

MINUTE RECORD

A-2

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

LA VISTA CITY COUNCIL MEETING FEBRUARY 18, 2020

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 18, 2020. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueth, Police Chief Lausten, Director of Administrative Services Pokorny, Recreation Director Stopak, Finance Director Miserez, Director of Public Works Soucie, City Engineer Dowse, 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 February 5, 2020. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

SERVICE AWARD - CHRISTOPHER SOLBERG – 10 YEARS

Mayor Kindig recognized Chris Solberg for 10 years of service to the City of La Vista.

APPOINTMENTS - PLANNING COMMISSION – REAPPOINT KEVIN WETUSKI – 3 YEAR TERM AND CIVIL SERVICE COMMISSION – REAPPOINT DESTYNIE SEWELL – 5 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to reappoint Kevin Wetuski to the Planning Commission for a 3-year term and Destynie Sewell to the Civil Service Commission for a 5-year term.

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

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE FEBRUARY 4, 2020 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE FEBRUARY 6, 2020 PLANNING COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – DECEMBER 2019
5. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – CITY CENTRE PARKING STRUCTURE NO. 2 – \$38,303.09
6. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – 120TH & GILES – TOTAL ACQUISITION – \$1,092.50
7. REQUEST FOR PAYMENT – NORTH STAR PLACE BRANDING & MARKETING – PROFESSIONAL SERVICES – LA VISTA BRANDPRINT – \$28,000.00
8. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY CENTRE PARKING GARAGE NO. 2 – \$894.00
9. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – CIVIC CENTER PARK PHASE 1 – \$29.99
10. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 – \$4,548.35
11. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – PHASE 1 GOLF COURSE TRANSFORMATION – PROPOSED LAKE IMPROVEMENTS – \$538.10
12. APPROVAL OF CLAIMS

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ACTION BATTERIES, maint.	124.42
AED ZONE, supplies	636.00
AMAZON CAPITAL, services	156.90
APWA-AMER PUBLIC WORKS ASSN, services	550.00
ASPEN EQUIPMENT CO, maint.	692.19
BARCODES, INC, services	1,179.10
BERENS-TATE CONSULTING GROUP, INC, services	2,500.00
BISHOP BUSINESS EQUIPMENT, services	186.16
BKD LLP, services	35,000.00
BLACK HILLS ENERGY, utilities	1,068.43
CENTER POINT, INC, books	44.34
CENTURY LINK, phones	612.06
CENTURY LINK BUSN SVCS, phones	11.73
CINTAS CORP, services	263.22
CITY OF OMAHA, services	2,828.01
CITY OF PAPILLION, services	49,225.65
COX COMMUNICATIONS, INC, services	277.40
COX, J., travel	198.00
CROUCH RECREATION, services	47,932.00
CULLIGAN OF OMAHA, services	16.00
D & K PRODUCTS, maint.	416.50
DASH MEDICAL GLOVES, supplies	71.90
DIAMOND VOGEL, bld&grnds	255.04
FERRELLGAS, services	386.81
FIRST NATIONAL BANK OF OMAHA, bonds	76,953.75
FOCUS PRINTING, services	217.00
FOSTER, T., travel	216.50
GALE, books	164.18
GENERAL FIRE & SAFETY EQUIP, services	130.00
GRAYBAR ELECTRIC CO, bld&grnds	131.90
GREATAMERICA FINANCIAL, services	1,239.70
GRETNA WELDING INC, services	640.00
HAPPY TREES LLC, services	2,300.00
HAYES MECHANICAL, services	2,474.00
HDR ENGINEERING INC, services	1,125.75
HERITAGE CRYSTAL CLEAN, maint.	535.53
HUNTEL COMMUNICATIONS, phone	319.50
HY-VEE INC, services	67.00
INGRAM LIBRARY, books	1,573.95
J & J SMALL ENGINE, services	497.69
JOHNSTONE SUPPLY, services	26.51
K ELECTRIC, maint.	680.66
KRIHA FLUID POWER CO, maint.	106.96
LV COMM FOUNDATION, payroll	60.00
LIBRARY IDEAS LLC, books	12.50
MARK A KLINKER, services	200.00
MCCARTHY'S ONE HOUR, refund	49.00
MENARDS-RALSTON, supplies	139.59
MUD, utilities	2,473.82
MOTOROLA SOLUTIONS, services	2,951.25
MSC INDUSTRIAL, supplies	317.18
NE IOWA INDL FASTENERS, maint.	1.19
NEWMAN SIGNS, services	1,850.15
NMC EXCHANGE, maint.	1,013.79
OFFICE DEPOT, supplies	1,571.58
OLSSON, INC, services	12,389.66
OMAHA DOOR & WINDOW, bld&grnds	418.47
OPPD, utilities	44,919.31
OMNI ENGINEERING, maint.	176.85
ONE CALL CONCEPTS INC, services	139.99

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O'REILLY AUTO PARTS, maint.	334.26
PAPILLION SANITATION, services	252.03
PAPILLION TIRE INC, maint.	12.75
PAY-LESS OFFICE PRODUCTS, supplies	200.10
PINNACLE OPERATIONS CENTER, services	25.00
PITNEY BOWES, services	526.71
PLAINS EQUIPMENT GROUP, maint.	335.29
RDG PLANNING & DESIGN, services	16,813.29
SARPY COUNTY COURTHOUSE, services	4,207.68
SCARPA, D., travel	252.00
SHI INTERNATIONAL CORP, services	6,296.84
SOUTHERN UNIFORM, apparel	166.64
SUNSET LAW ENFORCEMENT, supplies	4,648.00
THOMPSON DREESSEN & DORNER, INC, services	4,662.50
TOSHIBA FINANCIAL, services	283.36
TRANS UNION RISK, services	50.00
TY'S OUTDOOR POWER, maint.	390.00
UNITE PRIVATE NETWORKS, services	4,400.00
UTILITY EQUIPMENT CO, maint.	34.50
VERIZON CONNECT, phones	731.25
VIERREGGER ELECTRIC CO, services	1,731.99
WALMART, supplies	887.70
WATCHGUARD, maint.	396.00
WESTLAKE HARDWARE, bld&grnds	122.87
WHITE CAP CONSTR, supplies	145.25
WICK'S STERLING TRUCKS, maint.	50.08
WOODHOUSE LINCLN-MAZDA, maint.	125.37

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Director of Administrative Services Pokorny reported that the City would be hosting an intern from Germany this summer.

Police Chief Lausten reported on the chili cook-off between Police, Fire, and Public Works. He announced that the Sarpy Douglas Law Enforcement Academy graduation will be February 21st. He also reported that the department would be receiving a surveillance trailer through a federal grant. Lausten also gave an overview of the Department's Positive Community Interactions program.

SARPY COUNTY ECONOMIC DEVELOPMENT CORPORATION ANNUAL REPORT

Josh Charvat presented the Sarpy County Economic Development Corporation's 2019 Annual Report.

PRESENTATION – POTHOLE REPAIR PLAN

Deputy Director of Public Works Calentine presented the City's Pothole Repair Plan.

B. CONDITIONAL USE PERMIT AMENDMENT – SAC WIRELESS O/B/O AT&T – 8101 S 120TH ST.

1. PUBLIC HEARING

At 6:30 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the conditional use permit amendment for SAC Wireless o/b/o AT&T 8101 S 120th Street. There was no public comment.

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At 6:31 p.m. Councilmember Sell made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-018 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO A CONDITIONAL USE PERMIT FOR SAC WIRELESS ON BEHALF OF AT&T TO CONSTRUCT IMPROVEMENTS AND OPERATE A WIRELESS COMMUNICATION TOWER LOCATED AT 8101 S 120TH STREET.

WHEREAS, SAC Wireless on behalf of AT&T has applied for approval of an amendment to their conditional use permit for a wireless communication tower at 8101 S 120th Street, located southeast of the intersection of S 123rd Plaza and Eastport Parkway; and

WHEREAS, the La Vista Planning Commission reviewed the application on February 6, 2020 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the amendment of the 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 an amendment to 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 SAC Wireless on behalf of AT&T, to allow for improvements and operation of a wireless communication tower at 8101 S 120th Street.

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

C. ORDINANCE – AMEND PACE ORDINANCE NO. 1359

Councilmember Quick introduced Ordinance No. 1381 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AMEND SECTION 5 OF ORDINANCE NO. 1359 (LA VISTA PROPERTY ASSESSED CLEAN ENERGY DISTRICT ORDINANCE); TO REPEAL SECTION 5 OF ORDINANCE NO. 1359 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 Thomas seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title, and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Frederick. The Mayor then stated the question, "Shall Ordinance No. 1381 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. 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. RESOLUTION – CHANGE ORDER NO. 6 – CITY CENTRE INFRASTRUCTURE – PAVEMENT AND SEWERS

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Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-019 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 6 TO THE CONTRACT WITH GRAHAM CONSTRUCTION, INC., OMAHA, NEBRASKA, TO PROVIDE FOR QUANTITY REDUCTION AND LIQUIDATED DAMAGES, FOR A REDUCTION OF \$18,190.00 TO THE CONTRACT AMOUNT.

WHEREAS, the City has determined it is necessary to reduce quantities and account of liquidated damages; and

WHEREAS, the FY19/20 Biennial Budget provides funding for this project. The contract price decreases from \$4,604,424.06 to \$4,586,234.06.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for Change Order No. 6 to the contract with Graham Construction, Inc., Omaha Nebraska, to provide for a quantity reduction and liquidated damages for a reduction of \$18,190.00 to the contract amount.

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

E. RESOLUTION – CHANGE ORDER NO. 7 (FINAL) – CITY CENTRE INFRASTRUCTURE – PAVEMENT AND SEWERS

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-020 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 7 (FINAL) TO THE CONTRACT WITH GRAHAM CONSTRUCTION, INC., OMAHA, NEBRASKA, TO PROVIDE FOR THE OVERALL QUANTITIES AS REFLECTED IN THE AS-BUILT NUMBERS, FOR A REDUCTION OF \$143,877.68 TO THE CONTRACT AMOUNT.

WHEREAS, the City has determined it is necessary for the contract amount to reflect the overall quantities in the as-built numbers; and

WHEREAS, the FY19/20 Biennial Budget provides funding for this project. The contract price decreases from \$4,586,234.06 to \$4,442,356.38.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for Change Order No. 7 to the contract with Graham Construction, Inc., Omaha Nebraska, to provide for the overall quantities as reflected in the as-built numbers for a reduction of \$143,877.68 to the contract amount.

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

F. RESOLUTION – AUTHORIZE PURCHASE – BANNERS

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-021 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF 60TH ANNIVERSARY BANNERS FROM SIGNIT, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,850.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of 60th Anniversary banners 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;

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase 60th Anniversary banners from SignIt, Omaha, Nebraska in an amount not to exceed \$7,850.00. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

G. RESOLUTION – AUTHORIZE PURCHASE - ATTENUATOR

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-022 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2020 SCORPION TL3 TRUCK TOWED ATTENUATOR WITH ARROWBOARD FROM TRAFFIX DEVICES, SAN CLEMENTE, CALIFORNIA IN AN AMOUNT NOT TO EXCEED \$21,720.20.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Scorpion TL3 truck towed attenuator with arrowboard 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 one (1) 2020 Scorpion TL3 truck towed attenuator with arrowboard from Traffix Devices, San Clemente, California in an amount not to exceed \$21,720.20.

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

COMMENTS FROM THE FLOOR

Ted Stapleton, Commander of American Legion Post 32 in Papillion, invited the Mayor and Council to attend the Legion's 101st birthday party on March 15.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented on LB 864.

Mayor Kindig commented that LB 974 will be on the Legislative floor tomorrow.

At 6:42 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: None. Abstain: None. Absent: Hale. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF MARCH 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk