

MINUTE RECORD

No. 729 — REDFIELD DIRECT E2106195KV

**LA VISTA CITY COUNCIL
MEETING
July 5, 2023**

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, 2023. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Buethe, City Engineer Dowse, Human Resources Director Lowery, Finance Director Harris, Community Development Director Fountain, Director of Public Works Soucie, Library Director Barcal, Police Captain Barcal and Assistant Recreation Director Karlson.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on June 21, 2023. 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.

SWEAR IN POLICE SERGEANTS – NICK BOSWELL AND BRIAN MATHEW

Mayor Kindig swore in Nick Bowell and Brian Mathew as Police Sergeants for the City of La Vista.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 20, 2023 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JUNE 15, 2023 PLANNING COMMISSION MEETING
4. REQUEST FOR PAYMENT – LAMP RYNEARSON – PROFESSIONAL SERVICES – 2023 PAVEMENT CONDITION ASSESSMENT – \$789.70
5. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING PHASE 1 – \$21,960.83
6. REQUEST FOR PAYMENT – THIELE GEOTECH INC – CONSTRUCTION SERVICES – UBAS AT CRESTVIEW HEIGHTS – \$915.00
7. APPROVE MANAGER APPLICATION – CLASS D LIQUOR LICENSE – KWIK SHOP, INC. – CASSANDRA M. GERIH
8. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY, maint.	431.02
ACCO UNLIMITED CORP, supplies	1,400.40
ACTIVE NETWORK LLC, services	96.67
AKRS EQUIPMENT SOLUTIONS, maint.	1,314.74
ALFRED BENESCH & CO, services	37,156.50
AMAZON, supplies	2,054.59
AMERICAN HERITAGE LIFE INS CO, services	1,317.24
AT&T MOBILITY LLC, phones	98.24
AWARDS & MORE CO, services	86.62
BIG O BOUNCE LLC, services	495.00
BIG RED LOCKSMITHS, supplies	100.00
BISHOP BUSINESS EQUIPMENT, services	75.62
BOK FINANCIAL, bonds	173,900.00
CASEY, C., travel	828.05
CENTER POINT INC, books	260.07
CENTURY LINK/LUMEN, phones	849.78
CINTAS CORP, services	138.78
CITY OF PAPILLION, services	15,998.65
CORNHUSKER INTL TRUCKS INC, maint.	8,398.41
COX COMMUNICATIONS INC, services	143.65

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D & K PRODUCTS, supplies	736.38
DATASHIELD CORP, services	140.00
DEARBORN NAT'L LIFE INS CO, services	7,886.10
DELL MARKETING, services	4,965.25
DESIGN WORKSHOP INC, services	7,837.50
DIAMOND VOGEL PAINTS, supplies	329.42
DOUGLAS COUNTY SHERIFF'S OFC, services	200.00
DULTMEIER SALES LLC, maint.	234.15
ESSENTIAL SCREENS, services	1,148.35
FERGUSON ENTERPRISES, bld&grnds	175.18
FIRST WIRELESS INC, supplies	2,272.32
FUN EXPRESS LLC, services	81.11
GALE, books	323.88
GENERAL FIRE & SAFETY EQUIP CO, bld&grnds	2,484.50
GRACE KEMPKES, payroll	355.41
GRAINGER, supplies	132.98
GREAT PLAINS COMMUNICATION, services	777.60
GREAT PLAINS UNIFORMS, apparel	417.00
GREATAMERICA FINANCIAL, services	1,465.36
GRETNA WELDING INC, maint.	1,925.00
HANEY SHOE STORE, apparel	150.00
HARM'S CONCRETE INC, services	199.50
HARRIS, M., travel	168.99
HDR ENGINEERING INC, services	891.45
HITOUCHE BUSINESS SERVICES, supplies	64.15
HOBBY LOBBY, supplies	71.97
HOME DEPOT, supplies	109.56
HONEYMAN RENT-ALL, services	3,674.66
INGRAM LIBRARY SERVICES, books	1,038.66
J & J SMALL ENGINE, services	33.98
JANITOR DEPOT MIDWEST LLC, supplies	228.28
JE DUNN CONSTRUCTION CO, services	1,363,830.00
JOHNSTONE SUPPLY CO, maint.	8.00
KINDIG, D., travel	193.88
KRIHA FLUID POWER CO, maint.	267.65
LV COMM FOUNDATION, services	800.00
LABRIE, DONALD P, services	1,012.50
LEXINGTON PUBLIC LIBRARY, books	39.99
LINCOLN NAT'L LIFE INS CO, services	6,718.29
LOGAN CONTRACTORS, supplies	97.91
LOGO LOGIX EMBROIDERY & SCREEN, apparel	23.00
MATHouser, CONNOR, services	280.00
MCANANY CONSTRUCTION, services	339,645.00
MEDICA INS CO, services	129,691.38
MENARDS-RALSTON, supplies	1,483.85
METLIFE, services	1,084.18
METRO AREA TRANSIT, services	2,521.00
MUD, utilities	27,988.82
MICHAEL TODD & CO, services	75.00
MICROFILM IMAGING SYSTEMS, services	850.00
MID-AMERICAN BENEFITS INC, services	11,223.72
MID-IOWA SOLID WASTE EQUIP CO, maint.	91.20
MID-STATES UTILITY TRAILER SALES, maint.	836.70
MIDWEST PLASTICS INC, supplies	68.70
MSC INDUSTRIAL, supplies	615.32
MURPHY TRACTOR/POWERPLAN, maint.	28.73
NEBRASKA LIFE MAGAZINE, services	25.00
NIXON, TIMOTHY, services	175.00

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NMC GROUP INC, maint.	541.39
OFFICE DEPOT INC, supplies	725.19
OMNI ENGINEERING, services	1,818.30
O'REILLY AUTO PARTS, maint.	2,439.35
PAPILLION SANITATION, services	707.45
PAYROLL MAXX, payroll & taxes	440,210.67
PROGRESSIVE BUSINESS TECH, supplies	68.50
QUALITY AUTO REPAIR, maint.	81.00
RDG PLANNING & DESIGN, services	355.00
REF'S SPORTS BAR & GRILL, services	2,106.00
REGAL AWARDS INC, services	982.90
RIVER CITY RECYCLING, supplies	125.69
ROBERT HALF, services	5,607.73
RON TURLEY ASSOCIATES INC, services	2,300.00
ROSE, PRESLEY, payroll	482.12
SARPY CO TIMES, services	146.61
SARPY COUNTY COURTHOUSE, services	4,496.00
SARPY COUNTY FISCAL ADMIN, services	10,544.00
SHAFFER COMMUNICATIONS INC, services	300.00
SHERWIN-WILLIAMS, supplies	9.36
SIGN IT, services	4,382.90
SIRCHIE ACQUISITION CO, supplies	330.68
SOUTHERN UNIFORM, apparel	385.85
SPENCER MANAGEMENT, services	431,836.65
TED'S MOWER SALES, supplies	317.40
THE WALDINGER CORP, bld&grnds	1,140.83
THOMPSON DREESSEN & DORNER, services	11,409.75
TRACTOR SUPPLY, maint.	37.44
TRUCK CENTER COMPANIES, maint.	53.76
TURFWERKS, maint.	1,908.83
U.S. CELLULAR, phones	1,872.13
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED STATES TREASURY, services	288.00
US BANK NAT'L ASSOC, supplies	33,728.13
VAL VERDE ANIMAL HOSPITAL INC, services	581.88
VCA MIDWEST VETERINARY, services	5,828.81
VERIZON WIRELESS, phones	749.16
VIERREGGER ELECTRIC CO, services	35,161.97
VINCENTINI PLUMBING INC, services	870.00
WESTLAKE HARDWARE INC, supplies	1,683.99
WHITE CAP LP, supplies	63.91
WHITE, SCOTT L, services	1,333.33

Councilmember Thomas 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, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Harris reported there will be a Budget Workshop after the City Council Meeting on July 18, 2023.

Community Development Director Fountain introduced the new Permit Technician, Lydia McCasland.

Library Director Barcal reported on a 4imprint one by one grant the Library received.

Assistant Recreation Director Karlson reported on upcoming events at the pool.

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Police Captain Barcal provided a fireworks update.

B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT

1. PUBLIC HEARING

At 6:12 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 6:13 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

C. PRESENTATION – SEWER RATE STUDY FY25 – FY29

Dave Naurman with Burns & McDonnell presented the Sewer Rate Study FY25 – FY29.

D. APPROVAL OF CLASS Z, L & CK LIQUOR LICENSE APPLICATIONS – NEBRASKA BEVERAGE PARTNERS, LLC DBA BRICKWAY BREWING & DISTILLING

1. PUBLIC HEARING

At 6:36 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Approval of Class Z, L & CK Liquor License Applications – Nebraska Beverage Partners, LLC dba Brickway Brewing & Distilling.

At 6:37 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-074 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 Z, L & CK LIQUOR LICENSE FOR NEBRASKA BEVERAGE PARTNERS, LLC DBA BRICKWAY BREWING & DISTILLING IN LA VISTA, NEBRASKA.

WHEREAS, Nebraska Beverage Partners, LLC dba Brickway Brewing & Distilling, 11941 Centennial Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class Z, L & 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 Z, L & CK Liquor License submitted by Nebraska Beverage Partners, LLC dba Brickway Brewing & Distilling, 11941 Centennial Road, La Vista, Sarpy County, Nebraska.

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

E. PLANNED UNIT DEVELOPMENT SITE PLAN – LOT 2 MAYFAIR 2ND ADDITION REPLAT 3 AND LOTS 1, 2 AND 3 MAYFAIR 2ND ADDITION REPLAT SEVEN

1. PUBLIC HEARING

At 6:38 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Planned Unit Development Site Plan – Lot 2 Mayfair 2nd Addition Replat 3 and Lots 1, 2 and 3 Mayfair 2nd Addition Replat Seven. Dave Kellner with TD2 gave a presentation.

At 6:55 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. ORDINANCE

Councilmember Thomas introduced Ordinance No. 1486 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1486. Councilmember Thomas seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. 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.

F. CONDITIONAL USE PERMIT – LOT 2 MAYFAIR 2ND ADDITION REPLAT 3 AND LOTS 1, 2 AND 3 Mayfair 2ND ADDITION REPLAT SEVEN

1. PUBLIC HEARING

At 6:57 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit – Lot 2 Mayfair 2nd Addition Replat 3 and Lots 1, 2 and 3 Mayfair 2nd Addition Replat Seven. Dave Kellner with TD2 gave a presentation.

At 6:57 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-075 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR HRC SAGEBROOK MULTIFAMILY, LLC FOR A MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENT ON LOT 1 MAYFAIR 2ND ADDITION REPLAT EIGHT.

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WHEREAS, HRC Sagebrook Multifamily, LLC (d.b.a. Hubbell Development Services) has applied for approval of a Conditional Use Permit for the construction and operation of multiple family dwellings (apartments and townhomes) on Lot 1 Mayfair 2nd Addition Replat Eight, generally located northeast of the intersection of S 99th Street and Hillcrest Plaza; and

WHEREAS, the La Vista Planning Commission reviewed the application on June 15, 2023 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the Conditional Use Permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for HRC Sagebrook Multifamily, LLC to allow for the construction and operation of multiple family dwellings on Lot 1 Mayfair 2nd Addition Replat Eight.

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

G. REPLAT & SUBDIVISION AGREEMENT – MAYFAIR 2ND ADDITION REPLAT EIGHT

1. RESOLUTION – APPROVE REPLAT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-076 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 2 MAYFAIR 2ND ADDITION REPLAT THREE, TOGETHER WITH LOTS 1, 2, AND 3 MAYFAIR 2ND ADDITION REPLAT SEVEN TO BE REPLATTED AS LOT 1 MAYFAIR 2ND ADDITION REPLAT EIGHT, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, 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 Lot 2 Mayfair 2nd Addition Replat Three, together with Lots 1, 2, and 3 Mayfair 2nd Addition Replat Seven, to be replatted as Lot 1 Mayfair 2nd Addition Replat Eight; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on June 15, 2023, 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 Lot 2 Mayfair 2nd Addition Replat Three, together with Lots 1, 2, and 3 Mayfair 2nd Addition Replat Seven, to be replatted as Lot 1 Mayfair 2nd Addition Replat Eight, a subdivision located in the southeast quarter of the southeast quarter of Section 16, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northeast of the intersection of S 99th Street and Hillcrest Plaza, be, and hereby is, approved, subject to adoption and execution of the corresponding Subdivision Agreement presented at this Council meeting.

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

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2. RESOLUTION – APPROVE SUBDIVISION AGREEMENT

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-077 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR MAYFAIR 2ND ADDITION REPLAT EIGHT.

WHEREAS, the City Council did on July 5, 2023, approve of Mayfair 2nd Addition Plat Eight subject to certain conditions; and

WHEREAS, the Subdivider, HRC Sagebrook Multifamily, LLC (d.b.a. Hubbell Development Services), as owner(s) of the affected lots agreed to execute the 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 Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

H. ORDINANCE – CONTINUATION OF THE ½ PERCENT SALES TAX

Councilmember Hale introduced Ordinance No. 1487 entitled: AN ORDINANCE CONTINUING THE TWO PERCENT (2 %) CITY SALES AND USE TAX ON ALL TRANSACTIONS WITHIN THE CITY OF LA VISTA AND WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX; TO PROVIDE FOR THE EFFECTIVE DATE OF SUCH TAX; TO PROVIDE FOR THE ADMINISTRATION OF SUCH TAX; TO PROVIDE FOR THE SUNSET DATE OF THE ONE-HALF PERCENT (½ %) LOCAL OPTION SALES TAX PORTION OF SUCH SALES AND USE TAX; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sell made a motion to approve final reading and adopt Ordinance 1487. Councilmember Thomas seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. 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.

I. RESOLUTION – AUTHORIZATION TO INVEST CITY FUNDS WITH NEBRASKA CLASS TRUST

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-078 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE CITY TO ENTER INTO A DECLARATION OF TRUST AND INTERLOCAL AGREEMENT TO BECOME A PARTICIPANT IN THE NEBRASKA COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM TRUST (NEBRASKA CLASS TRUST).

WHEREAS, NEB. Const. art. XV, § 18(1) authorizes local government entities to exercise their powers and functions, including financing, jointly or in

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cooperation with other governmental entities and Nebraska law expressly allows public agencies to invest surplus or excess funds;

WHEREAS, NEB. REV. STAT. § 13-804 authorizes public agencies to enter into interlocal agreements in order for such agencies to take joint or cooperative action;

WHEREAS, the Nebraska Cooperative Liquid Assets Securities System Trust ("Nebraska CLASS Trust") has been formed pursuant to the provisions of the Interlocal Cooperation Act, NEB. REV. STAT. §§ 13-801 to 13-827;

WHEREAS, the Declaration of Trust and Interlocal Agreement and an Information Statement relating to the Nebraska CLASS Trust have been presented to this Governing Body;

WHEREAS, the Declaration of Trust authorizes public agencies to adopt and enter into the Declaration of Trust and become Participants of such trust;

WHEREAS, this Governing Body deems it advisable for this Public Agency to adopt and enter into the Declaration of Trust and become a participant of the Nebraska CLASS Trust for the purpose of the joint investment of this Public Agency's money with those other public agencies so as to enhance the investment earnings accruing to each such public agency,

NOW THEREFORE, be it resolved as follows:

1. This Public Agency shall and does hereby join with other Nebraska public agencies in accordance with the provisions of Nebraska law and in accordance with the Interlocal Cooperative Act, as applicable, by becoming a Participant of the Nebraska CLASS Trust, and the Declaration of Trust and Interlocal Agreement, as amended from time to time, is hereby adopted by this reference with the same effect as if it had been set out verbatim in this Resolution. A copy of the Declaration of Trust is attached hereto and incorporated herein by this reference and shall be filed with the minutes of the meeting at which this Resolution was adopted.
2. The Trustees of the Nebraska CLASS Trust are hereby designated as having official custody of this Public Agency's monies which are invested in accordance with the Declaration of Trust.
3. Authorization is hereby given for members of this Governing Body and officials of this Public Agency to serve as Trustees of the Nebraska CLASS Trust from time to time if elected as such pursuant to the Declaration of Trust.
4. The Key Contact and Authorized Signatories are those persons listed on the Trust Registration Form attached hereto and incorporated herein. The Authorized Signatories are authorized by the Participant to direct the investment of such Participants' investment funds and to take all such actions deemed necessary or desirable to carry out the activities otherwise authorized by this Resolution, subject to the Authorized Signatories' obligation to take such actions only in the name of and for the benefit of this Participant.
5. The Key Contact and Authorized Signatories may be changed from time to time by written notice to Nebraska CLASS.
6. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution being the same are hereby rescinded.

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

J. RESOLUTION – AUTHORIZE – ICE MAKER – THE LINK

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-079 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY

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OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) SCOTSMAN ICE MAKER MACHINE FROM BULLER FIXTURE COMPANY, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$13,823.17.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a one (1) Scotsman Ice Maker machine is necessary; and

WHEREAS, the FY23/FY24 Biennial 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 La Vista, Nebraska, do hereby approve the purchase of a one (1) Scotsman Ice Maker machine from Buller Fixture Company, Omaha, Nebraska in an amount not to exceed \$13,823.17.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

K. EXECUTIVE SESSION – PERSONNEL

At 7:05 p.m. Councilmember Quick made a motion to go into executive session for protection of an individual to discuss personnel matters. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:27 p.m. the Council came out of executive session. Councilmember Quick made a motion to reconvene in open and public session. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

L. POSSIBLE RESOLUTION – PERSONNEL DECISION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-080 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A PERSONNEL DECISION OF THE CITY ADMINISTRATOR AND AUTHORIZING FURTHER ACTIONS.

WHEREAS, pursuant to §37.13 (C)(5)(c) of the Municipal Code of the City of La Vista and Article V, §5.3 (E)(3) of the Rules and Regulations of the Civil Service Commission of the City of La Vista, the City Council has reviewed and desires to approve the decision of the City Administrator to impose a suspension of more than 10 working days.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the decision of the City Administrator that Police Chief Robert Lausten be suspended without pay for 30 calendar days.

FURTHER RESOLVED, that the City Administrator or any designee of the City Administrator shall be authorized to take all actions as the City Administrator, or such designee determines necessary or appropriate arising out of or resulting from this Resolution.

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

M. POSSIBLE RESOLUTION – RETIREMENT TRANSITION AGREEMENT AND RELEASE

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-081 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO APPROVE A RETIREMENT TRANSITION AGREEMENT AND RELEASE WITH POLICE CHIEF ROBERT LAUSTEN AND AUTHORIZING FURTHER ACTIONS.

WHEREAS, Police Chief Robert Lausten has decided to retire, and the City Council of the City of La Vista desires the completion or assistance with a number of strategic initiatives and other projects before his retirement; and

WHEREAS, a Retirement Transition Agreement and Release ("Retirement Transition Agreement" or "Agreement") between the City and Chief Lausten is presented for this purpose.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby approve the Retirement Transition Agreement.

FURTHER RESOLVED, that the Mayor shall be authorized to execute the Agreement, and the Mayor or any designee of the Mayor shall be authorized to take all actions as the Mayor or such designee determines necessary or appropriate arising out of or resulting from this Resolution or the Agreement.

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

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor or Council.

At 7:30 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF JULY 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk