

MINUTE RECORD

NO. 729—REDFIELD & COMPANY, INC., OMAHA

LA VISTA CITY COUNCIL MEETING March 4, 2008

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 4, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Lieutenant Pokorny, Fire Chief Uhl, Recreation Director Stopak, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on February 21, 2008. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

SERVICE AWARD – MARK FLASH – 5 YEARS

Mayor Kindig presented a certificate and pin to Mark Flash for 5 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 19, 2008
3. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM JANUARY 17, 2008
4. PAY REQUEST #3 FROM LEO A DALY FOR MUNICIPAL FACILITIES PLAN - \$3,000.00
5. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Carlisle. Councilmember Ronan reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Vehicle Supplies	493.40
ALAMAR UNIFORMS, Wearing Apparel	307.74
AMSAN, Supplies	354.35
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	19.48
AQUILA, Utilities	15,029.85
ARAMARK UNIFORM, Contract Services	244.31
ASAP SOFTWARE, Contract Services	1,854.00
ASPEN EQUIPMENT, Repair	730.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	177.67
AUSTIN PETERS GROUP, Professional Services	3,697.50
BAKER & TAYLOR BOOKS, Books	1,116.91
BAKER, MARCUS, Auto Allowance	50.00
BATTERY ZONE, Supplies	47.37
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	933.67
BETTER BUSINESS EQUIPMENT, Rental	38.63
BIRCH, ANN, Auto Allowance	50.00
BOHLMANN, Bldg & Grnds	88.74
BRODART, Books	360.66
BUETHE, PAM, Auto Allowance/Travel	232.15
BUILDERS SUPPLY, Bldg & Grnds	4.73
CENTER POINT PUBLISHING, Books	110.82
CITY OF OMAHA, Contract Services	28.91
CLUB CONVENTION CENTER	2,340.50
CORBIT, JEFF, Auto Allowance	100.00
D & D COMMUNICATIONS, Telephone	180.00

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DATA TECHNOLOGIES, Contract Services	14.00
DEMCO, Supplies	729.69
ERICKSON, RANDALL, Auto Allowance	100.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	189.85
FLEETPRIDE, Vehicle Maint.	32.11
GALE, Books	90.37
GALL'S, Wearing Apparel	104.20
GASSERT, MIKE, Contract Services	475.00
GOLDMAN, JOHN, Telephone	40.00
GRAPHIC IMAGINATION, Vehicle Maint.	127.85
GRAYBAR ELECTRIC COMPANY, Bldg & Grnds	352.06
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	111.70
HANEY SHOE STORE, Wearing Apparel	120.00
HELGET GAS PRODUCTS, Squad Supplies	133.00
HUNTEL COMMUNICATIONS, Contract Services	247.50
HY-VEE, Supplies	59.03
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Services	1,660.00
IPMA, Dues	345.00
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services	172.82
JO DON'S, Supplies	16.00
JUSTIN THYME CAFÉ, Supplies	390.00
KIMBALL MIDWEST, Vehicle Maint.	72.54
KINDIG, DOUGLAS, Telephone/Auto Allowance	190.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	285.00
KRIHA FLUID POWER, Vehicle Maint.	76.10
LA VISTA COMMUNITY FOUNDATION, Payroll Withholdings	247.00
LA VISTA FIREFIGHTERS ASSN, Donation	100.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	592.95
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	11,116.00
LEAGUE OF NEBR MUNICIPALITIES, Training	250.00
LINWELD, Welding Supplies	230.21
LIVE OAK MEDIA, Media	162.21
LODES, CHRIS, Contract Services	147.50
LUKASIEWICZ, BRIAN, Telephone	40.00
LUPOMECH, CATHY, Travel	179.67
MEDIA RECOVERY, Contract Services	402.89
METAL SUPERMARKETS, Vehicle Maint.	83.56
METROPOLITAN COMMUNITY COLLEGE, Utilities/Contract Services	10,190.99
MID AMERICA PAY PHONES, Telephone	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	221.79
MID-STATES UTILITY TRAILER, Vehicle Maint.	270.35
MIDWEST TAPE, Media	359.78
MILLER PRESS, Printing	861.00
MOBILE COMMUNICATIONS, Equipment	75.00
MOTOROLA, Equipment	36,877.10
MUD, Utilities	684.18
MUNICIPAL EMERGENCY SVCS, Equipment	292.00
MUNICIPAL PIPE TOOL, Equipment	3,558.87
NATIONAL POLICE CANINE ASSN, Training	60.00
NCMA-NEBR CITY MANAGERS ASSN, Training	75.00
NE DEPT OF ROADS, Supplies	261.44
NE LIBRARY COMMISSION, CD Rom	1,917.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	18,370.80
NERPA MEMBERSHIP, Dues	50.00
NEUMAN EQUIPMENT COMPANY, Bldg & Grnds/Vehicle Supplies	176.00
NEW YORK TIMES, Books	13.00
NEXTEL, Telephone	464.41
NOBBIES, Supplies	76.09
OFFICE DEPOT, Supplies	203.31
OMAHA WINNELSON, Bldg & Grnds	364.69
OVERHEAD DOOR COMPANY, Bldg & Grnds	2,170.00
PAPILLION TIRE, Vehicle Maint.	220.22
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	312.16

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PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	374.16
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROGRESSIVE BUSINESS, Contract Services	250.00
PROPERTY SERVICES, Supplies	65.00
PUSH PEDAL PULL, Bldg & Grnds	100.00
QUILL CORPORATION, Supplies	104.52
QWEST, Telephone	2,335.49
RAMIREZ, RITA, Auto Allowance	75.00
REGAL AWARDS, Wards	305.00
SAPP BROS PETROLEUM, Vehicle Maint.	20.25
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SCHOLASTIC LIBRARY PUBLISHING, Books	699.00
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Telephone	30.00
TARGET BANK, Supplies/Awards	429.38
THOMPSON DREESSEN & DORNER, Professional Services	7,591.78
TURF CARS, Carts	210.44
UNIVERSITY OF NE LINCOLN, Training	385.00
V & V MANUFACTURING, Repair	36.55
VERIZON WIRELESS, Telephone	35.54
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equip.	177.21
WASTE MANAGEMENT, Contract Services	679.16
WICK'S STERLING TRUCKS, Dump Truck	104,991.20
ZOO BOOKS MAGAZINE, Books	45.90

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez asked the Mayor and Council to check their calendars to be sure they would be able to attend a briefing at 6:00 p.m. on April 1, 2008 to go over a draft of the CIP for next year. She asked for a response by Friday.

Fire Chief Uhl thanked the Mayor and Council for allowing him to attend and educational opportunity in Ames, IA last week. He made some very good contacts while there. He also stated that the Fire Department will be hosting their second Citizens Fire Academy in April. Seven people came on the department from the group which attended the first Academy.

Public Works Director Soucie thanked all of those who participated in the Thompson Creek tours and stated that they could contact him with any questions they may have regarding the area. The new dump truck is ready to be put in service. This truck has a function which will allow accessory parts to be switched quickly.

Community Development Director Birch presented the Mayor and Council with a Building Permit Report showing activity from 2000 through 2007 with regard to Building Permit fees, number of housing starts, valuation of housing starts, and the valuation of larger new commercial/industrial buildings in 2007.

Recreation Director Stopak stated that the annual Easter Egg Hunt will be Saturday March 22, 2008 – weather permitting. Stopak also reported that a large baseball event will again be coming to La Vista in June with the addition of two special evening events in La Vista. One of these events will be on a weeknight and one on a weekend. Details are still being discussed. The new elliptical trainer is in and ready for use at the community center.

Library Director Iwan introduced Leslie McPeck to the Mayor and Council. She is currently doing her 50 hour practicum.

B. ONE AND SIX YEAR STREET IMPROVEMENT PLAN

1. PUBLIC HEARING

At 7:18 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan.

Street Superintendent Goldman presented the One and Six Year Street Improvement Plan to the Mayor and Council.

Councilmember Sheehan stated that he was not in favor of pursuing priority number 15 – the 66th Street project – until all funding sources and amounts were decided. City Administrator Gunn informed the Council that they are approving the list of projects that we foresee in the future and

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that this plan may change from year to year. The Council is adopting projects one year at a time. Councilmember Gowan inquired as to the work on Marisu Lane Court and the cost of the concrete driveway approaches. Public Works Director Soucie stated that the City only does a driveway approach if there is no other way to take care of the integrity of the street. Mayor Kindig asked whether the City can make people fix their approach on a street that is not under construction. Soucie that the City can and will contact people if they see an approach that is contributing to the undermining of a street. Councilmember Ronan asked about barricades at the intersection of Joseph and James Streets. Goldman stated that due to the weather and frequent snows these potholes could not be fixed and were therefore blocked off until they could be. These were fixed on February 29 and they will be capped this spring. Councilmember Ronan asked how long this fix will last. Goldman stated that the weather determines that somewhat. This year has been a difficult year with the cold temperatures and frost. The overlay life of that area is coming to an end. Councilmember Gowan stated that we take care of the frontage road in front of Sol's and asked what precludes us from doing the same at Wal-Mart. Soucie stated that we have the right-of-way in front of Sol's and therefore we maintain that access. The Wal-Mart property is private property and we can request that they maintain it. Councilmember Sell inquired as to what our authority is to have them fix their access. Soucie stated that if the surface problems on private property would create a backup onto our public roadways, such as 84th Street we can require maintenance to be done or go in and do it at the property owner's expense. Councilmember Gowan asked if there are any engineering issues with their internal access areas. Soucie stated that the Kroenke Group, eight years ago set up a three phase plan for improvements to their access areas. Phase I was done, phase II and III have not been completed. City Administrator Gunn stated that these are problems which many times occur with an absentee landlord.

At 7:53 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-013: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. FIREWORKS PERMITS

1. RESOLUTION – ESTABLISH NUMBER OF PERMITS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-014: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA,

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ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2008.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2008 shall not exceed five (5).

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked why we have to do a resolution setting the number of permits allowed when it states the maximum in our Code. Assistant City Administrator Ramirez stated that the wording in the Code still states that we must set the number by resolution each year. City Staff and the City Attorney will look at this to see if Code can be changed to eliminate this resolution each year. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-015: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF THE, LA VISTA YOUTH FOOTBALL AND CHEERLEADING, LA VISTA AREA CHAMBER OF COMMERCE, LA VISTA YOUTH, LA VISTA LANCERS SOCCER CLUB, LA VISTA VIPERS WRESTLING CLUB

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, five (5) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2008 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

La Vista Youth Football and Cheerleading, La Vista Area Chamber of Commerce, La Vista Youth, La Vista Lancers Soccer Club, La Vista Vipers Wrestling Club

to sell fireworks within the City of La Vista for the 2008 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization

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which applied for the permit at a meeting with City staff (date and time to be established).

Seconded by Councilmember Quick. Councilmember Sell asked if there were any problems with the fireworks stands last year. City Clerk Bueth stated that there were not. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. RESOLUTION – PURCHASE OF FIREFIGHTER BUNKER GEAR

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-016: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$11,185.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and

WHEREAS, funds are provided in the FY 07/08 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$11,185.00.

Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. CLASS CK LIQUOR LICENSE APPLICATION FOR THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE **1. PUBLIC HEARING**

At 8:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class CK Liquor License Application for The Rendezvous Company dba Houston's Lounge.

John Houston of 5106 S 181st Street representing The Rendezvous Company was present. Councilmember Sheehan asked if this is a family venture to which Mr. Houston stated it is. Sheehan asked if they were planning to have an outdoor beer garden to which Mr. Houston stated that they were and it will be fenced in and monitored. Councilmember Sheehan asked staff if there will be any issues with this area being close to a hotel regarding noise. Staff can monitor this and we have a noise ordinance which law enforcement can enforce if the situation arises.

At 8:05 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-017: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS CK LIQUOR LICENSE APPLICATION OF THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE, LA VISTA, NEBRASKA.

WHEREAS, The Rendezvous Company dba Houston's Lounge, 12040 McDermott Plaza, Suite 100, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class CK Liquor License, and

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WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class CK Liquor License application submitted by The Rendezvous Company dba Houston's Lounge, 12040 McDermott Plaza, Suite 100, La Vista, NE.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. CLASS C LIQUOR LICENSE APPLICATION FOR GLORY DAYS, INC. DBA J-BIRDS FOOD & SPIRITS LOUNGE

1. PUBLIC HEARING

At 8:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class C Liquor License Application for Glory Days, Inc. dba J-Birds Food & Spirits Lounge.

Jay Brown of 9829 Centennial Plaza representing J-Birds Food & Spirits Lounge was present.

At 8:08 p.m. Councilmember Sheehan made a motion to close the public hearing. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-018: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF GLORY DAYS INC. DBA J-BIRDS FOOD & SPIRITS, LA VISTA, NEBRASKA.

WHEREAS, Glory Days Inc., dba J-Birds Food & Spirits, 9723 and 9725 Giles Rd, 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 the Class C Liquor License application submitted by Glory Days Inc. dba J-Birds Food & Spirits, 9723 and 9725 Giles Rd, La Vista, NE.

Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

G. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS

1. PUBLIC HEARING

At 8:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

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At 8:10 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
7610 Terry Dr., Lot 660, La Vista Replat, \$162.77, and
7413 S. 69th Street, Lot 145, La Vista Replat, \$158.27, and
7005 S. 78th Street, Lot 1107, La Vista, \$155.91, and
7704 S. 71st Ave, Lot 79, Ardmore, \$158.27, and
7357 S. 69th Street, Lot 140, La Vista Replat, \$153.77
were notified to clean up their property as they were in violation of the City Municipal Code, Section 93.015, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

H. RESOLUTION – AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-020: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT DATED MAY 3, 2004 BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA REGARDING LODGING TAX RATES AND INFRASTRUCTURE CONSTRUCTION.

City Administrator informed the Council that the Sarpy County Board of Commissioners approved this amendment at their meeting this afternoon with a 5-0 vote. Councilmember Sell asked if this agreement gives us a stronger agreement. City Administrator Gunn stated that we are comfortable with this amendment and our commitment.

Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor. Public Works Director Soucie informed the Council that he will be in Denver through Friday for APWA. Mary Harper of 8040 S. 84th Street representing the La Vista Area Chamber of Commerce introduced herself to the Council and stated that she has been the director of the Chamber for a year and wanted to introduce herself. She stated that the Chamber feels working with the City is a very important piece of what they do and wants to continue this strong relationship.

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COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated that he had recently been by the Peel's facility and he was impressed as to how nicely the facility and grounds had been done.

Councilmember Ellerbeck thanked the Director of the La Vista Area Chamber of Commerce for coming to the meeting.

City Administrator Gunn reminded the Mayor and Council that the Strategic Planning Retreat will begin Saturday with coffee at 8:15 and the retreat will begin at 8:30 at the Police Facility.

ADJOURNMENT

At 8:13 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF MARCH 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\March 4, 2008

MINUTE RECORD

No. 729—REDFIELD & COMPANY, INC., OMAHA

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

LA VISTA CITY COUNCIL MEETING March 8, 2008

A Strategic Planning Retreat of the City Council of the City of La Vista, Nebraska was convened in open and public session at 8:30 a.m. on March 8, 2008. Present were Mayor Kindig and Councilmembers Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Sell, and Gowan. Absent: McLaughlin. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Community Development Director Birch, Fire Chief Uhl, Finance Director Lindberg, Library Director Iwan, Police Chief Lausten, Recreation Director Stopak, Building and Grounds Director Archibald, Public Works Director Soucie, and Administrative Assistant Alex.

A notice of the meeting was given in advance thereof by publication in the Times on February 27, 2008. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

Mayor Kindig called the meeting to order.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

Mayor Kindig welcomed the group to this Strategic Planning Retreat and then introduced the Facilitator for this Workshop, Marla Flentje.

Ms. Flentje gave an overview of the process of events for the day.

TEAM RECOGNITION

Ms. Flentje had each team member recognize another member of the team for something they had accomplished with regard to the strategic plan for the benefit of the City over the past year.

REVIEW OF STRATEGIC PLAN

City Administrator Gunn reviewed the strategic plan for 2007-2009 which was adopted by the Mayor and Council in 2007. She gave an update of the action steps which have been taken to meet the key objectives within the plan. Team members, working in small groups addressed reaction to the survey results and whether there were any significant survey findings which the team needs to take into account when setting direction for the next two years.

CITIZEN SURVEY RESULTS

City Administrator Gunn reviewed the Citizen Survey Results covering areas such as new development, appearance, education, and taxes. She stated that the overall results were good. Discussion was held regarding Mayor and Council reaction to the Survey results.

At 9:50 a.m. the team took a break.

VIEW FROM THE BRIDGE

City Administrator Gunn talked to the group about current items such as annexation planning, 84th Street redevelopment, Thompson Creek, and the swimming pool. Discussion was held regarding each of these items.

IDENTIFYING ADDITIONAL CITY ISSUES

Ms. Flentje led the Council and Staff through an identification process of emerging challenges or opportunities what the City's strategic plan should address and what priority those issues should be given.

At 11:45 p.m. Council recessed for lunch.

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TEAM BUILDING ACTIVITY

At 12:15 p.m. Council reconvened and Ms. Flentje led the team in an activity to learn more about the history of the City of La Vista.

BRAINSTORMING STRATEGIC OBJECTIVES

Team members worked in discussion groups, and based on the earlier discussions they looked at the current strategic plan to determine if there are any strategic objectives not yet undertaken that should be deleted from the plan. They also looked at possible revised or new objectives that could be added as the plan is updated for 2008-2010. Each team determined new objectives, not to exceed 7, to recommend to the full team.

At 1:30 p.m. The team took a break.

STRATEGIC OBJECTIVES

Each group presented their recommendations and the full team reached preliminary agreement on objectives.

ADDITIONAL TOPICS

Team members talked about additional topics that they felt were important to put on the radar for future planning.

RETREAT EVALUATION

The team evaluated what was accomplished during this retreat, and what was learned about La Vista and the team today.

CLOSING REMARKS AND ADJOURNMENT

At 2:50 p.m. Mayor Kindig made closing remarks regarding the great efforts of council and staff to make this retreat a very productive venture and thanked all for coming. He then declared this meeting adjourned.

PASSED AND APPROVED THIS 18TH DAY OF MARCH 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

MINUTE RECORD

No. 729—REDFIELD & COMPANY, INC., OMAHA

LA VISTA CITY COUNCIL MEETING March 4, 2008

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 4, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, McLaughlin, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Lieutenant Pokorny, Fire Chief Uhl, Recreation Director Stopak, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on February 21, 2008. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

Mayor Kindig called the meeting to order and led the audience in the pledge of allegiance.

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

SERVICE AWARD – MARK FLASH – 5 YEARS

Mayor Kindig presented a certificate and pin to Mark Flash for 5 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM FEBRUARY 19, 2008
3. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM JANUARY 17, 2008
4. PAY REQUEST #3 FROM LEO A DALY FOR MUNICIPAL FACILITIES PLAN - \$3,000.00
5. APPROVAL OF CLAIMS

Councilmember McLaughlin made a motion to approve the consent agenda. Seconded by Councilmember Carlisle. Councilmember Ronan reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Vehicle Supplies	493.40
ALAMAR UNIFORMS, Wearing Apparel	307.74
AMSAN, Supplies	354.35
ANDERSON FORD LINCOLN MERCURY, Vehicle Maint.	19.48
AQUILA, Utilities	15,029.85
ARAMARK UNIFORM, Contract Services	244.31
ASAP SOFTWARE, Contract Services	1,854.00
ASPEN EQUIPMENT, Repair	730.00
ASPHALT & CONCRETE MATERIALS, Street Maint.	177.67
AUSTIN PETERS GROUP, Professional Services	3,697.50
BAKER & TAYLOR BOOKS, Books	1,116.91
BAKER, MARCUS, Auto Allowance	50.00
BATTERY ZONE, Supplies	47.37
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint.	933.67
BETTER BUSINESS EQUIPMENT, Rental	38.63
BIRCH, ANN, Auto Allowance	50.00
BOHLMANN, Bldg & Grnds	88.74
BRODART, Books	360.66
BUETHE, PAM, Auto Allowance/Travel	232.15
BUILDERS SUPPLY, Bldg & Grnds	4.73
CENTER POINT PUBLISHING, Books	110.82
CITY OF OMAHA, Contract Services	28.91
CLUB CONVENTION CENTER	2,340.50
CORBIT, JEFF, Auto Allowance	100.00
D & D COMMUNICATIONS, Telephone	180.00

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DATA TECHNOLOGIES, Contract Services	14.00
DEMCO, Supplies	729.69
ERICKSON, RANDALL, Auto Allowance	100.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Vehicle Maint.	189.85
FLEETPRIDE, Vehicle Maint.	32.11
GALE, Books	90.37
GALL'S, Wearing Apparel	104.20
GASSERT, MIKE, Contract Services	475.00
GOLDMAN, JOHN, Telephone	40.00
GRAPHIC IMAGINATION, Vehicle Maint.	127.85
GRAYBAR ELECTRIC COMPANY, Bldg & Grnds	352.06
GUNN, BRENDA, Auto Allowance	300.00
H & H CHEVROLET, Vehicle Maint.	111.70
HANEY SHOE STORE, Wearing Apparel	120.00
HELGET GAS PRODUCTS, Squad Supplies	133.00
HUNTEL COMMUNICATIONS, Contract Services	247.50
HY-VEE, Supplies	59.03
ICSC-INTL COUNCIL OF SHPG CTRS, Professional Services	1,660.00
IPMA, Dues	345.00
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services	172.82
JO DON'S, Supplies	16.00
JUSTIN THYME CAFÉ, Supplies	390.00
KIMBALL MIDWEST, Vehicle Maint.	72.54
KINDIG, DOUGLAS, Telephone/Auto Allowance	190.00
KLINKER, MARK, Professional Services	200.00
KORTUS, LEE, Contract Services	285.00
KRIHA FLUID POWER, Vehicle Maint.	76.10
LA VISTA COMMUNITY FOUNDATION, Payroll Withholdings	247.00
LA VISTA FIREFIGHTERS ASSN, Donation	100.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	592.95
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	11,116.00
LEAGUE OF NEBR MUNICIPALITIES, Training	250.00
LINWELD, Welding Supplies	230.21
LIVE OAK MEDIA, Media	162.21
LODES, CHRIS, Contract Services	147.50
LUKASIEWICZ, BRIAN, Telephone	40.00
LUPOMECH, CATHY, Travel	179.67
MEDIA RECOVERY, Contract Services	402.89
METAL SUPERMARKETS, Vehicle Maint.	83.56
METROPOLITAN COMMUNITY COLLEGE, Utilities/Contract Services	10,190.99
MID AMERICA PAY PHONES, Telephone	100.00
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	221.79
MID-STATES UTILITY TRAILER, Vehicle Maint.	270.35
MIDWEST TAPE, Media	359.78
MILLER PRESS, Printing	861.00
MOBILE COMMUNICATIONS, Equipment	75.00
MOTOROLA, Equipment	36,877.10
MUD, Utilities	684.18
MUNICIPAL EMERGENCY SVCS, Equipment	292.00
MUNICIPAL PIPE TOOL, Equipment	3,558.87
NATIONAL POLICE CANINE ASSN, Training	60.00
NCMA-NEBR CITY MANAGERS ASSN, Training	75.00
NE DEPT OF ROADS, Supplies	261.44
NE LIBRARY COMMISSION, CD Rom	1,917.00
NEBRASKA IOWA SUPPLY, Vehicle Supplies	18,370.80
NERPA MEMBERSHIP, Dues	50.00
NEUMAN EQUIPMENT COMPANY, Bldg & Grnds/Vehicle Supplies	176.00
NEW YORK TIMES, Books	13.00
NEXTEL, Telephone	464.41
NOBBIES, Supplies	76.09
OFFICE DEPOT, Supplies	203.31
OMAHA WINNELSON, Bldg & Grnds	364.69
OVERHEAD DOOR COMPANY, Bldg & Grnds	2,170.00
PAPILLION TIRE, Vehicle Maint.	220.22
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	312.16

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PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	374.16
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	155.25
PROGRESSIVE BUSINESS, Contract Services	250.00
PROPERTY SERVICES, Supplies	65.00
PUSH PEDAL PULL, Bldg & Grnds	100.00
QUILL CORPORATION, Supplies	104.52
QWEST, Telephone	2,335.49
RAMIREZ, RITA, Auto Allowance	75.00
REGAL AWARDS, Wards	305.00
SAPP BROS PETROLEUM, Vehicle Maint.	20.25
SARPY COUNTY COURTHOUSE, Contract Services	3,234.94
SCHOLASTIC LIBRARY PUBLISHING, Books	699.00
SMITH, MELANIE, Auto Allowance	100.00
SOUCIE, JOSEPH, Telephone	30.00
TARGET BANK, Supplies/Awards	429.38
THOMPSON DRESSEN & DORNER, Professional Services	7,591.78
TURF CARS, Carts	210.44
UNIVERSITY OF NE LINCOLN, Training	385.00
V & V MANUFACTURING, Repair	36.55
VERIZON WIRELESS, Telephone	35.54
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equip.	177.21
WASTE MANAGEMENT, Contract Services	679.16
WICK'S STERLING TRUCKS, Dump Truck	104,991.20
ZOO BOOKS MAGAZINE, Books	45.90

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez asked the Mayor and Council to check their calendars to be sure they would be able to attend a briefing at 6:00 p.m. on April 1, 2008 to go over a draft of the CIP for next year. She asked for a response by Friday.

Fire Chief Uhl thanked the Mayor and Council for allowing him to attend and educational opportunity in Ames, IA last week. He made some very good contacts while there. He also stated that the Fire Department will be hosting their second Citizens Fire Academy in April. Seven people came on the department from the group which attended the first Academy.

Public Works Director Soucie thanked all of those who participated in the Thompson Creek tours and stated that they could contact him with any questions they may have regarding the area. The new dump truck is ready to be put in service. This truck has a function which will allow accessory parts to be switched quickly.

Community Development Director Birch presented the Mayor and Council with a Building Permit Report showing activity from 2000 through 2007 with regard to Building Permit fees, number of housing starts, valuation of housing starts, and the valuation of larger new commercial/industrial buildings in 2007.

Recreation Director Stopak stated that the annual Easter Egg Hunt will be Saturday March 22, 2008 – weather permitting. Stopak also reported that a large baseball event will again be coming to La Vista in June with the addition of two special evening events in La Vista. One of these events will be on a weeknight and one on a weekend. Details are still being discussed. The new elliptical trainer is in and ready for use at the community center.

Library Director Iwan introduced Leslie McPeck to the Mayor and Council. She is currently doing her 50 hour practicum.

B. ONE AND SIX YEAR STREET IMPROVEMENT PLAN

1. PUBLIC HEARING

At 7:18 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan.

Street Superintendent Goldman presented the One and Six Year Street Improvement Plan to the Mayor and Council.

Councilmember Sheehan stated that he was not in favor of pursuing priority number 15 – the 66th Street project – until all funding sources and amounts were decided. City Administrator Gunn informed the Council that they are approving the list of projects that we foresee in the future and

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that this plan may change from year to year. The Council is adopting projects one year at a time. Councilmember Gowan inquired as to the work on Marisu Lane Court and the cost of the concrete driveway approaches. Public Works Director Soucie stated that the City only does a driveway approach if there is no other way to take care of the integrity of the street. Mayor Kindig asked whether the City can make people fix their approach on a street that is not under construction. Soucie that the City can and will contact people if they see an approach that is contributing to the undermining of a street. Councilmember Ronan asked about barricades at the intersection of Joseph and James Streets. Goldman stated that due to the weather and frequent snows these potholes could not be fixed and were therefore blocked off until they could be. These were fixed on February 29 and they will be capped this spring. Councilmember Ronan asked how long this fix will last. Goldman stated that the weather determines that somewhat. This year has been a difficult year with the cold temperatures and frost. The overlay life of that area is coming to an end. Councilmember Gowan stated that we take care of the frontage road in front of Sol's and asked what precludes us from doing the same at Wal-Mart. Soucie stated that we have the right-of-way in front of Sol's and therefore we maintain that access. The Wal-Mart property is private property and we can request that they maintain it. Councilmember Sell inquired as to what our authority is to have them fix their access. Soucie stated that if the surface problems on private property would create a backup onto our public roadways, such as 84th Street we can require maintenance to be done or go in and do it at the property owner's expense. Councilmember Gowan asked if there are any engineering issues with their internal access areas. Soucie stated that the Kroenke Group, eight years ago set up a three phase plan for improvements to their access areas. Phase I was done, phase II and III have not been completed. City Administrator Gunn stated that these are problems which many times occur with an absentee landlord.

At 7:53 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-013: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

C. FIREWORKS PERMITS

1. RESOLUTION - ESTABLISH NUMBER OF PERMITS

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-014: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA,

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ESTABLISHING THE MAXIMUM NUMBER OF FIREWORKS STANDS TO BE PERMITTED IN THE CITY OF LA VISTA FOR CALENDAR YEAR 2008.

WHEREAS, Section 111.17 and Section 111.18 of the Municipal Code establish criteria that must be met for the issuance of fireworks stand permits, and

WHEREAS, Section 111.17 (A) of the Municipal Code states in part that, "Each year the City Council shall, by resolution, establish the maximum number of permits to be issued."

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that the maximum number of fireworks stand permits to be issued in calendar year 2008 shall not exceed five (5).

BE IT FURTHER RESOLVED, that per Section 111.17 (C) (10) of the Municipal Code, permit holders shall provide the City of La Vista with a certificate of insurance for their fireworks stand in the type and amount outlined.

BE IT FURTHER RESOLVED, that the written statement of income and expenses, which is required by Section 111.17 (C) (3) of the Municipal Code, be detailed and provide the City with a breakdown of specific expenditures related to the fireworks operation, income from the sale of fireworks, net profit, and specific community betterment expenditures.

BE IT FURTHER RESOLVED, that the issuance of a fireworks permit is conditional upon compliance with the Municipal Code, the Zoning Ordinance, and any other applicable regulations.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked why we have to do a resolution setting the number of permits allowed when it states the maximum in our Code. Assistant City Administrator Ramirez stated that the wording in the Code still states that we must set the number by resolution each year. City Staff and the City Attorney will look at this to see if Code can be changed to eliminate this resolution each year. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – ISSUANCE OF PERMITS

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-015: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FIREWORKS STAND PERMIT APPLICATION OF THE, LA VISTA YOUTH FOOTBALL AND CHEERLEADING, LA VISTA AREA CHAMBER OF COMMERCE, LA VISTA YOUTH, LA VISTA LANCERS SOCCER CLUB, LA VISTA VIPERS WRESTLING CLUB

WHEREAS, the City of La Vista requires City approval of the sale of fireworks within the City limits, and

WHEREAS, the guidelines for application and sale of fireworks in La Vista are specified in the La Vista Municipal Code, Section 111.17 and Section 111.18; and

WHEREAS, five (5) non-profit organizations have applied for permission to sell fireworks in the City of La Vista in conformance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and

WHEREAS, City staff has reviewed all applications received in 2008 for the purpose of determining which applications were compliant with the Municipal Code, the Zoning Ordinance or any other applicable regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby conditionally grant a permit to:

La Vista Youth Football and Cheerleading, La Vista Area Chamber of Commerce, La Vista Youth, La Vista Lancers Soccer Club, La Vista Vipers Wrestling Club

to sell fireworks within the City of La Vista for the 2008 calendar year subject to receipt of all appropriate application materials and compliance with recommendations made by the Chief Building Official regarding their site plan; compliance with the Municipal Code, the Zoning Ordinance and any other applicable regulations; and attendance by an official of the nonprofit organization

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which applied for the permit at a meeting with City staff (date and time to be established).

Seconded by Councilmember Quick. Councilmember Sell asked if there were any problems with the fireworks stands last year. City Clerk Buethe stated that there were not. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

D. RESOLUTION – PURCHASE OF FIREFIGHTER BUNKER GEAR

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-016: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$11,185.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear and accessories for the Fire Department; and

WHEREAS, funds are provided in the FY 07/08 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$11,185.00.

Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

E. CLASS CK LIQUOR LICENSE APPLICATION FOR THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE **1. PUBLIC HEARING**

At 8:01 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class CK Liquor License Application for The Rendezvous Company dba Houston's Lounge.

John Houston of 5106 S 181st Street representing The Rendezvous Company was present. Councilmember Sheehan asked if this is a family venture to which Mr. Houston stated it is. Sheehan asked if they were planning to have an outdoor beer garden to which Mr. Houston stated that they were and it will be fenced in and monitored. Councilmember Sheehan asked staff if there will be any issues with this area being close to a hotel regarding noise. Staff can monitor this and we have a noise ordinance which law enforcement can enforce if the situation arises.

At 8:05 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-017: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS CK LIQUOR LICENSE APPLICATION OF THE RENDEZVOUS COMPANY DBA HOUSTON'S LOUNGE, LA VISTA, NEBRASKA.

WHEREAS, The Rendezvous Company dba Houston's Lounge, 12040 McDermott Plaza, Suite 100, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class CK Liquor License, and

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WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class CK Liquor License application submitted by The Rendezvous Company dba Houston's Lounge, 12040 McDermott Plaza, Suite 100, La Vista, NE.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

F. CLASS C LIQUOR LICENSE APPLICATION FOR GLORY DAYS, INC. DBA J-BIRDS FOOD & SPIRITS LOUNGE **1. PUBLIC HEARING**

At 8:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class C Liquor License Application for Glory Days, Inc. dba J-Birds Food & Spirits Lounge.

Jay Brown of 9829 Centennial Plaza representing J-Birds Food & Spirits Lounge was present.

At 8:08 p.m. Councilmember Sheehan made a motion to close the public hearing. Seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-018: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF GLORY DAYS INC. DBA J-BIRDS FOOD & SPIRITS, LA VISTA, NEBRASKA.

WHEREAS, Glory Days Inc., dba J-Birds Food & Spirits, 9723 and 9725 Giles Rd, 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 the Class C Liquor License application submitted by Glory Days Inc. dba J-Birds Food & Spirits, 9723 and 9725 Giles Rd, La Vista, NE.

Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

G. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS **1. PUBLIC HEARING**

At 8:09 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

MINUTE RECORD

March 4, 2008

No. 729—RENFIELD & COMPANY, INC., OMAHA

At 8:10 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-019: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of
7610 Terry Dr., Lot 660, La Vista Replat, \$162.77, and
7413 S. 69th Street, Lot 145, La Vista Replat, \$158.27, and
7005 S. 78th Street, Lot 1107, La Vista, \$155.91, and
7704 S. 71st Ave, Lot 79, Ardmore, \$158.27, and
7357 S. 69th Street, Lot 140, La Vista Replat, \$153.77
were notified to clean up their property as they were in violation of the City Municipal Code, Section 93.015, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owners bills for said clean up which have not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the properties specified above, all located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

H. RESOLUTION – AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 08-020: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE INTERLOCAL COOPERATION AGREEMENT DATED MAY 3, 2004 BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA REGARDING LODGING TAX RATES AND INFRASTRUCTURE CONSTRUCTION.

City Administrator informed the Council that the Sarpy County Board of Commissioners approved this amendment at their meeting this afternoon with a 5-0 vote. Councilmember Sell asked if this agreement gives us a stronger agreement. City Administrator Gunn stated that we are comfortable with this amendment and our commitment.

Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor. Public Works Director Soucie informed the Council that he will be in Denver through Friday for APWA. Mary Harper of 8040 S. 84th Street representing the La Vista Area Chamber of Commerce introduced herself to the Council and stated that she has been the director of the Chamber for a year and wanted to introduce herself. She stated that the Chamber feels working with the City is a very important piece of what they do and wants to continue this strong relationship.

MINUTE RECORD

March 4, 2008

No. 729—REDFIELD & COMPANY, INC., OMAHA

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan stated that he had recently been by the Peel's facility and he was impressed as to how nicely the facility and grounds had been done.

Councilmember Ellerbeck thanked the Director of the La Vista Area Chamber of Commerce for coming to the meeting.

City Administrator Gunn reminded the Mayor and Council that the Strategic Planning Retreat will begin Saturday with coffee at 8:15 and the retreat will begin at 8:30 at the Police Facility.

ADJOURNMENT

At 8:13 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF MARCH 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\08 COUNCIL MINUTES\March 4, 2008