

MINUTE RECORD

No. 729 -- REDFIELD DIRECT E2108195KV

LA VISTA CITY COUNCIL MEETING June 20, 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 June 20, 2023. Present were Councilmembers: Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueche, Director of Administrative Services Pokorny, City Engineer Dowse, Human Resources Director Lowery, Finance Director Harris, Community Development Director Fountain, Director of Public Works Soucie, Library Director Barcal, 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 June 7, 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.

SERVICE AWARD: ZAC BURT – 15 YEARS

Mayor Kindig recognized Zac Burt for 15 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 6, 2023 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – APRIL 2023
4. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC. – PROFESSIONAL SERVICES – 84TH STREET BRIDGE – \$7,837.50
5. REQUEST FOR PAYMENT – SPENCER MANAGEMENT, LLC – PROFESSIONAL SERVICES – 2023 PAVEMENT REHABILITATION AND RESURFACING – \$431,836.65
6. REQUEST FOR PAYMENT – MCANANY CONSTRUCTION – CONSTRUCTION SERVICES – UBAS STREET MAINTENANCE PROJECT – \$339,645.00
7. REQUEST FOR PAYMENT – BENESCH – PROFESSIONAL SERVICES – TERRY DR, LILLIAN AVE & S. 78TH ST PAVEMENT REHABILITATION – \$10,058.00
8. REQUEST FOR PAYMENT – BENESCH – PROFESSIONAL SERVICES – TERRY DR, LILLIAN AVE & S. 78TH ST PAVEMENT REHABILITATION – \$27,098.50
9. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO – CONSTRUCTION SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENTS – \$1,363,830.00
10. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$11,409.75
11. REQUEST FOR PAYMENT – MUD – PROFESSIONAL SERVICES – THE LINK – \$19,784.00
12. REQUEST FOR PAYMENT – HDR ENGINEERING – PROFESSIONAL SERVICES – PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS – \$891.45
13. REQUEST FOR PAYMENT – VIERREGGER ELECTRIC CO – PROFESSIONAL SERVICES – 84TH STREET SIGNAL IMPROVEMENTS – \$35,161.97
14. RESOLUTION – APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE – WALMART, INC. – MATTHEW LEFLORE
15. APPROVAL OF CLAIMS

1000 BULBS, bld&grnds	179.92
ABM INDUSTRIES INC, services	24,038.72
ACCO UNLIMITED CORP, supplies	20.00

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ACTION BATTERIES, supplies	89.85
ACTIVE NETWORK LLC, services	470.34
AKRS EQUIPMENT, maint.	147.24
AMAZON, supplies	1,051.63
AMERICAN HERITAGE LIFE INS CO, services	1,346.08
ANGELINA ALLEN, lifeguard cert.	175.00
ARNOLD MOTOR SUPPLY, maint.	1,080.46
BACON LETTUCE CREATIVE, services	120.00
BAUER BUILT INC, maint.	576.50
BIBLIOTHECA LLC, books	99.86
BISHOP BUSINESS, services	3,261.65
BLACK HILLS ENERGY, utilities	2,827.24
BOK FINANCIAL, bonds	1,848.75
BROADCAST MUSIC INC, services	421.00
BUETHE, P., travel	921.38
BULLER FIXTURE CO, services	22,527.28
BULLER, H., travel	364.95
BURNS & MCDONNELL ENGINEERING, services	2,594.00
CENTER POINT INC, books	93.48
CENTURY LINK/LUMEN, phones	1,195.39
CINTAS CORP, services	876.25
CITY OF OMAHA, services	233,169.48
CITY OF PAPILLION, services	256,349.79
COMP CHOICE INC, services	815.00
CONCRETE SUPPLY INC, services	1,802.51
CORE BANK, services	429,904.82
CORNHUSKER INTL TRUCKS INC, maint.	1,508.86
COX COMMUNICATIONS INC, services	467.15
CULLIGAN OF OMAHA, services	74.30
D & K PRODUCTS, bld&grnds	4,021.83
DASH MEDICAL GLOVES, supplies	152.84
DEARBORN NAT'L LIFE INS CO, services	8,423.89
DEMCO INC, supplies	380.33
DESIGN WORKSHOP INC, services	3,707.50
DLR GROUP, servicees	57,610.74
ECHO GROUP INC, maint.	155.00
EDGEWEAR SCREEN PRINTING, services	702.00
ELENA STONYS, lifeguard cert.	280.00
ESSENTIAL SCREENS, services	380.80
FELSBURG HOLT & ULLEVIG INC, services	1,523.00
FIKES COMMERCIAL, supplies	62.00
FIRE PROTECTION SERVICES LLC, bld&grnds	865.00
FIRST STUDENT INC, services	604.50
FITZGERALD SCHORR BARMETTLER, services	32,103.90
FLEETPRIDE, maint.	86.00
FUN SERVICES, supplies	490.50
G I CLEANERS & TAILORS, services	432.50
GALE, books	128.95
GALLS LLC, apparel	3.09
GODFATHER'S PIZZA, services	214.00
GRACE KEMPKE, lifeguard cert.	230.00
GRASS PAD INC, services	31.43
GREAT PLAINS UNIFORMS, apparel	160.00
GREATAMERICA FINANCIAL, services	1,578.43
GREGG YOUNG CHEVROLET INC, maint.	2,182.17
HARM'S CONCRETE INC, services	363.10
HDR ENGINEERING INC, services	2,782.29
HGM ASSOCIATES INC, services	45,926.69

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HOBBY LOBBY STORES INC, supplies	278.66
HY-VEE INC, services	68.99
INDUSTRIAL SALES CO, supplies	163.94
INGRAM LIBRARY SERVICES LLC, books	2,164.29
ISABELLA MACE, lifeguard cert.	75.99
JOSHUA NIXON, lifeguard cert.	175.00
JUSTIN KOFOED LLC, services	1,800.00
KALEB CANIGLIA, lifeguard cert.	120.00
KANOPY INC, services	142.00
LARSEN SUPPLY CO, supplies	330.40
LIBRARY IDEAS LLC, books	5.50
LIBRARY SUPPLY, supplies	414.99
LINCOLN NAT'L LIFE INS CO. services	6,848.52
LOWE'S, supplies	691.43
LUCY SPORT, talent fee	100.00
MACKIE CONSTRUCTION, services	77,194.42
MARCO INC, services	295.74
MARTIN ASPHALT - MONARCH OIL, services	640.00
MEDICA INSURANCE CO, services	130,389.85
MENARDS-RALSTON, supplies	1,442.97
MEREDITH PELTON, lifeguard cert.	175.00
METLIFE, services	1,112.70
METRO COMM COLLEGE, bld&grnds	14,381.40
MUD, utilities	5,425.30
MICHAEL TODD & CO, services	2,712.50
MICROFILM IMAGING SYSTEMS INC, services	180.00
MID-AMERICAN BENEFITS INC, services	25,743.60
MIDLANDS LIGHTING & ELECTRIC, maint.	33.19
MILLER & SONS GOLF CARS LLC, services	680.00
MOBOTREX INC, services	172.50
MURPHY TRACTOR, maint.	226.62
MUZZY ICE, services	837.50
NATE TREAT, lifeguard cert.	175.00
NE BANK F/K/A FARMERS STATE BANK, services	10,568.84
NE DEPT OF REVENUE, sales tax	544.39
NE DEPT OF REV, motor fuel tax	50.00
NEB STATE PATROL, services	2,623.50
NEBRASKALAND TIRE INC, maint.	1,753.65
NL & L CONCRETE, services	177,088.69
NOAH DAVIS, lifeguard cert.	280.00
NORTH AMERICAN RESCUE, supplies	788.90
OFFICE DEPOT INC, supplies	705.13
OLSSON INC, services	4,319.75
OPPD, utilities	42,510.97
OMAHA WINNELSON SUPPLY, maint.	151.29
OMAHA WORLD-HERALD, services	145.49
OMNI ENGINEERING, services	1,194.15
ONE CALL CONCEPTS INC, services	508.00
PAPILLION REC ORGANIZATION, services	2,301.30
PAPILLION SANITATION, services	514.95
PAYROLL MAXX, payroll & taxes	906,686.85
PEPSI COLA CO, supplies	808.25
PER MAR SECURITY, services	145.95
PETROS PACE FINANCE, services	23,556.09
PITNEY BOWES, postage	2,709.00
PORT-A-JOHNS, services	690.00
POTTER, TRAVIS, services	1,600.00
RDG PLANNING & DESIGN, services	8,264.88

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REGAL AWARDS INC, services	54.95
RIVER CITY RECYCLING, services	45.00
ROBERT HALF, services	9,977.16
ROWMAN & LITTLEFIELD PUBLISHING, books	58.11
RTG BUILDING SERVICES INC, bld&grnds	6,765.00
SAFARILAND LLC, apparel	171.50
SAMPSON CONSTRUCTION CO INC, services	433,401.00
SCHWARTZ, DEREK, services	137.93
SEWING CONCEPTS INC, supplies	930.00
SHI INTERNATIONAL CORP, services	39,420.46
SIGNS NOW, supplies	29.80
SITE ONE LANDSCAPE, supplies	792.82
SOUTHERN UNIFORM, apparel	427.52
STAGEPAY SERVICES INC, services	3,407.63
SUBURBAN NEWSPAPERS INC, services	1,850.01
TESLA HEMMINGER, lifeguard cert.	280.00
THE LIFEGUARD STORE, apparel	344.39
THE PENWORTHY CO, books	570.53
TIM NIXON, lifeguard cert.	175.00
TORNADO WASH LLC, services	238.00
TRANS UNION RISK, services	75.00
TRUCK CENTER COMPANIES, maint.	14.50
TURFWERKS, maint.	331.17
U.S. CELLULAR, phones	1,872.13
UNITED PARCEL, services	11.54
VERIZON CONNECT FLEET USA, phones	2,300.64
VIERREGGER ELECTRIC CO, services	21,918.00
VOIANCE LANGUAGE, services	25.00
WALMART, supplies	1,332.92
WESTLAKE HARDWARE, supplies	11.96

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Director of Administrative Services Pokorny reported on the Opioid Settlement Funds.

Library Director Barcal reported on the recent GED Graduation.

Assistant Recreation Director Karlson reported on recent and upcoming events at the Recreation Center.

Police Captain Barcal reported that K-9 Bardo has passed away.

Director of Public Works Soucie reported on pavement rehabilitation projects.

B. CONDITIONAL USE PERMIT – BOBCAT OF OMAHA – 8701 S. 145TH STREET

1. PUBLIC HEARING

At 6:22 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit – Bobcat of Omaha – 8701 S. 145th Street. Scott Loos with TD2 gave an overview of the Conditional Use Permit.

At 6:23 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

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2. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-070 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT AMENDMENT FOR DOO, LLC D.B.A. BOBCAT OF OMAHA TO ALLOW FOR THE EXPANSION OF A FARM IMPLEMENT SALES AND SERVICE OPERATION ON LOT 1 LAKEVIEW SOUTH II REPLAT FIVE, LOT 1 LAKEVIEW SOUTH II REPLAT 3, AND LOT 2 LAKEVIEW SOUTH II REPLAT 1.

WHEREAS, DOO, LLC d.b.a. Bobcat of Omaha has applied for an amendment to their existing Conditional Use Permit for to allow for the expansion of their farm implement sales and service operation on Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I; and

WHEREAS, the La Vista Planning Commission has reviewed the application on May 18, 2023 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the amendment of the conditional use permit for such purposes;

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of an amendment to Bobcat of Omaha's Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for DOO, LLC d.b.a. Bobcat of Omaha to allow for the expansion of their farm implement sales and service operation on Lot 1 Lakeview South II Replat Five, Lot 1 Lakeview South II Replat 3, and Lot 2 Lakeview South II Replat I.

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

C. APPROVAL OF CLASS I LIQUOR LICENSE APPLICATION – L'ELLE NAIL SPA, LLC DBA L'ELLE NAIL SPA

1. PUBLIC HEARING

At 6:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for a Class I Liquor License for L'Elle Nail Spa.

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

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-071 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF A CLASS I LIQUOR LICENSE FOR L'ELLE NAIL SPA, LLC DBA L'ELLE NAIL SPA IN LA VISTA, NEBRASKA.

WHEREAS, L'Elle Nail Spa, LLC dba L'Elle Nail Spa, 8373 Barnettler Dr, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License; and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application; and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission; and

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WHEREAS, said licensing standards have been considered by the City Council in making its decision;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of a Class I Liquor License submitted by L'Elle Nail Spa, LLC dba L'Elle Nail Spa, 8373 Barmettler Dr, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Sheehan. Duc Tran represented the applicant and answered questions. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

D. RESOLUTION – APPROVE TITLE VI CIVIL RIGHTS NON-DISCRIMINATION PLAN – LA VISTA/RALSTON SPECIAL SERVICES BUS

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-072 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A TITLE VI CIVIL RIGHTS NON-DISCRIMINATION PLAN – LA VISTA/RALSTON SPECIAL SERVICES BUS.

WHEREAS, the City Council has determined that it is necessary and desirable to approve a Title VI Civil Rights Non-Discrimination Plan for the La Vista/Ralston Special Services Bus; and

WHEREAS, In accordance with Federal Transit Administration funding requirements, every three years the Nebraska Department of Transportation is required to update the Title VI Civil Rights Non-Discrimination plans for all agencies and organizations receiving 5310 and 5311 federal funding; and

WHEREAS, Although the City already has a Title VI plan in place, NDOT requires this specific format because it meets the specific federal Title VI requirements for transit service. It does not affect the City plan adopted in 2010.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve a Title VI Civil Rights Non-Discrimination Plan for the La Vista/Ralston Special Services Bus.

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

E. EXECUTIVE SESSION – STRATEGY SESSION FOR LITIGATION

At 6:29 p.m. Councilmember Quick made a motion to go into executive session for protection of the public interest for a strategy session for litigation. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: Frederick. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:06 p.m. the Council came out of executive session. Councilmember Thomas made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Sell, and Wetuski. Nays: None. Abstain: None. Absent: Frederick, Quick and Hale. Motion carried.

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At 7:06 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Sell and Wetuski. Nays: None. Abstain: None. Absent: Frederick, Quick and Hale. Motion carried.

PASSED AND APPROVED THIS 5TH DAY OF JULY 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk