

MINUTE RECORD

No. 729 — REFIELD & COMPANY, INC. OMAHA E1310556LD

LA VISTA CITY COUNCIL MEETING NOVEMBER 5, 2019

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 November 5, 2019. Present were Councilmembers: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buehe, Police Chief Lausten, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, Parks Superintendent Allen, Community Development Director Fountain, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on October 23, 2019. 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.

POLICE DEPARTMENT LIFE SAVING AWARD PRESENTATION

Mayor Kindig and Chief Lausten presented Police Department Life Saving Awards to Officer Brad Wood, Officer Lucas Tiberi, Officer Bryan Straw, Officer Karl Meister, and Officer Mike Jarvis.

APPOINTMENTS: TRISH DONOGHUE – BOARD OF ADJUSTMENT – FILL VACANCY; JOSH FREY – PLANNING COMMISSION – FILL VACANCY; PATRICK COGHLAN – PLANNING COMMISSION ALTERNATE – FILL VACANCY

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Trish Donoghue to the Board of Adjustment, Josh Frey to the Planning Commission, and Patrick Coghlan as the Planning Commission Alternate. Councilmember Quick motioned the approval, seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 15, 2019 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE OCTOBER 17, 2019 PLANNING COMMISSION MEETING
4. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 2019 PARK VIEW BLVD. RESURFACING – \$4,016.78
5. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 2019 PARK VIEW BLVD. RESURFACING – \$1,029.44
6. REQUEST FOR PAYMENT – CHARLESWORTH CONSULTING, LLC – PROFESSIONAL SERVICES – INSURANCE BROKER RFP – \$7,500.00
7. REQUEST FOR PAYMENT – HDR ENGINEERING INC. – PROFESSIONAL SERVICES – PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS AND OTHER WORKS – \$6,501.57
8. REQUEST FOR PAYMENT – HGM ASSOCIATES, INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE I – \$27,668.00
9. REQUEST FOR PAYMENT – LEO A DAILY – PROFESSIONAL SERVICES – CITY HALL SPACE NEEDS PROGRAM STUDY – \$6,240.00
10. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – 120TH & GILES TOTAL ACQUISITION – \$916.96

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11. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY CENTRE PARKING GARAGE NO. 2 – \$4,470.00
12. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$7,968.87
13. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – CIVIC CENTER PARK PHASE 2 – \$487.92
14. REQUEST FOR PAYMENT – WELLINGTON – PROFESSIONAL SERVICES – 60TH ANNIVERSARY CELEBRATION – \$5,000.00
15. RESOLUTION NO. 19-144 – NEBRASKA DEPARTMENT OF TRANSPORTATION – MAINTENANCE AGREEMENT – 84TH STREET

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE RENEWAL OF MAINTENANCE AGREEMENT #121 WITH THE NEBRASKA DEPARTMENT OF TRANSPORTATION FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84TH STREET).

WHEREAS, the Nebraska Department of Transportation is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84th Street) which lies within the City of La Vista's corporate boundaries; and

WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Transportation for maintenance of that portion of Highway N-85 (84th Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2020 to December 31, 2020.

16. APPROVAL OF CLAIMS

3CMA MEMBERSHIP, services	400.00
3E-ELECTRICAL ENGINEERING, services	6.54
4 SEASONS AWARDS, services	22.50
ACCURATE TESTING INC, bld&grnds	291.95
ACTION BATTERIES UNLTD IN, bld&grnds	360.88
AMAZON, services	588.60
A-RELIEF, services	86.00
ASPHALT & CONCRETE MATERIALS, maint.	158.51
AT&T MOBILITY LLC, services	93.82
AWARDS & MORE CO, services	67.83
AWAREITY INC, serv	132.00
AYALA, B, travel	43.86
BADGER BODY & TRUCK, services	2,329.00
BARCAL, R., travel	550.39
BIG RIG TRUCK ACCESSORIES	1,851.76
BISHOP BUSINESS EQUIPMENT, services	1,416.61
BLACK HILLS ENERGY, utilites	1,825.05
BLAND, T., travel	120.39
BOARD OF EXAMINERS, services	50.00
BOB'S RADIATOR REPAIR, maint.	220.00
BRITE IDEAS DECORATING, services	1,164.00
BURTON A/C, HEATING & PLUMBING, services	12,709.78
CALENTINE, J., travel	41.00
CATHERINE DEMES MAYDEW, services	2,567.50
CELLEBRITE INC, services	3,850.00
CENTER POINT, INC, books	44.34
CENTURY LINK, phones	444.37
CENTURY LINK BUSN SVCS, phones	303.71
CINTAS CORPORTATION, services	493.15
CITY OF PAPIILLION, services	188,687.00
CIVICPLUS, services	15,805.17
COMP CHOICE INC, services	302.50

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CONSOLIDATED MANAGEMENT CO, services	242.36
CORE PRODUCTS LLC, services	564.07
CORNHUSKER INTL TRUCKS, maint.	2,024.77
COX COMMUNICATIONS, services	147.03
CULLIGAN OF OMAHA, services	26.00
D & K PRODUCTS, supplies	779.20
HALE, D., travel	335.50
DELL MARKETING, services	869.96
DEMCO INC, supplies	139.95
DESIGN WORKSHOP INC, services	3,768.52
DIAMOND BLADE DISTRIBUTORS, services	957.00
DOWSE, P., travel	41.00
DXP ENTERPRISES INC, maint.	515.36
FEDEX, services	27.14
FILTER CARE OF NE, bld&grnds	92.65
FIRST NAT'L BANK FREMONT, bonds	172,317.50
FITZGERALD SCHORR BARMETTLER, services	25,212.40
FLAGSHOOTER INC, services	200.98
FLEETPRIDE, maint.	14.98
FOCUS PRINTING, services	3,388.10
G I CLEANERS & TAILORS, services	64.00
GENERAL FIRE & SAFETY EQUIP, bld&grnds	1,209.00
GENUINE PARTS CO, maint.	876.13
GUSTAFSON, M., travel	203.00
HANEY SHOE STORE, apparel	150.00
HAWKINS CONSTRUCTION CO, services	464,508.46
HEIMES CORP, services	97.24
HERRICK, ANGELA DAWN, services	40.00
HOME DEPOT, bld&grnds	39.97
HUNTEL COMMUNICATIONS, phones	1,484.25
HY-VEE INC, supplies	457.03
IIMC, services	110.00
INDUSTRIAL SALES CO INC, bld&grnds	115.59
INGRAM LIBRARY SERVICES, books	1,357.02
INLAND TRUCK PARTS, maint.	36.46
INTERSTATE POWER SYSTEMS, maint	172.17
J & J SMALL ENGINE, services	459.48
JOHNSON CONTROLS LP, services	267.06
JOHNSON, ALLEN L., services	611.00
JOHNSTONE SUPPLY CO, bld&grnds	15.56
K & K MASONRY INC, bld&grnds	4,500.00
KANOPY, INC, services	59.00
KISSEL KOHOUT ES ASSOCIATES LLC, services	9,305.21
KRIHA FLUID POWER CO INC, maint.	803.01
LARSEN SUPPLY CO, supplies	661.80
LAUSTEN, ROBERT S, travel	879.84
LIONHEART ENTERPRISES LLC, services	441.22
LOGAN CONTRACTORS, supplies	100.56
LOVELAND GRASS PAD, services	34.11
MARTIN ASPHALT - MONARCH OIL, supplies	407.00
MENARDS-RALSTON, supplies	287.29
METRO AREA TRANSIT, services	535.00
METRO COMM COLLEGE, services	13,394.09
MUD, utilities	7,515.60
MIDLANDS BUSINESS JOURNAL, services	75.00
MIDWEST TAPE, media	25.18
MIDWEST TURF & IRRIGATION, supplies	38.36
MNJ TECHNOLOGIES DIRECT INC, services	780.00
MOBOTREX, INC, services	304.00
MONTANEZ, F., travel	431.36

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MOTOROLA SOLUTIONS INC, services	1,577.01
MSC INDUSTRIAL, supplies	757.37
NE DEPT OF REVENUE-lottery taxes	76,663.00
NE ENVIRONMENTAL PRODUCTS, services	4,650.00
NE IOWA INDL FASTENERS INC, maint.	106.02
NOBBIES INC, supplies	28.81
NORTON, J , travel	335.50
ODEYS INC, supplies	264.30
OFFICE DEPOT INC, supplies	501.11
OLSSON, INC, services	45,657.49
OPPD, utilities	3,954.23
OMAHA TACTICAL LLC, services	600.00
OVERHEAD DOOR CO, maint.	37.00
ROBEY, P., travel	203.00
PER MAR SECURITY, services	111.00
PLAINS EQUIPMENT, supplies	1,138.55
PROJECT LIFESAVER, supplies	41.18
QUALITY AUTO REPAIR, services	109.00
QUICK, T., travel	335.50
RAY ALLEN MANUFACTURING, supplies	33.98
READY MIXED CONCRETE, maint.	2,765.29
RED WING BUSINESS, apparel	150.00
REGAL AWARDS INC, services	151.00
ROBERT T. HENNRICH, services	1,600.00
SAPP BROS PETROLEUM INC, maint.	508.75
SARPY COUNTY CHAMBER, services	75.00
SCHEMMER ASSOCIATES INC, services	1,582.50
SEFFRON, R., travel	64.00
SIEREX DESIGNS, INC, services	27,011.20
SIGN IT, services	30.00
SMALL, B., travel	64.00
SOUCIE, J., travel	28.00
SOUTHERN UNIFORM & EQUIPMENT, apparel	50.00
STOLTENBERG NURSERIES, services	264.00
STREAMLIGHT INC, services	282.40
SUSPENSION SHOP INC, maint.	1,699.28
SWAIN CONSTRUCTION INC, services	691,237.68
THE FILTER SHOP, INC.bld&grnds	206.88
THE HARRY A KOCH CO, services	10,197.00
THOMPSON DREESSEN & DORNER, services	19,302.20
TORNADO WASH LLC, services	200.00
TRUCK CENTER COMPANIES, maint.	735.80
TY'S OUTDOOR POWER, maint.	520.00
U.S. CELLULAR, phones	1,439.33
UNITED DISTRIBUTORS INC, supplies	78.48
UNITED PARCEL, services	96.98
VAL VERDE ANIMAL HOSPITAL INC, services	101.92
VERIZON CONNECT NWF, phones	566.72
VERIZON WIRELESS, phones	210.91
WAL-MART, supplies	735.97
WATER'S EDGE AQUATIC DESIGN, services	2,677.50
WICK'S STERLING TRUCKS, maint.	10.69

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

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REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez introduced Bruce Fountain, the new Community Development Director.

Recreation Director Stopak announced new programming opportunities and that the City is working with Metropolitan Community College to provide some of these new opportunities.

Police Chief Lausten reported that the Sarpy County SWAT team now has an agreement in place with the Omaha SWAT team for backup assistance.

B. APPLICATION FOR PUD SITE PLAN – STRECK, INC. – LOTS 1 & 16 HARRISON HILLS (S118TH ST. & EMILINE ST.)

1. PUBLIC HEARING

At 6:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed planned unit development site plan. Randy Kuszak from Lamp Rynearson presented the plan to Council.

At 6:21 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION – APPROVE PUD SITE PLAN

Councilmember Sell introduced and moved for the adoption of Resolution No 19-145 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR LOTS 1 & 16 HARRISON HILLS, LOCATED IN THE NW 1/4 OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, Streck, Inc., has made an application for approval of a PUD site plan for Lots 1 & 16 Harrison Hills; and

WHEREAS, the Senior Planner and the City Engineer have reviewed the PUD site plan; and

WHEREAS, the La Vista Planning Commission reviewed the application on October 17, 2019 and recommends approval;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD site plan for Lots 1 & 16, Harrison Hills, located in the Northwest ¼ of Section 17, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, generally located south of the intersection of S 117th Street and Emiline Street be, and hereby is, approved

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

3. ORDINANCE – APPROVE PUD DESIGN PLAN

Councilmember Frederick introduced Ordinance No. 1373 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, AMENDING THE ZONING DISTRICT MAP OF THE CITY OF LA VISTA, NEBRASKA; ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

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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 Sell. The Mayor then stated the question, "Shall Ordinance No. 1373 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale and Sell Nays: None. Abstain: None. Absent: Ronan. 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. AMEND MUNICIPAL CODE SECTIONS 111.18 AND 111.19 - FIREWORKS

1. ORDINANCE -- AMEND MUNICIPAL CODE SECTIONS 111.18 AND 111.19

Councilmember Frederick introduced Ordinance No. 1374 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 111.18 AND 111.19; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Crawford moved to amend the hours of sales in the ordinance to 8:00 a.m. to 11 p.m. Councilmember Thomas seconded the motion. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, and Sell Nays: Quick and Hale. Abstain: None. Absent: Ronan. Motion carried.

2. PUBLIC HEARING

At 6:27 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed ordinance as amended. There was public comment in favor of and opposed to the proposed ordinance.

At 6:37 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

1. ORDINANCE -- AMEND MUNICIPAL CODE SECTIONS 111.18 AND 111.19 **(CONTINUED)**

Councilmember Sheehan made a motion to approve Ordinance No. 1374 on its first reading and pass it on to a second reading. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, and Sell. Nays: Quick and Hale. Abstain: None. Absent: Ronan. Motion carried.

3. ORDINANCE -- AMEND MASTER FEE ORDINANCE

Councilmember Sheehan introduced Ordinance No. 1375 entitled. AN ORDINANCE TO AMEND ORDINANCE NO.1372, 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 made a motion to approve Ordinance No. 1375 on its first reading and pass it on to a second reading. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan Motion carried.

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D. RESOLUTION – AMEND MAXIMUM COSTS FOR RECOGNITION DINNERS AND SERVICE AWARDS

Councilmember Thomas introduced and moved for the adoption of Resolution No. 19-146 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a Council Policy Statement entitled "Recognition Dinner and Award Maximums" has been established;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement entitled "Recognition Dinner and Award Maximums" and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

E. RESOLUTION – AMENDMENT NO. 7 – 84TH STREET PAVEMENT REHABILITATION – PROFESSIONAL SERVICES – ADDITIONAL SERVICES

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 19-147 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA APPROVING AMENDMENT NUMBER SEVEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH OLSSON, INC. TO PROVIDE ADDITIONAL PROJECT MANAGEMENT, STORMWATER POLLUTION PREVENTION PLAN (SWPPP) INSPECTIONS, AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR 84TH STREET AND CITY CENTRE INFRASTRUCTURE IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$52,000.00.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined additional project management, SWPPP inspections, and construction engineering services are necessary, and

WHEREAS, The FY19/20 Biennial Budget includes funding for this project; and

WHEREAS, The total contract amount will be \$1,168,326.50; 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 number seven to the professional services agreement with Olsson, Inc. to provide additional project management, SWPPP inspections, and construction phase engineering services for 84th Street and City Centre Infrastructure in an additional amount not to exceed \$52,000.00.

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

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F. RESOLUTION – AMEND AGREEMENT – DESIGN WORKSHOP – SUPPLEMENTAL SURVEY FOR MISCELLANEOUS AREAS ALONG 84TH STREET

Councilmember Frederick introduced and moved for the adoption of Resolution No 19-148 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING AN AGREEMENT WITH DESIGN WORKSHOP, INC. OF DENVER, COLORADO, TO PROVIDE SURVEY SERVICES RELATING TO THE STREETScape PLAN FOR 84TH STREET.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that professional survey services are necessary in preparation for related design work for the 84th Street corridor; and

WHEREAS, on July 5, 2017 the City Council of the City of La Vista approved the selection of Design Workshop to provide schematic design services for the Streetscape Plan for 84th Street; and

WHEREAS, on November 6, 2018 the City Council of the City of La Vista approved an agreement with Design Workshop for final design services related to the Streetscape Plan for 84th Street; and

WHEREAS, in preparation for related design work along 84th Street it was concluded that additional survey services were necessary to gather detailed information regarding topography, pipeline locations, and the extent of easements in relation to those projects; and

WHEREAS, in conjunction with Design Workshop, staff determined a detailed scope of work and terms of an agreement for the survey services; and

WHEREAS, the FY19/20 Biennial Budget contains funding for multiple potential public infrastructure improvements and associated services; 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 an agreement with Design Workshop, Inc. of Denver, Colorado, to provide supplemental survey services for the 84th Street Corridor at a cost of \$22,700 00.

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

G. RESOLUTION – PROFESSIONAL SERVICES – SALUTE TO SUMMER FESTIVAL

Councilmember Thomas introduced and moved for the adoption of Resolution No.19-149 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH WELLINGTON, OVERLAND PARK, KANSAS, FOR PROFESSIONAL EVENT MANAGEMENT SERVICES FOR THE SALUTE TO SUMMER FESTIVAL IN THE AMOUNT OF \$19,375.00.

WHEREAS, the City desires to enter into a professional services agreement with Wellington for professional event management services for the Salute to Summer Festival; and

WHEREAS, the FY19/20 Biennial Budget includes funding for the proposed professional services; 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

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professional services agreement with Wellington, Overland Park, Kansas, for professional event management services for the Salute to Summer Festival in the amount of \$19,375.00.

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

H. RESOLUTION – AUTHORIZE PURCHASE – UTILITY CARTS

Councilmember Frederick introduced and moved for the adoption of Resolution No. 19-150 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) TORO WORKMAN MDX UTILITY CARTS FROM MIDWEST TURF AND IRRIGATION, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$11,400.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of two (2) Toro Workman MDX utility carts is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 purchases over \$5,000,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of two (2) Toro Workman MDX utility carts from Midwest Turf and Irrigation, Omaha, Nebraska in an amount not to exceed \$11,400.00.

