FOR FUNDING FROM EPA SECTION 319 FUNDS FOR ACTIVITIES ASSOCIATED WITH THOMPSON CREEK WATERSHED MANAGEMENT DEMONSTRATION PROJECTS IN AN AMOUNT NOT TO EXCEED \$38,500.

WHEREAS, the City Council of the City of La Vista has determined that said Thompson Creek improvements are necessary; and

WHEREAS, the FY 2013/14 Capital Improvement Program (CIP) has funding budgeted for this project; and

WHEREAS, the grant applications are required in order to seek funding from the NDEQ; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of an Intergovernmental Agreement with the Nebraska Department of Environmental Quality (NDEQ) for funding from EPA Section 319 funds for activities associated with Thompson Creek Watershed Management demonstration projects, in form and content approved by the City Attorney, in an amount not to exceed \$38,500.

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

## **H. RESOLUTION — AUTHORIZE INTERLOCAL AGREEMENT — THOMPSON CREEK LEVEE IMPROVEMENT PROJECT WITH PAPIO — MISSOURI RIVER NATURAL RESOURCES DISTRICT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-085: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT FOR THE UNDERTAKING OF EFFORTS REQUIRED TO RECONSTRUCT LEVEES ALONG THOMPSON CREEK BETWEEN 60<sup>TH</sup> AND 66<sup>TH</sup> STREETS

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the Papio-Missouri River NRD will design and construct levee improvements and design and relocate a La Vista sanitary outfall sewer at this costs, and;

WHEREAS, the City of La Vista will provide permanent and temporary easements to the Papio-Missouri River NRD and will reconstruct and relocate Sports Complex and maintenance facilities at the city's cost, and;

WHEREAS, each governmental agency will pay for their shares of the work at specified times as set forth in the agreement; and,

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

# MINUTE RECORD

July 15, 2014

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the execution of an Interlocal Cooperation Agreement with the Papio-Missouri River Natural Resources District for the undertaking of efforts required to reconstruct levees along the Thompson Creek between 60<sup>th</sup> and 66<sup>th</sup> Streets.

Seconded by Councilmember Thomas. Councilmember Crawford asked if they would be moving the tool and storage sheds. City Engineer Kottmann stated that they will need to move irrigation, fences, and back stops. The levee access road will affect access to the buildings. Councilmember Sell asked if the NRD situation would affect this project. Kottmann stated that the situation is financing stress versus raising the tax levy could make this subject to minor changes. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## I. RESOLUTION – AUTHORIZATION TO PURCHASE TREADMILL

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-086: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) MATRIX T5X TREADMILL FROM NOVA HEALTH EQUIPMENT, OMAHA, NE, IN AN AMOUNT NOT TO EXCEED \$5,799.00.

WHEREAS, the Mayor and City Council have determined that the purchase of a treadmill for the Community Center is necessary; and

WHEREAS, the FY 13/14 General Fund budget include funding for the purchase of said treadmill, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) Matrix T5X Treadmill from Nova Health Equipment, Omaha, NE, in an amount not to exceed \$5,799.00.

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

# MINUTE RECORD

July 15, 2014

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1107788LD

## **J. EXECUTIVE SESSION — CONTRACT NEGOTIATIONS**

Mayor Kindig stated that there was nothing at this time to discuss in executive session.

### **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

### **COMMENTS FROM MAYOR AND COUNCIL**

There were no comments from the Mayor and Council

At 7:45 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF AUGUST, 2014

CITY OF LA VISTA

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

ATTEST:

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