

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING August 17, 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 August 17, 2021. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, Police Captain Armbrust, City Clerk Buethe, Director of Public Works Soucie, Library Director Barcal, Recreation Director Stopak, City Engineer Dowse, Community Development Director Fountain, Finance Director Miserez, Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Times on August 4, 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.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE AUGUST 3, 2021 BUDGET HEARING
3. APPROVAL OF THE MINUTES OF THE AUGUST 3, 2021 CITY COUNCIL MEETING
4. APPROVAL OF THE MINUTES OF THE AUGUST 5, 2021 PLANNING COMMISSION MEETING
5. MONTHLY FINANCIAL REPORT – JUNE 2021
6. REQUEST FOR PAYMENT – LEAGUE OF NEBRASKA MUNICIPALITIES – MEMBERSHIP DUES – \$48,905.00
7. REQUEST FOR PAYMENT – DESIGN WORKSHOP, INC – PROFESSIONAL SERVICES – LA VISTA WAYFINDING – \$1,399.08
8. REQUEST FOR PAYMENT – OLSSON, INC – PROFESSIONAL SERVICES – CITY CENTRE – \$2,107.50
9. APPROVAL OF CLAIMS

ACCURATE TESTING INC, services	390.00
ACTIVE NETWORK LLC, services	65.57
ALFRED BENESCH & CO, services	47,953.78
AMAZON, supplies	485.68
AMERICAN HERITAGE LIFE INS CO, services	1,202.51
A-RELIEF, services	2,081.00
AWARDS & MORE CO, services	120.79
BARCAL, R., travel	43.12
BARCODES INC, services	964.50
BEACON ATHLETICS LLC, supplies	1,546.00
BISHOP BUSINESS EQUIPMENT CO, services	335.43
BOBCAT OF OMAHA, services	1,653.00
BODY ARMOR OUTLET LLC, apparel	4,019.70
BOOKPAGE, services	588.00
BRODART CO, supplies	7.79
BUETHE, P., travel	100.24
CCAP AUTO LEASE LTD, services	449.00
CENTER POINT INC, books	408.66
CENTURY LINK/LUMEN, phones	92.77
CERTIFIED LABORATORIES, supplies	242.50
CINTAS CORP, services	255.28
CITY OF OMAHA, services	697,440.73
CITY OF PAPIILLION, services	11,714.31

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COMP CHOICE INC, services	335.00
CONRECO INC, maint.	180.00
COX COMMUNICATIONS INC, services	170.15
CPS HUMAN RESOURCE, services	725.50
CULLIGAN OF OMAHA, services	53.75
D & K PRODUCTS, maint.	2,420.63
DEARBORN NATIONAL LIFE INS CO, services	7,382.08
DELL MARKETING LP, services	393.48
DIAMOND VOGEL PAINTS, supplies	66.48
DLR GROUP, services	10,393.00
ED ROEHR SAFETY PRODUCTS CO, services	426.46
EDGEWEAR SCREEN PRINTING, apparel	2,375.00
ESSENTIAL SCREENS, services	215.30
EVENT STRUCTURE SOLUTIONS LLC, services	2,674.26
FBG SERVICE CORP, bld&grnds	5,965.00
FIKES COMMERCIAL HYGIENE LLC, supplies	60.00
FIRST STATE BANK, services	12,205.78
FITZGERALD SCHORR BARMETTLER, services	27,756.90
FLEETPRIDE, maint.	25.68
GENERAL FIRE & SAFETY EQUIP CO, bld&grnds	7,536.00
GOODWIN TUCKER GROUP, services	346.33
GRAYBAR ELECTRIC CO, services	1,093.72
GREAT PLAINS UNIFORMS, apparel	2,220.00
HARTS AUTO SUPPLY, maint.	648.00
HEARTLAND TIRES & TREADS, maint.	1,116.20
HERC RENTALS INC, services	297.78
HOBBY LOBBY, supplies	249.58
HOME DEPOT, maint.	149.00
HY-VEE INC, services	8,500.00
ID WHOLESALER, services	2,888.00
IDENTISYS INC, supplies	123.44
INGRAM LIBRARY SERVICES, books	1,627.72
INLAND TRUCK PARTS, maint.	3,000.28
INTERNATIONAL CODE COUNCIL, services	145.00
J & J SMALL ENGINE, maint.	187.60
J RETZ LANDSCAPE INC, services	3,327.29
JUSTIN KOFOED LLC, services	1,000.00
K ELECTRIC, services	1,947.76
KANOPY INC, services	151.00
KEYMASTERS LOCKSMITH, services	161.00
KIESLER POLICE SUPPLY, supplies	4,723.40
KRIHA FLUID POWER, maint.	21.56
LABRIE, DONALD P, services	675.00
LARSEN SUPPLY CO, bld&grnds	356.00
LEAGUE OF NEBR MUNICIPALITIES, services	1,758.00
LINCOLN NATL LIFE INS CO, services	6,112.39
LOGAN CONTRACTORS SUPPLY, maint.	393.23
LOU'S SPORTING GOODS, supplies	113.80
L-TRON CORP, services	1,070.25
MACQUEEN EQUIPMENT LLC, services	1,497.33
MARTIN ASPHALT - MONARCH OIL, supplies	514.30
MATHESON TRI-GAS INC, apparel	1,258.31
MECHANICAL SALES INC, bld&grnds	2,396.00
MENARDS-RALSTON, supplies	264.72
MID-AMERICAN BENEFITS INC, services	13,762.77
MIDWEST TAPE, media	65.08
MR. PICNIC, services	3,640.00
MSC INDUSTRIAL, supplies	250.68
MUZZY ICE, services	325.00
NE DEPT OF REVENUE, taxes	88,744.00

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NE SOFTBALL ASSOC, services	600.00
NOLL, MARGARET M, services	270.00
OCLC INC, services	164.44
OFFICE DEPOT INC, supplies	341.58
OLSSON INC, services	4,586.50
OMAHA WINNELSON SUPPLY, bld&grnds	115.99
OMNI ENGINEERING, services	3,246.01
ONE CALL CONCEPTS INC, services	282.60
O'REILLY AUTO PARTS, maint.	1,070.58
PAPILLION SANITATION, services	1,531.61
PAYROLL MAXX, payroll & taxes	377,375.11
PER MAR SECURITY, services	133.68
PITNEY BOWES, postage	1,508.00
RDG PLANNING & DESIGN, services	2,496.50
REGAL AWARDS INC, services	77.76
SARPY COUNTY FISCAL ADMIN, services	10,576.00
SHERWIN-WILLIAMS, supplies	481.78
SHI INTERNATIONAL CORP, services	41,954.65
SIGN IT, services	1,655.85
SUN COUNTRY DISTRIBUTING LTD, supplies	77.45
SWAIN CONSTRUCTION INC, services	519,227.42
THE COLONIAL PRESS INC, supplies	3,799.23
THOMPSON DREESSEN & DORNER INC, services	6,870.00
TRACTOR SUPPLY, supplies	77.99
TRANS UNION RISK, services	75.00
TRUCK CENTER COMPANIES, maint.	846.49
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED HEALTHCARE INS CO, services	979.65
UNITED RENT-ALL, services	1,208.85
VOIANCE LANGUAGE LLC, services	38.66
WHITE CAP LP, supplies	142.78
WOODHOUSE FORD, maint.	62.91

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

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

Recreation Director Stopak reported on programs through the Recreation Department.

Library Director Barcal reported on Library statistics for the summer reading challenge period from 6/1/2021 to 7/31/2021 and the Virtual Escape Room program.

City Engineer Dowse gave an update on street construction projects.

## **B. ROTELLA'S ITALIAN BAKERY BLIGHT AND SUBSTANDARD DECLARATION**

### **1. PUBLIC HEARING (Continued from the August 3, 2021 meeting)**

Mayor Kindig announced the public hearing is continued from the August 3, 2021 meeting and welcomed testimony on the Rotella's Italian Bakery Blight and Substandard Declaration.

Community Development Director Fountain gave an overview.

Josh Woodbury with Woodbury Corporation and Dan Pauley with Fraser Stryker PC LLO were available for questions.

At 6:25 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick,

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

## 2. RESOLUTION

Councilmember Hale introduced and moved for the adoption of Resolution No. 21-090 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA DECLARING THE ROTELLA'S ITALIAN BAKERY REDEVELOPMENT AREA A SUBSTANDARD AND BLIGHTED AREA IN NEED OF REDEVELOPMENT.

WHEREAS, the Mayor and City Council caused to be conducted the Blight & Substandard Determination Study ("Study") on whether the area referred to as the "Rotella's Italian Bakery Redevelopment Area" ("Area") and depicted or described in such Study is substandard and blighted; and submitted to the Planning Commission of the City of La Vista the question of whether such Area is substandard and blighted; and

WHEREAS, The Planning Commission, at its July 1, 2021 meeting, held a public hearing on the question of whether the Area is substandard and blighted after giving notice of the hearing as provided in Neb. Rev. Stat. Section 18-2115.01. Following the public hearing, the Planning Commission reviewed and unanimously recommended to the City Council that the Area is a blighted and substandard area, which written recommendation has been received; and

WHEREAS, The City Council, at its August 3, 2021 meeting, opened a public hearing on the question of whether the Area is substandard and blighted after giving notice of the hearing as provided in section 18-2115.01. At the public hearing, all interested parties were afforded a reasonable opportunity to express their views respecting the proposed declaration. The public hearing was continued to the August 17, 2021 meeting; and

WHEREAS, The City Council, at its August 17, 2021 meeting, continued a public hearing on the question of whether the Area is substandard and blighted after giving notice of the hearing as provided in section 18-2115.01. At the public hearing, all interested parties were afforded a reasonable opportunity to express their views respecting the proposed declaration. With the public hearing concluded, the City Council by this resolution desires to declare the Area to be a substandard and blighted area in need of redevelopment.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska do hereby find, determine, declare and approve as follows:

1. All applicable notice and public hearing requirements have been satisfied.
2. Review and written recommendation of the Planning Commission that such Area is substandard and blighted has been received.
3. Based on factors including the Study and review and recommendation of the Planning Commission, and after considering any public comment at the public hearing of the City Council, the City Council, in the public interest including public health, safety and welfare, hereby determines and declares that the Rotella's Italian Bakery Redevelopment Area described or depicted in the Blight & Substandard Determination Study incorporated herein, is a substandard and blighted area in need of redevelopment.
4. Copies of the Study shall be available for public inspection at City Hall during normal business hours or posted on the City's website. The City has in place the City of La Vista Comprehensive Plan, which is affirmed as and shall be the general plan for development of the City for purposes of Neb. Rev. Stat. Sections 18-2101 et seq.

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

## **C. FISCAL YEAR 20/21 AND FISCAL YEAR 21/22 BIENNIAL BUDGET**

### **1. PROPOSED BUDGET AMENDMENTS**

Councilmember Crawford made a motion to amend the budget to eliminate the Building Superintendent position. Seconded by Councilmember Hale. Councilmembers voting aye: Crawford and Hale. Nays: Frederick, Ronan, Sheehan, Thomas, Quick, and Sell. Abstain: None. Absent: None. Motion failed.

Councilmember Sheehan made a motion to reduce the mill levy by 2%. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford and Hale. Nays: Frederick, Quick and Sell. Abstain: None. Absent: None. Motion carried.

Councilmember Thomas made a motion to eliminate the proposed \$25,000 Organizational Training. Seconded by Councilmember Sheehan. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick and Hale. Nays: Frederick and Sell. Abstain: None. Absent: None. Motion carried.

### **2. APPROPRIATIONS ORDINANCE – SECOND READING**

City Clerk Buethe read Ordinance No. 1423 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1395 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 TO AMEND AMOUNTS APPROPRIATED FOR THE FIRST AND SECOND YEARS OF SUCH BIENNIAL BUDGET 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 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 Frederick made a motion to approve Ordinance No. 1395 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, and Hale, Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## **D. RESOLUTION – AUTHORIZE LOBBYING AGREEMENT – UNITED CITIES OF SARPY COUNTY**

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 21-091 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A LOBBYING AGREEMENT BETWEEN THE UNITED CITIES OF SARPY COUNTY AND KISSEL, KOHOUT, ES ASSOCIATES L.L.C. FOR LOBBYING SERVICES BEFORE THE NEBRASKA STATE LEGISLATURE AND GOVERNOR.

WHEREAS, the cities of Bellevue, Gretna, La Vista, Papillion and Springfield (UNITED CITIES OF SARPY COUNTY) desire to promote the common legislative interest of the five cities which make up the "United Cities of Sarpy County" and

WHEREAS, the cities have agreed that it is in their best interest to hire a joint lobbyist to lobby the Nebraska legislative and executive branches with regard to Nebraska legislation; and

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WHEREAS, the Mayor and City Council have identified the need for a lobbyist as a strategic initiative and did appropriate funds in the FY21/FY22 biennial municipal budget for the hiring of a lobbyist; and

WHEREAS, the mayors of the United Cities of Sarpy County have recommended Joe Kohout with Kissel, Kohout, ES Associates L.L.C. to continue serve as their joint lobbyist.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Mayor is hereby authorized to execute a lobbying agreement between the United Cities of Sarpy County and Kissel, Kohout, ES Associates L.L.C. for lobbying services before the Nebraska State Legislature and Governor.

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

## **E. RESOLUTION – PAPIO-MISSOURI RIVER NRD HAZARD MITIGATION PLAN UPDATE**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-092 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ADOPTING THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT MULTI-HAZARD MITIGATION PLAN.

WHEREAS, a Multi-Hazard Mitigation Plan identifies the vulnerability of public bodies to natural hazards and the projects that can be implemented to reduce or eliminate vulnerability exposure; and

WHEREAS, FEMA now requires that a public entity must have a current Multi-Hazard Mitigation Plan in place before they are eligible for Federal funding for hazard mitigation projects and mitigation efforts resulting from natural disasters; and

WHEREAS, the Papio-Missouri River Natural Resource District coordinated and developed its first All-Hazards Mitigation Plan in 2006; and

WHEREAS, the Papio-Missouri River Natural Resource served as the coordinating agency for the development of a multi-jurisdictional Multi-Hazard Mitigation Plan to serve as the update to the 2006 All-Hazards Mitigation Plan for a six-county area including all of Sarpy, Douglas, Washington, and Dakota Counties as well as parts of Burt and Thurston Counties and all associated local governmental entities; and

WHEREAS, the planning process afforded the local units of government and its citizens the opportunity to comment and provide input in the plan and actions recommended in the plan; and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the Papio-Missouri River Natural Resources District in the form of this resolution and further requesting approval of the plan at the Federal Level;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby adopts the Papio-Missouri River Natural Resources District Multi-Hazard Mitigation Plan in its entirety, resolves to execute the plan as proposed and requests approval of the plan by the Federal Emergency Management Agency.

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

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## **F. RESOLUTION – APPROVAL OF ADDITION TO AREA OF LIQUOR LICENSE – LUCKY BUCKET BREWING COMPANY**

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-093 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 THE ADDITION TO THE LIQUOR LICENSE FOR LUCKY BUCKET BREWING COMPANY IN LA VISTA, NEBRASKA.

WHEREAS, Lucky Bucket Brewing Company, 11941 Centennial Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their 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 the addition to the Liquor License submitted by Lucky Bucket Brewing Company, 11941 Centennial Road, La Vista, Sarpy County, Nebraska.

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

## **G. RESOLUTION – AUTHORIZE PURCHASE – V-BOX SPREADER**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-094 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) SWENSON STAINLESS STEEL V-BOX SPREADER FROM MIDWEST SERVICE AND SALES CO., SCHUYLER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$12,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a V-Box Spreader necessary; and

WHEREAS, The FY21/FY22 Biennial Budget provides funding for this proposed purchase.

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 one (1) V-Box Spreader from Midwest Service and Sales Co., Schuyler, Nebraska in an amount not to exceed \$12,000.00.

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

## **H. RESOLUTION – AUTHORIZE PURCHASE – HOLIDAY LIGHTS**

Councilmember Thomas introduced and moved for the adoption of Resolution No. 21-095 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF 51 HOLIDAY POLE DECORATIONS FOR THE 84<sup>th</sup> STREET CORRIDOR FROM TEMPLE DISPLAY OF OSWEGO, IL, IN AN AMOUNT NOT TO EXCEED \$50,000.00.

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WHEREAS, the City Council of the City of La Vista has determined that the purchase of decorations for the 84<sup>th</sup> Street Corridor is necessary; and

WHEREAS, the FY21 Lottery Budget provides funding for the proposed purchase; 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 the City of La Vista, Nebraska, do hereby authorize the purchase of 51 holiday pole decorations for the 84<sup>th</sup> Street corridor from Temple Display of Oswego, IL in an amount not to exceed \$50,000.00.

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

Councilmember Crawford motioned to move Comments from the Floor up on the agenda ahead of item I. Executive Session. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

### I. EXECUTIVE SESSION – PERSONNEL; CONTRACT NEGOTIATIONS; LAND ACQUISITION

At 7:26 p.m. Councilmember Crawford made a motion to go into executive session for protection of the reputation of an individual to discuss personnel matters and for protection of the public interest for negotiating guidance regarding contract negotiations and land acquisition. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matters contained in the motion.

At 8:08 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, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Motion carried.

### J. RESOLUTION – AUTHORIZE LAND ACQUISITION – 120<sup>TH</sup> STREET AND OLD GILES ROAD (1.41 ACRES) (TABLED FROM THE AUGUST 3, 2021 MEETING)

Councilmember Sell introduced and moved for the adoption of Resolution No. 21-096 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE AND APPROVE THE PURCHASE OF REAL PROPERTY, PURCHASE AGREEMENT AND FURTHER ACTIONS.

WHEREAS, the owner of a parcel of land at 120<sup>th</sup> and Old Giles Road ("Property") desires to sell the Property to the City, and the City desires to purchase the Property from the owner.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council find and determine that:

- (i) A purchase agreement for the Property has been presented in form and content attached hereto as Exhibit A and incorporated herein by this reference ("Purchase Agreement"); and
- (ii) The Purchase Agreement provides for a purchase price of \$260,000 for approximately 1.41 acres of land, in addition to other terms and conditions; and



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- (iii) Nebraska Statutes, among other provisions, requires that the City Council, before purchasing an interest in real property, authorize the acquisition by action at a public meeting after notice and public hearing; and
- (iv) The City published notice of public hearing on the proposed purchase of the Property, which was held during the regular City Council meeting on August 3, 2021; which notice is hereby approved, and public hearing was held and completed before consideration of this Resolution; and
- (v) All applicable statutory requirements related to the proposed purchase have been satisfied.

BE IT FURTHER RESOLVED, that, in consideration of the foregoing, the Mayor and City Council hereby adopt and approve the Purchase Agreement, subject to any modifications the City Administrator from time to time determines necessary or appropriate, and authorize and approve the purchase of the Property for the amount and on such other terms and conditions as set forth in said Purchase Agreement. Without limiting the foregoing, authorization to purchase the Property shall be subject to timely satisfaction of any conditions set forth in the Purchase Agreement, to the satisfaction of the City Administrator or her designee.

BE IT FURTHER RESOLVED, that the Mayor or City Administrator, or his or her designee, is hereby authorized to take all actions he or she determines necessary or appropriate to perform the Purchase Agreement or carry out the Resolution approved herein.

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

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Crawford requested a review of the parking regulations. Captain Armbrust said he will look into the code violations.

At 8:20 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 7TH DAY OF SEPTEMBER 2021.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Bueth, CMC  
City Clerk