

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING September 1, 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 September 1, 2020. 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, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, City Engineer Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on August 26, 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 and made the announcements.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE AUGUST 18, 2020 CITY COUNCIL  
MEETING
3. APPROVAL OF THE MINUTES OF THE AUGUST 6, 2020 PLANNING  
COMMISSION MEETING
4. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICES – PHASE 1 GOLF COURSE TRANSFORMATION  
– PROPOSED LAKE IMPROVEMENTS – \$1,394.50
5. REQUEST FOR PAYMENT – LEAGUE OF NEBRASKA MUNICIPALITIES –  
MEMBERSHIP DUES – \$46,504.00
6. REQUEST FOR PAYMENT – HDR ENGINEERING, INC. – PROFESSIONAL  
SERVICES – PROJECT MANAGEMENT SERVICES FOR PUBLIC  
IMPROVEMENTS AND OTHER WORKS – \$362.10
7. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL  
SERVICES – PLACEMAKING & LA SERVICES – \$2,838.35
8. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES –  
CITY CENTRE PARKING STRUCTURE 2 – \$65,037.14
9. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES –  
CITY CENTRE PARKING STRUCTURE 2 – \$94,173.68
10. APPROVAL OF CLAIMS

ABM INDUSTRIES, services	11,223.10
AFL LLC, services	26,662.00
ALFRED BENESCH & CO, services	3,958.50
AMERICAN PLANNING ASSOC, services	1,164.00
BISHOP BUSINESS EQUIPMENT CO, services	1,163.53
BLACK HILLS ENERGY, utilities	126.52
BOOKPAGE, services	588.00
CENTER POINT INC, books	364.32
CENTURY LINK, phones	195.32
CINTAS CORP, services	246.20
CITY OF PAPILLION, services	188,687.00
COMP CHOICE INC, services	25.00
CONCRETE SUPPLY INC, services	1,623.13
D & K PRODUCTS, supplies	282.50
DELL MARKETING L.P., services	1,179.38
DESIGN WORKSHOP INC, services	21,376.35
DIAMOND VOGEL PAINTS, supplies	303.60
FBG SERVICE CORP, services	38.24
FIKES COMMERCIAL HYGIENE LLC, supplies	48.00

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FIRST BANKCARD, services	13,799.90
FITZGERALD SCHORR BARMETTLER, services	54,893.70
FOCUS PRINTING, services	2,050.63
GENERAL FIRE & SAFETY, services	245.00
GRAHAM CONSTRUCTION INC, services	22,211.78
HELGET SAFETY, supplies	210.00
HOBBY LOBBY STORES INC, supplies	64.48
INGRAM LIBRARY SERVICES, books	914.98
INTOXIMETERS INC, supplies	20.35
KANOPIY INC, services	94.00
KOLTEN TILLEY, refund	75.00
LAMP RYNEARSON & ASSOC, services	1,223.50
LEAGUE OF NEBR MUNICIPALITIES, services	1,758.00
LIBRARY IDEAS LLC, books	5.00
LOVELAND GRASS PAD, bld&grnds	7.58
MARCO INC, services	120.46
MENARDS-RALSTON, bld&grnds	95.67
MUD, utilities	317,745.90
MIDLANDS LIGHTING & ELECTRIC, supplies	335.25
MIDWEST TAPE, media	94.75
MOBOTREX INC, services	1,600.00
NOLL, MARGARET M, services	180.00
NSG LOGISTICS LLC, supplies	17,819.29
OPPD, utilities	416.57
OMAHA WORLD-HERALD, services	361.31
OMNI ENGINEERING, services	121.10
PAPILLION TIRE INC, maint.	87.67
PAY-LESS OFFICE, supplies	219.83
PINOT'S PALETTE LA VISTA, services	1,860.00
QUIKTRIP CORP, services	40,000.00
RDG PLANNING & DESIGN, services	6,699.97
READY MIXED CONCRETE CO, services	811.78
RECORDED BOOKS INC, services	750.00
RIVER CITY RECYCLING, services	460.00
SIGN-O-VATION INC, services	241.61
SUBURBAN NEWSPAPERS INC, services	842.30
THE FILTER SHOP INC, bld&grnds	702.98
THE SCHEMMER ASSOCIATES INC, services	682.50
USBORNE BOOKS & MORE, books	19.98
WALMART, supplies	364.34

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Frederick. Councilmember Crawford reviewed the bills 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

Assistant City Administrator Ramirez reported on plans for Civic Center Park.

Library Director Barcal distributed the Library's September calendar.

Police Chief Lausten reported that the State has CARES Act money to reimburse fulltime, police wages for the months of March through May 2020. He also reported that the DARE Program would not be able to go into schools this year, but the program will be taught remotely.

Director of Public Works Soucie reported that the work on Elizabeth Street has been completed and there will be no parking on the east side of 81st St. from Park View Blvd. to Terry Dr.

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## PRESENTATION – LA VISTA COMMEMORATIVE TREE PROGRAM

Park Superintendent Allen presented the La Vista Commemorative Tree Program.

### **B. CAPITAL IMPROVEMENT PROGRAM**

#### **1. PUBLIC HEARING**

At 6:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed Capital Improvement Program.

At 6:18 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

#### **2. RESOLUTION**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-077 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2021-2025 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2021-2025 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2021-2025 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2021-2025 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2021-2025 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

### **C. FISCAL YEAR 20/21 AND FISCAL YEAR 21/22 MUNICIPAL BUDGETS**

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

Finance Director Miserez presented the proposed amendments as a result of a Capital Improvement Program review and receipt of the final property valuations.

Councilmember Hale made a motion to approve the proposed budget amendments. Seconded by Councilmember Quick. Gary Bush thanked the Mayor and Council for the opening to Civic Center Park from Valley Rd., and commented on the budget. Councilmembers voting aye. Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## **D. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – BRIDGE INSPECTIONS**

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-078 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH HGM ASSOCIATES INC. FOR BRIDGE INSPECTION SERVICES IN AN AMOUNT NOT TO EXCEED \$5,700.00.

WHEREAS, the City Council of the City of La Vista has determined that bridge inspection services are necessary; and

WHEREAS, the FY 21/22 Biennial Budget provides funding for these services; and

WHEREAS, the agreement has a not-to-exceed cost of \$5,700.00 for the scope of services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of a professional services agreement with HGM Associates Inc. for bridge inspection services in an amount not to exceed \$5,700.00.

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

## **E. RESOLUTION – SURPLUS EQUIPMENT**

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-079 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING PROPERTY AS SURPLUS AND AUTHORIZING ITS SALE.

WHEREAS, City Staff has recognized 12 pieces of equipment located at the Public Works Facility to be surplus; and

WHEREAS, the City Administrator and Director of Public Works recommend that the above-mentioned items be declared surplus and sold;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council that 12 pieces of equipment located at the Public Works Facility be declared surplus property and sold.

AND BE IT FURTHER RESOLVED that the General fund will receive the revenue from the sale.

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

## **F. RESOLUTION – SATELLITE KENO LOCATION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-080 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A SATELLITE KENO LOCATION FOR THE CITY'S KENO LOTTERY GAME JJC, INC. DBA ISLAND BAR & GRILL, 7826 S 123RD PLAZA LA VISTA NEBRASKA EFFECTIVE UPON RECEIPT OF THE KENO LICENSE FROM THE STATE.

WHEREAS, the current Keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated August 8, 2008, and assigned and assumed to and by LVK Holdings LLC on April 5 2016 requires LVK Holdings LLC to obtain prior written consent of the City to establish a satellite location; and further that the satellite location shall comply with such qualification standards as adopted by the City pursuant to Nebraska Statutes, Section 9-642.01, governing lottery sales outlet locations, and such other terms and conditions determined necessary or advisable; and

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WHEREAS, the City of La Vista, by Ordinance No. 1073, set forth qualification standards for Keno Lottery Sales Outlet Locations, which includes satellite locations ("Ordinance"); and

WHEREAS, LVK Holdings LLC has proposed a satellite location for the City's keno lottery game continue under new ownership JJC, Inc. dba Island Bar & Grill, 7826 S 123<sup>rd</sup> Plaza, La Vista, Nebraska pursuant to a Satellite Agreement between said parties dated August 26, 2020, a copy of which has been presented at this meeting ("Satellite Agreement"); and

WHEREAS, the requirements of the Lottery Operator Agreement and other Keno Requirements as defined in the Ordinance are incorporated into the Satellite Agreement pursuant to said Ordinance; and

WHEREAS, the City Clerk has determined that the standards for the Keno Lottery Sales Outlet Location at JJC, Inc. dba Island Bar & Grill, 7826 S 123<sup>rd</sup> Plaza, La Vista NE, have been met.

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize and approve a satellite keno location under new ownership for the City's keno lottery game at JJC, Inc. dba Island Bar & Grill, 7826 S 123<sup>rd</sup> Plaza, La Vista NE, and further approve the owner and operator thereof, JJC, Inc., effective upon receipt of the keno license from that State and subject to the following:

- a. Submittal of all Exhibits to the Satellite Agreement in form and content satisfactory to the City;
- b. Any change of ownership or control of the satellite, JJC Inc., or any stock of JJC Inc., shall require prior written approval of the City of La Vista;
- c. The satellite, JJC Inc. and stockholders of JJC Inc. shall be bound by the Lottery Operator Agreement between the City of La Vista and LVK Holdings LLC and owe to LVK Holdings LLC all responsibilities and obligations which LVK Holdings LLC and its owner by said Lottery Operator Agreement, as secured, owe to the City of La Vista. The City of La Vista shall be a beneficiary entitled to enforce such responsibilities and obligations of the satellite, JJC Inc. and its stockholders;
- d. City of La Vista shall have access at any time to the satellite location and keno-related funds, documents and records in the possession or control of the satellite owner or operator;
- e. City of La Vista shall be named as an additional named insured on any insurance required of the satellite owner or operator by the Satellite Agreement;
- f. City of La Vista, as owner of the La Vista keno game, retains authority over use of the term "La Vista keno"; and all uses of said term shall be subject to review and approval of the City and cease upon termination of the Satellite Agreement;
- g. Funds of the La Vista keno game handled by the satellite shall be the sole and exclusive property and held in trust for the benefit of the City of La Vista until properly paid in accordance with the Lottery Operator Agreement or Satellite Agreement; and
- h. Ongoing satisfaction by the satellite owner and operator of the Satellite Agreement and this Resolution, as well as the Lottery Operator Agreement, Ordinance and other Keno Requirements, as defined in said Ordinance.

BE IT FURTHER RESOLVED that, in addition to devices for satellite keno, the following gambling devices are hereby authorized at the satellite premises pursuant to Section 2(H) of the Ordinance: pickle card device.

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BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign such documents, including, but not limited to, Nebraska Department of Revenue Form(s) 50G, and take such further actions as necessary or appropriate to carry out the actions approved herein.

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

## G. SPECIAL ASSESSMENT

### 1. PUBLIC HEARING

At 6:38 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the special assessment.

At 6:38 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### 2. RESOLUTION

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-081 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN THE AMOUNT CITED HEREIN.

WHEREAS, the property owners of 7332 Frederick Avenue Lot 415 La Vista Replat, \$4,349.52 were notified to remove a tree and repair the sidewalk as they were in violation of the City Municipal Code, Section 94.07, or the City would do so and bill them accordingly; and

WHEREAS, the property owner of said address chose not to remove the tree and repair the sidewalk, thus necessitating the City to do the clean up; and

WHEREAS, the City sent the property owner a bill for said clean up which has not been paid; and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid;

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer a Special Assessment for Improvements in the amount and against the property specified above, located within Sarpy County, La Vista, Nebraska.

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

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

### COMMENTS FROM THE FLOOR

There were no comments from the floor.

### H. EXECUTIVE SESSION – PERSONNEL

At 6:42 p.m. Councilmember Crawford made a motion to go into executive session for protection of the reputation of an individual to discuss personnel matters and for the protection of the public interest for negotiation guidance regarding contract

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negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:50 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig commented on the sewer agency agreement.

Councilmember Thomas commented on wearing masks and returning to the Council Chambers for meetings.

At 8:03 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF SEPTEMBER 2020

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk