

LA VISTA CITY COUNCIL MEETING AGENDA

July 2, 2019

6:00 P.M.

Harold "Andy" Anderson Council Chamber
La Vista City Hall
8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Proclamation: International Clown Week**
- **Service Awards: Pat Cavlovic – 20 years**

All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. CONSENT AGENDA

1. **Approval of the Agenda as Presented**
2. **Approval of the Minutes of the June 18, 2019 City Council Meeting**
3. **Request for Payment – Alfred Benesch & Company – Professional Services – Construction Engineering Services – 2019 Park View Blvd Resurfacing – \$3,461.78**
4. **Request for Payment – DLR Group – Professional Services – City Centre Garage Security Planning – \$1,495.00**
5. **Request for Payment – DLR Group – Professional Services – City Centre Parking Facility – \$2,973.52**
6. **Request for Payment – Swain Construction, Inc. – Construction Services – Park View Blvd. Resurfacing – \$165,088.39**
7. **Approve Change in Date of City Council Meeting from August 6, 2018 at 6:00 p.m. to August 5, 2018 at 6:00 p.m.**
8. **Approval of Claims**

- **Reports from City Administrator and Department Heads**

B. Amend Various Sections of the La Vista Municipal Code

1. **Ordinance – Amend Sections 30.46 and 30.47**
2. **Ordinance – Amend Section 32.02**
3. **Ordinance – Amend Section 34.26**
4. **Ordinance – Amend Section 35.03**
5. **Ordinance – Amend Sections 70.042 and 70.070**
6. **Ordinance – Amend Section 71.053**
7. **Ordinance – Amend Sections 92.15, 92.16, 92.17, 92.18 and 92.21**
8. **Ordinance – Amend Sections 95.13 and 95.15**
9. **Ordinance – Amend Sections 114.02, 114.23, 114.24, 114.30 and 114.51**
10. **Ordinance – Amend Section 117.15**
11. **Ordinance – Amend Section 130.02**
12. **Ordinance – Amend Section 133.01**

C. Resolution – Change Order No. 12 – 84th Street Redevelopment Area – Public Improvement Redevelopment Project – Offstreet Parking District No. 2, Structure No. 1

D. Approval of Class C Liquor License Application – Southport Lodging LLC dba Hampton Inn

1. **Public Hearing**
2. **Resolution**

E. Discussion – PACE Financing

1. **Presentation**
2. **Discussion**

- **Comments from the Floor**
- **Comments from Mayor and Council**
- **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to five minutes. We ask for your cooperation in order to provide for an organized meeting.



INTERNATIONAL CLOWN WEEK PROCLAMATION

WHEREAS, for centuries, the clown aim has been to induce hearty laughter in all; and

WHEREAS, the clown is dedicated to bringing joy and sunshine to the lives of others and a fun presence that gives everyone a chance to forget their troubles for a moment; and

WHEREAS, Nebraska clowns devote their time and energy to entertain those in hospitals, schools, institutions, parades, festivals and fairs.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim August 1st through 7th, 2019 as ***International Clown Week*** in the City of La Vista, and I urge all citizens to take a moment to make another person's day brighter.

DATED THIS 2ND DAY OF JULY, 2019.



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk





CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

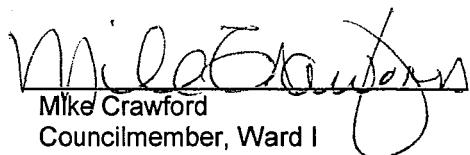
A CERTIFICATE OF APPRECIATION PRESENTED TO **PAT CAVLOVIC** OF LA VISTA PUBLIC WORKS, FOR 20 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Pat Cavlovic** has served the City of La Vista since June 6, 1999; and

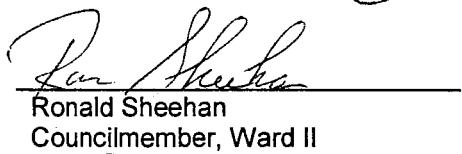
WHEREAS, **Pat Cavlovic's** input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Pat Cavlovic** on behalf of the City of La Vista for 20 years of service to the City.

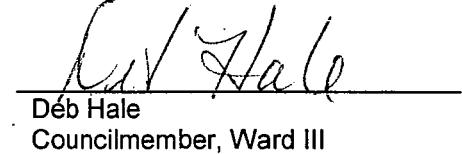
DATED THIS 2ND DAY OF JULY 2019.



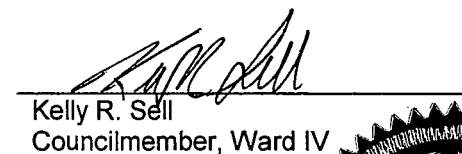
Mike Crawford
Councilmember, Ward I



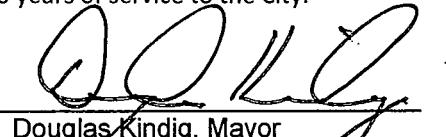
Ronald Sheehan
Councilmember, Ward II



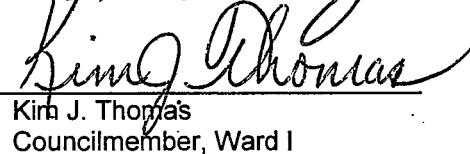
Deb Hale
Councilmember, Ward III



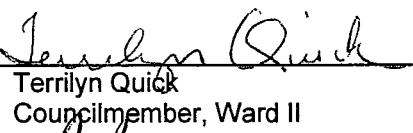
Kelly R. Sell
Councilmember, Ward IV



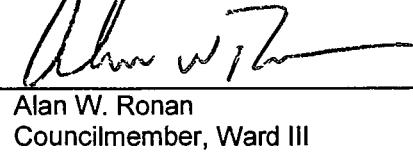
Douglas Kindig, Mayor



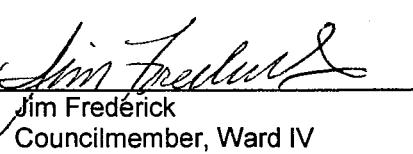
Kirk J. Thomas
Councilmember, Ward I



Terrilynn Quick
Councilmember, Ward II



Alan W. Ronan
Councilmember, Ward III



Jim Frederick
Councilmember, Ward IV

ATTEST:



Pamela A. Buethe, CMC
City Clerk

MINUTE RECORD

A-2

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

LA VISTA CITY COUNCIL MEETING JUNE 18, 2019

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 June 18, 2019. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, City Clerk Buethe, Police Chief Lausten, Director of Public Works Soucie, Library Director Barcal, Director of Administrative Services Pokorny, Recreation Director Stopak, Finance Director Miserez, Senior Planner Solberg, City Engineer Dowse, and Human Resources Director Trail.

A notice of the meeting was given in advance thereof by publication in the Omaha World-Herald on June 5, 2019. 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 OFFICER – NICK BOSWELL

Mayor Kindig swore in Nick Boswell as a Police Officer for the La Vista Police Department.

Mayor Kindig asked for a moment of silence for the four Gretna teens that were killed in a tragic car accident.

SERVICE AWARDS: JAMES RUFFNER – 25 YEARS; BRADY SMALL – 20 YEARS

Mayor Kindig presented a service award to Brady Small for 20 years of service to the City. James Ruffner was unable to attend, and his award was postponed to a future meeting.

PRESENTATION: HENRY BELIK – EAGLE SCOUT

Mayor Kindig presented Henry Belik with a letter of commendation in honor of the attaining of his Eagle Scout status. Mr. Belik gave Council an overview of his project.

RE-APPOINTMENTS: PLANNING COMMISSION – JOHN GAHAN, HAROLD SARGUS, MICHAEL CIRCO – 3 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to re-appoint John Gahan, Harold Sargus, and Michael Circo to the Planning Commission for 3 year terms. Councilmember Thomas motioned the approval, seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JUNE 4, 2019 CITY COUNCIL MEETING
3. MONTHLY FINANCIAL REPORT – APRIL 2019
4. REQUEST FOR PAYMENT – FELSBURG, HOLT & ULLEVIG – PROFESSIONAL SERVICES – GILES SIGNAL RETIMING – \$7,755.45
5. REQUEST FOR PAYMENT – GRAHAM CONSTRUCTION, INC. – CONSTRUCTION SERVICES – CITY CENTRE INFRASTRUCTURE – \$340,564.05
6. REQUEST FOR PAYMENT – HAWKINS CONSTRUCTION COMPANY – CONSTRUCTION SERVICES – OFF-STREET PARKING DISTRICT NO. 2, STRUCTURE NO. 1 – \$519,426.90
7. REQUEST FOR PAYMENT – HDR ENGINEERING INC. – PROFESSIONAL

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SERVICES – PROJECT MANAGEMENT SERVICES FOR PUBLIC

IMPROVEMENTS AND OTHER WORKS – \$16,176.06

8. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$17,064.70
9. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$2,327.81
10. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – PLACEMAKING & LA SERVICES – \$17,956.65
11. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL SERVICES – CIVIC CENTER PARK PHASE 2 – \$2,705.36

12. APPROVAL OF CLAIMS

4 SEASONS AWARDS, services	34.00
88 TACTICAL BUILDING GROUP LLC, services	125.00
ACCO UNLIMITED CORP, supplies	315.50
ACTION BATTERIES, maint.	217.88
ACTION SIGNS INC, maint.	220.00
ALEGENT CREIGHTON HEALTH, services	1,818.00
ALLDATA LLC, services	1,500.00
AMAZON CAPITAL SERVICES, supplies	110.44
ARCMATE MANUFACTURING, services	1.20
A-RELIEF, services	473.00
ASPHALT & CONCRETE MATERIALS, maint.	1,608.20
BAUER BUILT INC, maint.	733.44
BAXTER CHRYSLER DODGE. Maint.	432.83
BISHOP BUSINESS EQUIPMENT CO, services	171.62
BLADE MASTERS GROUNDS MNTNC, services	218,769.00
BOARD OF EXAMINERS, services	50.00
BUILDERS SUPPLY CO, bld&grnds	32.61
CATHERINE DEMES MAYDEW, services	2,500.00
CENTURY LINK, phones	505.04
CENTURY LINK BUSN SVCS, phones	214.56
CINTAS CORP, apparel	62.04
CITY OF PAPILLION, services	18,662.72
COMP CHOICE INC, services	203.00
CONNER PSYCHOLOGICAL, services	365.00
COX COMMUNICATIONS, INC, services	571.46
CPS HUMAN RESOURCE, services	661.50
CULLIGAN OF OMAHA, services	26.00
DASH MEDICAL GLOVES, supplies	71.90
DATASHIELD CORP, services	20.00
DILLON BROS HARLEY DAVIDSON, maint.	2,875.85
DLR GROUP, services	7,341.15
DUMMIES UNLIMITED, apparel	3,380.00
EXPRESS DISTRIBUTION LLC, supplies	420.24
EYMAN PLUMBING INC, bld&grnds	961.88
FASTENAL CO, supplies	67.84
FBG SERVICE CORP, bld&grnds	5,965.00
FITZGERALD SCHORR BARMETTLER, services	27,927.41
FOCUS PRINTING, services	3,215.20
GALE, books	258.64
GALLS LLC, apparel	157.99
GCR TIRES & SERVICE, maint.	83.00
GRAYBAR ELECTRIC CO, supplies	162.30
GREATAMERICA FINANCIAL, services	1,127.00
HANEY SHOE STORE, apparel	150.00
HARTS AUTO SUPPLY, maint.	331.00
HDR ENGINEERING INC, services	13,968.68
HEARTLAND TIRES & TREADS, maint.	240.00
HERITAGE CRYSTAL CLEAN LLC, services	373.69
HOBBY LOBBY, supplies	20.95
HOME DEPOT, bld&grnds	87.60

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HOTSY EQUIPMENT CO, maint.	32.75
HY-VEE INC, services	275.00
INGRAM LIBRARY SERVICES, books	1,352.23
KANOPI, INC, media	60.00
KEVIN JONES, services	300.00
KRIHA FLUID POWER CO, maint.	77.96
LV COMM FOUNDATION, payroll	90.00
LABRIE, DONALD P, services	900.00
LUIS LOPEZ, refund	200.00
MARK A KLINKER, services	200.00
MENARDS-RALSTON, supplies	37.38
METRO AREA TRANSIT, services	551.00
METRO LANDSCAPE MATERIALS, services	4,368.00
METRO COMM COLLEGE, services	16,252.35
MIDWEST TAPE, books	388.68
MURPHY TRACTOR & EQUIPMENT, maint.	305.89
NE LAW ENFORCEMENT, services	100.00
NE SALT & GRAIN CO, maint.	28,309.49
NMC EXCHANGE LLC, maint.	2,217.88
NOBBIES INC, supplies	150.76
NORTH STAR DESTINATION STRATEGIES, services	1,825.94
OFFICE DEPOT INC, supplies	548.84
OLSSON, INC, services	58,403.04
OMAHA COMPOUND CO, supplies	203.62
OPPD, utilities	49,613.78
OMAHA WORLD-HERALD, services	6,289.94
ONE CALL CONCEPTS INC, services	384.74
O'REILLY AUTO, maint.	134.84
PAPILLION SANITATION, services	1,563.81
PAPILLION TIRE INC, maint.	87.67
PAY-LESS OFFICE PRODUCTS, supplies	200.10
PEPSI COLA CO, supplies	940.42
PETTY CASH, services	1,560.00
QUALITY AUTO REPAIR & TOWING, services	99.00
RDG PLANNING & DESIGN, services	883.39
READY MIXED CONCRETE CO, services	216.70
RED DELICIOUS BAND, services	2,000.00
REF'S SPORTS BAR & GRILL, services	1,800.00
REGAL AWARDS INC, services	638.85
SARPY COUNTY COURTHOUSE, services	4,207.68
SARPY COUNTY REGISTER OF DEEDS, services	44.00
SLADEK, THOMAS N., services	50.00
SOUCIE, J. JR, travel	800.16
SOUTHERN UNIFORM & EQUIPMENT, apparel	413.83
STOLTENBERG NURSERIES, bld&grnds	796.80
SUBURBAN NEWSPAPERS INC, services	78.00
SUN COUNTRY DISTRIBUTING, supplies	202.71
SWANK MOTION PICTURES, services	693.00
THEATRICAL MEDIA, services	150.00
THOMPSON DREESSEN & DORNER, INC, services	8,905.83
TOSHIBA FINANCIAL, services	138.00
TRANS UNION RISK, services	50.00
U.S. CELLULAR, phones	1,165.59
UNITE PRIVATE NETWORKS, services	3,850.00
UNIVERSAL STEERING HYDRAULIC, maint.	165.37
VERIZON CONNECT NWF, phones	731.25
VERIZON WIRELESS, phones	209.44
VIERREGGER ELECTRIC, bld&grnds	567.10
WELLINGTON EXPERIENCE, services	10,000.00

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe reported that National Night Out is scheduled for August 6th, the same night as the Council Meeting. She asked if Council would like to move their meeting to another day. There was Council consensus to move the meeting to Monday, August 5th.

Director of Administrative Services Pokorny reported on the IT Strategic Plan Update.

Recreation Director Stopak reported that the Slumpbusters Tournament is underway at all fields. He also reported that the Dinosaur Egg Hunt will be held this weekend.

Police Chief Lausten reported that officers have been patrolling at the Slumpbusters Tournament. He also reported that Friday is the graduation for the second Sarpy/Douglas Law Enforcement Academy class; the next class will begin September 23rd and run for 22 weeks; and there will be two La Vista recruits in that class. Chief Lausten also reported on the 2019 plan for monitoring fireworks activities.

Director of Public Works Soucie reported on the Park View Boulevard Rehabilitation project and on pothole patching.

B. RESOLUTION – AMENDMENT – SARPY COUNTY AND CITIES WASTEWATER AGENCY BUDGET

Councilmember Thomas introduced and moved for the adoption of Resolution No. 19-092 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE SARPY COUNTY AND CITIES WASTEWATER AGENCY'S AMENDED FY2018-2019 BUDGET

WHEREAS, La Vista is a party to an agreement (the "Agreement") entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq. (the "Act"), be and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista, and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to Section IX of the Agreement, the Agency Board is required to approve an itemized annual budget which shall be presented to and subject to approval of the individual governing body of each Member; and

WHEREAS, pursuant to Resolution 2018-017, the Agency Board previously approved the Sarpy County and Cities Wastewater Agency FY2018-2019 Budget (hereinafter the "FY2018-2019 Budget"); and

WHEREAS, pursuant to Resolution 2018-024, the Agency Board amended the FY2018-2019 Budget to include, among other things, Sarpy County's initial contribution of \$365,317.00; and

WHEREAS, pursuant to Resolution 2018-032, the Agency Board further amended the FY2018-2019 Budget to, among other things, increase Sarpy County's FY2018-2019 contribution from \$365,317.00 to \$656,758.00; and

WHEREAS, each of the Members' governing bodies approved the foregoing amendments to the FY2018-2019 Budget; and

WHEREAS, pursuant to Resolution 2019-006, the Agency Board approved the revised FY2018-2019 Budget to, among other things, increase Sarpy County's FY2018-2019 contribution from \$656,758.00 to \$1,072,120.00, with the understanding that \$1,072,120.00 will be

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reimbursed to Sarpy County by the Agency through the first available revenue generated by the Agency; and

WHEREAS, the City of La Vista deems it appropriate and advisable to approve the proposed amended FY2018-2019 Budget, attached hereto as Exhibit A, which has been approved by the Agency Board through the Resolution attached hereto as Exhibit B;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the Agency's amended FY2018-2019 Budget is hereby approved.

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

C. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – 2019-2025 GIS COALITION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 19-093 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY, THE PAPIO MISSOURI RIVER NATURAL RESOURCES DISTRICT, AND THE CITIES OF GRETNNA, PAPILLION, BELLEVUE, AND SPRINGFIELD FOR IMPLEMENTATION OF THE 2019-2025 GEOGRAPHIC INFORMATION SYSTEM (GIS) COALITION.

WHEREAS, each Party to the GIS Interlocal Cooperation Agreement is authorized pursuant to the Interlocal Cooperation Act of the State of Nebraska to enter into such Agreement, found at 13-801 et. Seq. Neb. Rev. Stat., '43, Reissue 1991; and

WHEREAS, each Party engages in the delivery of sundry services to the public supported by information regarding real estate, sewers, water, infrastructure, etc; and

WHEREAS, the Parties have previously cooperated in the development and implementation of a Geographic Information System (GIS); and

WHEREAS, each Party desires to improve the coordination, cooperation, and efficiency in rendering such services through the ongoing development and implementation of GIS; and

WHEREAS, each Party understands that the development, operation and maintenance of the GIS will require long term commitment from the Parties; and

WHEREAS, additional enhancements to the GIS will be determined by the financial considerations of all Parties to the Agreement primarily based upon the recommendations of the GIS Advisory Board;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, hereby approves the Interlocal Cooperation Agreement for the 2019-2025 Geographic Information System (GIS) Coalition and authorize the Mayor to execute said agreement.

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

D. RESOLUTION – PROFESSIONAL SERVICES AGREEMENT – GEOTECH INVESTIGATION FOR LA VISTA CIVIC AREAS – 84TH REDEVELOPMENT

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 19-094 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A PROFESSIONAL

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SERVICES AGREEMENT WITH OLSSON, INC. FOR GEOTECHNICAL INVESTIGATION SERVICES IN AN AMOUNT NOT TO EXCEED \$6,490.00.

WHEREAS, the City Council of the City of La Vista has determined that geotechnical investigation services are necessary for the proposed La Vista Civic Areas in conjunction with the 84th Street Redevelopment Project; and

WHEREAS, the FY 19/20 Biennial Budget includes funding for these services; and

WHEREAS, the agreement has a not-to-exceed cost of \$6,490.00 for the scope of services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of a professional services agreement with Olsson, Inc. for geotechnical investigation services in an amount not to exceed \$6,490.00.

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

E. RESOLUTION – AUTHORIZE PURCHASE – SEWER CAMERA TRUCK UPGRADES

Councilmember Thomas introduced and moved for the adoption of Resolution No.19-095 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF EQUIPMENT AND SOFTWARE FOR THE EXISTING 2011 SEWER CAMERA TRUCK FROM NEBRASKA ENVIRONMENTAL, LINCOLN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$103,018.78.

WHEREAS, the City Council of the City of La Vista has determined that the upgrade of equipment and software for the existing 2011 sewer camera truck is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 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 equipment and software for the existing 2011 sewer camera truck from Nebraska Environmental, Lincoln, Nebraska in an amount not to exceed \$103,018.78.

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

F. RESOLUTION – AUTHORIZE PURCHASE – PICK-UP TRUCK

Councilmember Frederick introduced and moved for the adoption of Resolution No.19-096 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 2019 FORD F-150 PICKUP TRUCK FROM ANDERSON FORD, LINCOLN, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$34,848.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a Ford F-150 pickup truck is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 purchases over \$5,000;

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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of one (1) 2019 Ford F-150 pickup truck from Anderson Ford, Lincoln, Nebraska in an amount not to exceed \$34,848.00.

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

G. RESOLUTION – AUTHORIZE PURCHASE – BARRICADE TRAILER

Councilmember Thomas introduced and moved for the adoption of Resolution No.19-097 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF ONE (1) 8.5x24 R & M FLAT FRONT CARGO TRAILER FROM REED TRAILER, OMAHA, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$7,875.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a R & M Flat Front Cargo Trailer is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this 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 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) 8.5x24 R & M Flat Front Cargo Trailer from Reed Trailer, Omaha, Nebraska in an amount not to exceed \$7,875.00.

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

H. DISCUSSION: FIREWORKS

There was Council discussion regarding fireworks sales and discharge. There was Council consensus to have an ordinance drafted reducing the sale of fireworks to seven days and discharge of fireworks to three days and changing the hours for discharge to Noon to 11:00 p.m. There was further Council consensus to request input from residents through the newsletter and social media and that public comment be held when the ordinance is brought back to Council at a future date.

COMMENTS FROM THE FLOOR

There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan commented that some of the Planning Commission documents were too small to review on the iPads.

At 7:07 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale, and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

MINUTE RECORD

June 18, 2019

No. 729 -- REEDIE & COMPANY, INC. OMAHA E1310556LD

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Mr. John Kottmann
 City Engineer/Assistant Public Works Director
 City of La Vista
 9900 Portal Road
 La Vista, NE 68128

June 10, 2019
 Project No: 00120600.00
 Invoice No: 136439

Construction Engineering Services
 2019 Park View Blvd Resurfacing

Professional Services from May 6, 2019 to June 2, 2019

Task 00001 Project Management

Professional Personnel

	Hours	Rate	Amount
E1a Professional Engineer/Project Mgr O'Bryan, Timothy	6.00	176.00	1,056.00
Totals	6.00		1,056.00
Total Labor			1,056.00
			Total this Task
			\$1,056.00

Task 00002 Construction Inspection

Professional Personnel

	Hours	Rate	Amount
E4 Sr Tech, Sr Insp, Sr Env Tech Barahona, Alejandro	25.50	90.00	2,295.00
Totals	25.50		2,295.00
Total Labor			2,295.00

Unit Billing

2019 Chevy Silverado-WBR362 22WD55

5/21/2019	43.0 Miles @ 0.58	24.94
5/28/2019	75.0 Miles @ 0.58	43.50
5/29/2019	36.0 Miles @ 0.58	20.88
5/30/2019	37.0 Miles @ 0.58	21.46
Total Units		110.78
		Total this Task
		\$2,405.78

Billing Limits

	Current	Prior	To-Date
Total Billings	3,461.78	0.00	3,461.78
Limit			62,260.00
Remaining			58,798.22
Total this Invoice			\$3,461.78

O.K. to pay
 MK 6-13-2019
 05.71.0547.003

A-4

Invoice

listen.DESIGN.deliver
 6457 Frances Street, Suite 200
 Omaha, NE 68106
 402-393-4100 Fax 402-393-8747

John Kottmann, PE
 Director Public Works
 City of La Vista
 Email Inv: jkottmann@cityoflavista.org
 9900 Portal Road
 La Vista, NE 68128

June 10, 2019

Project No: 10-17105-20
 Invoice No: 0163131

Project 10-17105-20 La Vista City Centre Garage Video Surv

Billing Period: May 1, 2019 to May 31, 2019

Fee

Total Fee	14,950.00			
Percent Complete	100.00	Total Earned	14,950.00	
		Previous Fee Billing	13,455.00	
		Current Fee Billing	1,495.00	
		Total Fee	1,495.00	
			Total this Invoice	\$1,495.00 ←

Outstanding Invoices

Number	Date	Balance
0161767	5/10/2019	747.50
Total		747.50

Billings to Date

	Current	Prior	Total	
Fee	1,495.00	13,455.00	14,950.00	
Totals	1,495.00	13,455.00	14,950.00	15.71.0911.003

We appreciate your confidence in us and thank you in advance for your payment.
 Being environmentally friendly, we encourage payments via Wire Transfer.
 Routing number: 121000248 Account Number: 4945435436

Eric Kamin, PE

O.K. to pay

OK 6-20-2019

15.71.0911.003

Consent Agenda 7/2/2019
 025

Payment due and interest charged per contract terms. Remit to address at the top of this invoice.

A-5

Invoice

listen.DESIGN.deliver
 6457 Frances Street, Suite 200
 Omaha, NE 68106
 402-393-4100 Fax 402-393-8747

John Kottmann, PE
 Director Public Works
 City of La Vista
 Email Inv: jkottmann@cityoflavista.org
 9900 Portal Road
 La Vista, NE 68128

June 10, 2019

Project No: 10-17105-01
 Invoice No: 0163130

Project 10-17105-01 La Vista City Centre Parking Fac CA

Billing Period: May 1, 2019 to May 31, 2019

Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Construction Services	34,000.00	100.00	34,000.00	34,000.00	0.00
Additional Services	13,458.00	62.00	8,343.96	5,383.20	2,960.76
Total Fee	47,458.00		42,343.96	39,383.20	2,960.76
Total Fee					2,960.76

Reimbursable Expenses

Travel Expenses-Mileage	12.76
Total Reimbursables	12.76

Interest

1.00 % of 1,762.09	(balance over 60 days)	17.62
		Total this Invoice
		\$2,991.14

Outstanding Invoices

Number	Date	Balance
0159878	3/11/2019	1,762.09
0161766	5/10/2019	4,831.56
Total		6,593.65

Billings to Date

	Current	Prior	Total
Fee	2,960.76	39,383.20	42,343.96
Consultant	0.00	25,992.50	25,992.50
Expense	12.76	185.98	198.74
Interest	17.62	0.00	17.62
Totals	2,991.14	65,561.68	68,552.82

Interest Removed.

Matthew Gulsvig
 6/20/2019

Digitally signed by Matthew Gulsvig,
 AIA
 DN: C=US,
 E=mgulsvig@dlrgroup.com, O=DLR
 Group, CN=Matthew Gulsvig, AIA*
 Date: 2019.06.20 11:09:47 -05'00'

OK. to pay

MK 6-20-2019

15.71.0911.003

We appreciate your confidence in us and thank you in advance for your payment.
 Being environmentally friendly, we encourage payments via Wire Transfer.
 Routing number: 121000248 Account Number: 4945435436

Matthew Gulsvig, AIA, LEED AP

Payment due and interest charged per contract terms. Remit to address at the top of this invoice.

Consent Agenda 7/2/2019 (cc)

A-6

City of La Vista
Public Works Department
Construction Division

WEEKLY PROGRESS REPORT

Page 1 of 2

CONTRACTOR SWAIN CONSTRUCTION, INC.

PROJECT PARK VIEW BLVD RESURFACING

WEEK ENDING DATE 06/22/19

PROJECT NO. M 376 (226)

PROJECT STATUS: IN PROGRESS

REPORT NO. 3

DAY/DATE	ACTIVITY	Hours	CHARGE	SUMMARY				
SUNDAY 06/16/19	No Work Performed	0	Y	Total Value of Work This Period	\$58,834.37			
				Total Value of Work To Date	\$183,431.55			
MONDAY 06/17/19	Swain performed base repair b/w Sta 31+80 - 34+30 6 feet wide	10	Y	Pro-rated Adjustment to Value of Stored Materials This Period	\$0.00			
				Total Value of Stored Materials Remaining To Date	\$0.00			
TUESDAY 06/18/19	Swain performed base repair b/w Sta 30+15 - 31+80 6 feet wide. Did not pour concrete in the afternoon due to rain.	7.5	Y	Estimated Contract Value	\$ 793,983.55			
				Percent Complete By Value	23%			
WEDNESDAY 06/19/19	Swain performed base repair between Sta 29+20 - 30+15. They also poured curb repair at the intersections of Lillian Ave, Elizabeth St and 78th St. On NW Elizabeth St Swain damaged a Century Link line and will have to skip that area for the time being	10	Y	Contract Calendar / Work Days	60			
				Calendar / Work Days This Period	7			
THURSDAY 06/20/19	Crew formed and poured ramps at the intersection of Lillian Ave Elizabeth St and 78th St. Skipped NW Elizabeth St due to damaged Century Link line	10	Y	Calendar / Work Days Used To Date	20			
				Percent Time Used	33%			
FRIDAY 06/21/19	Swain postponed their morning pour due to rain. Performed Base Repair from Sta. 19+68 - Sta. 22+40. Skip over Sta. 20+38 - Sta. 20+54 as requested by homeowner and approved by the City. Swain also poured back curb and gutter at NW Elizabeth St.	8	Y	% Retained	10.00%			
				Amount Retained To Date	\$18,343.16			
SATURDAY 06/22/19	Swain did not pour due to rain	3	Y	Net Amount Due To Date	\$165,088.39			
				Total Incentive Earned / Disincentive Assessed To Date	\$0.00			
<u>Other Comments</u> Progress Payment #1				Net Amount Due To Date Including Incentive Earned / Disincentive Assessed	\$165,088.39			
				Total Previous Payments To Date	\$0.00			
				Amount Due To Date	\$165,088.39			

Swain 6/24/19

CONTRACTOR / DATE

O.K. to pay
FMK 6-24-2019
05.71.0947.003

PROJECT MANAGER / DATE

John M. Kottmann 6/24/19

PROJECT REPRESENTATIVE / DATE

John M. Kottmann 6/24/2019

CITY CONSTRUCTION ENGINEER / DATE

Consent Agenda 7/2/2019

(re)

WEEKLY PROGRESS REPORT

PAYMENT FOR WORK PERFORMED

Line	Item Number	Item	Bid Quantity	Bid Price	Unit	Quantity This Period	Amount This Period	% Complete	Quantity To Date	Amount To Date
1	0	MOBILIZATION	1.00	\$13,745.00	LS	-	\$0.00	100.0%	1.00	\$13,745.00
2	0	PERFORM COLD PLANNING - ASPHALT, AVERAGE 2" THICK	26,100.00	\$5.58	SY	-	\$0.00	0.0%	-	\$0.00
3	0	CONCRETE SURFACE MILLING, 2" THICK	425.00	\$7.91	SY	-	\$0.00	0.0%	-	\$0.00
4	0	CONSTRUCT ASPHALT SURFACE COURSE TYPE SPR (PG 84-34)	3,160.00	\$107.50	TON	-	\$0.00	0.0%	-	\$0.00
5	0	CONSTRUCT CONCRETE BASE REPAIR TYPE L85	1,400.00	\$91.65	SY	455.70	\$41,764.91	70.0%	979.50	\$89,771.18
6	0	INSTALL PERMANENT PREFORMED MARKING TAPE - TYPE 4, 5" YELLOW	1,690.00	\$3.95	LF	-	\$0.00	0.0%	-	\$0.00
7	0	INSTALL PERMANENT PREFORMED MARKING TAPE - TYPE 4, 5" WHITE	280.00	\$4.70	LF	-	\$0.00	0.0%	-	\$0.00
8	0	INSTALL PERMANENT PREFORMED MARKING TAPE - TAPE SYMBOL - TYPE DIRECTIONAL ARROW, WHT	3.00	\$279.00	EA	-	\$0.00	0.0%	-	\$0.00
9	0	ADJUST MANHOLE TO GRADE	30.00	\$753.00	EA	-	\$0.00	0.0%	-	\$0.00
10	0	ADJUST UTILITY VALVE TO GRADE	11.00	\$684.00	EA	3.00	\$2,052.00	45.0%	5.00	\$3,420.00
11	0	PROVIDE TEMPORARY TRAFFIC CONTROL	1.00	\$12,751.00	LS	0.13	\$1,657.83	39.0%	0.39	\$4,972.89
12	0	REMOVE & REPLACE INLET	4.00	\$5,019.00	EA	-	\$0.00	100.0%	4.00	\$20,076.00
13	0	REMOVE SIDEWALK	4,300.00	\$1.28	SF	-	\$0.00	0.0%	-	\$0.00
14	0	REPAIR CURB & GUTTER	660.00	\$31.85	LF	169.00	\$5,382.65	87.0%	573.00	\$18,250.05
15	0	CONSTRUCT 4" CONCRETE SIDEWALK	4,300.00	\$4.57	SF	704.00	\$3,217.28	65.0%	2,779.00	\$12,700.03
16	0	CONSTRUCT 6" CONCRETE SIDEWALK	145.00	\$6.19	SF	-	\$0.00	0.0%	-	\$0.00
17	0	CONSTRUCT 6" IMPRINTED CONCRETE SURFACING	745.00	\$9.25	SF	86.00	\$795.50	49.0%	364.00	\$3,367.00
18	0	CONSTRUCT 6" CONCRETE CURB RAMP	940.00	\$11.60	SF	168.00	\$1,948.80	61.0%	570.00	\$8,612.00
19	0	CONSTRUCT SEGMENTAL RETAINING WALL	30.00	\$26.10	SF	-	\$0.00	0.0%	-	\$0.00
20	0	CONSTRUCT DETECTABLE WARNING PANEL, CAST IRON	320.00	\$24.85	SF	56.00	\$1,391.60	58.0%	184.00	\$4,572.40
21	0	CLEARING & GRUBBING PER INTERSECTION CORNER	30.00	\$104.00	EA	6.00	\$624.00	63.0%	19.00	\$1,976.00
22	0	INSTALL CURB INLET PROTECTION	20.00	\$238.00	EA	-	\$0.00	70.0%	14.00	\$3,332.00
23	0	REMOVE & RELOCATE FENCE	40.00	\$29.25	LF	-	\$0.00	0.0%	-	\$0.00
24	0	REMOVE & INSTALL NEW SPRINKLER HEAD	30.00	\$62.65	EA	-	\$0.00	10.0%	3.00	\$187.95
25	0	INSTALL SODDING	600.00	\$6.78	SY	-	\$0.00	0.0%	-	\$0.00
26	0	INSTALL SEEDING - TYPE B	100.00	\$3.03	SY	-	\$0.00	148.0%	148.20	\$449.05
27	0	RENTAL OF LOADER, FULLY OPERATED	10.00	\$107.00	HR	-	\$0.00	0.0%	-	\$0.00
28	0	RENTAL OF SKID LOADER, FULLY OPERATED	10.00	\$64.30	HR	-	\$0.00	0.0%	-	\$0.00
29	0	RENTAL OF DUMP TRUCK, FULLY OPERATED	10.00	\$88.10	HR	-	\$0.00	0.0%	-	\$0.00

User: mgustafson

DB: La Vista

Check #

A-B

Check #	Check Date	Vendor Name	Amount	Voided
129874	06/19/2019	FELSBURG HOLT & ULLEVIG INC	7,755.45	N
129875	06/19/2019	GRAHAM CONSTRUCTION, INC	340,564.05	N
129876	06/19/2019	HAWKINS CONSTRUCTION COMPANY	519,426.90	N
129877	06/19/2019	HDR ENGINEERING INC	16,176.06	N
129878	06/19/2019	RDG PLANNING & DESIGN	40,054.52	N
129879	06/21/2019	NEBRASKA LAW ENFORCEMENT	100.00	N
129880	07/02/2019	911 CUSTOM LLC	23,959.42	N
129881	07/02/2019	A-RELIEF SERVICES INC	446.00	N
129882	07/02/2019	ACCO UNLIMITED CORPORATION	794.00	N
129883	07/02/2019	ACCURATE TESTING INC	445.00	N
129884	07/02/2019	ACTION BATTERIES UNLTD INC	629.88	N
129885	07/02/2019	ACTION SIGNS INCORPORATED	824.00	N
129886	07/02/2019	ALTEC INDUSTRIES INCORPORATED	15.95	N
129887	07/02/2019	AMANDA BLOMENKAMP	30.00	N
129888	07/02/2019	AMAZON CAPITAL SERVICES, INC.	112.71	N
129889	07/02/2019	ASPHALT & CONCRETE MATERIALS	1,701.21	N
129890	07/02/2019	AT&T MOBILITY LLC	93.72	N
129891	07/02/2019	ATLAS AWNING CO INC	4,570.00	N
129892	07/02/2019	BAUER BUILT INC	278.68	N
129893	07/02/2019	BIG RIG TRUCK ACCESSORIES	88.85	N
129894	07/02/2019	BISHOP BUSINESS EQUIPMENT COMPA	3,116.26	N
129895	07/02/2019	BLACK HILLS ENERGY	24.28	N
129896	07/02/2019	BOB'S RADIATOR REPAIR CO INC	121.00	N
129897	07/02/2019	BOLD OFFICE SOLUTIONS	2,156.35	N
129898	07/02/2019	BROADCAST MUSIC INC	358.00	N
129899	07/02/2019	BUETHE, PAM	490.07	N
129900	07/02/2019	CATHERINE DEMES MAYDEW	2,177.50	N
129901	07/02/2019	CENTURY LINK	345.28	N
129902	07/02/2019	CENTURY LINK BUSN SVCS	39.76	N
129903	07/02/2019	CITY OF OMAHA	208,482.35	N
129904	07/02/2019	CITY OF PAPILLION	170,752.00	N
129905	07/02/2019	CONSOLIDATED MANAGEMENT CO	12.43	N
129906	07/02/2019	CONTINENTAL RESEARCH CORPORATI	1,671.71	N
129907	07/02/2019	CONTROL MASTERS INCORPORATED	72.50	N
129908	07/02/2019	CONVERGE ONE INC	2,944.87	N
129909	07/02/2019	COX COMMUNICATIONS, INC.	147.03	N
129910	07/02/2019	D & K PRODUCTS	524.17	N
129911	07/02/2019	DANIEL S KRAFT	22.00	N
129912	07/02/2019	DIXON RESOURCES UNLIMITED	3,928.75	N
129913	07/02/2019	DOUGLAS COUNTY SHERIFF'S OFC	762.50	N
129914	07/02/2019	DXP ENTERPRISES INC	4.85	N
129915	07/02/2019	EDGEWEAR SCREEN PRINTING	574.00	N
129916	07/02/2019	EXPRESS DISTRIBUTION LLC	498.42	N
129917	07/02/2019	EYMAN PLUMBING INC	446.48	N
129918	07/02/2019	FIRST NATIONAL BANK FREMONT	813,308.75	N
129919	07/02/2019	GENUINE PARTS COMPANY-OMAHA	1,473.03	N
129920	07/02/2019	HAMELE ENTERPRISES	3.95	N
129921	07/02/2019	HANEY SHOE STORE	118.99	N
129922	07/02/2019	HEIM, JAMES A	2,833.50	N
129923	07/02/2019	HUNTEL COMMUNICATIONS, INC	212.50	N
129924	07/02/2019	INCIDENT RESPONSE TECHNOLOGIES I	2,103.75	N
129925	07/02/2019	INGRAM LIBRARY SERVICES	333.17	N
129926	07/02/2019	INTERNATIONAL CODE COUNCIL	650.00	N
129927	07/02/2019	J & J SMALL ENGINE SERVICE	605.15	N
129928	07/02/2019	JACIK, TOM	234.00	N
129929	07/02/2019	KUBOTA OF OMAHA	22,493.02	N
129930	07/02/2019	LARSEN SUPPLY COMPANY	477.36	N
129931	07/02/2019	LAUSTEN JR ROBERT S	600.00	N
129932	07/02/2019	LELAND APPAREL	64.00	N
129933	07/02/2019	LEXIS NEXIS MATTHEW BENDER	70.08	N

User: mgustafson

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
129934	07/02/2019	LIBRA INDUSTRIES INC	77.00	N
129935	07/02/2019	LIBRARY IDEAS LLC	454.40	N
129936	07/02/2019	LINCOLN TENT INC	495.00	N
129937	07/02/2019	LOU'S SPORTING GOODS	52.00	N
129938	07/02/2019	LOVELAND GRASS PAD	1,258.80	N
129939	07/02/2019	MARCO INCORPORATED	119.56	N
129940	07/02/2019	MARTIN ASPHALT - MONARCH OIL	488.40	N
129941	07/02/2019	MATHESON TRI-GAS INC	408.90	N
129942	07/02/2019	MAX'S BODY SHOP, INC.	744.50	N
129943	07/02/2019	METROPOLITAN COMMUNITY COLLEG	18,381.11	N
129944	07/02/2019	METROPOLITAN UTILITIES DIST.	3,060.00	N
129947	07/02/2019	MICHAEL TODD AND COMPANY INC	69.00	N
129948	07/02/2019	MID AMERICAN SIGNAL INC	419.00	N
129949	07/02/2019	MID CON SYSTEMS INCORPORATED	811.18	N
129950	07/02/2019	MIDWEST TAPE	53.38	N
129951	07/02/2019	MISEREZ, CYNTHIA	336.75	N
129952	07/02/2019	MNJ TECHNOLOGIES DIRECT INC	9,440.00	N
129953	07/02/2019	MONKSON INC	376.00	N
129954	07/02/2019	MURPHY TRACTOR & EQUIPMENT CO I	495.04	N
129955	07/02/2019	NEBRASKA SALT & GRAIN COMPANY	1,587.50	N
129956	07/02/2019	NMC EXCHANGE LLC	336.76	N
129957	07/02/2019	NOLL, MARGARET M	120.00	N
129958	07/02/2019	OFFICE DEPOT INC	641.33	N
129959	07/02/2019	OGS TECHNOLOGIES INC	76.87	N
129960	07/02/2019	OMNI ENGINEERING	1,588.98	N
129961	07/02/2019	PAPILLION LA VISTA PUBLIC SCHOOLS	50.00	N
129962	07/02/2019	PAPIO-MISSOURI RIVER NRD	5,000.00	N
129963	07/02/2019	PARK YOUR PAWZ INC	324.00	N
129964	07/02/2019	PEPSI COLA COMPANY	881.34	N
129965	07/02/2019	PER MAR SECURITY SERVICES	77.00	N
129966	07/02/2019	PLAINS EQUIPMENT GROUP	28.10	N
129967	07/02/2019	PROGRESSIVE BUSINESS TECHNOLOGI	375.00	N
129968	07/02/2019	RAMIREZ, RITA M	58.00	N
129969	07/02/2019	RAY ALLEN MANUFACTURING CO INC	51.96	N
129970	07/02/2019	RDG PLANNING & DESIGN	210.00	N
129971	07/02/2019	RED WING BUSINESS ADVANTAGE ACC	150.00	N
129972	07/02/2019	RON TURLEY ASSOCIATES INC	1,700.00	N
129973	07/02/2019	SAVVY SNIPER LLC	72.90	N
129974	07/02/2019	SCHEMMER ASSOCIATES INC	960.00	N
129975	07/02/2019	SHAMROCK CONCRETE COMPANY	660.00	N
129976	07/02/2019	SIGN IT	319.05	N
129977	07/02/2019	SOUTHERN UNIFORM & EQUIPMENT	4,571.52	N
129978	07/02/2019	SUBSURFACE SOLUTIONS	4,995.00	N
129979	07/02/2019	SUN COUNTRY DISTRIBUTING LTD	11.42	N
129980	07/02/2019	TERRY L WEAVER	22.00	N
129981	07/02/2019	THE LIFEGUARD STORE	336.75	N
129982	07/02/2019	TODCO BARRICADE COMPANY	970.00	N
129983	07/02/2019	UNITED PARCEL SERVICE	8.44	N
129984	07/02/2019	US PATRIOT LLC	658.90	N
129985	07/02/2019	VIERREGGER ELECTRIC COMPANY	443.04	N
129986	07/02/2019	WAL-MART COMMUNITY BRC	4,189.64	N
129987	07/02/2019	WICK'S STERLING TRUCKS INC	68.02	N

TOTAL: 2,272,403.75

User: mgustafson

DB: La Vista

Check #

Check Date

Vendor Name

Amount

Voided

COUNCIL MEMBER

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 2, 2019 AGENDA

Subject:	Type:	Submitted By:
AMEND VARIOUS SECTIONS OF THE LA VISTA MUNICIPAL CODE	◆ RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

Ordinances have been prepared to amend Sections 30.46, 30.47, 32.02, 34.26, 35.03, 70.042, 70.070, 71.053, 92.15, 92.16, 92.17, 92.18, 92.21, 95.13, 95.15, 114.02, 114.23, 114.24, 114.30, 114.51, 117.15, 130.02, 133.01 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The changes are a result of American Legal Publishing Corporation incorporating the legislative changes from recent legislative sessions into our Code.

These changes have been reviewed by the City Attorney and City Clerk.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 30.46 AND 30.47; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 30.46 of the La Vista Municipal Code is amended to read as follows:

§ 30.46 READING AND PASSAGE.

Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the members of the City Council vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory or the redrawing of boundaries for City Council election districts or wards. In the case such requirement is suspended, the ordinance shall be read by title or number and then moved for final passage. Three-fourths of the members of the City Council may require a reading of any ordinance in full before enactment under either procedure set out in this section. (Neb. RS 16-404) ('79 Code, § 1-704) (Am. Ord. 627, passed 9-5-95)

SECTION 2. Section 30.47 of the La Vista Municipal Code is amended to read as follows:

§ 30.47 PUBLICATION.

(A) All ordinances of a general nature shall, within 15 days after they are passed, be published one time:

(1) In some-a legal newspaper published-of general circulation within the city; or
(2) In pamphlet form. (Neb. RS 19-3701)

(B) Every ordinance fixing a penalty or forfeiture for its violation shall, before the same takes effect, be published for at least one week in some manner prescribed in this section.

(Neb. RS 16-405) ('79 Code, § 1-705) (Am. Ord. 406, passed 12-3-85; Am. Ord. 697, passed 10-7-97)

SECTION 3. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 32.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 32.02 of the La Vista Municipal Code is amended to read as follows:

§ 32.02 PLANNING COMMISSION.

(A) The Planning Commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning or and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. For purposes of this section, a sufficient number of residents shall mean 1,000 residents. All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. RS 19-908. The term of each regular member shall be three years, except that three regular members of the first Commission shall serve for terms of one year, three for terms of two years and three for terms of three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor, with the consent of a majority vote of the members elected to the City Council, for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor. (Neb. RS 19-926)

(B) A regular or alternate member of the planning commission may hold any municipal office except:

- (1) mayor,
- (2) a member of the city council,
- (3) a member of any community redevelopment authority created under Neb. Rev. Stat. 18-2102.01, or
- (4) a member of any citizen advisory review committee created under Neb. Rev. Stat. 18-2715.

(B) (C) All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill such other of its offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file them with the City Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently, and the Chairperson

of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may also be held upon the call of any three members of the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations which shall be a public record. The Commission shall make and adopt plans for the physical development of the city, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the city, and shall carry out the other duties and exercise the powers specified in Neb. RS 19-929. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within 90 days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

~~(C)(D)~~ The Mayor, with the approval of a majority vote of the other elected members of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation ~~and shall hold no other city office~~. The term of the alternate member shall be three years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

('79 Code, § 2-202)

Statutory reference:

Powers and duties, see Neb. RS 19-924 through 19-929

Cross reference:

Planning, see Chapter 151

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 34.26 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 34.26 of the La Vista Municipal Code is amended to read as follows:

§ 34.26 RETIREMENT COMMITTEE.

(A) Creation of Committee. There is hereby created a Retirement Committee pursuant to Neb. RS 16-1014 for the purpose of supervising the general operation of the retirement system adopted for police officers of the city. The Committee shall consist of six members. Four of the six members shall be selected by the officers in the police force in the manner they so choose, and the names of the officers so chosen shall be provided to the City Council by the Chief of Police or his or her designee. The remaining two members shall be the City Administrator and the City Clerk. The City Treasurer shall be an ex officio member of the Committee, and may attend and participate in Committee meetings, but shall not vote or be counted for quorum purposes. The City Attorney shall act as legal consultant to the Committee. Each Committee member shall be appointed for a four year term, and vacancies shall be filled for the remainder of the terms by a person with the same representation as his or her predecessor. Members of the Retirement Committee shall receive no salary and shall not be compensated for expenses.

(B) Duties of Committee shall be as stated in Neb. Rev. Stat. 16-1017 as amended from time to time. (Neb. RS 16-1017) ('79 Code, § 3-302) (Ord. 355, passed 12-20-83; Am. Ord. 533, passed 7-2-91)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.03 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 35.03 of the La Vista Municipal Code is amended to read as follows:

§ 35.03 CONTRACT ADVERTISING.

(A) Before the City Council shall make any contract in excess of \$30,000 for general improvements, such as water extensions, sewers, public heating systems, bridges, work on streets or any other work or improvement where the cost of such improvement shall be assessed to the property, an estimate of the cost thereof shall be made by the City Engineer and submitted to the Council. No contract shall be entered into for any such work, improvement or enlargement of such an improvement, or for the purchase of equipment used in the construction of such enlargement or general improvement, for any price exceeding \$30,000 without advertising for bids. In advertising for bids for any such work, or for the purchase of such equipment, the Council may publish the amount of such estimate therewith. Such advertisement shall be published at least seven days in some-a legal newspaper of general circulation published in the city; provided, that in the case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of or serious injury or damage to life, health or property, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths vote of the Council and entered on record. If after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract for any work or improvement, or if the bids received by the city contain a price which exceeds the estimated cost of the project, the Mayor and City Council may negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given.

(B) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the city, the City Council may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

(C) Any city bidding procedure may be waived by the City Council:

(1) When materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. RS 81-145 to 81-162;

(2) When the contract is negotiated directly with a sheltered workshop pursuant to Neb. RS 48-1503; or

(3) When required to comply with any federal grant, loan, or program.
('79 Code, § 1-922) (Am. Ord. 263, passed 12-4-79; Am. Ord. 548, passed 6-16-92; Am. Ord. 692, passed 9-16-97; Am. Ord. 1161, passed 1-17-12) Statutory reference: Contract advertising requirements, see Neb RS 16-321

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection,

sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 70.042 AND 70.070; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 70.042 is hereby amended to read as follows:

§ 70.042 SCHOOL BUS QUALIFICATIONS.

(A) No person shall operate a school bus upon the streets of the city while the number of passengers therein exceeds the seating capacity designated by the manufacturer of said bus or while any passenger therein is not seated. ('79 Code, § 5-508)

(B) Each school bus transporting school children within the city shall be equipped with:

(1) An electric signal stop lamp, red in color, located on the rear of the vehicle at a height of not less than 42 inches nor more than 60 inches from the surface of the street or highway. Such device shall be operated independently by a control in the driver's compartment of the vehicle and shall be illuminated for a distance of not less than 100 feet in advance of any point in the city at which the operator intends to stop the vehicle. Said signal stop lamp shall comply with specifications for said lamps adopted by the Nebraska Department of Roads Transportation.

(2) Mechanical stop-signal arm, which the operator of the school bus shall cause to be extended from the left or driver's side of the school bus during such time as the bus is stopped for the purpose of loading or unloading passengers. Said mechanical stop-signal arm shall comply with specifications for same adopted by the Nebraska Department of Roads Transportation.

(3) A seating space for each passenger allowed to enter the bus. No operator of any school bus shall permit passengers to board the bus in greater number than the seating capacity designated by the manufacturer of said bus.

('79 Code, § 5-509) (Ord. 102, passed - -)

SECTION 2. Municipal Code Section 70.070 is hereby amended to read as follows:

§ 70.070 PLACING AND MAINTAINING TRAFFIC CONTROL DEVICES.

The city shall place and maintain such traffic-control devices upon streets, roads, avenues, boulevards, highways, or any other publicly maintained ways under its jurisdiction and open to the use of the public for vehicular traffic as it shall deem necessary to indicate and carry out the provisions of the Nebraska Rules of the Road or to regulate, warn, or guide traffic, and such devices shall conform with the Manual on Uniform Traffic Control Devices adopted by the Nebraska Department of Roads Transportation from time to time.

Statutory reference:

Traffic-control devices, see Neb. RS 60-6,119 et seq.

SECTION 3. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

SECTION 4. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 5. Effective Date. This Ordinance shall be in force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 71.053 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 71.053 of the La Vista Municipal Code is amended to read as follows:

§ 71.053 HAND SIGNALS.

A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm or by a signal device of a type approved by the Department of Roads Transportation. The hand and arm signals herein required shall be given from the left side of the vehicle in the following manner: stop or decreased speed, hand and arm extended downward; left turn, hand and arm extended horizontally; right turn, hand and arm extended upward. Required signals shall be given by a signal device of a type approved by the Department of Roads Transportation under any condition when a hand and arm signal would not be visible for 100 feet to the front and rear of the signaling driver. Any person operating a bicycle may signal a right turn by fully extending the right arm and pointing.

(Neb. RS 60-6,161 through 60-6,163) ('79 Code, § 5-208) Penalty, see § 70.999

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 92.15, 92.16, 92.17, 92.18, AND 92.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 92.15 is hereby amended to read as follows:

§ 92.15 DEFINITION.

(A) *General definition.* A nuisance consists in doing any unlawful act, omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;
- (4) Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the city;
- (5) In any way renders other persons insecure in life or the use of property; or
- (6) Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.

('79 Code, § 4-301)

B) *Specific definition.* The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

- (1) Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl;
- (2) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous;
- (3) Filthy, littered or trash-covered cellars, houseyards, barnyards, stable-yards, factory- yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises;
- (4) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the city;
- (5) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity, provided that nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the city, nor the dumping of non-putrefying waste in a place and manner approved by the health officer;
- (6) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a- brac, broken stone or cement, broken crockery, broken glass, broken plaster and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;
- (7) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition or harborage in which flies, rats, or rodents may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the

vicinity thereof;

(8) Any unsafe or unsightly building, billboard or other structure, any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety or are so unsightly as to depreciate the value of property in the vicinity thereof;

(9) All places used or maintained as junk yards, dumping grounds or for the wrecking and dissembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof;

(10) Stagnant water permitted or maintained on any lot or piece of ground. Stagnant water is defined as water which stands upon premises in such a manner, and over such a period of time, that it is likely to become a breeding place for mosquitoes;

(11) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the city or are maintained and kept in such a manner as to be injurious to the public health; or

(12) All other things specifically designated as nuisances elsewhere in this code or applicable state law.

(13) Storage, accumulation, keeping, placing or allowing to remain of trash, garbage, scrap and wrecked, worn-out, broken or inoperative or partially destroyed or disassembled personal or real property of any kind, including any motor vehicles, tractors, trailers, machinery and equipment;

(14) Any lots or pieces of ground within the city or within ~~two miles of the corporate limits of the city's extraterritorial zoning jurisdiction~~ that have (or have on adjoining streets or alleys) any growth in excess of 12 inches of weeds, grasses or other worthless vegetation or ~~any other~~ nuisance thereon ~~pursuant to any other provisions of this code or applicable law~~, excluding city approved plantings, structures, devices or facilities for purposes of weed or erosion control, neighborhood enhancement and/or wildlife promotion or storm water quality, detention, management or control. Without limiting the foregoing provisions of this division (14), it shall be the duty of any person owning, leasing, occupying, or controlling any lot or piece of ground in the jurisdiction to prevent the growth of noxious weeds or other worthless vegetation thereon, including without limitation, cockleburs, thistles, ragweed, burdock, and wild lettuce thereon.

('79 Code, § 4-301.01) (Ord. 646, passed 5-7-96; Am. Ord. 1257, passed 7-7-15)

Statutory reference:

Authority to regulate and abate nuisances, see Neb. RS 18-1720

Cross reference:

Stagnant waters, weeds and litter, see § 133.01

SECTION 2. Municipal Code Section 92.16 is hereby amended to read as follows:

§ 92.16 MAINTAINING A NUISANCE PROHIBITED.

It shall be unlawful for any person by act or omission to erect, keep up or continue, maintain, allow or permit any nuisance within the city ~~or within the city's extraterritorial zoning jurisdiction.~~

('79 Code, § 4-301.02) (Ord. 646, passed 5-7-96) Penalty, see § 92.99

SECTION 3. Municipal Code Section 92.17 is hereby amended to read as follows:

§ 92.17 ABATEMENT PROCEDURE.

(A) (1) Whenever a nuisance exists as defined in this subchapter, the city may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgement in the case.
('79 Code, § 4-502)

(B) (1) It shall be the duty of every owner or occupant of real estate in the city to keep such real estate free of public nuisances. Upon determination by the ~~Board of Health Chief building official, Code enforcement officer, or other City representative~~ that the owner or occupant has failed to keep such real estate free of public nuisances, notice to abate and remove such nuisance ~~and notice of the right to a hearing before the City Council and the manner in which it may be requested~~ shall be given to the owner or occupant, or the owner's or occupant's duly authorized agent ~~and to the occupant, if any~~, by personal service, first-class mail, or certified mail. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Such notice shall:

(a) Describe the condition as found by the ~~Chief building official, Code enforcement officer, or other City representative~~ Board of Health and state that the condition has been declared a public nuisance and that the condition must be remedied at once. The notice shall specify the period of time within which the nuisance must be abated or removed, and

(b) Advise of the right to appeal the determination of the City and request a hearing before the Board of Health, for matters involving public health, or the City Administrator, for all other matters, and the manner in which such hearing may be requested. Any such appeal and request for hearing shall be in writing and filed with the City Clerk in the manner described in subsection (B)(2) below.

~~Within ten days after the receipt of such notice, if the owner or occupant of the real estate does not request a hearing or fails to comply with the order to abate and remove the nuisance, the city shall have such work done and may levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed.~~

(2) Within five days after the receipt of the notice described in subsection (B)(1), the owner or occupant of the real estate may request a hearing with the Board of Health, for matters involving public health, or the City Administrator, for all other matters, to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the City Clerk. If the owner or occupant requests in writing a hearing ~~with the City Council~~, the ~~City Council~~ Administrator or his or her designee shall fix a time and place at which a hearing will be held. The hearing on the appeal shall be held within 14 days after the filing of the appeal. Notice of the hearing shall be given by personal service, first-class mail, or certified mail and require the owner or occupant to appear at the specified time and place before the City Council to show cause why such condition should not be found to be a public nuisance and remedied. Such notice shall be given not less than seven, nor more than 14 days before the time of the hearing. Upon the date fixed for the hearing and pursuant to the notice, ~~the City Council~~ Board of Health for matters involving public health, or the City Administrator (or any other appointed officer of the City designated by the City Administrator, Mayor or City Council) for all other matters, shall hear all objections made by the owner or occupant and shall hear evidence submitted by the ~~Board of Health~~ Chief building official, Code enforcement officer, or other proper City representative. A decision on the appeal will be rendered within five business days after the conclusion of the hearing. If after consideration of all the evidence the appeal fails, the City may have such work done to abate or remove the nuisance ~~the City Council finds that the condition is a public nuisance, it shall, by resolution, order and direct the owner or occupant to remedy the public nuisance at once.~~

(3) If the owner or occupant of the real estate within five days after receipt of the notice described in subsection (B)(1) does not request a hearing, or fails to comply with the order to abate or remove the nuisance within the required time ~~refuses or neglects to comply promptly with the order of the City Council, the City Council shall proceed to cause the abatement of the described public nuisance and may levy and assess the costs and expenses of the work upon the real estate so benefitted in the same manner as other special taxes for improvements are levied and assessed~~ may have the work done.

(4) The costs and expenses of any work of the City to abate or remove a nuisance pursuant to this Section 92.17 shall be paid by the owner. Any such costs or expenses that are unpaid shall be subject to collection or assessment by the City in accordance with applicable law., including without limitation, Neb. Res. Stat. Section 16-

230 for removal or abatement of nuisances relating to drainage, weeds or litter.

(5) Unless otherwise specified by applicable law, notice for purposes of this section shall be deemed to be received upon deposit in the United States mail, postage prepaid, if by first-class mail, or upon actual receipt, if by personal service or certified mail. ('79 Code, § 4-302)

(3C) Notwithstanding divisions (B)(1) or (2) above anything in this Section 92.17 or elsewhere in this Code to the contrary:

(a) If the Mayor Chief building official, Code enforcement officer, or other proper City representative determines that any public nuisance constitutes an immediate danger to life, safety, health, or property, the city may remove or abate the nuisance (or cause it to be removed or abated) and assess the cost thereof to the property creating the nuisance or on which the nuisance arises, to the extent necessary or appropriate to eliminate the immediacy and/or magnitude of the danger, upon 48 hours personal or certified written notice to the owner or tenant of the subject property (or the owner's or tenant's duly authorized representative) or, in light of the immediacy or magnitude of the danger, such lesser notice that can reasonably be provided under the circumstances; and, in the event any public nuisance is within the scope of the Nebraska Statutes, including without limitation, Neb. Rev. Stat. Section 16-230 or 18-1752, the city shall proceed in accordance with the applicable provision or provisions thereof; and the city shall further have the option to proceed in accordance with any other applicable ordinance or state law, as amended from time to time, with respect to any public nuisance.

(b) Unless otherwise provided by state law, the city shall have the option to proceed under one or more applicable ordinances or state laws with respect to any public nuisance. (Ord. 1274, passed 4-5-18)

Statutory reference:

Authority to regulate and abate nuisances, see Neb. RS 18-1720

Authority to repair and remove buildings and the like, see Neb. RS 18-1722

SECTION 3. Municipal Code Section 92.18 is hereby amended to read as follows:

§ 92.18 JURISDICTION.

The Mayor and Chief of Police of the city are directed to enforce this city code against all nuisances. The jurisdiction of the Mayor, Chief of Police and court shall extend to and the territorial application of this chapter shall include all territory adjacent to the limits of the city within two miles thereof and all territory within the corporate limits of the City or within its extraterritorial zoning jurisdiction.

('79 Code, § 4-303)

Statutory reference:

Authority to regulate and abate nuisances, see Neb. RS 18-1720

Zoning jurisdiction, see Neb. RS 16-901

SECTION 4. Municipal Code Section 92.21 is hereby amended to read as follows:

§ 92.21 DEAD OR DISEASED TREES.

(A) It is hereby declared a nuisance for a property owner to permit, allow or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the city or within the city's extraterritorial zoning jurisdiction.

(B) It is hereby declared a nuisance for a property owner to permit, allow or maintain any dead or diseased trees on private property within the corporate limits of the city or within the city's extraterritorial zoning jurisdiction.

(C) Upon determination by the Chief building official, Code enforcement officer, or other proper City representative that the owner or occupant has failed to keep such real estate free of nuisances, ANotice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any. Such notice shall include the information and shall be given in the manner required by Code Section 92.17. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance, by personal service or certified mail. Within five~~30~~ days after the receipt of such notice, if the owner or occupant of the lot or piece of ground ~~does not~~ may request a hearing with the city to appeal the decision or fails to comply with the order to abate and remove the nuisance by filing a written appeal with the office of the eCity

eClerk. A hearing to appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the City Administrator or any other appointed officer of the city from time to time designated by the City Administrator, Mayor or City Council. The hearing officer, based on all information presented at the hearing, shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the city may have such work done to abate and remove the dead or diseased trees. If the owner or occupant of the lot or piece of ground within five days after receipt of such notice does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance within the required time, the city may have such work done. The costs and expenses of any such work shall be paid by the owner. The city and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefitted ~~in the same manner as other a special taxes assessment for improvements are levied or assessed.~~ Unless otherwise specified by applicable law, notice for purposes of this section shall be deemed to be received upon deposit in the United States mail, postage prepaid, if by first-class mail, or upon actual receipt, if by personal service or certified mail.

('79 Code, § 4-306) (Ord. 630, passed 9-5-95) (Ord. 1274, passed 4-5-16)

Statutory reference:

Authority to regulate and abate dead and diseased trees, see Neb. RS 16-207

Nuisances prohibited, see Neb. 28-1321

Cross reference:

Tree management, see Chapter 94

SECTION 5. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

SECTION 6. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7. Effective Date. This Ordinance shall be in force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.13 AND 95.15; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 95.13 of the La Vista Municipal Code is amended to read as follows:

§ 95.13 DANGEROUS AND POTENTIALLY DANGEROUS DOMESTIC ANIMALS; DEFINITIONS.

(A) It shall be unlawful for any person to keep or harbor a dangerous domestic animal or a potentially dangerous domestic animal, except as otherwise provided in this chapter.

(B) For purposes of this chapter, **DANGEROUS DOMESTIC ANIMAL** means any domestic animal that:

(1) Has killed a human being;

(2) Has inflicted injury on a human being that requires medical treatment;

(3) Has killed or inflicted serious injury on a domestic animal without provocation;

(4) Ferociously and without provocation has attacked, snapped at, or bitten one or more human beings, or one or more other domestic animals, one or more times, or has a history of any of such behaviors;

(5) Has been previously determined to be a potentially dangerous domestic animal by the animal control authority of the city, the owner of which has received notice from the animal control authority of the city of such determination, and that inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals;

(6) Is owned or harbored primarily or in part for the purpose of animal fighting; or

(7) By training, disposition, or behavior poses a potential risk of attacking and inflicting injury without provocation upon human beings or other domestic animals.

(C) For purposes of this chapter, **POTENTIALLY DANGEROUS DOMESTIC ANIMAL** means:

(1) Any domestic animal that, when unprovoked, inflicts an injury on a human being that does not require medical treatment, either on public or private property;

(2) Any domestic animal that, when unprovoked, injures a domestic animal, either on public or private property;

(3) Any domestic animal that, when unprovoked, chases or approaches a person who is upon a street, sidewalk, or any other public ground or public area, in a menacing or threatening fashion or apparent attitude of attack; or

(4) Any specific domestic animal with a known propensity, tendency, or disposition to attack when unprovoked, or to cause injury, or to threaten the safety of human beings or other domestic animals.

(D) (1) No animal may be declared to be a dangerous domestic animal or a potentially dangerous domestic animal if it inflicts injury or damage upon a human being committing a willful trespass or other tort upon premises occupied by the owner of the animal or upon a human being committing or attempting to commit a crime.

(2) No animal may be declared to be a dangerous domestic animal or a potentially dangerous domestic animal for taking action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(3) No animal used in lawful activities of law enforcement officials shall be declared to be a dangerous domestic animal or a potentially dangerous domestic animal.

(4) No animal may be declared to be a dangerous domestic animal under division (B)(2) of this section if the individual was tormenting, abusing, or assaulting the animal at the time of the injury or has, in the past, been observed or reported to have tormented, abused or assaulted the animal.

(5) No animal may be declared to be a dangerous domestic animal under division (B)(5) of this section if the injury, damage, or threat was sustained by an individual who, at the time, was tormenting, abusing, or assaulting the animal, or has, in the past, been observed or reported to have tormented, abused or assaulted the animal.

(E) *Definitions.* For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of the city.

ANIMAL CONTROL OFFICER. Any individual designated or authorized by an animal control authority for the purpose of aiding in the enforcement of this chapter or of any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals, and also includes any state or local law enforcement officer as well as any other state or local employee or appointee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal or animals.

DOMESTIC ANIMAL. A cat or a dog.

MEDICAL TREATMENT. Treatment administered by a physician or other licensed health care professional that results in one or more sutures, surgery, or treatment for one or more broken bones.

OWNER. Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a domestic animal.

SERIOUS INJURY ON A DOMESTIC ANIMAL. An injury to a domestic animal that requires treatment administered by a veterinarian, veterinary clinic, veterinary hospital, or veterinary office, that results in one or more sutures, surgery, or treatment for one or more broken bones.

('79 Code, § 6-114) (Am. Ord. 283, passed 4-11-81; Am. Ord. 1160, passed 12-20-11) Penalty, see § 95.99

SECTION 2. Section 95.15 of the La Vista Municipal Code is amended to read as follows:

§ 95.15 SEIZURE AND CONFINEMENT.

(A) It shall be the duty of the animal control authority to capture, secure, and remove to the animal shelter or other suitable impoundment or care facility, in as humane manner as is practicable under the circumstances, any animal running at large, owned, kept, harbored, or confined in violation of this chapter. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the animal shelter, impoundment, or other care facility for a period of not less than five days after public notice has been given unless keeping or harboring the animal is lawful within the city and the animal has been reclaimed earlier by its owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the animal control authority within 24 hours after impoundment as public notification of such impoundment.

(B) If keeping or harboring the impounded animal is lawful within the city, then such animal may be reclaimed by its owner during the period of impoundment by payment of the required fees as set by the animal control authority. The owner shall then be required to comply with applicable licensing and rabies vaccination requirements within 72 hours after release. If the animal is not claimed at the end of the required waiting period after public notice has been given, the animal control authority may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of the animal control authority, a suitable home can be found for

any such animal, the animal shall be turned over to that person and the new owner shall then be required to pay all fees and comply with all applicable licensing and vaccinating requirements provided in this chapter.

(C) The city and/or animal control authority shall acquire legal title to any unlicensed animal impounded in the animal shelter for a period longer than the required waiting period after giving notice.

(D) All expenses of licensing such animals and maintaining the city dog pound and the salary of the humane officer shall be paid out of the general fund of the city, and all sums collected by the City Clerk for animal licensing and all impounding charges collected shall be deposited to and become a part of the general fund of the city, unless otherwise provided for by a contract entered into pursuant to § 95.16 of this chapter.

(E) Notwithstanding anything to the contrary in this Code Section 95.15:

(1) In the event that the County Attorney files a criminal complaint in connection with a seized animal, the court in which such complaint was filed shall have exclusive jurisdiction for disposition of the animal and to determine any rights therein, including questions respecting the title, possession, control, and disposition thereof.

(2) In the event that an animal seized pursuant to Neb. Rev. Stat. Section 28-1006 or Neb Rev. Stat. Section 28-1012, disposition and the cost for the care of such animal shall be governed by Neb. Rev. Stat. Section 28-1012.01.

('79 Code, § 6-119) (Ord. 212, passed - -; Am. Ord. 348, passed 9-6-83; Am. Ord. 1160, passed 12-20-11)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 114.02, 114.23, 114.24, 114.30 AND 114.51; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 114.02 of the La Vista Municipal Code is amended to read as follows:

§ 114.02 CITY POWERS AND DUTIES.

(A) The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, bottle club, craft brewery, or microdistillery, and licensees carried on within the corporate limits of the city.

(B) The City Council shall further have the following power and duties in respect to licensees within the corporate limits of the city:

(1) To cancel or revoke for cause retail, craft brewery or microdistillery licenses to sell or dispense alcoholic liquor or bottle club licenses, issued to persons for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;

(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule or regulation adopted by the City Council has been or is being violated, and at that time examine the premises of the licensee in connection with such determination;

(3) To receive a signed complaint from any resident within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule or regulation relative to alcoholic liquor has been or is being violated, and to act upon such complaints in the manner provided in the Act; and

(4) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided for resident complaints, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted relating to alcoholic liquor; and to collect for the benefit of the State of Nebraska and the city all license fees and occupation taxes as prescribed by law.

(Neb. RS 53-134) ('79 Code, § 10-112) (Am. Ord. 1163, passed 1-17-12)

SECTION 2. Section 114.23 of the La Vista Municipal Code is amended to read as follows:

§ 114.23 LIQUOR APPLICATION; CITY EXAMINATION.

Any person or persons desiring to obtain a license to sell alcoholic liquors at retail, a bottle club license, a craft brewery license, or a microdistillery license shall file with the Liquor Control Commission. The Commission shall then notify by registered or certified mail the City Clerk. The City Council shall then meet and determine the desirability of the application and report in writing or in person to the Commission within 45 days. The City Council may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant; to hear testimony, and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the City Council may authorize its agent, or the City Attorney, to act on their behalf. The City Council may hold the said examination and hearing upon the receipt from the Commission of the notice and copy of the application. The City Council shall fix a time and place at which a hearing will be held, and at which time the City Council may receive competent evidence under oath, either orally or by affidavit, from the applicant or any other person concerning the propriety of the issuance of such license. Notice shall be published in a legal newspaper in or of general

circulation in the city one time not less than seven, nor more than 14 days before the time of the hearing. Such notice shall include, but not be limited to a statement that all persons desiring to give evidence before the local City Council in support of or protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than 45 days after the receipt of the Commission's letter of notice, and after such hearing, the City Council shall cause to be read at large in the minute record of their proceedings a resolution recommending either issuance or refusal of said applicant. The City Clerk shall thereupon mail to the Commission a copy of the resolution which shall state the cost of the published notice except that failure to hold a hearing and to examine the said applicant shall not render void any license issued by the Commission. In the event the Commission refuses to issue a license, the cost of the publication of notice as herein required shall be paid by the Commission.

('79 Code, § 10-105) (Am. Ord. 471, passed 10-18-88; Am. Ord. 493, passed 2-6-90; Am. Ord. 546, passed 6-16-92)

Statutory reference:

Application; hearings, Neb. RS 53-131 through 53-134

SECTION 3. Section 114.24 of the La Vista Municipal Code is amended to read as follows:

§ 114.24 LICENSING CONSIDERATION CRITERIA.

(A) The City Council shall only consider the following licensing standards and criteria at the examination hearing held pursuant to § 114.23 and in evaluation of any applicant for a retail alcoholic liquor license, bottle club license, craft brewery license, or microdistillery license for the upgrading or a license to sell alcoholic liquor or for the expansion or change in the location of the premises, and for the purpose of formulating a recommendation from the city to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act:

(1) The adequacy of existing law enforcement resources and services in the area;

(2) The recommendation of the Police Department or any other law enforcement agency;

(3) Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises; potential traffic and parking problems and the proximity and availability of on street and off street parking;

(4) Zoning restrictions and the City Council's zoning and land use policies;

(5) Sanitation or sanitary conditions on or about the proposed licensed premises;

(6) The existence of a citizen's protest and similar evidence in support of or in opposition to the application;

(7) The existing population and projected growth within the jurisdiction of the local governing body and within the area to be served;

(8) The existing liquor licenses, the class of each license and the distance between establishments that issued such licenses;

(9) Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located;

(10) Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in Neb. R.S. 53-101.01;

(11) Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with Neb. RS 53-102;

(12) Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area which is reasonably secured;

(13) Whether the applicant is fit, willing and able to properly provide the service proposed in conformance with all provisions and requirements of and rules and regulations adopted and promulgated pursuant to the Nebraska Liquor Control Act;

(14) Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of and rules and regulations adopted and promulgated pursuant to the Nebraska Liquor Control Act;

(15) The background information of the applicant established by information contained in the public records of the Commission and investigations conducted by law enforcement agencies;

(16) Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, any other governmental board or agency of the city, any other governmental unit or any court of law;

(17) Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the Nebraska Liquor Control Commission, the City Council or the employees of the Nebraska Liquor Control Commission in regard to the license application or liquor investigations. The applicant shall be required to cooperate in providing a full disclosure to the investigating agents of the City Council;

(18) Proximity of and impact on schools, hospitals, libraries, parks and public institutions;

(19) Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance; and

(20) Compliance with state laws, liquor rules and regulations and city ordinances and regulations and whether or not the applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor.

(B) It shall be the applicant's duty to produce evidence pertaining to the designated criteria prescribed in this subsection. The burden of proof and persuasion shall be on the party filing the application. When applicable for purposes of this section, "applicant" shall be synonymous with "licensee."

('79 Code, § 10-106) (Ord. 43, passed - -; Am. Ord. 412, passed 5-20-86; Am. Ord. 494, passed 2-6-90)

Statutory reference:

Similar provisions, see Neb. RS 53-132

SECTION 4. Section 114.30 of the La Vista Municipal Code is amended to read as follows:

§ 114.30 CATERING LICENSE.

(A) The holder of a Class C, Class D~~or~~, Class I or Class J license issued under Neb. RS 53-124 or a craft brewery license, or a manufacturer's license issued under Neb. RS 53-123.01 may obtain an annual catering license as prescribed in this section. Any such licensee desiring to obtain a catering license shall file an application with the Nebraska Liquor Control Commission.

(Neb. RS 53-124.12(1))

(B) Upon receipt from the Commission of the notice and copy of the application as provided in Neb. RS 53-124.12, the City Council shall process the application in the same manner as provided in § 114.23.

(C) The City Council with respect to catering licensees within its corporate limits may cancel a catering license for cause for the remainder of the period for which that license is issued. Any person whose catering license is canceled may appeal to the District Court.

(Neb. RS 53-124.12(4)) ('79 Code, § 10-134) (Am. Ord. 545, passed 6-16-92; Am. Ord.

638, passed 12-19-95; Am. Ord. 708, passed 11-18-97; Am. Ord. 1035, passed 5-1-07)

SECTION 5. Section 114.51 of the La Vista Municipal Code is amended to read as follows:

§ 114.51 ACQUISITION AND POSSESSION.

It shall be unlawful for any person to purchase, receive, acquire, accept or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act; provided, nothing in this section shall prevent:

(A) The possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, as long as: (i) the quantity of alcoholic liquor transported, imported, brought or shipped into the state by such possessor, other than from a holder of retail direct sales shipping license or its equivalent, does not exceed nine liters in any one calendar month;, and (ii) the quantity of alcoholic liquor imported, brought or shipped into the state by such possessor from a holder of a retail direct sales shipping license or its equivalent, does not exceed 109 liters in any one calendar year;

(B) The making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

(C) Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians;

(D) The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(E) Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

(F) Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

(G) Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or

(H) Persons who are 16 years old or older from completing a transaction for the sale of alcoholic liquor in the course of their employment if they are not handling or serving alcoholic liquor; or

(I) Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

(Neb. RS 53-168.06, 53-175, 53-194.03) ('79 Code, § 10-131) (Am. Ord. 405, passed 11-19-85; Am. Ord. passed 7-1-97) Penalty, see § 114.99

SECTION 6. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 7. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 8. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 117.15 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 117.15 of the La Vista Municipal Code is amended to read as follows:

§ 117.15 CITIZENS ADVISORY REVIEW COMMITTEE.

There is hereby created a Citizen Advisory Review Committee, which shall review the functioning and progress of the Economic Development Program and shall advise the Mayor and City Council with regard to the Program. The Committee shall consist of five registered voters of the city. Said members shall be appointed by the Mayor, subject to approval by the City Council. The members of the Committee shall serve for five-year terms. Any member of the Committee may be removed from office by the Mayor, with the approval of the City Council.

(A) At least one member of the Committee shall have expertise or experience in the field of business finance and accounting.

(B) The Program Administrator specified below shall have responsibility for the administration of the Economic Development Program and serve as an ex officio member of the Committee with responsibility for assisting the committee and providing it with necessary information and advice on the Economic Development Program.

(C) A representative from the Sarpy County Economic Development Corporation and any other person as from time to time designated by the Mayor with the approval of the City Council may also serve as an ex-officio member of the Citizen Advisory Review Committee and may also provide the committee with necessary information and advise the committee on the Economic Development Program.

(D) No member of the Citizen Advisory Review Committee shall be an elected or appointed city official, a member of any planning commission created under Neb. Rev. Stat. §19-925, an employee of the city, a member of the Application Review Committee or otherwise a participant in a decision-making position regarding expenditures of program funds, or an official or employee of any qualifying business receiving financial assistance under the Economic Development Program or of any financial institution participating directly in the Economic Development Program.

(E) The Citizen Advisory Review Committee shall elect a chairperson from its membership and shall create and fill such other offices as it may determine. The term of the chairperson shall be one year and such person shall be eligible for re-election.

(F) The Citizen Advisory Review Committee shall hold regular meetings once per quarter to review the functioning and progress of the Economic Development Program and shall advise the governing body of the city with regard to the program. Special meetings of the Citizen Advisory Review Committee shall be held whenever called by the Mayor or the chairperson for the Committee.

(G) At least once in every six-month period after the effective date of this chapter, the Committee shall report to the governing body on its findings and suggestions at a public hearing called for that purpose.

(Ord. 921, passed 12-2-03)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the

remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 130.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 130.02 of the La Vista Municipal Code is amended to read as follows:

§ 130.02 ABANDONED AUTOMOBILES.

(A) (1) It shall be unlawful to abandon any automobile on the city streets, highways, alleys, parks or other property.

(a) A motor vehicle is an **ABANDONED VEHICLE**:

1. If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;

1.2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

2.3. If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

3.4. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

4.5. If left for more than 30 days in the custody of a city law enforcement agency after the agency has sent a letter to the last-registered owner under Neb. RS 60-1093.04 1903.01; or

5.6. If removed from private property by the city pursuant to a city ordinance or this code.

(b) An all-terrain vehicle or minibike is an **ABANDONED VEHICLE**:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

2. If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

3. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

4. If left for more than 30 days in the custody of a city law enforcement agency after the agency has sent a letter to the last-registered owner under Neb. RS 60-1903.01; or

5. If removed from private property by the city pursuant to a city ordinance or this code.

(c) A mobile home is an **ABANDONED VEHICLE**: if applicable provisions of Neb. Rev. Stat. §60-1901 are satisfied.

(d) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an **ABANDONED VEHICLE** under this division (A). (Neb. RS 60-1901) (Am. Ord. 1122, passed 4-20-10)

(2) The title to any automobile so abandoned which at the time of such abandonment has no number plates of the current year affixed and is of a wholesale

value, taking into consideration the condition of such vehicle, of \$250 or less, shall immediately vest in the city. In the event the automobile is licensed for the current year or is of a wholesale value of over \$250, the city police shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lienholder or mortgagee is known and does not claim the automobile within five days after the date when the notice was mailed or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the city and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the city in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund. (Neb. RS 60-1902 and 60-1903)

(3) For purposes of this section:

(a) **MOBILE HOME** shall have the meaning specified in Neb. Rev. Stat. §60-1901;

(b) **PUBLIC PROPERTY** shall mean any public right-of-way, street, highway, alley, park or other state, county or city-owned property; and

(c) **PRIVATE PROPERTY** shall mean any privately-owned property which is not included within the definition of public property.

(Neb. RS 60-1901)

(d) **TRESPASSING VEHICLE** shall mean a vehicle that is parked without permission on private property that is not typically made available for public parking.

(3)(4) Any person who ~~abandons an automobile~~ causes an abandoned vehicle as hereinbefore defined shall be deemed to be guilty of an offense. ('79 Code, § 6-330)

(B) The City Police Department shall be charged with the responsibility of enforcing the provisions of this section and Neb. RS Chapter 60 Article 19 pertaining to abandoned motor vehicles, ~~as same are herein defined in division (A) of this section,~~ within the corporate limits of the city. ('79 Code, § 6-331)

(C) The Police Department shall retain for a period of at least five years a record of all pertinent data for each abandoned vehicle disposed of and shall make such reports to the Director of Motor Vehicles as shall be required by law. ('79 Code, § 6-332)

(D) For the purposes of this section and Neb. RS 60-1902, should the Police Department determine that an abandoned motor vehicle has a wholesale value of \$250 or less, such determination shall be supported by such of the following as shall be appropriate:

(1) If the "Blue Book" wholesale value of automobiles of the same make, model, year, equipment and general condition as said automobile is less than \$250, a statement as to said "Blue Book" value at date of pickup of the abandoned automobile shall be entered in the file pertaining to same.

(2) If the "Blue Book" wholesale value is more than \$250 and the Police Department shall determine that the wholesale value is less than \$250, such determination shall be further supported by:

(a) A statement as to the "Blue Book" wholesale value at date of pickup;

(b) Photograph or photographs showing the condition of the vehicle at date of pickup;

(c) Appraisal by a licensed automobile dealer stating the value of said automobile to be \$250 or less. ('79 Code, § 6-333) (Ord. 172, passed - -) Penalty, see § 10.99

(E) (1) The City Police Department pursuant to Neb. Rev. Stat. §60-1903.02 is authorized to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. After removal, the law enforcement agency with custody of the vehicle shall follow the applicable procedures of Neb. Rev. Stat. §§ 60-1902 and 60-1903.

(2) The City Police Department pursuant to Neb. Rev. Stat. §60-1903.02 is authorized to contact a private towing service in order to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. A vehicle towed away under this subsection is subject to applicable provisions of Neb. Rev. Stat. §§ 52-601.01 through 52-605 and 60-2410 by the private towing service which towed the vehicle.

(3) A private property owner in the City is authorized to remove or cause the removal of an abandoned or trespassing vehicle from such property and may contact a private towing service for such removal. A private towing service that tows the vehicle shall notify, within twenty-four hours, the City Police Department pursuant to Neb. Rev. Stat. §60-1903.02 and provide the registration plate number, the vehicle identification number, if available, the make, model, and color of the vehicle, and the name of the private towing service and the location, if applicable, where the private towing service is storing the vehicle. A vehicle towed away under this subsection is subject to Neb. Rev. Stat. §§ 52-601.01 through 52-605 and 60-2410 by the private towing service that towed the vehicle.

Statutory reference:

Additional regulations, see Neb. RS 60-1901 through 60-1911

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 133.01; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 133.01 is hereby amended to read as follows:

§ 133.01 STAGNANT WATERS, WEEDS, AND LITTER.

(A) Lots or pieces of ground within the city or within the city's extraterritorial zoning jurisdiction shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the city or within the city's extraterritorial zoning jurisdiction shall keep the lot or piece of ground and the adjoining streets and alleys free of any excessive growth of weeds, grasses, or worthless vegetation. "Excessive growth" for purposes of this Section 133.01 shall include without limitation, 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the city or within the city's extraterritorial zoning jurisdiction is prohibited, except that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(D) It is hereby declared to be a nuisance to permit or maintain any excessive growth of weeds, grasses, or worthless vegetation on any lot or piece of ground within the city or within the city's extraterritorial zoning jurisdiction or on the adjoining streets or alleys or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense as provided by Nebraska Statutes.

(F) (1) The city shall, during the month of April of each year, publish or cause to be published in one or more newspapers of general circulation within the city a general notice setting forth the requirements of this section.

(2) In addition to the above general notice, upon determination by the Chief building official, Code enforcement officer, or other proper City representative that the owner or occupant has failed to keep such real estate free of nuisances, notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service, first class mail or certified mail. Such notice shall include the information and shall be given in the manner required by Code Section 92.17. If notice is given by first-class mail, such notice-mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the city clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by the City Administrator or any other appointed officer of the City from time to time designated by the City Administrator, Mayor or City Council. Notice of the hearing will be provided in the manner described in Section 92.17. The hearing officer, based on all information presented at the hearing, shall render a decision of the appeal within five business days after the conclusion of the hearing. If the appeal fails, the city may have such work done. Within five days after receipt of such notice, If the owner or occupant of the lot or piece of ground within five days after receipt of such notice does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance within the required time, the city may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the city may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefitted ~~in the same manner as other a~~ special ~~taxes assessment for improvements are levied and assessed~~; or

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

Unless otherwise specified by applicable law, notice for purposes of this section shall be deemed to be received upon deposit in the United States mail, postage prepaid, if by first-class mail, or upon actual receipt, if by personal service or certified mail.

(3) Notwithstanding any other provision of the Code to the contrary, At all times thereafter until new growth of the following year, the city shall have the right, without providing further notice to such owner, agent, occupant, tenant or person in possession, charge or control of such lot or ground, to continue cutting and/or removing from such lot or ground all litter or excessive growth of weeds or grass or worthless vegetation.

(G) For purposes of this section:

(1) LITTER includes, but is not limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation;

(d) Offal and dead animals; and

(e) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(2) WEEDS includes, but is not limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (tourn), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

(3) Weeds, grasses, and worthless vegetation does not include vegetation applied or grown on a lot or piece of ground outside the corporate limits of the city but inside the city's extraterritorial zoning jurisdiction expressly for the purpose of weed or erosion control, as determined to the satisfaction of the city engineer. ('79 Code, § 6-328) (Ord. 147, passed - -; Am. Ord. 450, passed 9-15-87; Am. Ord. 547, passed 6-16-92; Am. Ord. 938, passed 8-17-04; Am Ord. 1256, passed 7-7-15) Penalty, see § 10.99

Statutory reference:

Municipal authority; notice and hearing requirements, see Neb. RS 16-230

Additional authority to regulate nuisances, see Neb. RS 18-1720

SECTION 2. Repeal of Conflicting Ordinances. Section 31.21as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be in force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 2, 2019 AGENDA

Subject:	Type:	Submitted By:
CHANGE ORDER NO 12 84 TH STREET REDEVELOPMENT AREA PUBLIC IMPROVEMENT REDEV. PROJECT OFFSTREET PKG. DIST. NO. 2- STRUCTURE No. 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

SYNOPSIS

A resolution has been prepared to approve Change Order No. 12 to the contract with Hawkins Construction Co., Omaha, Nebraska to include additional pavement. There is no change in the completion date. This change order will result in an increase in the contract price of \$2,358.00.

FISCAL IMPACT

The FY19/20 Biennial Budget includes funding for this project.

RECOMMENDATION

Approval

BACKGROUND

The initial contract for the parking structure project was awarded to Hawkins Construction Co. in the amount of \$3,863,000.00 on November 21, 2017. Previous Change Orders through No. 11 increased the contract price to \$4,131,293.91. Change Order No.12 increases the contract amount by \$2,358.00 to \$4,133,651.91.

To facilitate easier construction coordination, this change order will add drive approach pavement at the entrance to the parking structure from the City Centre Drive cul-de-sac into the Hawkins contract. This same drive approach will then be deleted from the Graham Construction contract.

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING CHANGE ORDER NUMBER 12 TO THE CONTRACT WITH HAWKINS CONSTRUCTION CO., OMAHA, NEBRASKA, TO INCLUDE ADDITIONAL PAVEMENT WHICH WILL RESULT IN AN INCREASE IN THE CONTRACT PRICE OF \$2,358.00.

WHEREAS, the City has determined it is necessary to make changes and additions to the contract; and

WHEREAS, the FY19/20 Biennial Budget provides funding for the project; and

WHEREAS, change order number 12 will increase the contract amount by \$2,358.00 to a total of \$4,133,651.91;

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 12 to the contract with Hawkins Construction Co., Omaha, Nebraska, to include additional pavement which will result in an increase in the contract price of \$2,358.00.

PASSED AND APPROVED THIS 2ND DAY OF JULY, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk


AIA® Document G701™ – 2017

Change Order

PROJECT: (Name and address)
10-17105-00 La Vista City Centre
Parking Facilities

CONTRACT INFORMATION:
Contract For: General Construction
Date: January 2, 2018

CHANGE ORDER INFORMATION:
Change Order Number: 012
Date: June 13, 2019

OWNER: (Name and address)
City of La Vista
8116 Park View Blvd
La Vista, NE 68128

ARCHITECT: (Name and address)
DLR Group inc. (a Nebraska corporation)
6457 Frances Street, Suite 200
Omaha, NE 68106

CONTRACTOR: (Name and address)
Hawkins Construction Co.
2516 Deer Park Blvd
Omaha, NE 68105

THE CONTRACT IS CHANGED AS FOLLOWS:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

1. Owner requested added paving. \$2122.00

10% O & P On Hawkins work	\$212.00
Subtotal	\$2334.00
1.01% Bond	\$24.00
Total	\$2358.00

The original Contract Sum was	\$ 3,863,000.00
The net change by previously authorized Change Orders	\$ 268,293.91
The Contract Sum prior to this Change Order was	\$ 4,131,293.91
The Contract Sum will be increased by this Change Order in the amount of	\$ 2,358.00
The new Contract Sum including this Change Order will be	\$ 4,133,651.91

The Contract Time will be increased by Zero (0) days.
The new date of Substantial Completion will be

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE

ARCHITECT, CONTRACTOR AND OWNER.

DLR Group inc. (a Nebraska corporation)
ARCHITECT (Firm name)

Hawkins Construction Co.
CONTRACTOR (Firm name)

City of La Vista
OWNER (Firm name)

KPW
SIGNATURE

Matthew Gulsvig, Project Manager
PRINTED NAME AND TITLE

SIGNATURE

Josh Bridges, Construction Manager
PRINTED NAME AND TITLE

SIGNATURE

Douglas Kindig, Mayor
PRINTED NAME AND TITLE

June 13, 2019

DATE

DATE

DATE

RESOLUTION NO.

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 C LIQUOR LICENSE FOR SOUTHPORT LODGING, LLC DBA HAMPTON INN IN LA VISTA, NEBRASKA.

WHEREAS, Southport Lodging, LLC dba Hampton Inn, 12331 Southport Pkwy., La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C 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 C Liquor License submitted by Southport Lodging, LLC dba Hampton Inn, 12331 Southport Pkwy., La Vista, Sarpy County, Nebraska.

PASSED AND APPROVED THIS 2ND DAY OF JULY, 2019.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



**LA VISTA POLICE DEPARTMENT
INTER-DEPARTMENT MEMO**

TO: Pam Buethe, City Clerk

FROM: Chief Robert S. Lausten

DATE: June 21, 2019

RE: LOCAL BACKGROUND- LIQUOR LICENSE- MANAGER
SOUTHPORT LODGING (HAMPTON INN)

CC:

The police department conducted a check of computerized records for criminal conduct regarding the applicant for the Liquor License and Manager application. The applicant, Michael A Works, has no criminal record in Douglas or Sarpy County.

As with all Nebraska Retail Liquor Licenses, I am asking that the applicant strictly conform to Nebraska Liquor Control Commission rules and regulations under (Sec 53-131.01) Nebraska Liquor Control Act.

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov/

RECEIVED

MAY 30 2019

**NEBRASKA LIQUOR
CONTROL COMMISSION**

RETAIL LICENSE(S)

Application Fee \$400 (nonrefundable)

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- J LIMITED ALCOHOLIC LIQUOR, OFF SALE – MUST INCLUDE SUPPLEMENTAL FORM 120
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY

Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

Class C license term runs from November 1 – October 31

All other licenses run from May 1 – April 30

Catering license (K) expires same as underlying retail license

TYPE OF CORPORATION/LICENSING ENTITY (check one)

- Individual License (requires insert 1 FORM 104)
- Partnership License (requires insert 2 FORM 105)
- Corporate License (requires insert 3a FORM 101 & 3c FORM 103)
- Limited Liability Company (LLC) (requires form 3b FORM 102 & 3c FORM 103)

Name _____ Phone number: _____

Firm Name _____

Trade Name (doing business as) Hampton Inn

Street Address #1 12331 Southport Pkwy

Street Address #2 _____

City La Vista

County Sarpy

Zip Code 68128

Premises Telephone number (402) 895-2900

Business e-mail address gk@nightcapmanagement.com

Is this location inside the city/village corporate limits:

YES

NO

Mailing address (where you want to receive mail from the Commission)

Name Nightcap Hospitality

Street Address #1 1000 O St #102

Street Address #2 _____

City Lincoln

State NE

Zip Code 68502

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, outdoor area, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

**For on premises consumption liquor licenses minimum standards must be met by providing at least two restrooms

Building: length 48 x width 313 in feet

Is there a basement? Yes No x

If yes, length x width in feet

Is there an outdoor area? Yes x No

If yes, length x width in feet

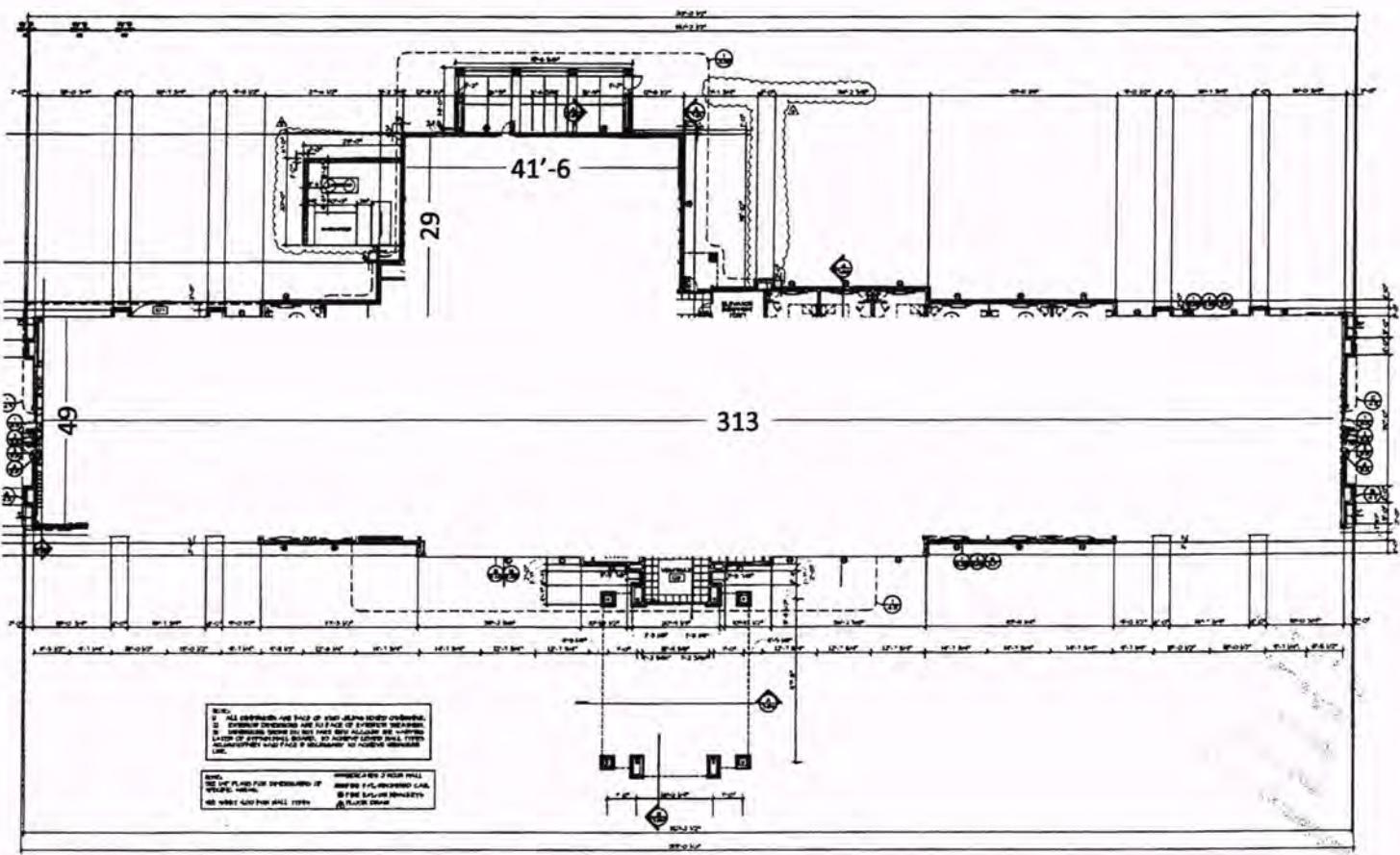
-4 Floors -

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

SOUTHPORT LODGING, LLC

1000 O St #102
Lincoln, NE 68508
(402) 416-3522 * (402) 328-2824

The Hampton Inn is a four story building with a pool, fitness, breakfast area, and small outdoor patio. The patio is around back of the property and completely fenced in. The property also has a porte cochere out front. The diagram is shown below.



The property has identical dimensions on each floor. The property has 120 rooms.

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page

C-Attached

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number 077310

- a) Submit a copy of the sales agreement
- b) Include a list of alcohol being purchased, list the name brand, container size and how many
- c) Submit a list of the furniture, fixtures and equipment

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number 077310

4. Are you filing a temporary operating permit (TOP) to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (TOP) (Form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

#1

IN RE: SOUTHPORT LODGING, LLC APPLICATION FOR LIQUOR LICENSE

ATTACHMENT TO MANAGER APPLICATION RESPONSE TO QUESTION #1:

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

Name of Applicant	Date of Conviction	Where Convicted	Description of Charge	Disposition
Michael A. Works	9/12/1997	Seward County, NE	Speeding	Guilty plea by waiver
	10/30/1998	Sarpy County, NE	No Registration in Vehicle	Guilty plea by waiver
	9/4/2001	Gage County, NE	Travel on closed road	Guilty plea by waiver
	5/15/2001	Lincoln, NE	Speeding	Guilty plea by waiver
	9/17/2003	Lincoln, NE	Speeding	Guilty plea by waiver
	8/9/2006	Lincoln, NE	Speeding	Guilty plea by waiver
	5/15/2007	Lincoln, NE	No Operator's License	Guilty plea by waiver
	6/4/2008	Lincoln, NE	Follow to Close	Guilty plea by waiver
	9/18/2008	Lincoln, NE	Speeding	Guilty plea by waiver
	10/9/15	Douglas County, NE	Speeding	Guilty plea by waiver
Kelly S. Works				
	8/24/2000	Lancaster County, NE	Speeding	Guilty plea by waiver
	6/20/2003	Lincoln, NE	Speeding	Guilty plea by waiver

IN RE: YAGER HOSPITALITY, LLC APPLICATION FOR LIQUOR LICENSE

FORM 103- Question 2

#2

Applicant is a former member of DMK Investments, LLC d/b/a Holiday Inn Downtown Omaha; LNK Lodging, LLC d/b/a Holiday Inn Express & Suites Lincoln Airport; and Tamarin Lodging, LLC d/b/a Holiday Inn Lincoln Southwest all licensed establishments. He sold his interest in said companies in 2012.

License No.	Licensee Name
	Alliance Lodging, LLC- Holiday Inn Express Alliance, NE
	Holiday Park Hotel, Chanute, Kansas
	Chadron Hospitality, LLC- Holiday Inn Express Chadron, NE
#82018	LNK Lodging, LLC d/b/a Holiday Inn Express & Suites Lincoln Airport
	Yager Hospitality, LLC- Fairfield Inn & Suites Fremont, NE
#87982	Tamarin Lodging, LLC d/b/a Holiday Inn Lincoln Southwest (formerly Aura, Inc. d/b/a Aura Restaurant & Bar)
#99259	DMK Union General Partnership d/b/a Holiday Inn Downtown Omaha (DMK Investments & Kirt Partners)
#118813	Royal Motels, Inc. d/b/a Holiday Inn Express – West Dodge 8736 West Dodge Rd. Omaha, NE 68114
#116266	SDL, LLC d/b/a Hampton Inn and Suites 1055 W Bond St. Lincoln, NE 68521

5. Are you borrowing any money from any source, include family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) Pinnacle Bank

6. Will any person or entity, other than applicant, be entitled to a share of the profits of this business?

YES NO
If yes, explain. (all involved persons must be disclosed on application)

No silent partners

7. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

YES NO

If yes, list such item(s) and the owner. _____

8. Is premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, and children, or within 300 feet of a college or university campus?

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)(1)

Provide letter of support or opposition, see FORM 134 – church or FORM 135 - campus

9. Is anyone listed on this application a law enforcement officer?

YES NO

If yes, list the person, the law enforcement agency involved and the person's exact duties.

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business.

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

Pinnacle Bank/ Mike Works, Justin Hernandez, Rob Luellen, Scott Brown

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

See Attached

11

IN RE: YAGER HOSPITALITY, LLC APPLICATION FOR LIQUOR LICENSE

FORM 100 – RESPONSE TO QUESTION 11

Applicant is a former member of DMK Investments, LLC d/b/a Holiday Inn Downtown Omaha; LNK Lodging, LLC d/b/a Holiday Inn Express & Suites Lincoln Airport; and Tamarin Lodging, LLC d/b/a Holiday Inn Lincoln Southwest all licensed establishments. He sold his interest in said companies in 2012.

License No.	Licensee Name
	Alliance Lodging, LLC- Holiday Inn Express Alliance, NE
	Holiday Park Hotel, Chanute, Kansas
	Chadron Hospitality, LLC- Holiday Inn Express Chadron, NE
#82018	LNK Lodging, LLC d/b/a Holiday Inn Express & Suites Lincoln Airport
	Yager Hospitality, LLC- Fairfield Inn & Suites Fremont, NE
#87982	Tamarin Lodging, LLC d/b/a Holiday Inn Lincoln Southwest (formerly Aura, Inc. d/b/a Aura Restaurant & Bar)
#99259	DMK Union General Partnership d/b/a Holiday Inn Downtown Omaha (DMK Investments & Kirt Partners)
#118813	Royal Motels, Inc. d/b/a Holiday Inn Express – West Dodge 8736 West Dodge Rd. Omaha, NE 68114
#116266	SDL, LLC d/b/a Hampton Inn and Suites 1055 W Bond St. Lincoln, NE 68521

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. Those persons required are listed as followed:

- Individual: Applicant and spouse; spouse is exempt if they filed Form 116 – Affidavit of Non-Participation.
- Partnership: All partners and spouses, spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Limited Liability Company: All member of LLC, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.
- Corporation: President, Stockholders holding 25% or more of shares, Manager and all spouses; spouses are exempt if they filed Form 116 – Affidavit of Non-Participation.

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Mike Works	5/31/16	Responsible Beverage Service Training

List of NLCC certified training programs

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Mike Works/Manager		Yager Hospitality, LLC/Chadron Hospitality, LLC
		Royal Motels Inc./ Alliance Lodging, LLC

13. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. **Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.**

Lease: expiration date _____
 Deed

Purchase Agreement

14. When do you intend to open for business? Hotel is already Open

15. What will be the main nature of business? Hotel

16. What are the anticipated hours of operation? 24/7

17. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses.

RESIDENCE(S) FOR ALL PERSONS REQUIRED TO SIGN					
APPLICANT: CITY & STATE	YEAR FROM TO		SPOUSE: CITY & STATE	YEAR FROM TO	
Mike Works: Lincoln, NE	1995	Present	Kelly Works: Lincoln, NE	1995	Present

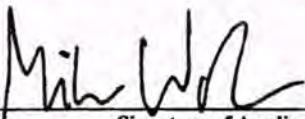
If necessary attach a separate sheet.

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules, regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.

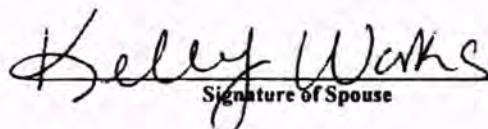
Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guideline for required signatures



Signature of Applicant

Mike Works

Print Name



Signature of Spouse

Kelly Works

Print Name

Signature of Applicant

Signature of Spouse

Print Name

Print Name

ACKNOWLEDGEMENT

State of Nebraska

County of

LANCASTER

May 29, 2019

date

by

The foregoing instrument was acknowledged before me this

Mike Works and Kelly Works

name of person(s) acknowledged (individual(s) signing)

Notary Public signature



In compliance with the ADA, this application is available in other formats for persons with disabilities.
A ten day advance period is required in writing to produce the alternate format.

**SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

RECEIVED

MAY 30 2019

**NEBRASKA LIQUOR
CONTROL COMMISSION**

I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. The penalty guideline for violation of this affidavit is cancellation of the liquor license.

I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If, it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke the liquor license.

Kelly Works
Signature of **NON-PARTICIPATING SPOUSE**

Kelly Works

Print Name

State of Nebraska, County of Lancaster

The foregoing instrument was acknowledged before me

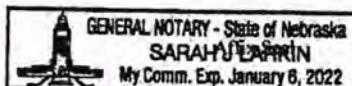
this May 29, 2019 (date)

by Mike Works

Name of person acknowledged
(Individual signing document)

3mudJLm

Notary Public Signature



Mike Works
Signature of **APPLICANT**

Mike Works

Print Name

State of Nebraska, County of Lancaster

The foregoing instrument was acknowledged before me

this May 29, 2019 (date)

by Kelly Works

Name of person acknowledged
(Individual signing document)

3mudJLm

Notary Public Signature



In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.llc.nebraska.gov

Office Use

RECEIVED

MAY 30 2019

**NEBRASKA LIQUOR
CONTROL COMMISSION**

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Mike Works

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Southport Lodging, LLC

LLC Address: 6007 Norman Rd

City: Lincoln State: NE Zip Code: 68512

LLC Phone Number: 402-416-3522 LLC Fax Number: _____

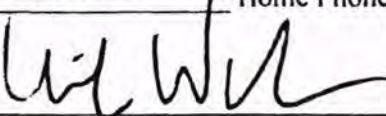
Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Works First Name: Mike MI: A

Home Address: 6007 Norman Rd City: Lincoln

State: NE Zip Code: 68512 Home Phone Number: _____



Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of Lancaster The foregoing instrument was acknowledged before me this

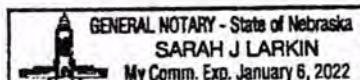
May 29, 2019

by

Mike Works
name of person acknowledge

Date

Affix Seal



Last names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Works First Name: Mike MI: A

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): Kelly Works

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership ██████████

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Daniel R Freeman First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 2.38%

Last Name: Golden Thread Investments, LLC First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 3.57%

Last Name: Quantum Lodging, LLC First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 24.4%

Last Name: Wayne D. Luebbe First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 2.38%

No SS#, No signatures, No DOB

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Nightcap La Vista, LLC First Name: management

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 6.25%

(2)

Last Name: Mitajen, LLC First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 5.95%

(3)

Last Name: EMME, LLC First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 5.95%

(4)

Last Name: John Perlebach & George Perlebach First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 7.14%

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Donna Wyse Revocable Trust First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 5.95%

Last Name: SML Properties HI, LLC First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____ 5

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 3.57%

Last Name: KBG6 Family Limited Partnership First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 4.76%

Last Name: Michelle Altillio Revocable Trust First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 5.95%

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: **Mark Stokes** First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership **3.57%**

Last Name: **Shane Behlorad** First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership **3.57%**

Last Name: **Brad Knuth** First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership **5.95%**

Last Name: **Tom White** First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership **2.38%**

Is the applying Limited Liability Company controlled by another corporation/company?

YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January 1 Ending Date: December 31

Is this a Non Profit Corporation?

YES NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

Is the applying Limited Liability Company controlled by another corporation/company?

YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

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Starting Date: **January 1** Ending Date: **December 31**

Is this a Non Profit Corporation?

YES NO

If yes, provide the Federal ID #. _____

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A ten day advance period is requested in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of State's office)

Name of Registered Agent: Scott Brown

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Quantum Lodging, LLC

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: _____ First Name: _____ MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

by _____

name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Brown First Name: Scott MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 50%

Last Name: Luellen First Name: Rob MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January 1

Ending Date: December 31

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Tim Burd

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Mitajen, LLC

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Burd First Name: Tim MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

by _____

Date _____

name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Burd First Name: Tim MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): Michelle Burd

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January 1 Ending Date: December 31

Is this a Non-Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: John McClellan

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

EMME, LLC

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: McClellan First Name: John MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

by

name of person acknowledge

Date

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: McClellan First Name: John MI:

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: **January 1** Ending Date: **December 31**

Is this a Non Profit Corporation?

YES NO

If yes, provide the Federal ID #. _____

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**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Kyle Ringenberg

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

SML Properties HI, LLC

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Ringenberg First Name: Kyle MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

by _____

name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Ringenberg First Name: Kyle MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 33.33%

Last Name: Eickman First Name: Matt MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 33.33%

Last Name: Freeman First Name: Dave MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 33.33%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: **January 1**

Ending Date: **December 31**

Is this a Non Profit Corporation?

YES

NO

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LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Greg Baldwin

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Golden Thread Investments, LLC

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Baldwin First Name: Greg MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____

The foregoing instrument was acknowledged before me this

by _____

name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Baldwin First Name: Greg MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January 1 Ending Date: December 31

Is this a Non Profit Corporation?

YES NO

If yes, provide the Federal ID #. _____

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**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: **Donna Wyse**

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Donna Wyse Revocable Trust Dated July 17, 2008

LLC Address: **1925 N 120th St, Omaha NE 68154**

City: **Omaha** State: **NE** Zip Code: **68514**

LLC Phone Number: **402-934-4029** LLC Fax Number

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: **Wyse** First Name: **Donna** MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

by _____

name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Wyse First Name: Donna MI:

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: **January 1**

Ending Date: **December 31**

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

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LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
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- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Andrew Willis, Cline Williams

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

NG HSP La Vista, LLC

LLC Address: 233 S 13th, Ste 1900

City: Lincoln State: NE Zip Code: 68508

LLC Phone Number: 402-460-1307 LLC Fax Number NA

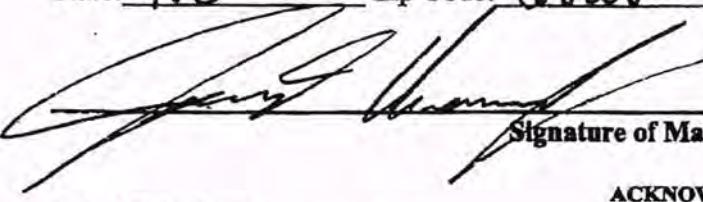
Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Hernandez First Name: Justin MI: S

Home Address: 320 N 8th, Apt. 400 City: Lincoln

State: NE Zip Code: 68508 Home Phone Number: _____


Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of Lancaster The foregoing instrument was acknowledged before me this

Date May 29, 2019 by Justin Hernandez

SARAH J. LARKIN
name of person acknowledge

Affix Seal



List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Hernandez First Name: Justin MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): Catherine Britt Hernandez
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____
Social Security Number: _____ Date of Birth: _____
Spouse Full Name (indicate N/A if single): _____
Spouse Social Security Number: _____ Date of Birth: _____
Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES

NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: January 1

Ending Date: December 31

Is this a Non Profit Corporation?

YES

NO

If yes, provide the Federal ID #. _____

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**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

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- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Jerry Altilio

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Michelle Altilio Revocable Trust Dated September 15, 2008

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Altilio First Name: Jerry MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

Date _____ by _____ name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Altilio First Name: Jerry MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): Michelle Altilio

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

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Starting Date: **January 1** Ending Date: **December 31**

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YES NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

All members including spouse(s), are required to adhere to the following requirements:

- 1) All members spouse(s) must be listed
- 2) Managing/Contact member and all members holding over 25% interest and their spouse(s) (if applicable) must submit fingerprints. See Form 147 for further information, this form MUST be included with your application.
- 3) Managing/Contact member and all members holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Organization (must show electronic stamp or barcode receipt by Secretary of States office)

Name of Registered Agent: Kip Gordman

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

KBG6 Family Limited Partnership

LLC Address: 1925 N 120th St, Omaha NE 68154

City: Omaha State: NE Zip Code: 68514

LLC Phone Number: 402-934-4029 LLC Fax Number: _____

Name of Managing/Contact Member

Name and information of contact member must be listed on following page

Last Name: Gordman First Name: Kip MI: _____

Home Address: _____ City: _____

State: _____ Zip Code: _____ Home Phone Number: _____

Signature of Managing/Contact Member

ACKNOWLEDGEMENT

State of Nebraska
County of _____ The foregoing instrument was acknowledged before me this

by

name of person acknowledge

Affix Seal

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: Gordman First Name: Kip MI:

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership 100%

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Percentage of member ownership _____

Is the applying Limited Liability Company controlled by another corporation/company?

YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation **MUST** be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: **January 1** Ending Date: **December 31**

Is this a Non Profit Corporation?

YES NO

If yes, provide the Federal ID #. _____

In compliance with the ADA, this corporation insert form 3a is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

**MANAGER APPLICATION
INSERT - FORM 3c**

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

RECEIVED

MAY 30 2019

NEBRASKA LIQUOR
CONTROL COMMISSION

MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Liquor Control Information

Name of Corporation/LLC: Southport Lodging, LLC

Location Information

Liquor License Number: _____ Class Type _____ (if new application leave blank)

Premise Trade Name/DBA: Hampton Inn & Suites

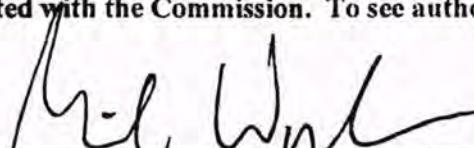
Premise Street Address: 12331 Southport Pkwy

City: La Vista County: Sarpy Zip Code: 68128

Premise Phone Number: (402) 895-2900

Premise Email address: gk@nightcapmanagement.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).



SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER

(Faxed signatures are acceptable)

Last Name: Works First Name: Mike MI: A
Home Address: 6007 Norman Rd
City: Lincoln County: Lancaster Zip Code: 68512
Home Phone Number: _____
Driver's License Number & State: _____
Social Security Number: _____
Date Of Birth: _____ Place Of Birth: _____
Email address: mike@nightcaphospitality.com

YES NO

Spouses Last Name: Works First Name: Kelly MI: S
Social Security Number: _____
Driver's License Number & State: _____
Date Of Birth: _____ Place Of Birth: _____

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
<u>Lincoln, NE</u>	<u>2001</u>	<u>Present</u>	<u>Lincoln, NE</u>	<u>2001</u>	<u>Present</u>

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
1998	1999	Carpenter Enterprises	N/A	402-416-3522
1999	2018	Royal Motels, Inc	N/A	402-416-1645

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
See Attached				

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

#1

IN RE: SOUTHPORT LODGING, LLC APPLICATION FOR LIQUOR LICENSE

ATTACHMENT TO MANAGER APPLICATION RESPONSE TO QUESTION #1:

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Include traffic violations. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

Name of Applicant	Date of Conviction	Where Convicted	Description of Charge	Disposition
Michael A. Works	9/12/1997	Seward County, NE	Speeding	Guilty plea by waiver
	10/30/1998	Sarpy County, NE	No Registration in Vehicle	Guilty plea by waiver
	9/4/2001	Gage County, NE	Travel on closed road	Guilty plea by waiver
	5/15/2001	Lincoln, NE	Speeding	Guilty plea by waiver
	9/17/2003	Lincoln, NE	Speeding	Guilty plea by waiver
	8/9/2006	Lincoln, NE	Speeding	Guilty plea by waiver
	5/15/2007	Lincoln, NE	No Operator's License	Guilty plea by waiver
	6/4/2008	Lincoln, NE	Follow to Close	Guilty plea by waiver
	9/18/2008	Lincoln, NE	Speeding	Guilty plea by waiver
	10/9/15	Douglas County, NE	Speeding	Guilty plea by waiver
Kelly S. Works	8/24/2000	Lancaster County, NE	Speeding	Guilty plea by waiver
	6/20/2003	Lincoln, NE	Speeding	Guilty plea by waiver

#22

IN RE: YAGER HOSPITALITY, LLC APPLICATION FOR LIQUOR LICENSE

FORM 103- Question 2

Applicant is a former member of DMK Investments, LLC d/b/a Holiday Inn Downtown Omaha; LNK Lodging, LLC d/b/a Holiday Inn Express & Suites Lincoln Airport; and Tamarin Lodging, LLC d/b/a Holiday Inn Lincoln Southwest all licensed establishments. He sold his interest in said companies in 2012.

License No.	Licensee Name
	Alliance Lodging, LLC- Holiday Inn Express Alliance, NE
	Holiday Park Hotel, Chanute, Kansas
	Chadron Hospitality, LLC- Holiday Inn Express Chadron, NE
#82018	LNK Lodging, LLC d/b/a Holiday Inn Express & Suites Lincoln Airport
	Yager Hospitality, LLC- Fairfield Inn & Suites Fremont, NE
#87982	Tamarin Lodging, LLC d/b/a Holiday Inn Lincoln Southwest (formerly Aura, Inc. d/b/a Aura Restaurant & Bar)
#99259	DMK Union General Partnership d/b/a Holiday Inn Downtown Omaha (DMK Investments & Kirt Partners)
#118813	Royal Motels, Inc. d/b/a Holiday Inn Express – West Dodge 8736 West Dodge Rd. Omaha, NE 68114
#116266	SDL, LLC d/b/a Hampton Inn and Suites 1055 W Bond St. Lincoln, NE 68521

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: 5/31/16 Name on Certificate: Mike Works

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Mike Works	5/31/16	Responsible Beverage Service Training

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Mike Works/Manager		Manages/ Develops Hotels across Nebraska
		See attached answer to question 2 showing other Liquor Licenses.

5. Have you enclosed form 147 regarding fingerprints?

YES NO

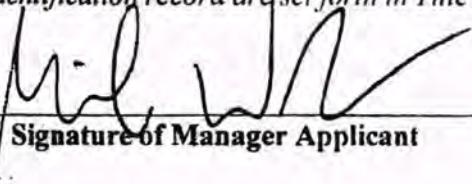
PERSONAL OATH AND CONSENT OF INVESTIGATION

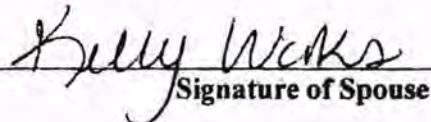
The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has NO interest directly or indirectly, a spousal affidavit of non-participation may be attached.

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.


Signature of Manager Applicant


Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of LANCASTER

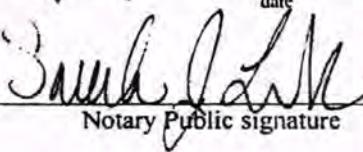
The foregoing instrument was acknowledged before me this

+

May 29, 2019

date

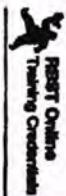
Mike Works & Kelly Works
NAME OF PERSON BEING ACKNOWLEDGED


Notary Public signature

Affix Seal



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.



MIKE ANTHONY WORKS

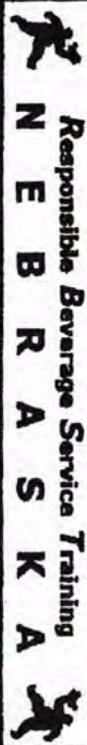
has earned a

Certificate of Achievement

- for those who serve or sell alcohol in Nebraska

RB-006477

Expires: 06-31-2019 Amount Paid: \$

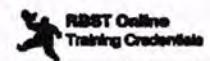


N E B R A S K A



General	Credential	Number	Earned	Expires
Mike Anthony Works 6007 norman rd Lincoln NE 68512	RBST GENERAL	RB-0004777	06-31-2016	06-31-2019
fbst	Nebraska	Wallet	Card	





General	Credential	Number	Earned	Expires
Mike Anthony Works 6007 norman rd Lincoln NE 68512	RBST GENERAL	RB-0004777	06-31-2016	06-31-2016
fbst	Nebraska	Wallet	Card	

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 2, 2019 AGENDA

Subject:	Type:	Submitted By:
DISCUSSION – PACE FINANCING	RESOLUTION ORDINANCE ◆RECEIVE/FILE	CHRIS SOLBERG SENIOR PLANNER

SYNOPSIS

A presentation will be given to provide an overview of the Property Assessed Clean Energy (PACE) program.

FISCAL IMPACT

N/A.

RECOMMENDATION

Discussion and direction.

BACKGROUND

Property Assessed Clean Energy (PACE) is a financing tool that incentivizes building owners and developers to make building performance upgrades that improve energy efficiency, water conservation, and renewable energy generation by providing low-cost, long-term funding. PACE financing is repaid as an assessment on the property's regular property tax bill, which is routed through the treasurer's office to the PACE lender.

We have had both previous and recent inquiries about the use of this financing tool and have done some preliminary research regarding what would be involved from the City's perspective in order to offer this option to developers.

Chris Peterson of PACE Sage Capital has been instrumental in helping to create the PACE program and its authorizing legislation. He will be available to answer any questions the City Council might have regarding the program.

Council will be asked to provide direction regarding whether there is any interest in moving forward and offering the PACE financing tool as another option for builders and developers.



CITY OF LA VISTA
PLANNING DIVISION
REPORT:

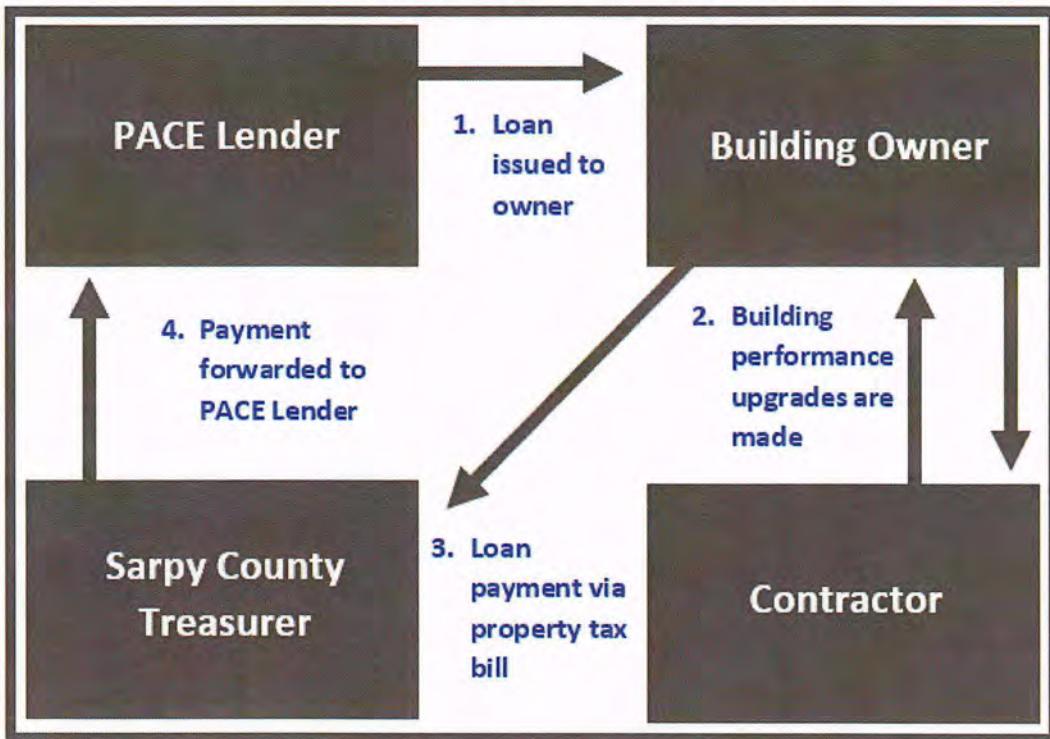
Prepared: June 2019

PACE Background & Feasibility Report

I. Background – What is PACE?

Property Assessed Clean Energy (PACE) is a financing tool that incentivizes building owners and developers to make building performance upgrades that improve energy efficiency, water conservation, and renewable energy generation by providing low-cost, long-term funding. PACE financing is repaid as an assessment on the property's regular property tax bill, which is routed through the treasurer's office to the PACE lender. This financing process is outlined in Figure 1.

Figure 1: PACE Financing Process



Pros & Cons

The benefits obtained through offering PACE financing appear to outweigh the costs. Once the program has been established, the time investment in operating the program is very minimal. The City needs to be willing to make the upfront time investment to get it started, though.

However, since Lincoln and Omaha both have established programs, this process should be simple for the City of La Vista. Here are the potential pros and cons of offering PACE financing to property owners in La Vista:

Benefits of PACE:

- Reduces peak demand for utilities
- Improves quality of building stock
- Reduces environmental impact
- Reduces long-term building operating costs (and subsequently, the cost of doing business)
- Supports local businesses carrying out the building performance upgrades
- Poses very little risk (the City is not liable for unpaid loan balances – In case of default, a lien is filed against the property)

Costs of PACE:

- Time investment in establishing and operating the program

II. City's Role & Responsibilities

The City acts as the operator of the PACE district, which is the legal mechanism in which the financing can occur. La Vista will need to pass an ordinance to establish the PACE district and create the application materials (application, assessment contract, and program guide). Once those have been created, here are the City's responsibilities relating to the administration of the PACE program:

- City receives the application and verifies that the building improvements qualify for PACE financing under LB 625 and that all necessary components are included in the submittal
- City's PACE Review Committee conducts an internal review and issues a letter of qualification to the application (if approved)
- City Attorney reviews and finalizes the assessment contract between the applicant, the financier, and the City
- City receives application and administration fees when the loan is issued
- City files property tax assessment with Sarpy County
- City conducts an inspection to ensure that the building improvements were properly installed and are operating correctly
- City annually invoices PACE Lender for the annual administration fee
- City submits an annual update to the State Legislature regarding the projects that have been financed through the PACE district during the year

LB 23 in the Nebraska Legislature updated the PACE legislation to allow for direct payment between the Property Owner and the Lender. This means that the City isn't even required to be the conduit for repayment unless the Property Owner fails to make payments on the loan. In case of default, the City is obligated to file a lien on the property on behalf of the Lender, but the City is in no way liable for unpaid balances on the loan. If the property is sold, the assessment remains with the property.

Time Commitment

The first application that the City processes will take more time as all parties become familiar with the process. Specifically, the City Attorney will likely need to engage in several meetings or conference calls with the Pace Lender and the Property Owner to clarify and refine the language in the assessment contract. However, after the first project has been approved and financed, subsequent applications will require very little time investment. Internal reviews are purely administrative and will likely require 5-10 hours of staff time, with an additional 5-10 hours of the City Attorney's time.

The largest time investment will be upfront in establishing the program. The first draft of the ordinance, assessment contract, and program guide are nearly complete, but will require a thorough review by the City Attorney.

III. Research:

Lincoln and Omaha have both established PACE districts and have utilized PACE financing. Here is a summary of their experiences:

- Neither has experienced any major challenges thus far, both in establishing and operating their PACE programs.
- PACE financing has been utilized in 8 projects thus far (primarily in Omaha).
- The application process for each City takes approximately 3 weeks.
- PACE programs in Omaha and Lincoln are nearly identical, including the establishing documents like the ordinance, program guide, application, and assessment contract drafts.
 - Lincoln's PACE Program Manager said that establishing their program was "painless" because they were able to use Omaha's documents and structure as a starting place, and Chris Peterson was a great help.

Source: Phone interviews with Bridget Hadley (current manager of Omaha's PACE program) on 5/17/2019, Bill Lukash (Assistant Planning Director with the City of Omaha) on 5/20/2019, and Frank Uhlark (current manager of Lincoln's PACE program) on 5/20/2019.

IV. Recommendations:

To receive the benefits that PACE financing can provide and to satisfy the interest for PACE financing among the development community, understanding that both Omaha and Lincoln have had positive experiences implementing and operating PACE programs, we recommend that the City of La Vista pursue the creation of its own PACE program. Program implementation can occur in the following steps:

1. Finalize the following program materials: ordinance, project application, assessment contract, and program manual.
2. Pass an ordinance to establish the La Vista PACE District.
3. Update website to house the materials and promote the program (See Omaha's website where their materials are housed: <https://planninghcd.cityofomaha.org/pace>).
4. Begin accepting PACE applications.