

# MINUTE RECORD

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING September 20, 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 September 20, 2022. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Also in attendance were, City Attorney McKeon, City Clerk Buethe, Chief of Police Lausten, Director of Public Works Soucie, Library Director Barcal, Recreation Director Stopak, Deputy Community Development Director Solberg and City Engineer Dowse.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on September 7, 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.

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

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE SEPTEMBER 6, 2022 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – JULY 2022
4. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – LA VISTA CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$2,042.50
5. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO – CONSTRUCTION SERVICES – CENTRAL PARK PAVILION AND SITE IMPROVEMENTS – \$591,863.00
6. RESOLUTION NO. 22-090 – MUD – PROFESSIONAL SERVICES – THE LINK – \$20,000.00

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH METROPOLITAN UTILITIES DISTRICT (MUD) TO MODIFY THE FORMER BRENTWOOD CROSSING SERVICE CONNECTION FOR THE CENTRAL PARK PAVILION AND SITE IMPROVEMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$20,000.00.

WHEREAS, the Mayor and City Council have determined that modifications to the former Brentwood Crossing service connection for the Central Park Pavilion and Site Improvement Project are necessary; and

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

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 purchases over \$5,000;

NOW, THEREFORE IT BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that an agreement with MUD to modify the former Brentwood Crossing service connection for the Central Park Pavilion and Site Improvement Project in an amount not to exceed \$20,000.00.

### 7. RESOLUTION NO. 22-091 – AUTHORIZE REPAIRS TO FRONT-END LOADER

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING NMC CAT, OMAHA, NEBRASKA TO REPAIR THE 2010 CAT 938H FRONT-END LOADER IN AN AMOUNT NOT TO EXCEED \$9,000.00.



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WHEREAS, the City Council of the City of La Vista has determined that repair of the transmission and implement pump on the 2010 CAT 938H front-end loader is necessary; and

WHEREAS, the FY21/22 Street Operating Budget provides funding for the proposed repairs; 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 authorize NMC CAT, Omaha, Nebraska to repair the 2010 CAT 938H front-end loader in an amount not to exceed \$9,000.00.

## 8. APPROVAL OF CLAIMS

911 CUSTOM LLC, services	29,151.62
AA WHEEL & TRUCK SUPPLY, maint.	5.40
ACTION BATTERIES, bld&grnds	280.35
ACTIVE NETWORK LLC, services	49.86
ALCOLOCK USA, services	47.80
ALTEC INDUSTRIES INC, maint.	87.90
AMAZON, supplies	313.64
ASPEN EQUIPMENT CO, services	3,888.00
BABER, BRAD, apparel	325.07
BARCO MUNICIPAL PRODUCTS, supplies	160.00
BERGANKDV LLC, services	1,000.00
BISHOP BUSINESS EQUIPMENT, services	943.19
BLACK HILLS ENERGY, utilities	1,822.19
BOK FINANCIAL, bonds	471,852.09
BRIAN SMILES, services	600.00
BUETHE, P., travel	55.25
CCAP AUTO LEASE LTD, services	449.00
CENTURY LINK/LUMEN, phones	278.40
CINTAS CORP, services	385.23
CITY CENTRE MUSIC VENUE LLC, grant	570,800.06
CITY OF PAPILLION, services	25,444.00
CORE BANK, services	345,756.24
COX COMMUNICATIONS, services	467.15
CREATIVE SITES LLC, services	3,077.00
CULLIGAN OF OMAHA, services	34.50
CUMMINS CENTRAL POWER, maint.	277.67
D & K PRODUCTS, services	1,220.00
DELL MARKETING LP, services	1,335.18
DIAMOND VOGEL PAINTS, supplies	193.70
DLR GROUP, services	14,579.21
DOWSE, P., travel	88.50
DULTMEIER SALES LLC, maint.	274.85
ECHO GROUP INC, maint.	1,529.81
ESSENTIAL SCREENS, services	183.46
EYMAN PLUMBING INC, services	484.00
FELSBURG HOLT & ULLEVIG INC, services	77,886.88
FERGUSON ENTERPRISES, bld&grnds	189.01
FIKES COMMERCIAL HYGIENE LLC, supplies	62.00
FLORIAN, ARTHUR CRAIG, services	150.00
GALLS LLC, apparel	153.99
GENERAL FIRE & SAFETY EQUIP, bld&grnds	611.00
GRAINGER, supplies	55.03
GREAT PLAINS COMMUNICATION, services	777.60
GUARDIAN ALLIANCE TECH, services	572.00
HARM'S CONCRETE INC, services	173.05
HARTS AUTO SUPPLY, maint.	170.00
HDR ENGINEERING INC, services	1,710.83

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HEARTLAND BUSINESS SYSTEMS, bld&grnds	413.88
HEIMES CORP, services	94,783.99
HOTSY EQUIPMENT CO, maint.	241.08
JOHNSTONE SUPPLY CO, maint.	41.62
KRIHA FLUID POWER, supplies	225.88
LV COMM FOUNDATION, payroll	180.00
LARSEN SUPPLY CO, supplies	285.32
LEAGUE OF NEBR MUNICIPALITIES, services	52,057.00
LIBRA INDUSTRIES INC, apparel	40.00
MARTIN ASPHALT - MONARCH OIL, supplies	420.00
MENARDS-RALSTON, bld&grnds	109.18
METRO COMM COLLEGE, services	34,521.02
MICROFILM IMAGING SYSTEMS, services	3,880.00
MID-AMERICAN BENEFITS INC, services	5,976.54
MIDLANDS FAMILY URGENT CARE, services	375.00
MIRACLE RECREATION EQUIPMENT, services	772.19
MNJ TECHNOLOGIES, services	10,052.00
MOTOROLA SOLUTIONS INC, maint.	676.75
MR. PICNIC, services	5,128.00
MSC INDUSTRIAL SUPPLY CO, maint.	153.53
NE DEPT OF REVENUE-FORM 94, services	25.00
NE DEPT OF REVENUE, sales tax	252.13
NEBRASKALAND TIRE, maint.	2,852.68
NPZA-NE PLANNING/ZONING ASSN, services	105.00
NSG LOGISTICS LLC, supplies	13,299.13
ODEYS INC, supplies	56.19
OFFICE DEPOT INC, supplies	255.84
OMNI ENGINEERING, services	88.94
ONE CALL CONCEPTS INC, services	323.36
O'REILLY AUTO PARTS, maint.	1,534.28
PAPILLION SANITATION, services	363.87
PAPIO VALLEY NURSERY INC, services	447.00
PAYROLL MAXX, payroll & taxes	791,558.08
PETROS PACE FINANCE, services	13,320.23
PETTY CASH, supplies	137.38
PORT-A-JOHNS, services	690.00
PROJECT LIFESAVER INC, supplies	298.27
RAINBOW GLASS & SUPPLY, bld&grnds	53.36
RDG PLANNING & DESIGN, services	38,925.00
ROBERT T. HENNRICH, services	556.00
ROCKMOUNT RESEARCH, maint.	273.51
RTG BUILDING SERVICES, bld&grnds	6,665.00
SAMPSON CONSTRUCTION CO, services	481,500.00
SECURITY EQUIPMENT INC, services	1,680.00
SHERWIN-WILLIAMS, supplies	53.69
SHI INTERNATIONAL CORP, services	5,039.75
SOUTHERN UNIFORM, apparel	60.05
SPIRIT FOOTBALL services	2,000.00
SUBURBAN NEWSPAPERS INC, services	385.43
SUNSET LAW ENFORCEMENT, supplies	10,710.00
THE COLONIAL PRESS INC, services	5,645.21
THE PANCAKE MAN, services	4,620.00
THE SCHEMMER ASSOCIATES INC, services	865.00
THE UNIVERSITY NE MED CTR, services	675.00
THOMPSON DREESSEN & DORNER INC, services	11,534.12
TKK ELECTRONICS LLC, services	404.62
TORNADO WASH LLC., services	210.00
TRADE WELL PALLET INC, supplies	110.00
TRANS UNION RISK, services	75.00
TRUCK CENTER COMPANIES, maint.	1,359.81
TURFWERKS, maint.	4,701.47



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TY'S OUTDOOR POWER & SERVICE, maint.	219.30
ULINE INC, supplies	1,630.28
UNITE PRIVATE NETWORKS LLC, services	4,400.00
US BANK NAT'L ASSOC, services & supplies	17,823.27
VERIZON CONNECT NWF, phones	615.22
VOIANCE LANGUAGE, services	31.79
WHITE CAP LP, supplies	522.00
WOODHOUSE FORD, maint.	117.06
ZOOM VIDEO COMMUNICATIONS, services	1,999.00

Councilmember Thomas made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick 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**

There were no reports from the City Administrator and Department Heads.

## **B. FISCAL YEAR 2022 AMENDED MUNICIPAL BUDGET**

### **1. PUBLIC HEARING**

At 6:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the proposed Fiscal Year 2022 amended municipal budget.

At 6:01 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE – APPROVE AMENDED BUDGET**

Councilmember Quick introduced Ordinance No. 1459: AN ORDINANCE TO AMEND ORDINANCE NO. 1423 AND THE BIENNIAL BUDGET APPROPRIATING THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2020 AND ENDING ON SEPTEMBER 30, 2021; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022, AND SPECIFICALLY TO AMEND AMOUNTS APPROPRIATED FOR THE SECOND YEAR OF SUCH BIENNIAL BUDGET FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022, SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES OR RESOLUTIONS AS ORIGINALLY ENACTED; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1459. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1459 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. 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. ONE AND SIX YEAR STREET IMPROVEMENT PLAN**

### **1. PUBLIC HEARING**

At 6:03 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the One and Six Year Street Improvement Plan.

At 6:05 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION – APPROVE ONE AND SIX YEAR STREET IMPROVEMENT PLAN**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 22-092 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE DIRECTOR OF PUBLIC WORKS.

WHEREAS, the Director of Public Works has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Director of Public Works; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the Director of Public Works and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

### **3. RESOLUTION – AUTHORIZE MUNICIPAL ANNUAL CERTIFICATION PROGRAM**

Councilmember Hale introduced and moved for the adoption of Resolution No. 22-093 entitled: A RESOLUTION AUTHORIZING THE SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE 2022.

WHEREAS, State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

WHEREAS, State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form;



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NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista that the Mayor of La Vista is hereby authorized to sign the Municipal Annual Certification of Program Compliance form for 2022.

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

## **D. RESOLUTION – AUTHORIZE AGREEMENT – BERGANKDV – FINANCE DIRECTOR**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-094 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH BERGANKDV TO PROVIDE SERVICES ASSOCIATED WITH PREPARATION OF THE ACFR, ASSISTANCE IN FORECASTING AND FINANCIAL ANALYSIS, AND PROVIDING GUIDANCE AND TRAINING OF INDEPENDENT CONTRACTOR AND CITY STAFF IN AN AMOUNT NOT TO EXCEED \$60,000.

WHEREAS, the City Council of the City of La Vista has determined that assistance in preparation of the audit report (ACFR), assistance in forecasting and financial analysis, and providing guidance and training of independent contractors and city staff is necessary; and

WHEREAS, the FY23 annual budget will provide funding for this request; 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 hereby approve a professional services agreement with BERGANKDV to provide professional services associated preparation of the audit report (ACFR), assistance in forecasting and financial analysis, and providing guidance and training of independent contractors and city staff.

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

## **E. RESOLUTION – AUTHORIZE AGREEMENT – FORVIS – AUDIT PREPARATION**

Councilmember Hale introduced and moved for the adoption of Resolution No. 22-095 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH FORVIS TO PROVIDE SERVICES ASSOCIATED WITH THE PREPARATION OF THE AUDIT WORK PAPERS IN AN AMOUNT NOT TO EXCEED \$50,000.00.

WHEREAS, the City Council of the City of La Vista has determined that assistance in preparation for the city's audit is necessary; and

WHEREAS, the FY23 annual budget will provide funding for this request; 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 hereby approve a professional services agreement with ForVis to provide professional services associated with preparation for the city's audit.

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

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**F. REQUEST TO RECONSIDER ACTION TAKEN SEPTEMBER 6, 2022 ON  
PHASE II SERVICES – 84<sup>TH</sup> STREET UNDERPASS (ICONIC FEATURE) AT THE  
OCTOBER 4, 2022 CITY COUNCIL MEETING**

Councilmember Thomas made a motion to approve the request to reconsider action taken September 6, 2022 on Phase II Services – 84<sup>th</sup> Street Underpass (Iconic Feature) at the October 4, 2022 City Council Meeting. Seconded by Councilmember Sell. 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 comment from the floor.

**COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Sell commented on the joint public hearing notice.

Councilmember Thomas commented that the pancakes in the park event went well.

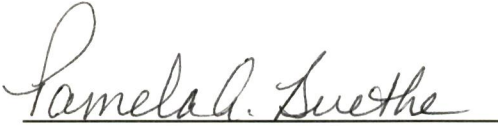
At 6:17 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 4TH DAY OF OCTOBER 2022.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, MMC  
City Clerk