

**LA VISTA CITY COUNCIL  
MEETING  
January 17, 2023**

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 January 17, 2023. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Buethe, Chief of Police Lausten, Director of Administrative Services Pokorny, Community Development Director Fountain, Recreation Director Stopak, Director of Public Works Soucie, Library Director Barcal, City Engineer Dowse and Human Resources Director Lowery.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on January 4, 2023. 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.

**APPOINTMENTS – BOARD OF ADJUSTMENT – REAPPOINT JASON SOKOLEWICZ – 3 YEAR TERM; LIBRARY BOARD – REAPPOINT HUYEN-YEN HOANG, CAROL WESTLUND, CONNIE NOVACEK – 2 YEAR TERM; PARK & RECREATION ADVISORY COMMITTEE – REAPPOINT JASON RYAN – 2 YEAR TERM; PERSONNEL BOARD – REAPPOINT PAT LODES – 6 YEAR TERM; PLANNING COMMISSION – REAPPOINT KATHLEEN ALEXANDER, GAYLE MALMQUIST – 3 YEAR TERM; PLANNING COMMISSION ALTERNATE – REAPPOINT AUSTIN PARTRIDGE – 3 YEAR TERM; CIVIL SERVICE COMMISSION – REAPPOINT STEVEN ROARTY – 5 YEAR TERM.**

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Jason Sokolewicz to the Board of Adjustment for a 3 year term; Huyen-Yen Hoang, Carol Westlund and Connie Novacek to the Library Board for a 2 year term; Jason Ryan to the Park & Recreation Advisory Committee for a 2 year term; Pat Lodes to the Personnel Board for a 6 year term; Kathleen Alexander and Gayle Malmquist to the Planning Commission for a 3 year term; Austin Partridge to the Planning Commission as an alternate for a 3 year term; Steven Roarty to the Civil Service Commission for a 5 year term. Councilmember Thomas motioned the approval, seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

**APPOINTMENT – JOE SOUCIE, JR – CLASS A, LICENSE S-1046, AS AN EMPLOYED STREET SUPERINTENDENT DURING JANUARY 1 THRU DECEMBER 31, 2023, FOR THE PURPOSE OF THE 2023 CALENDAR YEAR HIGHWAY INCENTIVE PAYMENT, TO BE ISSUED TO THE CITY BY THE NEBRASKA DEPARTMENT OF TRANSPORTATION, IN FEBRUARY 2024.**

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Joe Soucie, Jr, Class A, License S-1046, as an employed street superintendent during January 1 thru December 31, 2023, for the purpose of the 2023 calendar year Highway Incentive Payment, to be issued to the city by the Nebraska Department of Transportation, in February 2024. Councilmember Sell motioned the approval, seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

**A. CONSENT AGENDA**

1. **APPROVAL OF THE AGENDA AS PRESENTED**
2. **APPROVAL OF THE MINUTES OF THE JANUARY 3, 2023 CITY COUNCIL MEETING**
3. **MONTHLY FINANCIAL REPORT – NOVEMBER 2022**
4. **REQUEST FOR PAYMENT – GROW SARPY – PROFESSIONAL SERVICES –**

# MINUTE RECORD

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## **2022 ANNUAL INVESTMENT VISIONARY LEVEL — \$8,500**

### **5. REQUEST FOR PAYMENT — HDR ENGINEERING — PROFESSIONAL SERVICES — PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS — \$1,114.85**

### **6. REQUEST FOR PAYMENT — JE DUNN CONSTRUCTION CO — CONSTRUCTION SERVICES — CENTRAL PARK PAVILION AND SITE IMPROVEMENTS — \$1,124,594.00**

### **7. REQUEST FOR PAYMENT — DESIGN WORKSHOP, INC — PROFESSIONAL SERVICES — 84<sup>TH</sup> STREET BRIDGE — \$4,058.74**

### **8. APPROVAL OF CLAIMS**

ACCESS BANK, services	35.00
ACTION BATTERIES, maint.	299.00
ACTIVE NETWORK LLC, services	12.99
ALFRED BENESCH & CO, services	13,101.50
AMAZON, supplies	946.59
AMERICAN HERITAGE LIFE INS CO, services	1,146.08
AMERICAN LIBRARY ASSOC, services	306.00
ARNOLD MOTOR SUPPLY, maint.	2,795.47
AWE ACQUISITION INC, services	8,655.00
BADGER BODY & TRUCK, maint	76.00
BARCAL, R., travel	224.00
BIBLIOTHECA LLC, books	28.55
BLACK HILLS ENERGY, utilities	13,975.54
BODY BASICS INC, services	414.00
CENTURY LINK/LUMEN, phones	151.77
CINTAS CORP, services	266.02
CITY OF OMAHA, services	232,361.31
CITY OF PAPILLION, services	240,674.00
COMP CHOICE INC, services	604.98
CONVERGINT TECHNOLOGIES, services	855.55
COX COMMUNICATIONS, services	467.15
CULLIGAN OF OMAHA, supplies	25.55
DATASHIELD CORP, services	120.00
DEARBORN NAT'L LIFE INS CO, services	7,726.27
DEMCO INC, supplies	273.17
DESIGN WORKSHOP, services	2,980.00
DLR GROUP, services	15,554.22
DULTMEIER SALES, supplies	311.00
ESSENTIAL SCREENS, services	238.00
FAC PRINT & PROMO CO, supplies	369.82
FERGUSON ENTERPRISES, supplies	15.98
FORVIS, LLP, services	23,239.13
GALE, books	76.47
GRAINGER, bld&grnds	7.31
GREAT PLAINS COMMUNICATION, services	777.60
GREAT PLAINS UNIFORMS, apparel	547.17
HAMPTON INN-KEARNEY, travel	499.80
HANEY SHOE STORE, apparel	150.00
HIGHWAY SIGNING INC, services	14,089.36
HILTI INC, maint.	686.00
HOME DEPOT, supplies	191.39
INGRAM LIBRARY SERVICES, books	1,930.75
J RETZ LANDSCAPE INC, services	125.00
JOHNSTONE SUPPLY CO, bld&grnds	101.17
KANOPY INC, services	85.00
KIMBALL MIDWEST, supplies	87.00
LARSEN SUPPLY CO, supplies	525.49
LERNER PUBLISHING GROUP, books	1,222.44



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LINCOLN NAT'L LIFE INS CO, services	6,465.07
LOWE'S, supplies	588.46
MEDICA INSURANCE CO, services	114,067.80
MENARDS-RALSTON, supplies	718.25
METLIFE, services	1,094.15
METRO AREA TRANSIT, services	847.00
MID-AMERICAN BENEFITS INC, services	7,551.03
MIDWEST TAPE, media	356.90
NE SECRETARY OF STATE, services	60.00
NE TURFGRASS ASSOC, services	90.00
NORM'S DOOR SERVICE, bld&grnds	514.95
OFFICE DEPOT INC, supplies	538.40
OLSSON INC, services	6,367.25
OMAHA TACTICAL LLC, services	400.00
OMAHA WINNELSON SUPPLY, maint.	146.52
OMNI ENGINEERING, services	1,132.25
ONE CALL CONCEPTS INC, services	119.44
O'REILLY AUTO PARTS, maint.	1,984.49
PAPILLION SANITATION, services	2,777.76
PAYROLL MAXX, payroll & taxes	409,800.51
PER MAR SECURITY, services	751.64
RAINBOW GLASS & SUPPLY INC, services	338.50
REVOLUTION WRAPS LLC, services	3,349.20
ROBERT HALF, services	6,050.69
RTG BUILDING SERVICES INC, bld&grnds	6,665.00
SAMPSON CONSTRUCTION CO, services	927,975.00
SARPY ELECTION COMMISSIONER, services	3,279.45
SARPY DOUGLAS LAW ENFORCE, services	259.00
SESAC INC, services	553.00
SHI INTERNATIONAL CORP, services	10,191.28
SIGN IT, services	309.00
SOUTHEAST AREA CLERK'S ASSOC, services	20.00
SOUTHERN UNIFORM, apparel	87.21
SUBURBAN NEWSPAPERS INC, services	1,058.37
SUNSET LAW ENFORCEMENT LLC, supplies	1,864.10
TORNADO WASH LLC, services	224.00
TRANE U.S. INC, services	20.00
TRANS UNION RISK, services	75.00
TRUCK CENTER COMPANIES, maint.	8.00
TURFWERKS, maint.	985.54
UNITE PRIVATE NETWORKS LLC, services	4,400.00
USI EDUCATION & GOV'T SALES, services	269.41
VAL VERDE ANIMAL HOSPITAL INC, services	108.60
VERIZON CONNECT NWF, phones	1,037.80
VERIZON WIRELESS, phones	383.65
VOIANCE LANGUAGE, services	25.00
WALMART, supplies	1,229.40
WESTLAKE HARDWARE, supplies	1,986.93
WINTER EQUIPMENT CO, services	1,089.10
WOODHOUSE FORD, maint.	484.90
WOODHOUSE SW OMAHA, maint.	109.95

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

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## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

Chief of Police Lausten reported on the snow emergency and the Hemsley Foundation donation of AED machines to the Police Department.

## **B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT**

### **1. PUBLIC HEARING**

At 6:05 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the EDP Report. Citizen Advisory Review Committee Chair Mike Narak presented the report.

At 6:06 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

## **C. RESOLUTION – AWARD BID – 2023 PAVEMENT REHABILITATION AND RESURFACING**

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-004 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDED A CONTRACT TO SPENCER MANAGEMENT., OMAHA, NEBRASKA FOR THE 2023 PAVEMENT REHABILITATION AND RESURFACING PROJECT IN AN AMOUNT NOT TO EXCEED \$1,287,407.64.

WHEREAS, the City Council of the City of La Vista has determined that the 2023 Pavement Rehabilitation and Resurfacing Project is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed project; and

WHEREAS, bids were solicited, and two (2) bids were received; 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, award the contract to Spencer Management., Omaha, Nebraska for the 2023 Pavement Rehabilitation and Resurfacing Project in an amount not to exceed \$1,287,407.64.

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

## **D. POSITION DESCRIPTIONS – NEW AND UPDATES**

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

## **E. ORDINANCE – AMEND COMPENSATION ORDINANCE**

Councilmember Thomas introduced Ordinance No. 1474 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to



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suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1474. Councilmember Frederick seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. 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 – AUTHORIZE REQUEST FOR PROPOSALS – MUNICIPAL CAMPUS PLAN**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-005 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A REQUEST FOR PROPOSALS FOR MASTER PLANNING & CONCEPTUAL DESIGN SERVICES.

WHEREAS, the Mayor and Council have determined that master planning and conceptual design services associated with the City's municipal campus are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed services; and

WHEREAS, proposals will be due February 23, 2023 with the approval of a selected firm by the City Council on May 16, 2023, 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 master planning and conceptual design services associated with the City's municipal campus.

Seconded by Councilmember Frederick. Council Discussion was held. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell and Wetuski. Nays: Sheehan and Hale. Abstain: None. Absent: None. Motion carried.

## **G. RESOLUTION – AUTHORIZE PURCHASE – POLICE K-9**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-006 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF A POLICE K-9 FROM SOUTHERN COAST K9, INC., NEW SMYRNA BEACH, FL IN AN AMOUNT NOT TO EXCEED \$15,500.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a police K-9 is necessary; and

WHEREAS, the K-9 Donation account has funds and forfeiture funds available for the purchase of said K-9; and

WHEREAS, The La Vista Police Department did extensive research and recommends that the K-9 be purchased from said vendor; and

WHEREAS, Subsection (c) of Section 31.23 of the La Vista Municipal Code requires 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 authorize the purchase of a police K-9 from Southern Coast K9, Inc., New Smyrna Beach, FL, in an amount not to exceed \$15,500.

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

## **H. RESOLUTION – APPROVE AMENDMENT NO. 1 – ECONOMIC DEVELOPMENT PROGRAM AWARD PROMISSORY NOTE – ASTRO THEATER**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-007 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE ECONOMIC DEVELOPMENT PROGRAM (EDP) AWARD PROMISSORY NOTE FOR THE ASTRO THEATER.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have previously executed a promissory note regarding the EDP award to City Centre Music Venue, LLC and Astro Theater, LLC; and

WHEREAS, Section 2 of the Note provided that the repayable portion of the EDP award would bear interest and outlined how that interest would be calculated; and

WHEREAS, City Centre Music Venue, LLC and Astro Theater, LLC desire to amend the note to change the basis by which the interest is calculated; and

WHEREAS, this change is necessary to maintain consistency between the terms of the developer's construction loan with American National Bank and the EDP loan.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the execution of Amendment No. 1 to the Economic Development Program (EDP) award promissory note for the Astro Theater is hereby authorized.

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

## **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

## **COMMENTS FROM MAYOR AND COUNCIL**

There were no comments from Mayor or Council.

At 6:27 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF FEBRUARY 2023.

CITY OF LA VISTA

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

ATTEST:

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Pamela A. Buehe, MMC  
City Clerk