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

I. RESOLUTION – REVISED INTERLOCAL AGREEMENT – OPPD PAYMENTS IN LIEU OF TAXES

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 19-151 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AND AUTHORIZING THE EXECUTION OF THE REVISED INTERLOCAL AGREEMENT FOR THE CONTRIBUTION AND ALLOCATION OF OMAHA PUBLIC POWER DISTRICT PAYMENTS IN LIEU OF TAXES

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq. (the “Act”), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into that certain Interlocal Agreement Creating the Sarpy County and Cities Wastewater Agency dated September 19, 2017 (as amended, the “Formation Interlocal”) and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”) (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal). The Formation Interlocal is incorporated herein by this reference; and

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

WHEREAS, the City of La Vista is a Member of the Agency; and

WHEREAS, pursuant to Neb. Rev. Stat. 70-651.03, on or before April 1 of each year, the Omaha Public Power District (“OPPD”) is required to pay to the County treasurer a sum equal to five percent (5%) of the gross revenues derived by OPPD during the preceding calendar year from retail sales of electricity within the incorporated cities and villages located within the County (the “Annual OPPD Payment”); and

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WHEREAS, pursuant to Neb. Rev. Stat. 70-651.04, each Annual OPPD Payment is subsequently divided and distributed by the County treasurer to the Cities, the County, school districts, and any learning community located in the Cities in the proportion that their respective property tax levies in the preceding year bore to the total of such levies ("Annual OPPD Distribution"); and

WHEREAS, the Agency's operating budget can, in part, be funded by the agreement of each Member having jurisdiction over certain areas in Sarpy County to pledge and contribute to the Agency a portion of the Annual OPPD Distribution otherwise paid and made available to them pursuant to Neb. Rev. Stat. 70-651.04; and

WHEREAS, pursuant to Agency Resolution 2019-014, the Agency approved and authorized the Agency Board Chair to execute the Interlocal Agreement for the Contribution and Allocation of Omaha Public Power District Payments in Lieu of Taxes ("OPPD Interlocal"), which was not adopted by the Members' individual governing bodies and was not put into effect; and

WHEREAS, it was found to be beneficial to the Agency and Members to revise the OPPD Interlocal, ("Revised OPPD Interlocal"); and

WHEREAS, the Governing Body of the City of La Vista discussed the proposed Revised OPPD Interlocal for the City of La Vista's payment to the Agency of a portion of the its Annual OPPD Distributions for retail electricity services attributable to customers located within the PILOT Allocation Area (as defined in the Revised OPPD Interlocal) that is in the City of La Vista's jurisdiction for the 2019 calendar year and for years thereafter; and

WHEREAS, after discussion the Governing Body of the City of La Vista has deemed it appropriate, necessary, convenient and advisable to approve the Revised OPPD Interlocal and to authorize its execution by the City Council;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska that, pending approval of Sarpy County and the Cities of Bellevue, Springfield, Papillion, and Gretna, the Revised OPPD Interlocal, a copy of which is attached hereto as Exhibit A, is hereby approved; and

BE IT ALTERNATELY RESOLVED that, should any of the above listed County or Cities not approve the Revised OPPD Interlocal, the Mayor and City Council of the City of La Vista instead approves the Alternate Revised OPPD Interlocal, a copy of which is attached hereto as Exhibit B; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute on behalf of the City of La Vista the Revised OPPD Interlocal or the Alternate Revised OPPD Interlocal, as approved by the Sarpy County and Cities Wastewater Agency at its November 6, 2019, Agency Board Meeting; and further that the Recitals above are incorporated into the Resolutions by reference

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

J. DISCUSSION – TOBACCO FREE AREA DESIGNATION – LA VISTA PARKS, SPORTS COMPLEX AND SWIMMING POOL

Council discussed designating all parks as Tobacco Free Areas. There was Council consensus not to move forward with the designation at this time.

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COMMENTS FROM THE FLOOR

Skye Burns commented in favor of making all park areas tobacco free.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented on representing the Mayor and City Council at the baseball championship award banquet.

Mayor Kindig commented on the Veterans Dinner, and he reflected on all of the changes in La Vista throughout the past 15 years.

At 7:26 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried

PASSED AND APPROVED THIS 19TH DAY OF NOVEMBER 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk