

MINUTE RECORD

A-2

No. 729 -- REDFIELD DIRECT E2106195KV

LA VISTA CITY COUNCIL MEETING March 21, 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 March 21, 2023. Present were Councilmembers: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, Community Development Director Fountain, City Engineer Dowse, Library Director Barcal, Human Resources Director Lowery, Finance Director Harris, Deputy Director of Public Works Calentine, Police Captain Barcal and Assistant Recreation Director Karlson.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on March 8, 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.

SWEAR IN POLICE SERGEANT – MARK HARDESTY

Mayor Kindig swore in Mark Hardesty as a Police Sergeant for the City of La Vista

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE MARCH 21, 2023 CITY COUNCIL
MEETING**
- 3. MONTHLY FINANCIAL REPORT – JANUARY 2023**
- 4. REQUEST FOR PAYMENT – CITY CENTRE MUSIC VENUE, LLC & ASTRO
THEATER, LLC – DISBURSEMENT OF EDP AWARD FUNDS – \$360,000.00**
- 5. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC – PROFESSIONAL
SERVICES – 84TH STREET BRIDGE – \$2,113.75**
- 6. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – LA
VISTA CITY CENTRE PARKING STRUCTURE 2 – \$25,235.95**
- 7. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO –
CONSTRUCTION SERVICES – CENTRAL PARK PAVILION AND SITE
IMPROVEMENTS – \$796,401.00**
- 8. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –
PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$3,422.92**
- 9. APPROVAL OF CLAIMS**

AA WHEEL & TRUCK SUPPLY, maint.	11.04
ABM INDUSTRIES INC, services	23,440.35
ACTION BATTERIES, maint.	78.45
ACTIVE NETWORK LLC, services	352.46
AKRS EQUIPMENT SOLUTIONS, maint.	559.21
AMAZON, supplies	1,483.57
AMERICAN HERITAGE LIFE INS CO, services	1,283.30
APWA-AMER PUBLIC WORKS ASSN, services	500.00
ASPEN EQUIPMENT CO, maint.	1,783.98
BARCAL, R., travel	64.71
BEACON ATHLETICS LLC, services	1,850.00
BERGANKDV LLC, services	13,800.00
BIBLIOTHECA LLC, media	79.68
BISHOP BUSINESS EQUIPMENT, services	1,219.70
BLACK HILLS ENERGY, utilities	14,835.83
BODY ARMOR OUTLET, supplies	1,849.85
BRIAN SMILES, services	600.00
BRODERSEN, C., travel	665.71

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CALEA, services	11,450.00
CALENTINE, J., tuition	1,500.00
CAVLOVIC, PAT, apparel	150.00
CENTER INTERNET SECURITY, services	1,851.68
CENTURY LINK/LUMEN, phones	80.58
CINTAS CORP, services	53.56
COMP CHOICE INC, services	159.00
COX COMMUNICATIONS, services	467.15
CROUCH RECREATION, services	2,730.00
CULLIGAN OF OMAHA, services	25.55
D & K PRODUCTS, bld&grnds	477.75
DART RANGE, services	32,700.00
DEARBORN NAT'L LIFE INS CO, services	7,905.26
DELGADO, G., reimbursement	25.00
DELL MARKETING L.P., services	77,092.15
DEMCO INC, supplies	619.42
DULTMEIER SALES LLC, bld&grnds	68.30
ENTERPRISES INC, bld&grnds	30.99
FERGUSON ENTERPRISES INC, bld&grnds	29.08
FNIC, services	264,019.25
FOUNTAIN, B., travel	434.50
FUN EXPRESS LLC, supplies	256.79
GALE, books	128.20
GALLS LLC, apparel	26.94
GODFATHER'S PIZZA, services	97.76
GREAT PLAINS COMMUNICATION, services	777.60
GRETNA WELDING INC, maint.	1,650.00
GT DISTRIBUTORS INC, supplies	4,139.47
GUNN, B., travel	66.29
HDR ENGINEERING INC, services	1,431.69
HEMPHILL SEARCH GROUP INC, services	28,980.00
HTS AG, services	7,745.00
HUMANITIES NEBRASKA, services	75.00
INGRAM LIBRARY SERVICES, books	2,270.59
J & J SMALL ENGINE SERVICE, maint.	389.92
J RETZ LANDSCAPE, services	2,375.00
KANOPIY INC, services	176.00
KEVIN JONES, services	700.00
KINDIG, D., travel	66.02
KRIHA FLUID POWER CO. maint.	69.98
LABRIE, DONALD P, services	225.00
LARSEN SUPPLY CO, supplies	478.92
LEAGUE OF NE MUNICIPALITIES, services	790.00
LIBRARY ADVANTAGE, supplies	670.00
LIBRARY IDEAS LLC, books	1,087.32
LINCOLN NAT'L LIFE INS CO, services	6,424.02
LOWE'S, bld&grnds	107.10
MALLOY ELECTRIC, bld&grnds	344.12
MEDICA INSURANCE CO, services	125,615.68
MENARDS-RALSTON, supplies	187.64
METLIFE, services	1,068.03
METRO AREA TRANSIT, services	817.00
METRO COMMUNITY COLLEGE, services	17,240.03
MID-AMERICAN BENEFITS INC, services	8,488.91
MIDWEST TAPE, media	214.44
MPH INDUSTRIES INC, services	11,195.00
MSC INDUSTRIAL SUPPLY CO, maint.	36.32
NE DEPT OF MOTOR VEHICLE, services	32.80

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NE IOWA INDL FASTENERS INC, supplies	23.99
NE LAW ENFORCEMENT, services	175.00
NE LIBRARY COMMISSION, services	2,171.15
NE TURFGRASS ASSOC, services	2,550.00
OFFICE DEPOT INC, supplies	165.77
OLSSON INC, services	4,301.50
OPPD, utilities	3,014.23
OMAHA WORLD-HERALD, services	1,799.20
OMNI ENGINEERING, services	854.00
ON THE SPOT PRODUCTIONS, services	4,500.00
O'REILLY AUTO PARTS, maint.	4,041.72
PAPILLION SANITATION, services	541.31
PAYROLL MAXX, payroll & taxes	406,626.15
PER MAR SECURITY, services	967.44
PITNEY BOWES, postage	1,365.00
PRIMA DISTRIBUTION INC, supplies	161.74
RDG PLANNING & DESIGN, services	18,959.10
REACH SPORTS MARKETING GROUP INC, services	900.00
RED EQUIPMENT LLC, maint.	3,762.00
ROBERT HALF, services	2,741.95
ROWMAN & LITTLEFIELD PUBLISHING CO, supplies	71.87
SAMPSON CONSTRUCTION CO INC, services	663,865.00
SARPY COUNTY TREASURER, services	9,331.29
SHAW, MARY MARJIE, reimbursement	500.00
SHERWIN-WILLIAMS, bld&grnds	222.12
SIGN IT, services	969.00
SOLBERG, C., travel	434.50
SUCCESS FACTORS INC, services	11,408.51
SUNSET LAW ENFORCEMENT LLC, supplies	5,817.00
T & N ACQUISITION CO, supplies	445.00
TARGET SOLUTIONS LEARNING LLC, services	5,408.00
TED'S MOWER SALES & SERVICE, maint.	1,848.79
THE SCHEMMER ASSOCIATES INC, services	426.25
TORNADO WASH LLC, services	252.00
TRUCK CENTER COMPANIES, maint.	258.70
TY'S OUTDOOR POWER & SERVICE, maint.	928.73
US BANK NAT'L ASSOC, supplies	25,686.00
V & V MANUFACTURING INC, services	179.85
VERIZON WIRELESS, phones	365.65
WAGNER, LUKE, apparel	134.00
WALMART, supplies	686.81
WESTLAKE HARDWARE, bld&grnds	1,381.67

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant Recreation Director Karlson commented on the disc golf event March 26th at Central Park.

Community Events Coordinator Allen gave an overview on the Salute to Summer Festival 2023.

City Engineer Dowse provided updates on the Allo Fiber Project and the Pavement Rehabilitation Projects.

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B. RESOLUTION – APPLICATION FOR REPLAT – LOT 25 CENTECH BUSINESS PARK & LOT 1 CENTECH BUSINESS PARK REPLAT 3 – TO BE REPLATTED AS LOT 1 CENTECH BUSINESS PARK REPLAT SEVEN

The applicant, Kyle Pelster gave an overview of their request.

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-037 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA FOR APPROVAL OF THE REPLAT FOR LOT 25 CENTECH BUSINESS PARK AND LOT 1 CENTECH BUSINESS PARK REPLAT 3, TO BE REPLATTED AS LOT 1 CENTECH BUSINESS PARK REPLAT SEVEN, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owner of the above described property applied for approval of a replat for Lot 25 Centech Business Park and Lot 1 Centech Business Park Replat 3, to be replatted as Lot 1 Centech Business Park Replat Seven; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on February 16, 2023, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lot 25 Centech Business Park and Lot 1 Centech Business Park Replat 3, to be replatted as Lot 1 Centech Business Park Replat Seven, a subdivision located in the southeast quarter of Section 13, Township 14 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska, generally located east of S 133rd Street between Centech Road and Chandler Road, be, and hereby is, approved.

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

C. RESOLUTION – FIREWORKS PERMITS

1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember Quick introduced and moved for the adoption of Resolution No. 22-038 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2023.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2023 shall not exceed six.

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to

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the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

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

2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-039 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATIONS OF BEAUTIFUL SAVIOR LUTHERAN CHURCH, RENEWED HOPE CHURCH, LA VISTA COMMUNITY FOUNDATION, LA VISTA YOUTH BASEBALL ASSOCIATION, PAPILLION LA VISTA SPIRIT FOOTBALL, AND PAPILLION LA VISTA YOUTH ATHLETIC ASSOCIATION.

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits; and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, six (6) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2023 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to: Beautiful Savior Lutheran Church, Renewed Hope Church, La Vista Community Foundation, La Vista Youth Baseball Association, Papillion La Vista Spirit Football, and Papillion La Vista Youth Athletic Association to sell fireworks within the City of La Vista for the 2023 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit and a representative for their fireworks supplies at a meeting with City staff (date and time to be established).

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

D. RESOLUTION – AWARD CONTRACT – 2023 ULTRA-THIN BONDED ASPHALT SYSTEM (UBAS) STREET MAINTENANCE PROJECT

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-040 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO MCANANY CONSTRUCTION INC, SHAWNEE, KS FOR THE 2023 ULTRA-THIN BONDED ASPHALT SYSTEM (UBAS) STREET MAINTENANCE PROJECT IN AN AMOUNT NOT TO EXCEED \$375,000.00.

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WHEREAS, the City Council of the City of La Vista has determined street maintenance is necessary; and

WHEREAS, the FY23/FY24 Biennial budget provides funding for this project; and

WHEREAS, McAnany Construction Inc, Shawnee KS is the only company in the Midwest performing this work for residential street applications, 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 a contract to McAnany Construction Inc, Shawnee KS for the 2023 Ultra-Thin Bonded Asphalt System (UBAS) Street Maintenance project in an amount not to exceed \$375,000.00.

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

E. RESOLUTION – AUTHORIZE PURCHASE – DISHWASHER

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-041 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF ONE (1) HOBART DISHWASHER FROM BULLER FIXTURE, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$20,218.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a one (1) Hobart Dishwasher is necessary; and

WHEREAS, the City will be reimbursed for the full purchase price from ARPA funds administered through Eastern Nebraska Office on Aging (ENOA) upon receiving receipt of 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 purchase over \$5,000.00;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the purchase of a one (1) Hobart Dishwasher from Buller Fixture Company, Omaha, Nebraska in an amount not to exceed \$20,218.00.

Seconded by Councilmember Quick. Assistant Recreation Director Karlson stated this would be paid for with grant money. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

F. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – COMPENSATION STUDY

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-042 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR A CLASSIFICATION, COMPENSATION AND BENEFIT STUDY.

WHEREAS, the Mayor and Council have determined that a classification, compensation and benefit study is necessary; and

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

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WHEREAS, proposals will be due April 19, 2023 with the approval of selected firm by the City Council on June 6, 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 a classification, compensation and benefit study.

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

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

G. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 6:32 p.m. Councilmember Quick made a motion to go into executive session for protection of the public interest for negotiating guidance regarding contract negotiations. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 6:44 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reported on legislative bills.

At 6:52 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Sheehan. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF APRIL 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk