

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING October 20, 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 October 20, 2020. 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, Chief of Police 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, Community Development Director Fountain, and Human Resources Generalist Spencer.

A notice of the meeting was given in advance thereof by publication in the Times on October 7, 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.

### SERVICE AWARD: MARK HARDESTY – 15 YEARS

Mayor Kindig recognized Mark Hardesty for 15 years of service to the City of La Vista.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 6, 2020 CITY COUNCIL  
MEETING
3. APPROVAL OF THE MINUTES OF THE OCTOBER 1, 2020 PLANNING  
COMMISSION MEETING
4. MONTHLY FINANCIAL REPORT – AUGUST 2020
5. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY –  
PROFESSIONAL SERVICES – 96TH & 108TH PAVEMENT REHABILITATION  
-\$3,820.00
6. REQUEST FOR PAYMENT – KISSEL, KOHOUT, ES ASSOCIATES LLC –  
PROFESSIONAL SERVICES – LEGISLATIVE SERVICES – \$9,607.48
7. APPROVAL OF CLAIMS

3CMA MEMBERSHIP, services	400.00
911 CUSTOM LLC, services	591.00
A-1 FLAGS, POLES, & REPAIR LLC, services	49.00
ACTION BATTERIES, maint.	59.90
AKRS EQUIPMENT SOLUTIONS INC, services	4,034.80
ALFRED BENESCH & CO, services	10,727.00
AMAZON, supplies	1,411.07
ANDERSON BROTHERS ENGINEERING, bld&grnds	753.00
ARBOR DAY FOUNDATION, services	15.00
BAUER BUILT INC, maint.	18.71
BIBLIOTHECA LLC, services	6,495.00
BOB'S RADIATOR REPAIR CO, maint.	95.00
BUILDERS SUPPLY CO, supplies	142.34
CENTURY LINK, phones	27.05
CENTURY LINK BUSN SVCS, phones	55.47
CINTAS CORP, apparel	128.85
CITY OF PAPILLION, services	2,200.00
COMP CHOICE INC, services	631.00
CONSOLIDATED CONCRETE LLC, services	461.25
CONTROL MASTERS INC, bld&grnds	308.80
CORNHUSKER INTL TRUCKS INC, maint.	472.72
COX COMMUNICATIONS, services	280.55
CULLIGAN OF OMAHA, services	18.00

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D & K PRODUCTS, services	5,722.00
DESIGN WORKSHOP INC, services	82,998.47
DIAMOND VOGEL PAINTS, supplies	444.89
DIGITAL EXPRESS, supplies	210.60
DLR GROUP, services	15,424.73
ECHO GROUP INC, bld&grnds	1,864.11
FASTENAL CO, supplies	74.46
FBG SERVICE CORP, bld&grnds	5,965.00
FITZGERALD SCHORR BARMETTLER, services	41,549.00
GRAINGER, maint.	1,787.59
GRAYBAR ELECTRIC CO, bld&grnds	491.03
HANEY SHOE STORE, apparel	150.00
HARM'S CONCRETE INC, services	3,395.76
HDR ENGINEERING INC, services	309.42
INDUSTRIAL SALES CO, services	65.86
INGRAM LIBRARY SERVICES, books	2,485.06
J & J SMALL ENGINE SERVICE, maint.	30.94
JOHNSTONE SUPPLY CO, bld&grnds	289.71
KANOPIY INC, services	165.00
KRIHA FLUID POWER CO INC, maint.	20.47
LA VISTA 5327 INC, refund	616.83
LAMP RYNEARSON & ASSOC, services	23,898.00
LIBRARY IDEAS, books	324.05
LOGAN CONTRACTORS SUPPLY, maint.	194.79
MENARDS-RALSTON, maint.	351.62
METRO LANDSCAPE MATERIALS, supplies	42.00
METRO COMM COLLEGE, services	24,802.58
MICHAEL TODD & CO, supplies	40.45
MIDLANDS LIGHTING, bld&grnds	903.59
MIDWEST RIGHT OF WAY, services	237.50
NEWSBANK, services	3,170.00
NOLL, MARGARET M, services	120.00
OCLC INC, services	161.21
ODEYS INC, supplies	1,380.00
OFFICE DEPOT INC, supplies	278.41
OMAHA DOOR & WINDOW, bld&grnds	111.75
OPPD, utilities	1,622.14
OMNI ENGINEERING, maint.	281.40
ON YOUR MARKS, supplies	9,757.98
ONE CALL CONCEPTS INC, services	300.39
O'REILLY AUTO PARTS, maint.	838.41
PAPILLION SANITATION, services	1,163.61
PAPILLION TIRE INC, maint.	220.22
PAPIO VALLEY NURSERY INC, bld&grnds	710.25
POWER DMS INC, services	8,285.80
RDG PLANNING & DESIGN, services	4,747.44
READY MIXED CONCRETE CO, services	1,492.31
RED MUNICIPAL & INDUSTRIAL EQUIP, maint.	366.58
SARPY COUNTY FISCAL ADMIN, services	12,523.65
SARPY DOUGLAS LAW ENFORCE, services	32,500.00
SECURITY EQUIPMENT INC, services	1,019.75
SHI INTERNATIONAL CORP, services	3,328.28
SUN VALLEY LANDSCAPING, supplies	76.80
THE COLONIAL PRESS INC, services	10,912.84
THE SCHEMMER ASSOCIATES INC, services	3,403.20
TRANS UNION RISK, services	50.00
TRI-CITY FOOD PANTRY, donation	305.00
U.S. CELLULAR, phones	1,694.34
WATER'S EDGE AQUATIC DESIGN, services	10,751.50
WESTLAKE HARDWARE, supplies	1,129.73

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Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Sheehan. Councilmember Frederick 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.

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Miserez reported on new financial reports.

Recreation Director Stopak reported on the upcoming Parks & Recreation Advisory Board meeting, on Senior activities, and on receiving a grant for new buses.

Chief of Police Lausten reported that three La Vista recruits graduated from the Sarpy Douglas Law Enforcement Academy on October 16 and that La Vista recruit Curtis Casey was selected as the Honor Cadet of the class. He also reported that the Papillion La Vista Monarchs won the State Championship in softball on October 16 and that the officers on duty escorted the bus down Giles Road when the team returned home.

## B. ANNEXATION – ORIENTAL TRADING COMPANY BUSINESS PARK

### 1. PUBLIC HEARING

At 6:20 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed annexation ordinance Community Development Deputy Director Solberg

At 6:22 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

### 2. ORDINANCE – FIRST READING

Councilmember Hale introduced Ordinance No. 1400 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (LOTS 1 THRU 3, ALONG WITH OUTLOTS B AND C, ORIENTAL TRADING COMPANY BUSINESS PARK, AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NE), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Thomas made a motion to approve Ordinance No. 1400 on its first reading and pass it on to a second reading. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## C. 1 AND 6 YEAR STREET IMPROVEMENT PLAN

### 1. PUBLIC HEARING

At 6:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comments on the 1 and 6 Year Street Improvement Plan.

At 6:26 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## 2. RESOLUTION – AUTHORIZE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 20-098 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM FOR 2020.

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WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista that the Mayor of La Vista is hereby authorized to sign the Municipal Annual Certification of Program Compliance form for 2020.

Seconded by Councilmember Thomas. Mayor Kindig asked if Councilmember Sheehan wanted to amend his motion to adopt the 1 and 6 Year Plan as submitted by Public Works and approve the proposed resolution. Councilmember Sheehan amended his motion. Councilmember Thomas seconded the motion as amended. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

## **D. COMPENSATION STUDY**

### **1. PRESENTATION**

Director of Administrative Services Pokorny introduced Bob Bjorklund of Bjorklund Compensation Consulting, LLC. Mr. Bjorklund presented the compensation study and gave a brief overview of the process

### **2. RECEIVE AND FILE**

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

## **E. ORDINANCE – ADOPT MUNICIPAL CODE SECTION 30.16 – EMERGENCY AUTHORITY – SECOND READING**

Councilmember Thomas introduced Ordinance No. 1399 entitled: AN ORDINANCE TO ADOPT SECTION 30.16 OF THE MUNICIPAL CODE REGARDING REGULATORY REQUIREMENTS, AND TO REPEAL CONFLICTING PROVISIONS, AND PROVIDE FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE.

Councilmember Crawford moved to waive the third reading and move the ordinance to final passage. Councilmember Sheehan seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: Hale. Abstain: None. Absent: Ronan. Motion passed.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1399. Councilmember Thomas seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1399 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Sheehan, Thomas, Crawford, Quick, and Sell. Nays: Hale. 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.

## **F. RESOLUTION – APPROVE SARPY COUNTY AND CITIES WASTEWATER AGENCY REVISED SEWER USER RATES AND CONNECTION FEES SCHEDULE**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-099 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A REVISED SEWER USER RATES AND

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## CONNECTION FEES SCHEDULE AND RELATED POLICIES AND PROCEDURES FOR THE UNIFIED SSWS FOR LAND DEVELOPMENT WITHIN CERTAIN PARTS OF THE SARPY COUNTY AND CITIES WASTEWATER AGENCY'S JURISDICTION

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

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

WHEREAS, the Agency Board approved an updated sewer user rates and connection fees schedule, attached as EXHIBIT A (the "2020 Rate and Fee Schedule") and related policies and procedures with respect to payment and collection of such rates and fees, attached as EXHIBIT B (the "2020 Rate and Fee Policies") for land development in parts of the Agency's Jurisdiction, located in southern portions of Sarpy County south of the hydrological ridgeline, and excluding any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista.

WHEREAS, certain actions of the Agency Board require approval of the Members and the Agency Board has submitted the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies to the Members for approval.

NOW, THEREFORE, BE IT RESOLVED by the City of La Vista City Council that the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies are approved.

BE IT FURTHER RESOLVED that neither the 2020 Rate and Fee Schedule nor the 2020 Rate and Fee Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that recitals above and attached exhibits are incorporated into this Resolution by reference.

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 – APPROVE SARPY COUNTY AND CITIES WASTEWATER AGENCY POLICIES AND PROCEDURES FOR GROWTH MANAGEMENT PLAN

Councilmember Frederick introduced and moved for the adoption of Resolution No 20-100 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING POLICIES AND PROCEDURES IMPLEMENTING THE GROWTH MANAGEMENT PLAN FOR THE SARPY COUNTY AND CITIES WASTEWATER AGENCY

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

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

WHEREAS, the Agency Board approved the Growth Management Plan (as amended, the "Growth Management Plan") that prioritizes areas of land development and growth and serves as a necessary step in the

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development of a master plan within parts of the Agency's Jurisdiction, located in southern portions of Sarpy County south of the hydrological ridgeline, and excluding any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista. The Agency Board further approved certain policies and procedures that are intended to implement and enforce the Growth Management Plan, attached as EXHIBIT A (the "GMP Policies").

WHEREAS, certain actions of the Agency Board require approval of the Members. The Members previously approved the Growth Management Plan, and the Agency Board has submitted the GMP Policies to the Members for approval.

NOW, THEREFORE, BE IT RESOLVED by the City of La Vista City Council that the GMP Policies are approved.

BE IT FURTHER RESOLVED that neither the Growth Management Plan nor the GMP Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that recitals above and the attached exhibit are incorporated into this Resolution by reference.

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

## H. RESOLUTION – INTERLOCAL AGREEMENT – PACE ADMINISTRATION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-101 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR PACE APPLICATION REVIEW FOR THE SARPY COUNTY PACE DISTRICT.

WHEREAS, the City of La Vista established the La Vista Property Assessed Clean Energy District on August 5, 2020; and

WHEREAS, Sarpy County is interested in establishing a PACE District and has requested the assistance of La Vista staff in the administration of their program; and

WHEREAS, the City of La Vista has the experience and capacity necessary to review additional applications for PACE financing; and

WHEREAS, an interlocal cooperation agreement has been drafted;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the interlocal agreement between Sarpy County and the City of La Vista regarding PACE application review for the Sarpy County PACE District is hereby approved in form and content submitted with this resolution, subject to any additions, subtractions, or changes as the City Administrator or any designee of the City Administrator determines necessary or appropriate in consultation with the City Attorney, and that the Mayor or any designee of the Mayor is hereby authorized to execute said agreement on behalf of the City of La Vista.

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

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## I. RESOLUTION – AWARD BID – 96TH STREET AND 108TH STREET PAVEMENT RECONSTRUCTION AND PAVEMENT REHABILITATION

Councilmember Quick introduced and moved for the adoption of Resolution No. 20-102 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO SWAIN CONSTRUCTION, INC., OMAHA, NEBRASKA FOR THE 96TH STREET AND 108TH STREET PAVEMENT RECONSTRUCTION AND PAVEMENT REHABILITATION PROJECT IN AN AMOUNT NOT TO EXCEED \$3,740,796.57.

WHEREAS, the City Council of the City of La Vista has determined that the 96th Street and 108th Street Pavement Reconstruction and Pavement Rehabilitation Project is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this project; and

WHEREAS, bids were solicited; and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures 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 award the contract to Swain Construction, Inc., Omaha, Nebraska for the 96th Street and 108th Street Pavement Reconstruction and Pavement Rehabilitation Project in an amount not to exceed \$3,740,796.57.

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

## J. RESOLUTION – GILES ROAD BRIDGE GUARDRAIL REPLACEMENT

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-103 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MIDWEST FENCE, RALSTON, NEBRASKA TO REPLACE GUARDRAIL AND END TREATMENT ON THE GILES ROAD BRIDGE OVER I-80 IN AN AMOUNT NOT TO EXCEED \$6,531.25

WHEREAS, the Mayor and City Council have determined that the replacement of 53.13 feet of guardrail and end treatment for the southbound approach of the Giles Road Bridge over I-80 is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that Midwest Fence, Ralston, Nebraska is authorized to replace 53.13 feet of guardrail and end treatment for the southbound approach of the Giles Road Bridge over I-80 in an amount not to exceed \$6,531.25.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick commented on the coat drive and thanked Mitch Beaumont for his work on this project. He also asked if anything would be done for the softball team and if Chris Erickson could give an update to Council.

Mayor Kindig said that there will be a proclamation for the softball team.

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Councilmember Hale commented on the Commemorative Tree Program.

Councilmember Crawford asked if the Military Library Cards resolution would be back at the November 3, 2020 meeting.

Mayor Kindig commented that the Foundation has been working on the Veterans Day production.

At 7:23 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 3RD DAY OF NOVEMBER 2020.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk