

MINUTE RECORD

No. 729 — REDFIELD DIRECT E2106195KV

**LA VISTA CITY COUNCIL
MEETING
July 5, 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 5, 2022. Present were Councilmembers: Frederick, 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 June 22, 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.

**APPOINTMENT – PARK AND RECREATION ADVISORY COMMITTEE – JASON
RYAN – FILL VACANCY**

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Jason Ryan to the Park and Recreation Advisory Committee to fill a vacancy. Councilmember Thomas motioned the approval, seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Sheehan, Thomas, Quick, Frey Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 21, 2022 CITY COUNCIL
MEETING
3. REQUEST FOR PAYMENT – MCANANY CONSTRUCTION –
CONSTRUCTION SERVICES – UBAS STREET MAINTENANCE
PROJECT – \$206,499.20
4. REQUEST FOR PAYMENT – LAMP RYNEARSON – PROFESSIONAL
SERVICES – PAVEMENT ASSET MANAGEMENT - \$4,420.65
5. REQUEST FOR PAYMENT – CITY CENTRE MUSIC VENUE, LLC &
ASTRO THEATER, LLC – DISBURSEMENT OF EDP AWARD FUNDS –
\$831,300.09
6. REQUEST FOR PAYMENT – HDR ENGINEERING – PROFESSIONAL
SERVICES – PROJECT MANAGEMENT FOR PUBLIC
IMPROVEMENTS – \$1,572.84
7. REQUEST FOR PAYMENT – FELSBURG, HOLT & ULLEVIG –
PROFESSIONAL SERVICES – GILES ROAD WIDENING – \$8,175.58
8. REQUEST FOR PAYMENT – FELSBURG, HOLT & ULLEVIG –
PROFESSIONAL SERVICES – 84TH STREET SIGNAL
IMPROVEMENTS – \$300.00
9. REQUEST FOR PAYMENT – HGM ASSOCIATES INC. –
PROFESSIONAL SERVICES – EAST LA VISTA SEWER AND
PAVEMENT REHABILITATION – PHASE 2 FINAL DESIGN – \$4,534.12
10. REQUEST FOR PAYMENT – JE DUNN CONSTRUCTION CO –
PROFESSIONAL SERVICES – CENTRAL PARK PAVILION AND SITE
IMPROVEMENTS – \$288,581.00
11. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION –
CONSTRUCTION SERVICES – OFFSTREET PARKING DISTRICT NO.
2, STRUCTURE NO. 2 - \$414,764.00
12. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY INC, maint.	34.04
ACCO UNLIMITED CORP, supplies	600.20
ACTION BATTERIES, maint.	309.75
ACTIVE NETWORK LLC, services	342.04

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AKRS EQUIPMENT SOLUTIONS, maint.	149.77
AMAZON, supplies	3,769.55
AMERICAN HERITAGE LIFE INS CO, services	1,294.43
ANDERSON AUTO GROUP LINCOLN, services	33,474.00
AXON ENTERPRISE INC, services	5,820.00
BAUER BUILT INC, maint.	280.00
BIBLIOTHECA LLC, media	10.96
BISHOP BUSINESS EQUIPMENT, services	1,993.58
BOBCAT OF OMAHA, maint.	94.30
CARROT-TOP INDUSTRIES INC, services	152.99
CCAP AUTO LEASE LTD, services	391.12
CENTER POINT INC, books	420.06
CENTURY LINK/LUMEN, phones	862.69
CHAPMAN, YASMINE B, services	1,980.00
CINTAS CORP, services	282.54
CITY OF OMAHA, services	243,432.96
CITY OF PAPILLION, services	16,266.50
COLLAB. SUMMER LIBRARY PRGM, services	101.70
COMPLETE WEDDINGS + EVENTS, services	595.00
CONNER PSYCHOLOGICAL PC, services	1,155.00
CONTINENTAL RESEARCH CORP, services	762.17
CORE BANK. services	345,756.19
CORNHUSKER INTL TRUCKS INC, maint.	56.78
COX COMMUNICATIONS INC, services	147.03
CUMMINS CENTRAL POWER LLC, maint.	450.29
D & K PRODUCTS, services	2,564.50
DEARBORN NAT'L LIFE INS CO, services	7,766.15
DESIGN WORKSHOP INC, services	5,790.00
DLR GROUP, services	10,113.82
DOG WASTE DEPOT, supplies	427.50
DULTMEIER SALES LLC, supplies	237.00
FASTENAL CO, supplies	275.58
FELSBURG HOLT & ULLEVIG INC, services	6,487.89
FIRST WIRELESS INC, phones	114.75
FITZGERALD SCHORR BARMETTLER, services	23,607.80
FNIC, services	6,858.75
FUN EXPRESS LLC, services	652.00
GALE, books	99.71
GENUINE PARTS CO, maint.	36.24
GRAINGER, supplies	1,197.35
GREAT PLAINS UNIFORMS, apparel	496.46
GREATAMERICA FINANCIAL, services	1,337.00
GROUND ZERO - GZ MUSIC, services	1,000.00
GT DISTRIBUTORS INC, supplies	1,031.00
HEIMES CORP, services	265,880.69
HITOUCHE BUSINESS, supplies	173.49
HOME DEPOT, supplies	259.27
HTS AG, supplies	135.99
INDUSTRIAL SALES CO, supplies	679.72
INGRAM LIBRARY SERVICES, books	332.26
INLAND TRUCK PARTS & SERVICE, maint.	555.15
ISLAND SPRINKLER SUPPLY CO, supplies	194.07
J & J SMALL ENGINE, maint.	503.88
JOHNSON CONTROLS, bld&grnds	1,776.75
KINDIG, D., refund	94.73
KRIHA FLUID POWER CO, maint.	32.15
LV COMM FOUNDATION, payroll	210.00
LABRIE, DONALD P, services	300.00
LIBRA INDUSTRIES INC, supplies	199.50
LIBRARY IDEAS LLC, books	267.20
LOGAN CONTRACTORS SUPPLY, maint.	433.98

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MACQUEEN EQUIPMENT LLC, services	1,005.38
MARCO INC, services	138.56
MEDICA INSURANCE CO, services	117,015.44
MENARDS-RALSTON, supplies	1,380.76
METLIFE, services	1,108.90
METRO LANDSCAPE MATERIALS, bld&grnds	280.00
METRO COMM COLLEGE, services	14,499.23
MUD, utilities	3,361.41
MID-AMERICAN BENEFITS INC, services	12,535.12
MIDWEST TAPE, supplies	426.80
MNJ TECHNOLOGIES DIRECT INC, services	1,110.00
MOSS ADAMS, services	6,702.20
MSC INDUSTRIAL, supplies	46.06
NE LAW ENFORCEMENT, services	200.00
NE USSA BASEBALL LLC, refund	900.00
NEBRASKALAND TIRE INC, maint.	3,031.58
NMC GROUP INC, supplies	32.11
NOLL, MARGARET M, services	120.00
OFFICE DEPOT INC, supplies	799.37
OPPD, utilities	41,619.54
OMAHA WINNELSON, supplies	344.50
OMNI ENGINEERING, services	1,843.56
PAPILLION SANITATION, services	761.85
PAPIO-MISSOURI RIVER NRD, services	10,750.00
PAYROLL MAXX, payroll & taxes	397,354.94
PEPSI COLA CO, supplies	494.01
PETROS PACE FINANCE, services	13,320.22
PETTY CASH, supplies	107.57
PITNEY BOWES, postage	1,253.00
RDG PLANNING & DESIGN, services	104,849.14
READY MIXED CONCRETE CO, services	3,756.87
RED EQUIPMENT LLC, supplies	838.01
RED WING BUSINESS ADV, apparel	300.00
REGAL AWARDS INC, services	44.00
RIVER CITY RECYCLING, services	1,820.58
SAPP BROS INC, maint.	238.00
SARPY COUNTY FISCAL ADMIN, services	10,575.00
SHERWIN-WILLIAMS, bld&grnds	419.66
SIGN IT, services	2,414.50
SITE ONE LANDSCAPE SUPPLY , bld&grnds	972.50
SPIRIT FOOTBALL, services	800.00
STOREY KENWORTHY / MATT PARROTT supplies	233.10
SUBURBAN NEWSPAPERS INC, services	452.76
SUN COUNTRY DISTRIBUTING LTD, supplies	81.23
THIELE GEOTECH INC, services	852.00
TOSHIBA FINANCIAL, services	138.00
TRACTOR SUPPLY, supplies	64.99
TRUCK CENTER COMPANIES, maint.	4.48
UNITED STATES TREASURY, services	270.63
VERIZON WIRELESS, phones	18.02
WALMART, supplies	2,224.01
WESTLAKE HARDWARE, bld&grnds	24.73
WHITE CAP LP, supplies	31.38
WOODHOUSE FORD, maint.	28.50

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

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REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reported there will be a Budget Workshop on July 18, 2022 and also on July 19, 2022 after the City Council Meeting, if needed.

Director of Administrative Services Pokorny reported that budget books were created with the new program approved by the City Council.

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

Police Chief Lausten reported there was a decrease in firework complaints for 2022 and reported there was an attempted robbery at the 84th & Brentwood fireworks tent.

B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT

1. PUBLIC HEARING

At 6:08 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for comment on the Citizen Advisory Review Committee - EDP Report. Michael Narak presented the report.

At 6:09 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Quick, Frey, Hale and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

C. SOUTHPORT WEST REPLAT NINE – REPLAT & SUBDIVISION AGREEMENT

1. RESOLUTION – APPROVE REPLAT

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-062 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 23-26 SOUTHPORT WEST TOGETHER WITH LOT 1 SOUTHPORT WEST REPLAT FOUR, TO BE REPLATTED AS LOTS 1 THRU 4 AND OUTLOT A SOUTHPORT WEST REPLAT NINE, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described property applied for approval of a replat for Lots 23-26 Southport West, together with Lot 1 Southport West Replat Four, to be replatted as Lots 1 thru 4 and Outlot A Southport West Replat Nine; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on May 5, 2022, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 23-26 Southport West, together with Lot 1 Southport West Replat Four, to be replatted as Lots 1 thru 4 and Outlot A Southport West Replat Nine, a subdivision located in the southeast quarter of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located south of the intersection of Southport Parkway and Giles Road, be, and hereby is, approved, subject to adoption and execution of the corresponding Subdivision Agreement presented at this Council meeting.

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

2. RESOLUTION – APPROVE SUBDIVISION AGREEMENT

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 22-063 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF

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LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR SOUTHPORT WEST REPLAT NINE.

WHEREAS, the City Council did on June 21, 2022, approve of Southport West Replat Nine subject to certain conditions; and

WHEREAS, the Subdivider, Southport Partners, LLC, as owner of the affected lots agreed to execute a Subdivision Agreement satisfactory in form and content to the City;

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

D. RESOLUTION – AWARD BID – APPLEWOOD CREEK TRAIL

Councilmember Sell introduced and moved for the adoption of Resolution No. 22-064 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE THE AWARDING OF A CONTRACT TO HAWKINS CONSTRUCTION OF OMAHA NEBRASKA FOR THE APPLEWOOD CREEK TRAIL PROJECT IN AN AMOUNT NOT TO EXCEED \$2,245,676.92. THE CITY'S 20% MATCH TO THE CONSTRUCTION OF THE PROJECT IS AN AMOUNT NOT TO EXCEED \$449,135.38.

WHEREAS, in the above agreement, the City has pledged sufficient funds to finance its shares of the cost of the construction of this project identified as TAP-77(61); and

WHEREAS, the above mentioned agreement provided that the City will pay costs as set forth in the agreement; and

WHEREAS, the State, on behalf of the City received bids for the construction of this project based on the final plans and specifications on June 16. 2022, at which time 5 bid(s) were for the construction of the proposed work; and

WHEREAS, the following Contractor(s) for the items of work listed has/have been selected as the low bidder(s) to whom the contract(s) should be awarded;

HAWKINS CONSTRUCTION COMPANY, OMAHA, NE 68109-0008
GRADING, CONCRETE PAVEMENT, CULVERTS, SEEDING, BRIDGE AT STA 26+89.39, FENCE, ELECTRICAL, SIGNING, GENERAL ITEMS: \$2,245,676.92

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 Administrator and City Attorney to Hawkins Construction Company, Omaha, Nebraska, for the Applewood Creek Trail Project in an amount not to exceed \$2,245,676.92. The City's 20% match to the construction of the project is an amount not to exceed \$449,135.38.

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

E. RESOLUTION – APPROVAL OF CLASS CK LIQUOR LICENSE APPLICATION – HOA RESTAURANT HOLDER LLC DBA HOOTERS

1. PUBLIC HEARING

At 6:15 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the approval of a Class CK liquor license application for HOA Restaurant Holder LLC dba Hooters.

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At 6:15 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

2. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 22-065 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 CK LIQUOR LICENSE FOR HOA RESTAURANT HOLDER LLC DBA HOOTERS IN LA VISTA, NEBRASKA.

WHEREAS, HOA Restaurant Holder LLC dba Hooters, 12710 Westport Pkwy Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class CK 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 CK Liquor License submitted by HOA Restaurant Holder LLC dba Hooters, 12710 Westport Pkwy Street, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Sheehan, Thomas, Quick, Frey, 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

Mayor Kindig is meeting with Jim Pallen next week at the Sarpy County Mayor's Meeting.

Assistant City Administrator/Director of Community Services Ramirez will provide an update on the Veteran's Memorial next week.

At 6:20 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Sheehan, Thomas, Quick, Frey, Hale, and Sell. Nays: None. Abstain: None. Absent: Ronan. Motion carried.

PASSED AND APPROVED THIS 19TH DAY OF JULY 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk