

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING April 6, 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 April 6, 2021. Present were Councilmembers: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Chief of Police Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, City Engineer Pat Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on March 24, 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.

SERVICE AWARD: TODD ARMBRUST – 25 YEARS

Mayor Kindig recognized Todd Armbrust for 25 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE MARCH 16, 2021 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE MARCH 27, 2021 CITY COUNCIL WORK SESSION
4. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 96TH & 108TH ST PAVEMENT REHABILITATION – \$5,560.16
5. REQUEST FOR PAYMENT – FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – 114TH & GILES INTERSECTION IMPROVEMENTS – \$5,457.50
6. REQUEST FOR PAYMENT – MIDWEST FIREWORKS WHOLESALERS LLC – PROFESSIONAL SERVICES – SALUTE TO SUMMER FIREWORKS SHOW – \$15,000.00
7. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$5,054.25
8. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC – PROFESSIONAL SERVICES – MISCELLANEOUS SERVICES – \$3,300.00
9. PAVEMENT MANAGEMENT PLAN – RECEIVE AND FILE
10. APPROVE MANAGER APPLICATION – CLASS I LIQUOR LICENSE – SSL OPERATING GROUP LLC DBA SWIZZLE STIX LOUNGE – MICHELLE L. VAN LEUVEN
11. APPROVAL OF CLAIMS

911 CUSTOM LLC, services	382.35
AA WHEEL & TRUCK SUPPLY INC, maint.	436.07
AGA, services	130.00
ALFRED BENESCH & CO, services	3,578.23
ALUMINUM ATHLETIC EQUIPMENT CO, supplies	220.00
AMAZON, supplies	1,235.49
AMERICAN LEGAL PUBLISHING CO, services	399.00
ASPEN EQUIPMENT CO, maint.	3,796.80
AT&T MOBILITY LLC, phones	97.40
BARCO MUNICIPAL PRODUCTS INC, supplies	258.21
BAUER BUILT INC, maint.	1,823.39
BERGANKDV LLC, services	25,500.00
BIBLIONIX LLC, services	3,020.00

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BISHOP BUSINESS EQUIPMENT, services	316.66
BOB'S RADIATOR REPAIR CO, maint.	757.00
BOOT BARN, apparel	150.00
BUILDERS SUPPLY CO, supplies	370.75
CENTER POINT INC, books	817.32
CINTAS CORP, services	461.37
CITY OF OMAHA, services	234,976.43
CITY OF PAPILLION, services	12,045.28
COLLAB. SUMMER LIBRARY PRGM, services	426.87
CORNHUSKER INTL TRUCKS, maint.	63.09
COX COMMUNICATIONS, services	147.03
CULLIGAN OF OMAHA, services	32.80
CUMMINS CENTRAL POWER, services	747.04
DATASHIELD CORP, services	60.00
DAVID TOELLE, refund	50.00
DESIGN WORKSHOP INC, services	11,960.00
DOG WASTE DEPOT, supplies	1,524.36
DOUGLAS COUNTY SHERIFF'S OFC, services	600.00
DXP ENTERPRISES INC, maint.	124.68
EBSCO INFORMATION, services	3,286.93
EBY, LEONARD, services	60.00
ECHO GROUP INC, supplies	141.12
EDGEWEAR SCREEN PRINTING, apparel	2,125.00
EJS SUPPLY, maint.	2,947.66
FAC PRINT & PROMO CO, supplies	198.00
FELSBURG HOLT & ULLEVIG INC, services	3,523.52
FERGUSON ENTERPRISES INC, supplies	95.01
FILTER CARE OF NEBRASKA, supplies	63.60
FIRST RESPONDERS FOUNDATION, services	1,000.00
FIRST WIRELESS INC, services	116.00
FISHER PARKING & SECURITY INC, services	11,950.00
FOCUS PRINTING, services	2,293.23
GALE, books	996.47
HOBBY LOBBY STORES INC, supplies	319.15
HUNDEN STRATEGIC PARTNERS, services	10,000.00
HUNTEL COMMUNICATIONS INC, services	310.00
INGRAM LIBRARY SERVICES, books	2,222.17
INLAND TRUCK PARTS & SERVICE, maint.	10.52
J & J SMALL ENGINE SERVICE, maint.	568.78
JOHNSON CONTROLS, services	482.00
KANOPY INC, services	133.00
KEYMASTERS LOCKSMITH, services	149.25
KRIHA FLUID POWER CO, maint.	200.42
LEAGUE OF NEBR MUNICIPALITIES, services	140.00
LIBRARY IDEAS LLC, books	972.80
LOGAN CONTRACTORS SUPPLY, services	33,817.00
LOVELAND GRASS PAD, services	131.67
MACQUEEN EQUIPMENT LLC, maint.	761.34
MAPLE 85, services	1,520.55
MENARDS-RALSTON, supplies	304.65
METAL DOORS & HARDWARE CO, bld&grnds	32.00
METRO COMM COLLEGE, services	11,357.01
MIDWEST RESTORATIONS, refund	75.00
MIDWEST TAPE, media	119.39
MSC INDUSTRIAL SUPPLY CO, apparel	700.81
NE TURFGRASS ASSOC, services	150.00
NMC EXCHANGE LLC, maint.	77.90
OFFICE DEPOT INC, supplies	645.30
OMNI ENGINEERING, services	2,039.00
P.Q.L. INC, supplies	394.41

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PAUL EBISCH, refund	50.00
PAY-LESS OFFICE PRODUCTS, supplies	200.94
RDG PLANNING & DESIGN, services	2,775.00
RED EQUIPMENT LLC, maint.	449.59
REGAL AWARDS INC, services	53.00
REPCO MARKETING INC, supplies	38.30
RHOMAR INDUSTRIES INC, maint.	996.02
SARPY COUNTY COURTHOUSE, services	4,313.96
SARPY COUNTY TREASURER, services	12,523.65
SHI INTERNATIONAL CORP, services	788.26
SIRCHIE ACQUISITION CO, supplies	115.29
SOUTHERN UNIFORM, apparel	412.72
SUBSURFACE SOLUTIONS, services	684.00
SUBURBAN NEWSPAPERS INC, services	730.39
SUCCESS FACTORS INC, services	11,408.51
SUN VALLEY LANDSCAPING, supplies	400.00
THE COLONIAL PRESS INC, services	1,126.85
THE FILTER SHOP INC, bld&grnds	377.28
THE HARRY A KOCH CO, services	14,731.00
THE SCHEMMER ASSOCIATES INC, services	1,075.00
THOMPSON DREESSEN & DORNER INC, services	675.00
TORNADO WASH LLC, services	273.00
TREMCO PRODUCTS INC, services	2,405.70
UNIVERSITY OF NEBRASKA LINCOLN, services	360.00
VERIZON CONNECT NWF, phones	631.41
VERIZON WIRELESS, phones	344.04
WATCHGUARD INC, supplies	30.00
WATERLINK INC, bld&grnds	1,131.64
WATKINS CONCRETE BLOCK, services	600.00
WELDON PARTS INC, maint.	276.72
WOODHOUSE FORD-BLAIR, maint.	160.31
ZOO BOOKS MAGAZINE, services	45.00

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe introduced the new Deputy City Clerk, Patti Anderson.

Recreation Director Stopak reported on the Easter Grab-N-Go event, vaccination clinics, swimming pool opening procedures, Senior Center activities, and youth and adult programming.

Director of Public Works Soucie reported that Swain Construction has begun the work on 108th Street.

B. RESOLUTION – HARRISON HILLS REPLAT SEVEN – SUBDIVISION AGREEMENT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-031 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR HARRISON HILLS REPLAT 7.

WHEREAS, the City Council did on March 16, 2021, approve of Harrison Hills Replat 7 subject to certain conditions; and

WHEREAS, the Subdivider, Streck Inc., as owner of the affected lots agreed to execute an amendment to the original Subdivision Agreement satisfactory in form and content to the City;

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NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute the same on behalf of the City, subject to any specified conditions of Council and any revisions that the City Administrator or City Engineer may determine necessary or advisable.

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

C. RESOLUTION – OPPD CUSTOMER AGREEMENT – ELECTRIC VEHICLE CHARGING STATIONS

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-032 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CUSTOMER AGREEMENT WITH OMAHA PUBLIC POWER DISTRICT (OPPD) FOR THE PURCHASE AND INSTALLATION OF TWO (2) ELECTRIC VEHICLE CHARGING STATIONS IN PUBLIC PARKING DISTRICT 1 IN AN AMOUNT NOT TO EXCEED \$20,405.00.

WHEREAS, the Mayor and City Council have determined that the purchase and installation of two (2) electric vehicle charging stations in Public Parking District 1 is in the best interest of the public; and

WHEREAS, Omaha Public Power District (OPPD) shall pay invoices during construction and installation period, then submit to the Nebraska Department of Environment and Energy (NDEE) and the City of La Vista for reimbursements. The total cost of the project is \$141,078.00, and the City's contribution to the project will be \$20,405.00; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the execution of a Customer Agreement with OPPD for the purchase and installation of two (2) electric vehicle charging stations in Public Parking District 1 in an amount not to exceed \$20,405.00.

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

D. RESOLUTION – AWARD CONTRACT – 114TH STREET AND GILES ROAD INTERSECTION IMPROVEMENTS

Councilmember Quick introduced and moved for the adoption of Resolution No. 21-033 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO OMAHA ELECTRIC SERVICE INCORPORATED, OMAHA, NEBRASKA, FOR THE 114TH STREET AND GILES ROAD INTERSECTION IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$72,717.84.

WHEREAS, the City Council of the City of La Vista has determined that intersection improvements at 114th Street and Giles Road are necessary; and

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

WHEREAS, bids were solicited, and two bids were received; 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 in a form satisfactory to the City

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Administrator and City Attorney to Omaha Electric Service Incorporated, Omaha, Nebraska, for the 114th Street and Giles Road Intersection Improvements Project in an amount not to exceed \$72,717.84.

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

E. RESOLUTION – APPROVE SATELLITE KENO LOCATION

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-034 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A SATELLITE KENO LOCATION FOR THE CITY'S KENO LOTTERY GAME AT RUMOR HAS IT LLC DBA PHILLY SPORTS BAR & GRILL, 8116 SOUTH 84TH STREET, LA VISTA NEBRASKA EFFECTIVE UPON RECEIPT OF THE KENO LICENSE FROM THE STATE.

WHEREAS, the current Keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated August 8, 2008, and assigned and assumed to and by LVK Holdings LLC on April 5 2016 requires LVK Holdings LLC to obtain prior written consent of the City to establish a satellite location; and further that the satellite location shall comply with such qualification standards as adopted by the City pursuant to Nebraska Statutes, Section 9-642.01, governing lottery sales outlet locations, and such other terms and conditions determined necessary or advisable; and

WHEREAS, the City of La Vista, by Ordinance No. 1073, set forth qualification standards for Keno Lottery Sales Outlet Locations, which includes satellite locations ("Ordinance"); and

WHEREAS, LVK Holdings LLC has proposed a satellite location for the City's keno lottery game at Rumor Has It LLC dba Philly Sports Bar & Grill, 8116 South 84th Street, La Vista, Nebraska pursuant to a Satellite Agreement between said parties dated March 12, 2021, a copy of which has been presented at this meeting ("Satellite Agreement"); and

WHEREAS, the requirements of the Lottery Operator Agreement and other Keno Requirements as defined in the Ordinance are incorporated into the Satellite Agreement pursuant to said Ordinance; and

WHEREAS, the City Clerk has determined that the standards for the Keno Lottery Sales Outlet Location at Philly Sports Bar & Grill, located at 8116 South 84th Street, La Vista NE, have been met.

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize and approve a satellite keno location for the City's keno lottery game at Philly Sports Bar & Grill, located at 8116 South 84th Street, La Vista NE, and further approve the owner and operator thereof, Rumor Has It LLC, effective upon receipt of the keno license from that State and subject to the following:

- a. Submittal of all Exhibits to the Satellite Agreement in form and content satisfactory to the City;
- b. Any change of ownership or control of the satellite, Rumor Has It LLC, or any stock of Rumor Has It LLC, shall require prior written approval of the City of La Vista;
- c. The satellite, Rumor Has It LLC and stockholders of Rumor Has It LLC shall be bound by the Lottery Operator Agreement between the City of La Vista and LVK Holdings LLC and owe to LVK Holdings LLC all responsibilities and obligations which LVK Holdings LLC and its owner by said Lottery Operator Agreement, as secured, owe to the City of La Vista. The City of La Vista shall be a beneficiary entitled to enforce such responsibilities and obligations of the satellite, Rumor Has It LLC and its stockholders;

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- d. City of La Vista shall have access at any time to the satellite location and keno-related funds, documents and records in the possession or control of the satellite owner or operator;
- e. City of La Vista shall be named as an additional named insured on any insurance required of the satellite owner or operator by the Satellite Agreement;
- f. City of La Vista, as owner of the La Vista keno game, retains authority over use of the term "La Vista keno"; and all uses of said term shall be subject to review and approval of the City and cease upon termination of the Satellite Agreement;
- g. Funds of the La Vista keno game handled by the satellite shall be the sole and exclusive property and held in trust for the benefit of the City of La Vista until properly paid in accordance with the Lottery Operator Agreement or Satellite Agreement; and
- h. Ongoing satisfaction by the satellite owner and operator of the Satellite Agreement and this Resolution, as well as the Lottery Operator Agreement, Ordinance and other Keno Requirements, as defined in said Ordinance.

BE IT FURTHER RESOLVED that, in addition to devices for satellite keno, the following gambling devices are hereby authorized at the satellite premises pursuant to Section 2(H) of the Ordinance: pickle card device.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign such documents, including, but not limited to, Nebraska Department of Revenue Form(s) 50G, and take such further actions as necessary or appropriate to carry out the actions approved herein.

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

F. POSITION DESCRIPTION UPDATES

Councilmember Thomas made a motion to receive and file the updated description for the position of Deputy City Clerk and Clerical Assistant/Receptionist. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

G. ORDINANCE – AMEND COMPENSATION ORDINANCE

Councilmember Frederick introduced Ordinance No. 1418 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 Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion passed.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1418. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1418 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. 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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Councilmember Crawford motioned to move Comments from the Floor up on the agenda ahead of item H. Executive Session. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS

At 6:19 p.m. Councilmember Crawford 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, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:42 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

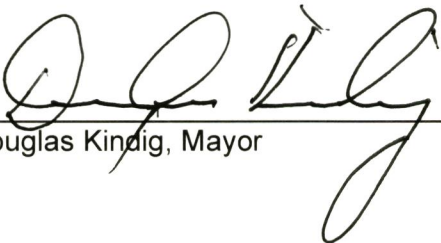
COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and City Council.

At 7:43 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 20TH DAY OF APRIL 2021.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Bueche, CMC
City Clerk