

# MINUTE RECORD

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING July 19, 2022

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 July 19, 2022. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Also in attendance were, City Attorney McKeon, Assistant City Administrator Ramirez, Chief of Police Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Community Development Director Fountain, Recreation Director Stopak, Finance Director Miserez, City Engineer Dowse and Library Director Barcal.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on July 6, 2022. 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.

Acting Mayor Thomas called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

### **APPOINTMENT – PLANNING COMMISSION ALTERNATE – AUSTIN PARTRIDGE – FILL VACANCY**

Acting Mayor Thomas stated, with the approval of the City Council, Mayor Kindig would like to appoint Austin Partridge to the Planning Commission as the alternate to fill a vacancy. Councilmember Sheehan motioned the approval, seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. 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 JULY 5, 2022 CITY COUNCIL  
MEETING**
3. **MONTHLY FINANCIAL REPORT – MAY 2022**
4. **REQUEST FOR PAYMENT – METALAB, LLC – PROFESSIONAL  
SERVICES – SERVICES RELATING TO THE ICONIC FEATURE OVER  
THE 84<sup>TH</sup> STREET UNDERPASS – \$10,000.00**
5. **REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL  
SERVICES – LA VISTA CITY CENTRE PARKING STRUCTURE 2 –  
\$15,535.60**
6. **REQUEST FOR PAYMENT – SCHEMMER – PROFESSIONAL  
SERVICES – APPLEWOOD CREEK H&H REVIEW – \$4,482.50**
7. **REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL  
SERVICES – LA VISTA CITY CENTRE PHASE 1 PUBLIC  
INFRASTRUCTURE – \$2,625.25**
8. **RESOLUTION – APPROVE APPOINTMENTS OF SAFETY STEERING  
COMMITTEE MEMBERS**
9. **APPROVAL OF CLAIMS**

ACCO UNLIMITED CORP, supplies	531.00
ACTIVE NETWORK LLC, services	289.94
AED ZONE, services	527.00
AKRS EQUIPMENT SOLUTIONS INC, maint.	337.27
AMAZON, supplies	5,987.52
A-RELIEF, services	2,585.24
ASAP APPLIANCE & PLUMBING INC, bld&grnds	1,772.27
ASPEN EQUIPMENT CO, maint.	1,118.00
BIBLIOTHECA LLC, media	73.81
BISHOP BUSINESS EQUIPMENT CO, services	1,176.84
BLACK HILLS ENERGY, utilities	2,447.92
BROWN, JAMIE, training	999.54
CENTURY LINK/LUMEN, phones	184.73



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CINTAS CORP, services	264.39
CITY CENTRE MUSIC VENUE LLC, grant	830,639.50
CITY OF PAPILLION, services	119.00
CIVICPLUS, services	23,855.82
COMP CHOICE INC, services	1,727.72
CONVERGINT TECHNOLOGIES LLC, services	25,417.60
CORNHUSKER INTL TRUCKS INC, maint	915.14
COX COMMUNICATIONS INC, services	170.15
CULLIGAN OF OMAHA, services	90.00
D & K PRODUCTS, supplies	3,722.00
DILLON BROS MOTORSPORTS, maint.	1,371.65
DULTMEIER SALES LLC, maint.	151.60
ECHO GROUP INC, bld&grnds	9.82
EDGEWEAR SCREEN PRINTING, apparel	359.00
FASTENAL CO, maint.	11.00
FEDEX, services	19.40
FELSBURG HOLT & ULLEVIG INC, services	8,475.58
FERGUSON ENTERPRISES INC, maint.	24.07
FIKES COMMERCIAL HYGIENE, supplies	62.00
FIRST STATE BANK, services	2,137.23
GALE, books	50.23
GENERAL FIRE & SAFETY, bld&grnds	2,045.00
GENUINE PARTS CO, maint.	10.32
GODFATHER'S PIZZA, services	337.26
GRAINGER, bld&grnds	8.07
GREAT PLAINS COMMUNICATION, services	777.60
GREAT PLAINS UNIFORMS, apparel	2,102.92
HDR ENGINEERING INC, services	1,572.84
HGM ASSOCIATES, services	4,534.12
HUNTEL COMMUNICATIONS, services	170.00
INDUSTRIAL SALES CO, maint.	1,091.42
INGRAM LIBRARY SERVICES, books	251.03
J & J SMALL ENGINE, maint.	597.32
J RETZ LANDSCAPE INC, services	3,499.29
JE DUNN CONSTRUCTION CO, services	288,581.00
JOHNSTONE SUPPLY CO, maint.	220.39
JO-ON-THE-GO, services	919.00
KANOPY INC, media	136.00
KATIE DICKAMORE, services	427.50
KIMBALL MIDWEST, maint.	464.64
KRIHA FLUID POWER CO, maint.	106.43
LABRIE, DONALD P, services	262.50
LAMP RYNEARSON & ASSOC, services	4,420.65
LARSEN SUPPLY CO, supplies	1,782.56
LIBRA INDUSTRIES INC, supplies	63.45
LIBRARY IDEAS LLC, books	99.00
LINCOLN NAT'L LIFE INS CO, services	12,950.85
LOWE'S, bld&grnds	345.71
MARTIN ASPHALT - MONARCH OIL, maint.	372.00
MCANANY CONSTRUCTION, services	206,499.20
MENARDS-120TH, supplies	56.85
MENARDS-RALSTON, supplies	227.77
METRO LANDSCAPE MATERIALS, bld&grnds	70.00
MID-AMERICAN BENEFITS INC, services	2,884.36
MIDWEST TURF & IRRIGATION, maint.	164.32
MILLARD SPRINKLER INC, bld&grnds	1,495.29
MNJ TECHNOLOGIES DIRECT INC, services	402.00
MOTOROLA SOLUTIONS INC, services	1,896.04
MUZZY ICE, services	182.50
NDEE SWIMMING POOLS, services	40.00
NE LIBRARY COMMISSION, services	25.00

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OCLC INC, services	2,053.88
OFFICE DEPOT INC, supplies	851.72
OMAHA COMPOUND CO, supplies	255.43
OMAHA WINNELSON SUPPLY, bld&grnds	129.22
OMNI ENGINEERING, maint.	461.97
ONE CALL CONCEPTS INC, services	398.14
O'REILLY AUTO PARTS, maint.	1,275.27
PAPILLION SANITATION, services	2,124.15
PAYROLL MAXX, payroll & taxes	399,786.47
READY MIXED CONCRETE CO, services	2,808.95
REGAL AWARDS INC, services	87.00
SAMPSON CONSTRUCTION CO, services	414,764.00
SARPY COUNTY COURTHOUSE, services	18,222.00
SCHWARTZ, DEREK, training	71.56
SHERWIN-WILLIAMS, maint.	1,140.30
SHI INTERNATIONAL CORP, services	1,590.87
SOUTHERN UNIFORM & TACTICAL, apparel	229.04
STAPLES INC, supplies	77.84
STOMP CHOMP ROAR, services	350.00
SUBURBAN NEWSPAPERS INC, services	286.48
SUN COUNTRY DISTRIBUTING LTD, supplies	295.50
SWANK MOTION PICTURES INC, services	1,425.00
TDI LLC, apparel	1,480.00
THE COLONIAL PRESS INC, services	3,016.23
THE LIBRARY STORE INC, supplies	185.80
THE SCHEMMER ASSOCIATES INC, services	617.50
TORNADO WASH LLC, services	427.00
TRANS UNION RISK, services	75.00
TRUCK CENTER COMPANIES, services	271,553.00
UNITE PRIVATE NETWORKS LLC, services	4,400.00
US BANK NAT'L ASSOC, services	28,612.99
USI EDUCATION & GOV'T SALES, supplies	272.00
VAL VERDE ANIMAL HOSPITAL INC, services	108.00
VERIZON CONNECT NWF, phones	615.22
VERIZON WIRELESS, phones	365.89
VOIANCE LANGUAGE, services	100.00
WESTLAKE HARDWARE, supplies	1,533.82
WINCAN LLC, services	4,174.50

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

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

IT Manager South reported that the facility cameras are all installed and the project is complete.

Library Director Barcal introduced the new Children's Librarian, Rachel Bachman.

Recreation Director Scott Stopak provided an update on events at the Community Center.

Director of Public Works Soucie reported on a concrete buckle on Giles Road between 107<sup>th</sup> and 108<sup>th</sup>.

City Engineer Dowse provided an update on the Thompson Creek and the Applewood Creek Trail projects.

## **B. RESOLUTION – APPROVE AGREEMENT – INTERNET SERVICE – COX BUSINESS**



Councilmember Frederick introduced and moved for the adoption of Resolution No. 22-067 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT WITH COX BUSINESS FOR INTERNET SERVICE TO THE LINK.

WHEREAS, the Mayor and City Council have determined that internet service to the Link is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed service,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby authorize the execution of a Service Agreement with Cox Business for internet service to the Link.

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

## **C. RESOLUTION – AUTHORIZE REQUEST FOR PROPOSALS – PAVEMENT REHABILITATION**

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-068 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR PROPOSALS FOR PAVEMENT REHABILITATION.

WHEREAS, the Mayor and Council have determined that pavement rehabilitation services are necessary; and

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

WHEREAS, proposals will be due August 19, 2022;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for proposals for pavement rehabilitation.

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

## **D. RESOLUTION – SUBMIT BALLOT QUESTION AT 2022 GENERAL ELECTION – LOCAL OPTION SALES TAX – PROPOSED CONTINUATION OF ½ PERCENT FOR MAJOR STREET IMPROVEMENT PROJECTS AND OTHER CAPITAL EXPENDITURES**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 22-069 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ORDERING SUBMISSION OF BALLOT QUESTION AT THE 2022 GENERAL ELECTION TO CONTINUE THE ADDITIONAL ONE-HALF OF ONE PERCENT (½%) CITY SALES AND USE TAX FOR AN ADDITIONAL THIRTY YEARS BEGINNING JULY 1, 2025 AND ENDING JULY 1, 2055 TO PAY FOR MAJOR STREET IMPROVEMENT PROJECTS AND OTHER CAPITAL EXPENDITURES, CLARIFYING SCOPE, AND AUTHORIZING FURTHER ACTIONS.

WHEREAS, the City's current two percent (2%) sales and use taxes pursuant to the Local Option Revenue Act are comprised of the following:

1. The first one and one-half percent (1½%) consists of a one percent (1%) perpetual sales and use tax approved November 20, 1984 by Ordinance No. 363 ("perpetual One Percent") and an additional one-half of one percent (½%) sales and use tax enacted June 19, 1990 by Ordinance No. 504, continued by Ordinance No. 759, as amended, and further continued by Ordinance No. 1071 for an additional fifteen years ending July 1, 2025, with revenues from such additional ½% used to pay for major street improvement projects and other capital expenditures ("Additional One-Half of



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One Percent for Major Street Improvement Projects and Other Capital Expenditures")

2. An additional one-half of one percent ( $\frac{1}{2}\%$ ) sales and use tax approved on June 3, 2014 by Ordinance No. 1215 to fund and pay costs of public infrastructure projects within the 84<sup>th</sup> Street Redevelopment Area ("Additional One-Half of One Percent for Public Infrastructure in 84<sup>th</sup> Street Redevelopment Area"), and continuing for the longer of ten years or complete payment of any bonds with respect to which the Additional One-Half of One Percent for Public Infrastructure in 84<sup>th</sup> Street Redevelopment Area is pledged for payment; and

WHEREAS, the Additional One-Half of One Percent for Major Street Improvement Projects and Other Capital Expenditures is set to end July 1, 2025: and

WHEREAS, the Mayor and City Council have identified additional major street improvement projects and other capital expenditures to be undertaken by the City; and

WHEREAS, the Mayor and City Council deem it appropriate to submit to the voters of the City the question of whether to continue the Additional One-Half of One Percent for Major Street Improvement Projects and Other Capital Expenditures for an additional 30 years.

NOW THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the following are adopted and approved:

1. Recitals above are incorporated into this Resolution by reference.

2. The Mayor and City Council propose to continue the Additional One-Half of One Percent for Major Street Improvement Projects and Other Capital Expenditures for an additional 30 years beginning July 1, 2025 and ending July 1, 2055.

3. A question proposing to continue such tax shall be submitted at the 2022 General Election within the City of La Vista at which all qualified voters of the City shall be entitled to vote on such question, in form and content as follows, subject to any additions, subtractions, or modifications as the City Administrator or her designee determines necessary or advisable ("Question"):

"Shall the governing body of the incorporated municipality - the City of La Vista - continue the additional local sales and use tax of one-half of one percent ( $\frac{1}{2}\%$ ), which is part of the first one and one-half percent ( $1\frac{1}{2}\%$ ) of the City's current two percent (2%) sales and use tax rate, for an additional thirty (30) years beginning July 1, 2025 and ending July 1, 2055, and continue to impose a sales and use tax of the additional one-half of one percent ( $\frac{1}{2}\%$ ) upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, with revenues generated by the additional one-half of one percent ( $\frac{1}{2}\%$ ) to be used for major street improvement projects and other capital expenditures?"

If a majority of the votes cast upon such Question shall be in favor of continuing such additional one-half of one percent tax, then the governing body of the City shall be empowered as provided by Neb. Rev. Stat. §77-27,142 and shall forthwith proceed to continue to impose such tax pursuant to the Local Option Revenue Act. If a majority of those voting on the Question shall be opposed to continuing such additional one-half of one percent tax, then the governing body of the City shall not continue to impose such a tax and the tax will end effective July 1, 2025 unless subsequently approved by voters in accordance with applicable law.

4. Neither the Perpetual One Percent nor the Additional One-Half of One Percent for Public Infrastructure in 84<sup>th</sup> Street Redevelopment Area shall be affected by this Resolution. The Perpetual One Percent



and the Additional One-Half of One Percent for Public Infrastructure in 84<sup>th</sup> Street Redevelopment Area each shall continue and remain in effect notwithstanding anything in this Resolution, the Question, results of the 2022 General Election, or any other action in connection with the Additional One-Half of One Percent for Major Street Improvement Projects and Other Capital Expenditures.

5. The Mayor, City Administrator or City Clerk, or any designee of the Mayor, City Administrator or City Clerk, shall be authorized to take any actions on behalf of the City Council or City as the Mayor, City Administrator or City Clerk, or any such designee determines necessary or appropriate to carry this Resolution or any actions approved in this Resolution, including without limitation executing any documents or instruments, certifying or submitting this Resolution, providing any notice, or submitting the Question at the 2022 General Election in form and content approved in section 3 above, subject to any additions, subtractions, or modifications as City Administrator or her designee determines necessary or advisable.

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

## **E. RESOLUTION – SUBMIT BALLOT QUESTION AT 2022 GENERAL ELECTION – PROPOSED RESTAURANT AND DRINKING PLACES OCCUPATION TAX – 2 1/2 PERCENT**

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-070 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PURSUANT TO APPLICABLE NEBRASKA STATUTES INCLUDING §18-1208 ORDERING SUBMISSION OF THE QUESTION WHETHER TO IMPOSE AN OCCUPATION TAX ON RESTAURANTS AND DRINKING PLACES WITHIN THE CITY CALCULATED AT A FIXED RATE OF 2.5% OF GROSS RECEIPTS FROM FOOD AND BEVERAGES, WHICH TAX IS PROJECTED TO GENERATE ANNUAL REVENUE IN EXCESS OF \$700,000 AND REPLACES THE CITY'S CURRENT OCCUPATION TAX ON RESTAURANTS AND DRINKING PLACES.

WHEREAS, the Mayor and City Council pursuant to applicable Nebraska Statutes including §18-1208 propose and desire to submit to registered voters of the City at the 2022 General Election whether to impose an occupation tax on restaurants and drinking places within the City that is calculated at a fixed rate of two and one-half percent (2½%) of gross receipts from food and beverages, effective on a date and subject to other terms and conditions as specified by Ordinance, which occupation tax is projected to generate annual revenue in excess of \$700,000 and if approved would replace the City's current occupation tax on restaurants and drinking places.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska that the following actions are hereby adopted and approved:

1. The Mayor and City Council pursuant to applicable Nebraska Statutes including §§16-205 and 18-1208 desire to submit to registered voters of the City at the 2022 General Election the following question:

**“Shall the Mayor and City Council of the City of La Vista impose an occupation tax on restaurants and drinking places within the City pursuant to Nebraska Statutes Sections 16-205 and 18-1208 that is calculated at a fixed rate of two and one-half percent (2½%) of gross receipts from food and beverages, effective on a date and subject to other terms and conditions as specified by Ordinance, which occupation tax is projected to generate annual revenue in excess of \$700,000 and replaces the City's current occupation tax on restaurants and drinking places?”**

2. A proposed ballot is approved in form and content presented with this Resolution and incorporated herein by this reference, subject to any additions, subtractions, or modifications as the Mayor, City Administrator,



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City Clerk, or his or her designee determines necessary or appropriate

3. The City Clerk or any designee of the City Clerk, on behalf of the Mayor and City Council, is authorized and directed to order submission of the Question to registered voters of the City at the 2022 General Election. The City Clerk or any designee of the City Clerk, on behalf of the Mayor and City Council, shall submit a certified copy of this resolution with the Election Commissioner or County Clerk, and by doing so shall order submission of the Question to registered voters of the City at the 2022 General Election.
4. The Mayor, City Administrator, City Clerk, or his or her designee is hereby authorized and directed to take all actions on behalf of the Mayor, City Council and City as necessary or appropriate to carry out this Resolution and submission of the Question to registered voters of the City at the 2022 General Election, including without limitation, preparing, executing, issuing, providing, certifying, or delivering any notices, ballots, instruments, or other documents.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

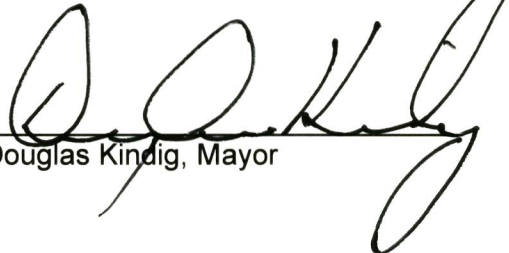
## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from City Council.

At 6:26 p.m. Councilmember Hale made a motion to adjourn the meeting. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF AUGUST 2022.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, MMC  
City Clerk