

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING JANUARY 2, 2019

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 2, 2019. Present were Councilmembers: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney Canella, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, City Engineer Kottmann, Assistant Director of Public Works Calentine, Library Director Barcal, Director of Administrative Services Pokorny, Assistant Recreation Director Karlson, and Finance Director Miserez.

A notice of the meeting was given in advance thereof by publication in the Times on December 19, 2018. 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 – PERSONNEL BOARD - REAPPOINT MARY L. HEWITT – 6 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint Mary L. Hewitt to the Personnel Board for a 6 year term. Councilmember Thomas motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE DECEMBER 18, 2018 CITY COUNCIL  
MEETING
3. REQUEST FOR PAYMENT – BEST BEST & KRIEGER LLP – PROFESSIONAL  
SERVICES – APPEAL OF FCC ORDERS ON SMALL CELL DEPLOYMENT  
AND MORATORIA – \$5,000.00
4. REQUEST FOR PAYMENT – BURNS MCDONNELL – PROFESSIONAL  
SERVICES – SEWER RATE STUDY – \$14,774.00
5. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES –  
CITY CENTRE PARKING FACILITY – \$2,040.00
6. REQUEST FOR PAYMENT – FELSBURG, HOLT, & ULLEVIG –  
PROFESSIONAL SERVICES – GILES SIGNAL RETIMING – \$3,837.65
7. REQUEST FOR PAYMENT – HAWKINS CONSTRUCTION COMPANY –  
CONSTRUCTION SERVICES – PARKING DISTRICT 2, STRUCTURE 1 –  
\$42,076.80
8. REQUEST FOR PAYMENT – HDR ENGINEERING INC. – PROFESSIONAL  
SERVICES – PUBLIC IMPROVEMENTS AND OTHER WORKS – \$14,352.45
9. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY  
CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$27,990.67
10. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – 84<sup>TH</sup>  
STREET REDEVELOPMENT SITE PREPARATION – \$561.00
11. REQUEST FOR PAYMENT – RDG – PROFESSIONAL SERVICES – CIVIC  
CENTER PARK PHASE 1 – \$2,099.30
12. REQUEST FOR PAYMENT – ROTELLA'S ITALIAN BAKERY, INC. –  
CONNECTION TO STORM SEWER ON 108<sup>TH</sup> – \$4,238.33
13. REQUEST FOR PAYMENT – SWAIN CONSTRUCTION – CONSTRUCTION  
SERVICES – 84<sup>TH</sup> STREET ACCESS IMPROVEMENTS – \$45,405.00
14. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PHASE 2 GOLF COURSE TRANSFORMATION – \$3,509.80
15. APPROVAL OF CLAIMS

A & D TECHNICAL SUPPLY CO, supplies	138.00
ACTION BATTERIES, maint.	18.95

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AED ZONE, supplies	636.00
ALL TRAFFIC SOLUTIONS, INC, services	5,734.00
ASPHALT & CONCRETE MATERIALS, maint.	501.50
BARONE SECURITY SYSTEMS, services	126.00
BIG BROTHERS BIG SISTERS, refund	200.00
BISHOP BUSINESS EQUIPMENT, services	1,108.43
BLACK HILLS ENERGY, utilities	2,259.92
CATHERINE DEMES MAYDEW, services	3,233.75
CENTER POINT PUBLISHING, books	364.32
CENTURY LINK, phones	341.14
CINTAS CORP, services	633.83
CITY OF PAPILLION, services	170,868.25
CORNHUSKER INTL TRUCKS INC, maint.	396.19
COX COMMUNICATIONS, services	147.03
CULLIGAN OF OMAHA, services	14.00
CUMMINS CENTRAL POWER LLC, services	221.25
DATASHIELD CORP, services	120.00
DB MARKETING TEAM, INC, services	238.74
DELL MARKETING L.P., services	141.02
DI GIORGIO'S SPORTSWEAR INC, apparel	183.21
DIAMOND VOGEL PAINTS, services	119.87
DOUGLAS COUNTY SHERIFF'S OFC, services	962.50
DULTMEIER SALES & SERVICE, maint	146.05
EXPRESS DISTRIBUTION LLC, supplies	28.06
FBG SERVICE CORP, bld&grnds	5,965.00
FELSBURG HOLT & ULLEVIG, services	571.32
FINDAWAY WORLD, LLC, books	1,189.91
FIRST NATIONAL BANK FREMONT, bonds	318,808.75
FIRST WIRELESS INC, services	113.60
FITZGERALD SCHORR BARMETTLER, services	55,313.65
FOCUS PRINTING, supplies	75.00
GALE, books	47.23
GCR TIRES & SERVICE, maint.	331.21
GENERAL FIRE & SAFETY EQUIP CO, services	2,928.00
GILMORE & BELL PC, services	31,500.00
GRAHAM CONSTRUCTION, INC, services	364,653.86
GROSS BELGIANS INC, services	700.00
GRUNWALD MECHANICAL, bld&grnds	57,715.00
HANEY SHOE STORE, apparel	150.00
HENKE MANUFACTURING CORP, maint.	186.58
HOCKENBERGS, supplies	66.23
HUNTEL COMMUNICATIONS, INC, services	3,171.30
HURST, J., travel	72.21
HY-VEE INC, services	60.00
INGRAM LIBRARY SERVICES, books	3,410.85
J & J SMALL ENGINE, services	976.25
JOHNSTONE SUPPLY CO, maint.	16.92
LELAND APPAREL, apparel	150.00
LEXIS NEXIS MATTHEW BENDER, services	247.10
LOU'S SPORTING GOODS, supplies	72.00
MARK A KLINKER, services	200.00
MATHESON TRI-GAS INC, supplies	238.52
MAX I WALKER UNIFORM, services	1,098.98
MENARDS-RALSTON, bld&grnds	228.29
MUD, utilities	1,532.28
MIDWEST TAPE, media	76.57
MSC INDUSTRIAL SUPPLY CO, maint.	225.51
NAT'L EVERYTHING WHOLESALE, supplies	822.34
NE CODE OFFICIALS ASSN, services	150.00
NE LTAP TRAINING, services	400.00

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NE SALT & GRAIN CO, maint.	1,706.25
NETWORKFLEET, INC, services	1,424.93
OFFICE DEPOT INC, supplies	461.43
OPPD, utilities	5,185.21
PAYLESS OFFICE PRODUCTS, supplies	95.37
PETTY CASH, supplies	102.98
PLAINS EQUIPMENT GROUP, services	920.21
R. L. CRAFT CO., INC, bld&grnds	1,477.60
RAINBOW GLASS & SUPPLY, maint.	39.95
SARPY COUNTY ECONOMIC DEV.CORP, services	25.00
SESAC LLC, services	438.00
SIGN IT, services	325.00
SUBURBAN NEWSPAPERS INC, services	78.00
THE NOVAK CONSULTING GROUP, INC , services	15,161.00
THOMPSON DREESSEN & DORNER, services	25,175.10
TOSHIBA FINANCIAL, services	138.00
TRACTOR SUPPLY, bld&grnds	30.98
VERIZON WIRELESS, phones	209.45
WAL-MART, supplies	1,299.67

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Library Director Barcal reported that 350 people attended the Noon Year's Eve Party at the Library.

### B. ORDINANCE – ADOPT MUNICIPAL CODE SECTION 93.060 OFFICIAL DESIGN CRITERIA AND SPECIFICATIONS FOR THE INSTALLATION OF WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAY

Councilmember Hale introduced Ordinance No 1339 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT AND CODIFY OFFICIAL DESIGN CRITERIA AND SPECIFICATIONS FOR THE INSTALLATION OF WIRELESS FACILITIES INCLUDING BUT NOT LIMITED TO NETWORK NODES AND NODE SUPPORT POLES AS SECTION 93.060 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sheehan seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title, and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Crawford. The Mayor then stated the question, "Shall Ordinance No. 1339 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Frederick. 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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## **C. ORDINANCE – ADOPT DESIGN GUIDELINES FOR THE INSTALLATION OF WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAY**

Councilmember Hale introduced Ordinance No. 1340 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT DESIGN GUIDELINES FOR THE INSTALLATION OF WIRELESS FACILITIES IN PUBLIC RIGHT-OF-WAY; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title, and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1340 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Frederick. 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.

## **D. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – PLACEMAKING & LANDSCAPE DESIGN SERVICES**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 19-001 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SELECTION OF RDG PLANNING AND DESIGN, OMAHA, NEBRASKA, TO PROVIDE PLACEMAKING AND LANDSCAPE DESIGN SERVICES FOR CIVIC AREAS ASSOCIATED WITH THE 84<sup>TH</sup> STREET REDEVELOPMENT PROJECT AND AUTHORIZING STAFF TO NEGOTIATE A DETAILED SCOPE OF WORK AND TERMS OF AN AGREEMENT.

WHEREAS, the Mayor and City Council of the City of La Vista have determined that professional placemaking and landscape design services for the 84<sup>th</sup> Street corridor are necessary; and

WHEREAS, the FY18/19 Biennial Budget contains funding for multiple potential public infrastructure improvements and associated services; and

WHEREAS, RDG Planning and Design was determined to be the company that most closely meets the City's needs.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby select RDG Planning and Design, Omaha, Nebraska to provide placemaking and landscape design services and authorize staff to negotiate a detailed scope of work and terms of an agreement.

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

## **E. RESOLUTION – AMEND LOTTERY OPERATOR AGREEMENT – CHANGE PAYTABLE AND ADD NEW GAME TICKET**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 19-002 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR AGREEMENT.

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WHEREAS, the Contractor recommends amending the Penny Keno pay table of the Lottery Operator Agreement.; and

WHEREAS, a proposed THIRD AMENDMENT to the Lottery Operator Agreement has been prepared for this purpose as presented at this meeting or on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the THIRD AMENDMENT to the Lottery Operator Agreement as presented at this meeting or on file with the City Clerk is hereby approved and the Mayor and City Clerk are hereby authorized to execute said amendment on behalf of the City of La Vista, subject to review and any modifications the City Administrator determines necessary or appropriate.

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

## F. RESOLUTION – CITY OF LA VISTA & CITY OF PAPILLION SHARED MAINTENANCE FOR GILES ROAD – MEMORANDUM OF UNDERSTANDING

Councilmember Hale introduced and moved for the adoption of Resolution No.19-003 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE CITY OF PAPILLION FOR SHARED MAINTENANCE RESPOSIBILITIES FOR GILES ROAD FROM THE EAST RIGHT OF WAY LINE OF 66TH STREET TO THE WEST RIGHT OF WAY LINE OF PORTAL ROAD

WHEREAS, the City desires to enter into a Memorandum of Understanding with the City of Papillion for shared maintenance responsibilities for Giles Road from the east right of way line of 66<sup>th</sup> Street to the west right of way line of Portal Road; and

WHEREAS, the Memorandum of Understanding identifies the maintenance roles and responsibilities of the parties as they relate to Giles Road from the east right of way line of 66<sup>th</sup> Street to the west right of way line of Portal Road; and

WHEREAS, the Memorandum of Understanding runs for a period of one (1) year which will renew January 1<sup>st</sup> of each year unless mutually agreed otherwise by the two Cities;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize the Mayor to execute a Memorandum of Understanding with the City of Papillion for shared maintenance responsibilities for portions of Giles Road from the east right of way line of 66<sup>th</sup> Street to the west right of way line of Portal Road.

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

## G. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – CIVIC CENTER PARK – PHASE 2 – CONSTRUCTION PHASE SERVICES – AMENDMENT NO. 3

Councilmember Thomas introduced and moved for the adoption of Resolution No.19-004 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AMENDEMENT NO. 3 TO THE AGREEMENT FOR PROFESSIONAL SERVICES WITH THOMPSON, DREESSEN & DORNER, INC., OMAHA, NEBRASKA, ESTABLISHING AN AMOUNT NOT TO EXCEED \$337,200.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined additional construction engineering services for Phase 2 of the Civic Center Park Improvements are necessary, and

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WHEREAS, the FY 19/20 Biennial Budget includes funding for Civic Center Park Phase 2; and

WHEREAS, Amendment No 3 increases are not to exceed amount by \$15,700.

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 expenditure over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve Amendment No. 3 to the agreement for professional services with Thompson, Dreessen, & Dorner, Inc., Omaha Nebraska, establishing an amount not to exceed \$337,200 subject to any changes the City Administrator or City Engineer determines necessary or advisable

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

## H. RESOLUTION – CHANGE ORDER NO. 4 – PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT – CITY CENTRE INFRASTRUCTURE – PAVEMENT & SEWERS

Councilmember Quick introduced and moved for the adoption of Resolution No.19-005 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NO. 4 TO THE CONTRACT WITH GRAHAM CONSTRUCTION, INC., OMAHA, NEBRASKA, TO PROVIDE FOR ADDITIONS OF WORK, FOR AN ADDITIONAL AMOUNT NOT TO EXCEED \$39,201.43.

WHEREAS, the City has determined it is necessary to make additions of the work; and

WHEREAS, the FY19/20 Biennial Budget provides funding for this project. The contract price increases from \$4,495,410.48 to \$4,534,611.91.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for Change Order No. 4 to the contract with Graham Construction, Inc., Omaha Nebraska, to provide for additions of work, for an additional amount not to exceed \$39,201.43.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell commented that he was approached by a citizen concerned with an error in the Omaha World Herald regarding the first fire chief for La Vista.

City Administrator Gunn commented on planning for a Council Retreat.

Mayor Kindig gave a legislative update

At 6:19 p.m. Councilmember Crawford made a motion to adjourn the meeting Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Frederick. Motion carried.

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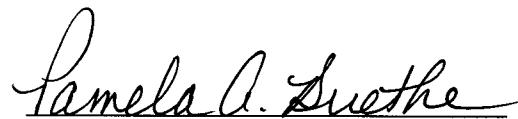
PASSED AND APPROVED THIS 15TH DAY OF JANUARY, 2019.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC  
City Clerk