

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING October 18, 2016

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on October 18, 2016. 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, City Clerk Buethe, Police Captain Kinsey, Director of Public Works Soucie, Director of Administrative Services Pokorny, Finance Director Miserez, Library Director Barcal, Recreation Director Stopak and Assistant Public Works Director/City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on October 5, 2016. 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.

Mayor Kindig called for a moment of silence to honor the life of Joe Barmettler who served as the City Attorney of La Vista for many years beginning with its inception.

### SERVICE AWARDS – ROSE BARCAL – 15 YEARS; TERRY FOSTER, DENNIS DINAN – 10 YEARS

Mayor Kindig presented service awards to Dennis Dinan and Terry Foster for 10 years of service to the City and to Rose Barcal for 15 years of service to the City.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 4, 2016 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – AUGUST 2016
4. REQUEST FOR PAYMENT – UPSTREAM WEEDS – PROFESSIONAL SERVICES – STORMWATER OUTREACH - \$1,575.00
5. REQUEST FOR PAYMENT – KISSEL/E&S ASSOCIATES – LEGISLATIVE SERVICES - \$10,566.22
6. REQUEST FOR PAYMENT – MBC CONSTRUCTION – CONSTRUCTION SERVICES - \$135,041.34
7. RESOLUTION NO. 16-129 – CHANGE ORDER NO. 2 – NL & L CONCRETE, INC. - CITY PARKING DISTRICT ACCESS IMPROVEMENTS – INTERSECTION MODIFICATIONS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER TWO (2) TO THE CONTRACT WITH NL & L CONCRETE, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$20,402.05.

WHEREAS, the City has determined it is necessary to upgrade traffic control markings and signage; and

WHEREAS, the FY17 Capital Improvement Program provides funding for this project; and

WHEREAS, the contract price increases from \$102,742.25 to \$123,144.30;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for change order number two (2) to the contract with NL & L Concrete, Omaha Nebraska, in an amount not to exceed \$20,402.05.

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## **8. RESOLUTION NO. 16-130- CHANGE ORDER NO. 5 - MBC CONSTRUCTION CO. - CITY PARKING DISTRICT ACCESS IMPROVEMENTS - PORTSIDE PARKWAY**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MBC CONSTRUCTION CO., INC., OMAHA, NEBRASKA, FOR CHANGES IN LABOR EQUIPMENT AND MATERIALS NEEDED TO INSTALL ADDITIONAL LANDSCAPING, REPLACE PAVEMENT MARKINGS, AND INSTALL AN IRRIGATION SYSTEM IN AN AMOUNT NOT TO EXCEED \$26,505.05.

WHEREAS, the City has determined it is necessary to install additional landscaping, replace pavement markings on Westport Parkway and 125<sup>th</sup> Street, and install an irrigation system for sodded areas on Portside Parkway; and

WHEREAS, the FY17 Capital Improvement Program provides funding for this change order in the amount of \$26,505.05.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with MBC Construction Co., Inc., Omaha Nebraska, for changes in labor, equipment and materials needed to install additional landscaping, replace pavement markings on Westport Parkway and 125<sup>th</sup> Street, and install an irrigation system for sodded areas on Portside Parkway in an amount not to exceed \$26,505.05.

## **9. APPROVAL OF CLAIMS**

3CMA MEMBERSHIP, services	\$390.00
ACTION BATTERIES UNLTD INC, maint.	\$166.66
AMERICAN CONCRETE PRODS, maint.	\$1,400.00
AMERICAN PLANNING ASSOC, services	\$400.00
ANDERSON EXCAVATING CO, services	\$41,681.24
A-RELIEF SERVICES INC, bld&grnds	\$140.00
ARTHUR J GALLAGHER RISK, services	\$223,467.00
ASPEN EQUIPMENT CO, services	\$3,964.00
ASPHALT & CONCRETE MATERIALS, maint.	\$370.56
ATLAS AWNING CO, maint.	\$150.00
BARCAL, D.J., travel	\$256.00
BARCAL, R., travel	\$71.55
BAUER BUILT TIRE, maint.	\$4,914.82
BAXTER CHRYSLER DODGE, maint.	\$251.92
BIG RIG TRUCK ACCESSORIES, maint.	\$392.62
BLACK HILLS ENERGY, utilities	\$103.61
BUETHE, P., travel	\$422.82
CALENTINE, JEFFREY, supplies	\$135.63
CAVENDISH SQUARE PUBLISHING, books	\$258.38
CENTER POINT PUBLISHING, books	\$98.00
CENTURY LINK, phones	\$68.73
CITY OF OMAHA, bld&grnds	\$384.00
CITY OF PAPILLION, bld&grnds	\$1,131.85
COX COMMUNICATIONS, services	\$305.35
CUMMINS CENTRAL POWER, maint.	\$414.76
DANIEL S KRAFT, services	\$50.00
DEARBORN NAT'L LIFE INS, services	\$1,054.00
DIAMOND VOGEL PAINTS, services	\$378.80
EDGEWEAR SCREEN PRINTING, services	\$432.00
FELSBURG HOLT & ULLEVIG, services	\$3,406.27
FIRST WIRELESS INC, bld&grnds	\$35.00
FOSTER, TERRY, apparel	\$150.00
GALE, books	\$290.13

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GCR TIRES & SERVICE, maint.	\$149.74
GENUINE PARTS CO, maint.	\$2,168.44
GEORGE, R., services	\$197.00
GREENKEEPER CO, bld&grnds	\$3,431.00
HEARTLAND PAPER, supplies	\$28.00
INGRAM LIBRARY SERVICES, books	\$4,250.03
KUBOTA OF OMAHA, maint.	\$505.52
LANDPORT SYSTEMS INC, services	\$125.00
LAUSTEN, R., travel	\$256.00
LUKASIEWICZ, B., travel	\$197.00
MARK A KLINKER, services	\$200.00
MAX I WALKER UNIFORM, apparel	\$286.16
METAL DOORS & HARDWARE, services	\$6,900.00
METRO AREA TRANSIT, services	\$477.00
METRO COMM COLLEGE, services	\$19,529.49
MID AMERICAN SIGNAL INC, services	\$885.00
MIDWEST SERVICE & SALES, services	\$1,325.20
MIDWEST TAPE, media	\$595.04
MNJ TECHNOLOGIES, services	\$400.90
MOBOTREX MOBILITY & TRAFFIC, services	\$7,490.00
MONARCH OIL INC, maint.	\$409.50
MULHALL'S, bld&grnds	\$341.49
NAT'L EVERYTHING WHOLESALE, supplies	\$471.77
NE MUNICIPAL CLERKS ASSN, services	\$35.00
NMC EXCHANGE LLC, maint.	\$148.81
NUTS AND BOLTS INC, maint.	\$8.32
OFFICE DEPOT, supplies	\$127.46
OLSSON ASSOCIATES, services	\$26,561.15
OMNIGRAPHICS INC, books	\$81.85
OPPD, utilities	\$55,669.39
O'REILLY AUTOMOTIVE STORES, maint.	\$82.26
PAPILLION SANITATION, services	\$983.34
PAPILLION TIRE INC, maint.	\$76.45
PETTY CASH, services	\$55.50
PLAINS EQUIPMENT GROUP, maint.	\$648.39
RAMIREZ, R., travel	\$207.90
READY MIXED CONCRETE CO, maint.	\$518.60
RUHGE, R., travel	\$128.00
SAPP BROS PETROLEUM INC, supplies	\$1,278.50
SARPY COUNTY CHAMBER, travel	\$75.00
SARPY COUNTY COURTHOUSE, services	\$4,100.37
SCHOLASTIC LIBRARY PUBLISHING, books	\$54.60
SUPERIOR LAMP INC, bld&grnds	\$291.47
TED'S MOWER SALES, services	\$781.00
TERRACON, services	\$8,150.00
THOMPSON DREESSEN & DORNER, services	\$3,020.56
UNITED HEALTHCARE INSURANCE CO, services	\$720.32
WAUGH, B., travel	\$256.00
WHITE CAP CONSTR SUPPLY, apparel	\$111.02
WICK'S STERLING TRUCKS, maint.	\$26.34
YANO'S NURSERY, services	\$5,000.00

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Frederick. Councilmember Frederick 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.

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## REPORTS FROM CITY ADMINISTRATOR AND STAFF

City Administrator Gunn stated that the ribbon cutting for Costco will be October 26 at 7:15 a.m.

Director of Administrative Services Pokorny introduced the new executive assistant, Crystal Larson. Pokorny also gave an update on the new financial software process.

### B. ZONING TEXT AMENDMENTS –TRANSITIONAL AGRICULTURE (TA) DISTRICT

#### 1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the zoning text amendments for the transitional agriculture (TA) district.

At 7:12 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

#### 2. ORDINANCE – AMEND SECTION 5.05

Councilmember Sell introduced Ordinance No. 1296 entitled; AN ORDINANCE TO AMEND SECTION 5.05 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.05 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; 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 Hale seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Sheehan. The Mayor then stated the question, "Shall Ordinance No. 1296 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### C. PUD SITE PLAN APPROVAL – LOT 9, SOUTHPORT EAST REPLAT SIX (NE OF SOUTHPORT PKWY & GILES RD)

#### 1. PUBLIC HEARING

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the PUD site plan approval for Lot 9, Southport East Replat Six (NE of Southport Pkwy. & Giles Road). Kyle Haase of E&A Consulting representing the applicant gave an overview of the project.

At 7:15 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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## **2. RESOLUTION**

Councilmember Thomas introduced and moved to adopt Resolution No.16-131; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR LOT 9, SOUTHPORT EAST REPLAT SIX, A SUBDIVISION LOCATED IN THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, Galaxy Ventures, LLC, on behalf of the owner, Panda Properties, LLC, of the above described piece of property have made application for approval of a PUD site plan for Lot 9, Southport East Replat Six; and

WHEREAS, the City Planner and the City Engineer have reviewed the PUD site plan; and

WHEREAS, on September 15, 2016, the La Vista Planning Commission held a public hearing and reviewed the amendment to the PUD site plan and recommended approval contingent on the finalization of the landscaping plan and traffic issues, as the plan is consistent with the Comprehensive Plan and Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD site plan for Lot 9, Southport East Replat Six, a subdivision located in the Southeast ¼ of Section 18, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northeast of Eastport Parkway and Giles Road, be, and hereby is, approved.

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

### **D. APPLICATION FOR FUTURE LAND USE MAP AMENDMENT – REZONING AND PRELIMINARY PLAT – TAX LOT 4 EXC S 1551.37 FT & EXC ROW 23-14-11 (SW OF 144<sup>TH</sup> & GILES ROAD)**

#### **1. PUBLIC HEARING**

At 7:17 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Application for Future Land Use Map Amendment – Rezoning and Preliminary Plat – Tax Lot 4 EXC S 1551.37 Ft & EXC ROW 23-14-11 (SW of 144<sup>th</sup> & Giles Road). Scott Loos, representing the applicant, gave an overview of the project.

At 7:23 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

#### **2. RESOLUTION – APPROVE FLUM AMENDMENT**

Councilmember Sheehan introduced and moved to adopt Resolution No.16-132: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING THE FUTURE LAND USE MAP PORTION OF THE COMPREHENSIVE PLAN.

WHEREAS, the Future Land Use map contains an area of approximately 30 acres located south of Giles Road and west of 144<sup>th</sup> Street designated as partially "Commercial" and partially "Industrial"; and

WHEREAS, the Planning Commission has recommended approval of a request to amend the Future Land Use Map of the Comprehensive Plan for approximately 30 acres from partially "Commercial" and partially "Industrial" to entirely "Commercial" land uses; and

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WHEREAS, the requested amendment is compatible with the surrounding land uses;

WHEREAS, an amendment to the Future Land Use Map is appropriate and consistent with the land use policies of the Comprehensive Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to prepare the necessary amendment to the Future Land Use Map of the Comprehensive Plan south of Giles Road and west of 144<sup>th</sup> Street for approximately 30 acres from partially "Commercial" and partially "Industrial" to entirely "Commercial" land uses as identified in the attached Exhibit A.

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

### 3. ORDINANCE – APPROVE REZONING

Councilmember Sell introduced Ordinance No. 1297 entitled; AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Quick 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. The following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Frederick. The Mayor then stated the question, "Shall Ordinance No. 1297 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

### 4. RESOLUTION – APPROVE PRELIMINARY PLAT

Councilmember Thomas introduced and moved to adopt Resolution No.16-133: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLAT FOR PART OF TAX LOT 4, PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, TO BE REPLATTED AS LOTS 1 & 2, WOODHOUSE PLACE, A SUBDIVISION LOCATED IN THE NORTHEAST ¼ OF SECTION 23, TOWNSHIP 14 NORTH, RANGE 11 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, LB Southwest, LLC, on behalf of the property owner, Frank J. Wear, of the above described piece of property have made application for approval of a preliminary plat for Part of Tax Lot 4, Part of the East Half of the Northeast Quarter of Section 23, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, to be replatted as Lots 1 & 2, Woodhouse Place; and

WHEREAS, the City Planner and the City Engineer have reviewed the preliminary plat; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval; and

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NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary plat for Part of Tax Lot 4, Part of the East Half of the Northeast Quarter of Section 23, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, to be replatted as Lots 1 & 2, Woodhouse Place, a subdivision located in the Northeast ¼ of Section 23, Township 14 North, Range 11 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 144<sup>th</sup> Street and Giles Road, be, and hereby is, approved.

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

## **E. APPLICATION FOR REPLAT & SUBDIVISION AGREEMENT – LOT 11A, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT ONE (NE OF 99<sup>TH</sup> STREET & HILLCREST PLAZA)**

Kyle Haase with E & A Consulting representing the applicant gave an overview of the project.

### **1. RESOLUTION – APPROVE REPLAT**

Councilmember Frederick introduced and moved to adopt Resolution No.16-134; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 11A, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT ONE, TO BE REPLATTED AS LOTS 1 THRU 3, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT SEVEN, A SUBDIVISION LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lot 11A, Mayfair 2<sup>nd</sup> Addition Replat One, to be replatted as Lots 1 thru 3, Mayfair 2<sup>nd</sup> Addition Replat Seven; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on September 15, 2016, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to the following condition:  
1. Finalization of a subdivision agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lot 11A, Mayfair 2<sup>nd</sup> Addition Replat One, to be replatted as Lots 1 thru 3, Mayfair 2<sup>nd</sup> Addition Replat Seven, a subdivision located in the Southeast Quarter of Section 16, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located northeast of 99<sup>th</sup> Street and Hillcrest Plaza, be, and hereby is, approved.

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

### **2. RESOLUTION – SUBDIVISION AGREEMENT**

Councilmember Thomas introduced and moved to adopt Resolution No.16-135; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 THRU 3, MAYFAIR 2<sup>ND</sup> ADDITION REPLAT SEVEN SUBDIVISION.

WHEREAS, the City Council did on October 18, 2016, approve the final plat for Lots 1 thru 3, Mayfair 2<sup>nd</sup> Addition Replat Seven Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, One Mayfair Place LLC, has agreed to execute a Subdivision Agreement satisfactory in form and content to the City; and

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NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the October 18, 2016, City Council meeting for the Mayfair 2<sup>nd</sup> Addition Replat Seven Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council replat approval and with such revisions that the City Administrator or City Engineer may determine necessary or advisable.

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

## **F. APPLICATION FOR REZONING – LOT 8, VAL VISTA REPLAT FOUR (NE OF CHANDLER ROAD & CHANDLER CIRCLE)**

Mayor Kindig stated that the applicant has requested the public hearing be opened and continued to the November 15 City Council meeting. The applicant has just brought on a new attorney due to a conflict of interest with the previous attorney. Mayor Kindig stated that the public hearing would be opened to hear testimony and then a motion would be made to continue the public hearing.

### **1. PUBLIC HEARING**

At 7:31 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Application for Rezoning – Lot 8, Val Vista Replat Four (NE of Chandler Road & Chandler Circle). Jim Lang, representing the applicant, Brian Torczon, spoke to the Mayor and City Council requesting a continuance of the public hearing to the November 15 meeting in order to have time to meet with the applicant.

Pat Sullivan, representing John and Mary Feda, addressed the Mayor and Council regarding concerns of noise, spot zoning, and attorney costs to his clients. Tom Demory, a resident of Cimarron Woods, stated that he had sent a letter with his concerns and commented on the uses of this property. Mayor Kindig stated that four letters were received from people regarding this item have been given to the City Council members.

Mayor Kindig explained the process this application has gone through to this point and asked for a motion to continue the public hearing to the November 15 meeting as it is important for Council to hear all of the facts.

Discussion was held regarding compliance of the applicant when they were told they were in violation of the zoning. Discussion was also held regarding continuance of the public hearing to November 1 rather than November 15. Discussion was held regarding the timeframe that has passed since the applicant was informed they were in violation of the zoning and the fact that they have done nothing to come in to compliance. City Administrator Gunn stated that traditionally the Council tries to work with people to resolve the issue. She recommended they give the applicant until November 1, stating that a cease and desist order takes time to put in place.

Councilmember Hale made a motion to continue the public hearing to the November 1 City Council meeting. Seconded by Councilmember Sell. Councilmembers voting Aye: Ronan, Quick and Hale. Nay: Frederick, Sheehan, Thomas, Crawford and Sell. Absent: None. Motion failed.

At 7:57 Councilmember Sheehan made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting Aye: Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Mayor Kindig asked three times for an introduction of the Ordinance to rezone Lot 8, Val Vista Replat Four (NE of Chandler Road & Chandler Circle). The ordinance failed due to lack of an introduction.



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**G. RESOLUTION – CONTRACT AWARD DEMOLITION & SITE PREPARATION –  
MIXED USE REDEVELOPMENT PROJECT AREA (ACTION ON THIS ITEM  
WILL BE TAKEN BY THE LA VISTA COMMUNITY DEVELOPMENT  
AGENCY)**

Mayor Kindig stated that action on this item will be taken by the La Vista Community Development Agency.

Councilmember Sell introduced and moved to adopt Resolution No.16-136; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, AWARDED A CONTRACT TO ANDERSON EXCAVATING CO., OMAHA NEBRASKA FOR DEMOLITION AND SITE PREPARATION FOR THE 84<sup>TH</sup> STREET MIXED-USE REDEVELOPMENT PROJECT AREA IN AN AMOUNT NOT TO EXCEED \$1,092,235.10.

WHEREAS, the City Council, acting as the La Vista Community Development Agency, has determined that demolition and site preparation for the 84<sup>th</sup> Street Mixed-Use Redevelopment Project Area is necessary for the mixed use redevelopment project; and

WHEREAS, Bids were received from two contractors, and

WHEREAS, Anderson Excavating Co., Omaha Nebraska has submitted the low qualified bid.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska acting as the La Vista Community Development Agency awards a contract to Anderson Excavating Co., Omaha NE for demolition and site preparation for the 84<sup>th</sup> Street Mixed-Use Redevelopment Project Area, in an amount not to exceed \$1,092,235.10

BE IT FURTHER RESOLVED that the City Administrator on behalf of the Agency is authorized to execute the contract in form and content satisfactory to her, and the City Administrator or her designee, to include the City Engineer, is authorized to take further actions as she or he determines necessary to appropriate to carry out the actions approved herein.

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

**H. RESOLUTION – DESIGN AND CONSTRUCTION PHASE ENGINEERING  
AGREEMENT FOR PUBLIC IMPROVEMENT REDEVELOPMENT  
PROJECT – 84<sup>TH</sup> ST. REDEVELOPMENT AREA**

Councilmember Frederick introduced and moved to adopt Resolution No.16-137; A RESOLUTION OF THE CITY COUNCIL OF LA VISTA APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH OLSSON ASSOCIATES TO PROVIDE DESIGN PHASE AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT IN AN AMOUNT NOT TO EXCEED \$416,000.

WHEREAS, the City Council desires to approve and enter into a professional services agreement with Olsson Associates to provide design phase and construction phase engineering services in connection with the public improvement redevelopment project.

NOW THEREFORE, BE IT RESOLVED that the City Council hereby approves the Agreement presented with this Resolution as on file with the City Clerk.

BE IT FURTHER RESOLVED that the Mayor or his designee is authorized to execute the Agreement; and the City Administrator or her designee, to include the City Engineer, is authorized to take such further actions as she or he determines necessary or appropriate to carry out the actions approved herein.

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

## **I. RESOLUTION – PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT AREA INTERLOCAL AGREEMENT WITH METROPOLITAN UTILITIES DISTRICT – WATER MAIN EXTENSIONS**

Councilmember Frederick introduced and moved to adopt Resolution No.16-138; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH METROPOLITAN UTILITIES DISTRICT FOR INSTALLATION OF WATER MAINS ASSOCIATED WITH THE PUBLIC IMPROVEMENT REDEVELOPMENT PROJECT

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, Metropolitan Utilities District needs to relocate existing water mains and provide new water mains in order to provide satisfactory public infrastructure to serve the proposed redevelopment project; and;

WHEREAS, the FY17 and FY18 budgets include funding in the Capital Improvement Program for this project; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, *BE IT RESOLVED*, that the City Council of La Vista, Nebraska, hereby approves and authorizes the execution of an Interlocal Cooperation Agreement with Metropolitan Utilities District for installation of water mains associated with the public improvement redevelopment project in form and content approved by the City Attorney.

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

## **J. ORDINANCE – COX FRANCHISE AGREEMENT**

Councilmember Sell introduced Ordinance No. 1297 entitled; AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA APPROVING THE RENEWAL OF A NONEXCLUSIVE CABLE FRANCHISE OF COX COMMUNICATIONS OMAHA, L.L.C.; AUTHORIZING THE EXECUTION OF THE NONEXCLUSIVE FRANCHISE AGREEMENT; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE

Councilmember Quick 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. The following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1298 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared

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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.

## **K. APPROVAL OF A CLASS I LIQUOR LICENSE – SLK EVENTS AND ENTERTAINMENT INC. DBA PINOT'S PALETTE**

### **1. PUBLIC HEARING**

At 8:07 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Application for a Class I Liquor License – SLK Events and Entertainment Inc. dba Pinot's Palette.

At 8:07 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Sell introduced and moved to adopt Resolution No.16-139; 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 CLASS I LIQUOR LICENSE APPLICATION FOR SLK EVENTS & ENTERTAINMENT DBA PINOT'S PALETTE IN LA VISTA, NEBRASKA.

WHEREAS, SLK Events & Entertainment dba Pinot's Palette, 7302 Giles Road, Suite 101, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I 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 Class I Liquor License application submitted by SLK Events & Entertainment dba Pinot's Palette, 7302 Giles Road, Suite 101, La Vista, Sarpy County, Nebraska.

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

## **L. RESOLUTION - APPROVAL OF ADDITION TO AREA OF LIQUOR LICENSE – PATRIARCH DISTILLERS LLC DBA PATRIARCH DISTILLERS**

Councilmember Sell introduced and moved to adopt Resolution No.16-140; 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 PATRIARCH DISTILLERS LLC IN LA VISTA, NEBRASKA.

WHEREAS, Patriarch Distillers LLC dba Patriarch Distillers LLC, 12251 Cary Circle, Suite 100, 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

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No. 729 -- REDFIELD & COMPANY, INC., OMAHA E1810566LD

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 Patriarch Distillers LLC dba Patriarch Distillers LLC, 12251 Cary Circle, Suite 100, La Vista, Sarpy County, Nebraska.

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 THE FLOOR

A member of the public commented to the City Council on the 84<sup>th</sup> Street redevelopment project.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor and Council.

At 8:13 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF NOVEMBER, 2016

CITY OF LA VISTA

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

ATTEST:

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