

MINUTE RECORD

A-2

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

LA VISTA CITY COUNCIL MEETING December 1, 2020

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 December 1, 2020. Present in the Council Chambers were Councilmembers: Thomas, Crawford, Quick, Hale, and Sell. Present via Zoom were Councilmembers: Frederick and Sheehan. Also in attendance were, City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, 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 Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on November 25, 2020. 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. Governor Pete Ricketts issued Executive Order No. 20-34 – Coronavirus – Public Meetings Requirement Limited Waiver for Alternative Participation for Elected Officials. Such order allowed virtual meeting participation by elected officials that have been ordered to quarantine or isolate by the local public health agency due to exposure to COVID-19, in conformance with guidance from the Nebraska Department of Health and Human Services. 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.

All votes of Councilmembers Frederick and Sheehan at the meeting were by roll call vote using Zoom videoconference.

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 NOVEMBER 17, 2020 CITY COUNCIL MEETING
3. REQUEST FOR PAYMENT – ALFRED BENESCH & COMPANY – PROFESSIONAL SERVICES – 96TH & 108TH ST PAVEMENT REHABILITATION – \$724.00
4. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – CITY CENTRE PARKING STRUCTURE 2 – \$1,641.00
5. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$4,743.36
6. RESOLUTION NO. 20-113 – AUTHORIZE RENEWAL – COMPUTER SOFTWARE – SHI – \$27,647.95

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE RENEWAL OF MS EXCHANGE AND MS OFFICE 365 SUBSCRIPTIONS FOR CITYWIDE SERVICES FROM SHI IN AN AMOUNT NOT TO EXCEED \$27,647.95.

WHEREAS, the City Council of the City of La Vista has determined that the renewal of MS Exchange and MS Office 365 subscriptions for citywide services is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed renewal; 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 of La Vista, Nebraska, do hereby authorize the purchase of MS Exchange and MS Office 365 subscriptions for citywide services from SHI in an amount not to exceed \$27,647.95

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7. RESOLUTION NO. 20-114 — AUTHORIZE SIGNATURE — YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO SIGN THE YEAR-END CERTIFICATION OF CITY STREET SUPERINTENDENT 2020.

WHEREAS, State of Nebraska Statutes, Sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, The State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31st of each year) the appointment of the City Street Superintendent to the NDOT using the Year-End Certification of City Street Superintendent; and

WHEREAS, The NDOT requires that such certification shall also include a copy of the documentation of the City Street Superintendents appointment, i.e., meeting minutes; showing the appointment of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number and Class of License (if applicable) and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, The NDOT also requires that such Year-End Certification of City Street Superintendent shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent by the Mayor or Village Board Chairperson.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of La Vista, Nebraska is hereby authorized to sign the Year-End Certification of City Street Superintendent 2020.

8. APPROVAL OF CLAIMS

AMAZON, supplies	387.68
ASPEN EQUIPMENT CO, maint.	247.00
AT&T MOBILITY, phones	97.34
BKD LLP, services	2,410.00
BRITE IDEAS DECORATING, supplies	126.00
CANINE TACTICAL, services	13,000.00
CENTURY LINK, phones	6.00
CINTAS CORP, services	274.68
COMMERCIAL SEEDING, services	3,490.00
CONTROL MASTERS INC, bld&grnds	715.34
COX COMMUNICATIONS, services	147.03
CUMMINS CENTRAL POWER, maint.	645.93
DOOLING, SHAWN, services	900.00
DOUGLAS COUNTY SHERIFF, services	287.50
DULTMEIER SALES LLC, maint.	46.50
FASTENAL CO, supplies	322.01
FIRST WIRELESS INC, services	940.00
GENERAL FIRE & SAFETY, bld&grnds	245.00
GOVERNMENT FINANCE OFFICERS, services	190.00
HANEY SHOE STORE, apparel	150.00
HAYES MECHANICAL LLC, bld&grnds	1,356.07
HDR ENGINEERING INC, services	513.67
HEARTLAND TIRES & TREADS, maint.	189.43
HEIMES CORP, services	229.67
HGM ASSOCIATES INC, services	2,889.19
INDUSTRIAL SALES CO INC, supplies	163.74
J & J SMALL ENGINE SERVICE, maint.	704.15

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KEVIN JONES, services	350.00
LARSEN SUPPLY CO, supplies	581.85
LEADS ONLINE LLC, services	2,848.00
MAX I WALKER UNIFORM, services	34.60
MENARDS-RALSTON, bld&grnds	1,328.82
METAL DOORS & HARDWARE CO, bld&grnds	817.00
MIDLANDS FAMILY URGENT CARE, services	250.00
NE IOWA INDL FASTENERS INC, maint.	15.09
OFFICE DEPOT INC, supplies	63.94
OLSSON, INC, services	1,821.50
OMNI ENGINEERING, services	81.90
ORIENTAL TRADING CO, supplies	549.12
PER MAR SECURITY, services	129.78
READY MIXED CONCRETE CO, services	612.94
RHOMAR INDUSTRIES INC, maint.	585.80
SARPY COUNTY SHERIFF, services	2,000.00
SOUTHERN UNIFORM, apparel	66.98
THOMPSON DREESSEN & DORNER INC, services	5,354.75
TMS PRODUCTION INTEGRATION, services	317.50
TOSHIBA FINANCIAL, services	138.00
TRAFFIC & CONTROL CO, services	556.00
TY'S OUTDOOR POWER, services	58.79
UNITED DISTRIBUTORS INC, supplies	81.22
UNITED PARCEL, services	19.96
VERIZON CONNECT, phones	631.41
WALMART, supplies	812.67
WOODHOUSE PARTS, maint.	16.60

**9. APPROVAL OF THE MINUTES OF THE NOVEMBER 24, 2020 EMERGENCY
CITY COUNCIL MEETING**

**10. APPROVAL OF THE MINUTES OF THE NOVEMBER 24, 2020 EMERGENCY
BOARD OF HEALTH MEETING**

Councilmember Crawford 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

Library Director Barcal reported that the Library saved members \$860,000 in 2020. She also reported that Howard Hamilton, founder of the Library, passed away last week.

Recreation Director Stopak reported on the Tree Lighting video and activities at the Community Center.

Chief of Police Lausten reported that Officer Karl Meister was presented with a lifesaving award from the City of Bellevue. Officer Meister is a member of the Sarpy Tactical Medic Team (STacMed).

B. ORDINANCE – AMEND COMPENSATION ORDINANCE

Councilmember Thomas introduced Ordinance No. 1403 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 Crawford seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Sheehan,

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Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion passed.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1403. Councilmember Frederick seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1403 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.

C. RESOLUTION – APPROVE PROFESSIONAL SERVICES AGREEMENT – 114TH AND GILES INTERSECTION IMPROVEMENTS

Councilmember Crawford introduced and moved for the adoption of Resolution No. 20-115 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT WITH FELSBURG, HOLT AND ULLEVIG (FHU), OMAHA, NEBRASKA, FOR PROJECT MANAGEMENT AND ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$11,900.

WHEREAS, the Mayor and City Council have determined that project management and engineering services for Intersection Improvements at 144th Street and Giles Road are necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a professional services agreement, in a form satisfactory to the City Administrator and City Attorney, be authorized with Felsburg, Holt and Ullevig (FHU), Omaha, Nebraska, for project management and engineering services in an amount not to exceed \$11,900.

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

D. RESOLUTION – APPROVE FIVE-YEAR TREE MANAGEMENT PLAN

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-116 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE FIVE-YEAR TREE MANAGEMENT PLAN FOR THE CITY OF LA VISTA AS SUBMITTED BY THE PARKS SUPERINTENDENT.

WHEREAS, the Parks Superintendent has revised and updated the City of La Vista Five-Year Tree Management Plan; and

WHEREAS, the La Vista Parks and Recreation Advisory Committee has reviewed the Five-Year Tree Management Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Five-Year Tree Management Plan shall constitute the official Comprehensive City Tree Plan for the City of La Vista;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the Five-Year Tree Management Plan as submitted by the Parks Superintendent 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 Thomas. Parks Superintendent Allen gave a presentation on the plan. Councilmembers voting aye: Frederick, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

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E. APPROVAL OF CLASS C LIQUOR LICENSE APPLICATION – CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #3913

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 D Liquor License.

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

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-117 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 D LIQUOR LICENSE FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #3913 IN LA VISTA, NEBRASKA.

WHEREAS, Casey's Retail Company dba Casey's General Store #3913, 11728 Emiline Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D 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

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 D Liquor License submitted by Casey's Retail Company dba Casey's General Store #3913, 11728 Emiline Street, La Vista, Sarpy County, Nebraska.

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

F. RESOLUTION – AMEND PERSONNEL POLICY SECTION VIII – VACATION ACCRUAL POLICY

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-118 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 8 OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING VACATION ACCRUAL.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Section 8 in the manual regarding vacation accrual be amended to clarify language and incorporate a policy change to the timing of the increase of vacation accrual; and

WHEREAS, it is the desire of the City Council to amend Section 8 of the Personnel Policy and Procedures Manual to incorporate the changes to the above listed subsection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby

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amended to reflect the proposed changes to Subsection 8 as submitted at the City Council meeting.

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

G. RESOLUTION – APPROVAL OF BLANKET BOND – MAYOR

Councilmember Crawford introduced and moved for the adoption of Resolution No. 20-119 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING BLANKET BOND IN PLACE OF INDIVIDUAL BOND OF MAYOR, RE-ELECTED AT THE GENERAL ELECTION HELD NOVEMBER 3, 2020.

BE IT RESOLVED, that the penalty amount of the official bond of the Mayor is hereby set at \$5,000.

BE IT FURTHER RESOLVED, that the City Council makes and approves the following findings: The City Clerk has presented at this meeting a blanket bond, number 69372735, issued by Western Surety Company, as surety, in place of an individual bond, pursuant to Neb. Rev. Stat. Section 11-104(2), as enacted by LB 347 (2007), for the upcoming term of the Mayor of the City of La Vista ("Bond"); by additional indemnity rider, the Bond provides coverage in the amount of \$5,000., conditioned for the faithful discharge of duties of the office of Mayor; the Mayor has executed an undertaking of the Bond in joint and several form; the Bond is payable to the City of La Vista in the penalty amount of \$5,000., conditioned for the faithful discharge of the duties of office; the corporate surety of said Bond is legally authorized to transact business in the State of Nebraska; the Bond has been executed by the principal and surety thereof and the required oath has been endorsed by the principal by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement upon said Bond; the Bond has been previously filed with the City Clerk; and all applicable legal requirements with respect to said Bond have been satisfied.

BE IT FURTHER RESOLVED, that the Bond, including, but not limited to the penalty amount and all other terms and conditions thereof, is hereby approved, and the Mayor is hereby authorized to endorse approval of the Council and surety in writing on the Bond or by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premium for the Bond.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to take any other action as is necessary or appropriate to carry out the actions approved herein.

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

H. RESOLUTION – AUTHORIZE PURCHASE – CLOUDGUARD SECURITY SOFTWARE

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-120 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF CLOUDGUARD SECURITY SOFTWARE SUBSCRIPTIONS FROM GUIDEPOINT SECURITY IN AN AMOUNT NOT TO EXCEED \$7,054.56.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of CloudGuard security software subscriptions is necessary; and

WHEREAS, the FY 21/22 Biennial Budget provides funding for this purchase; and

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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 BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of CloudGuard security software subscriptions from GuidePoint Security in an amount not to exceed \$7,054.56

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.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 6:30 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 15TH DAY OF DECEMBER 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk