

# MINUTE RECORD

A-2

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING November 16, 2021

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 16, 2021. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Buethe, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Community Development Director Fountain, Finance Director Miserez, Deputy Director of Public Works Calentine.

A notice of the meeting was given in advance thereof by publication in the Times on November 3, 2021. 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE NOVEMBER 2, 2021 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – SEPTEMBER 2021
4. REQUEST FOR PAYMENT – HDR – PROFESSIONAL SERVICES – PROJECT MANAGEMENT – PUBLIC IMPROVEMENTS AND OTHER WORKS - \$2,876.99
5. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC – PROFESSIONAL SERVICES – LA VISTA WAYFINDING – \$3,500.00
6. REQUEST FOR PAYMENT – WATERS EDGE AQUATIC DESIGN – PROFESSIONAL SERVICES – OUTDOOR POOL PLANNING – \$1,206.00
7. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 96<sup>TH</sup> TO 108<sup>TH</sup> STREET PAVEMENT REHABILITATION – \$10,677.60
8. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – LA VISTA CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$8,010.25
9. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. – PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION – PHASE 2 FINAL DESIGN – \$42,106.66
10. REQUEST FOR PAYMENT – METALAB, LLC – PROFESSIONAL SERVICES – 84<sup>TH</sup> STREET UNDERPASS – \$6,900.00
11. RESOLUTION 21-130 – CHANGE OF LOCATION – LIQUOR LICENSE – CHILI'S GRILL AND BAR

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF A REQUEST FOR A CHANGE OF LOCATION FOR THE LIQUOR LICENSE OF CHILI'S GRILL AND BAR.

WHEREAS, Chili's Grill and Bar currently holds a valid Class I Liquor License from the Nebraska Liquor Control Commission; and

WHEREAS, Chili's Grill and Bar has made a request to Nebraska Liquor Control for change of location from 7865 South 84<sup>th</sup> Street to 8373 Bartmettler Dr. Ste 105; and

WHEREAS, the Nebraska Liquor Control Commission has asked that this request be presented to the City Council for action.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista do hereby approve the request for change of location as presented by Chili's

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Grill and Bar and instructs the City Clerk to inform the Nebraska Liquor Control Commission of said approval.

## 12. APPROVAL OF CLAIMS

### 13. REQUEST FOR PAYMENT – CITY CENTRE I, LLC – CONSTRUCTION SERVICES – LOT 14 RETAINING WALL – \$105,938.28

3CMA MEMBERSHIP, services	400.00
ACTION BATTERIES, supplies	338.70
ACTIVE NETWORK LLC, services	87.37
ALFRED BENESCH & CO, services	31,693.66
AMAZON, supplies	581.45
AMERICAN HERITAGE LIFE INS, services	1,244.72
A-RELIEF, services	1,480.00
BAUER BUILT INC, maint.	1,180.00
BERENS-TATE CONSULTING, services	3,000.00
BOLD OFFICE SOLUTIONS, services	236.70
BRITE IDEAS DECORATING, services	4,268.00
CCAP AUTO LEASE LTD, services	449.00
CENTER POINT INC, books	373.92
CENTURY LINK/LUMEN, phones	302.96
CINTAS CORP, services	127.38
COSTCO VISA, supplies	4,791.73
CITY OF PAPILLION, services	34,058.09
CONTROL MASTERS INC, bld&grnds	217.50
COX COMMUNICATIONS INC, services	170.15
CULLIGAN OF OMAHA, services	23.00
CUMMINS CENTRAL POWER LLC, bld&grnds	547.95
D & K PRODUCTS, bld&grnds	3,486.95
DATASHIELD CORP, services	20.00
DEARBORN NAT'L LIFE INS CO, services	7,085.92
DELL MARKETING LP, services	481.74
DESIGN WORKSHOP INC, services	3,856.00
DLR GROUP, services	22,109.10
DULTMEIER SALES LLC, maint.	385.00
ECHO GROUP INC, supplies	612.60
FELSBURG HOLT & ULLEVIG INC, services	9,619.14
FIKES COMMERCIAL HYGIENE LLC, supplies	48.00
FIRST STATE BANK, services	12,205.78
FIRST WIRELESS INC, services	1,002.80
FLUID MECHANICAL, refund	46.00
FNIC, services	243,489.75
FOUNTAIN, B., travel	153.44
GALE, books	50.98
GALLS LLC, apparel	428.89
GENUINE PARTS CO, maint.	1,432.39
GOODWIN TUCKER GROUP, services	192.50
GRAINGER, maint.	399.25
GREAT PLAINS COMMUNICATION, services	777.60
GUARDIAN ALLIANCE TECH, services	12.00
HAPPY TREES LLC, services	1,100.00
HARROD, RAYMOND, supplies	24.70
HEIM, JAMES A, services	3,510.00
HOBBY LOBBY, supplies	316.28
HOME DEPOT, bld&grnds	301.25
HUMANITIES NEBRASKA, services	75.00
INDUSTRIAL SALES CO, services	845.82
INGRAM LIBRARY SERVICES, books	66.25
J & A TRAFFIC PRODUCTS, maint.	825.00
K & J ELITE SPORTS TURF, services	3,800.00
KEVIN JONES, services	1,750.00
KIMBALL MIDWEST, maint.	206.40
KRIHA FLUID POWER CO, maint.	232.35

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LV COMM FOUNDATION, refund	2,500.00
LIBRARY IDEAS LLC, books	323.55
LINCOLN NAT'L LIFE INS CO, services	6,071.29
LOGAN CONTRACTORS SUPPLY, services	12.42
MEDICA INSURANCE CO, services	105,189.21
MENARDS, supplies	270.15
METRO COMM COLLEGE, services	43,517.50
MID-AMERICAN BENEFITS INC, services	16,738.25
MIDLANDS BUSINESS JOURNAL, services	75.00
MIDWEST TURF & IRRIGATION, maint.	72.01
MILLARD METAL, services	1,249.00
MOHOC INC, services	4,591.86
MUNICIPAL PIPE TOOL CO, services	2,173.07
NE DEPT OF REVENUE, taxes	78,056.00
NE CITY MANAGERS ASSOC, services	100.00
NEBRASKALAND TIRE INC, maint.	1,176.08
OCLC INC, media	164.44
OFFICE DEPOT INC, supplies	782.66
OMAHA WINNELSON, maint.	72.10
ONE CALL CONCEPTS INC, services	259.86
O'REILLY AUTO PARTS, maint.	752.20
PAPILLION LA VISTA COMM SCHOOL, services	12,175.00
PAPILLION SANITATION, bld&grnds	275.70
PAYROLL MAXX, payroll & taxes	350,690.34
PITNEY BOWES, services	429.99
PROJECT LIFESAVER INC, supplies	141.26
QUALITY AUTO REPAIR, maint.	150.00
RTG BUILDING SERVICES INC, bld&grnds	6,665.00
SCHOLASTIC LIBRARY PUBLISHING, books	109.20
SECURITY EQUIPMENT INC, services	110.00
SIGN IT, services	175.00
SOUTHERN UNIFORM, apparel	301.72
SUBURBAN NEWSPAPERS INC, services	669.15
THE COLONIAL PRESS, INC, services	150.58
THE SCHEMMER ASSOCIATES INC, services	455.00
THE WALDINGER CORP, bld&grnds	615.07
THOMPSON DREESSEN & DORNER INC, services	12,352.60
TRANS UNION RISK, services	75.00
TRI-CITY FOOD PANTRY, services	240.00
U.S. CELLULAR, phones	1,770.83
ULINE INC, supplies	487.17
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED HEALTHCARE CO, services	996.20
USBORNE BOOKS & MORE, books	322.77
VALUATION SERVICES, services	2,500.00
VERIZON WIRELESS, phones	380.13
WESTLAKE HARDWARE, bld&grnds	1,476.68
WOODHOUSE FORD, maint.	257.32

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Hale. Councilmember Hale 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

Director of Administrative Services Pokorny reported that the Interim Human Resources Director will start on November 29, 2021.

Assistant City Administrator Ramirez provided updates on the 84<sup>th</sup> Street redevelopment project.

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Communication Manager Beaumont reported on upcoming Holiday events including Santa's Sleigh Ride on November 28, 2021 and the Tree lighting on November 29, 2021.

City Engineer Dowse gave an update on the Open House for the East La Vista Sewer Project held on November 10, 2021.

## **B. ORDINANCE – RIGHT-OF-WAY – PART OF 78<sup>TH</sup> STREET WEST OF PARK VIEW BLVD**

Councilmember Thomas introduced Ordinance No. 1431 entitled: AN ORDINANCE VACATING, AND RESERVING AND RETAINING TITLE IN THE CITY TO, AND DIRECTING THE SALE AND CONVEYANCE OF, A PART OF 78<sup>TH</sup> STREET RIGHT-OF-WAY LOCATED IN THE NW 1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1431. Councilmember Hale seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1431 be passed and adopted?" Upon roll call vote the following Councilmembers 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. ORDINANCE – AMEND MASTER FEE ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1432 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1424, 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 Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion passed.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1432. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1432 be passed and adopted?" Upon roll call vote the following Councilmembers 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.

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## **D. RESOLUTION – AUTHORIZE CONTRACT – CONSTRUCTION MANAGER AT RISK SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENT PROJECTS**

Councilmember Crawford moved to table Resolution entitled; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF THE CONSTRUCTION MANAGER AT RISK CONTRACT FOR PRECONSTRUCTION AND CONSTRUCTION SERVICES WITH JE DUNN CONSTRUCTION, OMAHA, NEBRASKA. PRECONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED \$15,000.00 AND CONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED 5.5% OF THE GUARANTEED MAXIMUM PRICE WHICH WILL BE ESTABLISHED VIA CONTRACT AMMENDMENT.

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

## **E. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – EMPLOYEE ASSISTANCE PROGRAM SERVICES**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-131 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A REQUEST FOR PROPOSALS FOR EMPLOYEE ASSISTANCE PROGRAM SERVICES.

WHEREAS, the Mayor and Council have determined that employee assistance program services are necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed services; and

WHEREAS, proposals will be due December 17, 2021 with the approval of a selected firm by the City Council on January 4, 2022, subject to the discretion of the City;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for employee assistance program services.

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

## **F. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – THOMPSON CREEK REHABILITATION – CENTRAL PARK EAST**

Councilmember Quick introduced and moved for the adoption of Resolution No. 21-132 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THOMPSON CREEK REHABILITATION – CENTRAL PARK EAST.

WHEREAS, the Mayor and Council have determined that creek channel rehabilitation, grading and storm sewer reconstruction within Central Park East is necessary; and

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

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors November 24, 2021 and December 1, 2021

Open Bids December 10, 2021 at 10:00am at City Hall

City Council Award Contract December 21, 2021

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for Thompson Creek Rehabilitation – Central Park East.

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

## G. RESOLUTION – REQUEST FOR PROPOSALS – LAND USE AND MARKET ANALYSIS STUDY

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-133 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISING OF THE REQUEST FOR PROPOSALS FOR THE PREPARATION OF A LAND USE AND MARKET ANALYSIS FOR THE CITY OF LA VISTA.

WHEREAS, the Mayor and Council have determined that requesting proposals for the preparation of a land use and market analysis for the City of La Vista is necessary, and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for this project; and WHEREAS, Proposals will be due December 17, 2021 with the approximate contract award date of January 18, 2022;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertising of the request for proposals for the preparation of a land use and market analysis for the City of La Vista.

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

## H. RESOLUTION – MASTER DEVELOPMENT AGREEMENT

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-134 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING PROPOSED CONSENT PURSUANT TO 2007 MASTER DEVELOPMENT AGREEMENT FOR THE HOTEL AND CONFERENCE CENTER FACILITIES IN SOUTHPORT WEST.

WHEREAS, in conjunction with Hotel and Conference Center facilities in Southport West, the City in 2007 entered a Master Development Agreement with John Q. Hammons ("JQH") and JQH affiliated entities, as amended, ("Agreement"), which Agreement was assigned in 2018 to current owner JDHQ Hotels LLC, a Delaware limited liability company.

WHEREAS, The Agreement requires City consent to certain transactions involving the Hotel and Conference Center facilities;

WHEREAS, JDHQ Hotels LLC requests City consent to certain transactions described in the proposed consent on file with the City ("Proposed Consent").

NOW THEREFORE, BE IT RESOLVED, that the Proposed Consent is approved, subject to any additions, subtractions, or modifications that the City Administrator in consultation with the City Attorney determines necessary or appropriate (the Proposed Consent as revised and satisfactory to the City Administrator shall be referred to as "Final Consent").

BE IT FURTHER RESOLVED, that the Mayor, City Administrator, or any designee of the Mayor or City Administrator shall be authorized to take all actions as he or she determines necessary or appropriate to carry out this Resolution, including without limitation executing and delivering the Final Consent on behalf of the Mayor and City Council.

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

## COMMENTS FROM THE FLOOR

Councilmember Sheehan requested further discussion on hiring for 2 positions. Consensus of the Council was not to bring this back for a future meeting.

## COMMENTS FROM MAYOR AND COUNCIL

At 6:41 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA

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

ATTEST:

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