

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING December 2, 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 December 2, 2008. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Community Development Director Birch, Recreation Director Stopak, Finance Director Lindberg, 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 November 20, 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 at City Hall during normal business hours.

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 AWARDS – KAREN FAGIN AND JEFF SIEBELS - 5 YEARS; SHARON DENNIS – 10 YEARS; KEN MYNSTER – 15 YEARS

Mayor Kindig presented a certificate and pin to Karen Fagin and Jeff Siebels for 5 years of service to the City and to Sharon Dennis for 10 years of service to the City. Ken Mynster was unable to attend.

APPOINTMENTS - FIRE DEPARTMENT OFFICERS

Mayor Kindig stated, with the approval of Council, he would like to make the following appointments as Fire Department Officers: District 1: District Chief – Pat Eccles; Fire Captains – Ty Ebel, Adam Vail, and Dave (Bo) Wilson; Rescue Lieutenant – Kirsten Bradley; Fire Training Officer – Mike Doyle; Medical Training Officer – Melanie Smith; and Public Information Officer – Ann Boley. District 2: Assistant Chief – Fire/Medical – Mike Farquhar; District Chief – Rory Froehlich; Fire Captains – Mark Archibald, Mike Boley, and Neil Archibald; Rescue Captain – Rob Witt, Rescue Lieutenant – Vicki Whittaker. Fire Chief Uhl introduced the new Fire Department Officers.

Councilmember McLaughlin motioned to approve the appointment of the new Fire Department Officers. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

APPOINTMENT OF FIRE DEPARTMENT RECRUITS – KANDI MCCOOL, JAY SAGHERIAN, PATRICK ROBERTS (CADET), KYLE WILLIAMS, JOANNA NGUYEN, BRENDAN MCGURK, ARNOLD BARRERA, JACOB HIKE, BRIAN DIXON, MARK STRONG, ALEX DUARTE, NICOLE CHAMBERS

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department recruits: Kandi McCool, Jay Sagherian, Patrick Roberts (Cadet), Kyle Williams, Joanna Nguyen, Brendan McGurk, Arnold Barrera, Jacob Hike, Brian Dixon, Mark Strong, Alex Duarte, Nicole Chambers. Councilmember Sell motioned the approval, seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Fire Chief Uhl introduced the new Fire Department recruits.

LA VISTA CHAMBER OF COMMERCE – KIM MADRIGAL – DIRECTOR

Mayor Kindig introduced Kim Madrigal, the new President of the La Vista Chamber of Commerce. Kim stated that she is looking forward to a strong partnership between the Chamber and the City and is excited to be a part of it.

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A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED

2. APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2008 CITY COUNCIL MEETING

3. PAY REQUEST FROM CITY OF OMAHA – PUBLIC WORKS DEPARTMENT – HARRISON STREET IMPROVEMENTS 48TH TO 71ST STREET - \$73,953.29

4. APPROVAL OF CLAIMS

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

ACCESSIBILITY DOT NET, Software	507.00
ACTION BATTERIES, Supplies	159.90
ALKAR BILLIARDS, Equipment	29.66
APPLIED INFORMATION MGMT, Contract Services	3,585.00
ARAMARK UNIFORM SERVICES, Contract Services	102.85
AUDIO EDITIONS, Media	178.41
BAINBRIDGE LEADERSHIP CENTER, Training	5,000.00
BAKER & TAYLOR BOOKS, Books	1,566.80
BAKER, MARCUS, Auto Allowance	50.00
BEACON BUILDING SERVICES, Contract Services	6,437.00
BENNINGTON IMPLEMENT, Vehicle Maint.	305.75
BERNAN, Books	35.00
BIRCH, ANN, Auto Allowance	50.00
BLACK HILLS ENERGY, Utilities	18.17
BUETHE, PAM, Phone/Auto Allowance/Travel/Vehicle Maint.	356.05
BUILDERS SUPPLY, Vehicle Maint.	141.00
CALENTINE, JEFFREY, Phone	30.00
CENTER POINT PUBLISHING, Books	77.88
CERTIFIED POWER, Vehicle Maint.	1,039.48
CLEMENGER, PAUL, Contract Services	36.00
COMP CHOICE, Professional Services	15.00
CORNHUSKER INTL TRUCKS, Vehicle Maint.	113.25
CUMMINS CENTRAL POWER, Contract Services	795.54
DANIELSON/TECH SUPPLY, Bldg & Grnds/Equip.	225.65
DATA TECHNOLOGIES, Contract Services	8,930.10
DEMCO, Supplies	664.12
DULTMEIER SALES & SERVICE, Vehicle Maint.	14.83
EARL RISSEER CONCRETE, Sidewalk Maint.	3,975.00
EDGEWEAR SCREEN PRINTING, Equip.	70.30
FEDEX KINKO'S, Printing	202.00
FILTER CARE, Vehicle Maint.	14.95
FLOROTINE, Supplies	200.00
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,226.50
GALL'S, Wearing Apparel	18.72
GOLDMAN, JOHN, Phone	85.00
GRAINGER, Bldg & Grnds/Supplies	186.49
GUNN, BRENDA, Auto Allowance	300.00
HY-VEE, Supplies	66.73
ICMA UNIVERSITY, Training	3,950.00
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Contract Services	101.08
KINDIG, DOUGLAS, Phone/Auto Allowance	190.00
KLINKER, MARK, Professional Services	200.00
LEO A DALY, Facilities Study	6,000.00
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	134.20
LUKASIEWICZ, BRIAN, Phone	50.00
MEADOWBROOK, Insurance	840.48
METRO COUNT (USA), Traffic Signs	556.52
MID AMERICA PAY PHONES, Phone	100.00
MID CON SYSTEMS, Bldg & Grnds	103.46
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	336.69
MOBILE COMMUNICATIONS, Equip. Repair	112.50
MUD, Utilities	1,299.31
NEBRASKA LIONS FOUNDATION, Health Fair	417.18
OFFICE DEPOT, Supplies	40.37

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OMAHA DOOR & WINDOW, Bldg & Grnds	625.00
PAPILLION SANITATION, Contract Services	200.09
PAPILLION TIRE, Vehicle Maint.	638.30
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	186.47
PAYLESS, Supplies	186.22
PRECISION INDUSTRIES, Vehicle Maint.	24.55
PROSSER, TRAVIS, Contract Services	31.00
QWEST, Phone	1,028.83
RAMIREZ, JOHN, Contract Services	36.00
RAMIREZ, RITA, Auto Allowance/Phone	118.00
REPCO MARKETING, Supplies	20.92
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SCHIPPER, MARCIA, Supplies	142.73
SMITH, GREGORY, Contract Services	90.00
SMOOTHER CUT ENTERPRISES, Contract Services	990.00
SOUICIE, JOSEPH, Phone	60.00
SPRINT, Phone	88.88
STATE STEEL, Vehicle Maint.	292.56
TANGEMAN, JODI, Auto Allowance	33.00
TY'S OUTDOOR POWER & SVC, Equip. Maint.	350.00
U S ASPHALT, Pavement Rehabilitation	36,152.77
VRANA CONSTRUCTION, Supplies	174.50

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn stated to the Council that it is time to begin thinking of a date for their strategic planning workshop in February 2009. The dates available are the 14th, 21st, and 28th. Some Councilmembers stated they would not be available on the 14th therefore Administrator Gunn asked that everyone check their calendars for the 21st or 28th and let her know.

Police Chief Lausten informed Council of nighttime prowlers or burglars in the City. A purse was stolen from a vehicle, which was parked in a garage. He encouraged everyone to be sure to keep their garage doors shut.

Public Works Director Soucie gave an update on the Harrison Street project. He also asked the Mayor and Council for any comments they may have or have heard regarding Santa's ride or the tree lighting. Mayor Kindig stated that Santa commented on how comfortable the new seat in the sleigh was this year.

B. CONDITIONAL USE PERMIT – TAVERN (HOUSTON'S LOUNGE) – LOTS 4-5, SOUTHPORT EAST REPLAT 6

1. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Conditional Use Permit – Tavern (Houston's Lounge) Lots 4-5, Southport East Replat 6. Larry Emanuel of Coldwell Banker was in attendance to answer any questions. Councilmember Sheehan asked if there was any relationship between this and the following agenda item C. Mr. Emanuel explained that they are separate operations having different owners. Houston's Lounge will be a higher end lounge and Josh Galvin will operate a simulated golf facility next door (the subject of the following agenda item). He confirmed that there will not be interior access between the two establishments.

At 7:26 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 – APPROVE CONDITIONAL USE PERMIT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 08-107: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR THE RENDEZVOUS COMPANY TO OPERATE A TAVERN ON LOTS 4 AND 5, SOUTHPORT EAST REPLAT 6.

WHEREAS, The Rendezvous Company, represented by John Houston, on behalf of the property owner, John Hoich, has applied for a conditional use permit for the purpose of operating a tavern to be known as Houston's Lounge on Lots 4 and 5, Southport East Replat 6, located at 12040 McDermott Plaza; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The applicant shall provide the necessary number of parking spaces for the use without negatively impacting the parking required for future tenants on this lot.
2. Additional on-site parking spaces may be required by the City if warranted by the parking demand, in which case the property owner shall be responsible for constructing additional parking spaces as shown on Exhibit "B2" or other plan approved by the City.
3. The outdoor patio must have a perimeter fence constructed to a height and style approved by the City of La Vista.
4. The outdoor patio shall not impede pedestrian traffic.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for The Rendezvous Company, represented by John Houston, to operate a tavern to be known as Houston's Lounge on Lots 4 and 5, Southport East Replat 6, subject to the condition listed in the last recital above.

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

C. CONDITIONAL USE PERMIT – TAVERN (BEYOND GOLF) – LOTS 4-5, SOUTHPORT EAST REPLAT 6

1. PUBLIC HEARING

At 7:29 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Conditional Use Permit – Tavern (Beyond Golf) Lots 4-5, Southport East Replat 6. Larry Emanuel of Coldwell Banker and Josh Galvin of Beyond Golf, LLC were in attendance to answer any questions.

At 7:31 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT

Councilmember Sell introduced and moved for the adoption of Resolution No. 08-108: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR BEYOND GOLF, LLC, TO OPERATE A TAVERN ON LOTS 4 AND 5, SOUTHPORT EAST REPLAT 6.

WHEREAS, Beyond Golf, LLC, and Josh Galvin, on behalf of the property owner John Hoich, has applied for a conditional use permit for the purpose of operating a tavern to be known as Beyond Golf on Lots 4 and 5, Southport East Replat 6, located at 12040 McDermott Plaza; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following conditions:

1. The applicant shall provide the necessary number of parking spaces for the use without negatively impacting the parking required for future tenants on this lot.
2. Additional on-site parking spaces may be required by the City if warranted by the parking demand, in which case the property owner shall be responsible for constructing additional parking spaces as shown on Exhibit "B2" or other plan approved by the City.
3. The outdoor patio must have a perimeter fence constructed to a height and style approved by the City of La Vista.
4. The outdoor patio shall not impede pedestrian traffic.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Beyond Golf, LLC, and Josh Galvin to operate a tavern

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to be known as Beyond Golf on Lots 4 and 5, Southport East Replat 6, subject to the condition listed in the last recital above.

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

D. CONDITIONAL USE PERMIT – HEALTH CLUB – LOT 1, SOUTHPORT EAST REPLAT 10

1. PUBLIC HEARING

At 7:32 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit – Health Club – Lot 1, Southport East Replat 10. Brad Underwood and Brent Nickel were in attendance to answer any questions. Councilmember Sheehan asked if the Club would be open 24 hours. Brent Nickel stated the facility will not be open 24 hours. It is different from other health clubs, focusing on cardio, strength, and nutrition.

At 7:33 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 08-109: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR FARRELL'S EXTREME BODYSHAPING, TO OPERATE A HEALTH CLUB ON LOT 1, SOUTHPORT EAST REPLAT 10.

WHEREAS, Farrell's Extreme Bodyshaping and Brent Nickel, on behalf of the property owner Southport Plaza, LLC, and Brad Underwood, has applied for a conditional use permit for the purpose of operating a health club to be known as Farrell's Extreme Bodyshaping on Lot 1, Southport East Replat 10, located at 7428 Eastport Parkway; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Farrell's Extreme Bodyshaping and Brent Nickel to operate a health club to be known as Farrell's Extreme Bodyshaping on Lot 1, Southport East Replat 10.

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

E. APPLICATION FOR CDBG FUNDING – 84TH STREET REDEVELOPMENT VISION PLAN

1. PUBLIC HEARING

At 7:34 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an application for CDBG Funding – 84th Street Redevelopment Vision Plan.

At 7:35 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 – APPROVE APPLICATION FOR CDBG FUNDING

Councilmember Quick introduced and moved for the adoption of Resolution No. 08-110: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE APPROVAL OF AN EXPENDITURE OF UP TO \$200,000 IN CDBG RECOVERED PROGRAM INCOME REUSE FUNDS FROM THE CITY OF LA VISTA, NEBRASKA, FOR THE 84TH STREET REDEVELOPMENT VISION PLAN.

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- WHEREAS, The City of La Vista has submitted an application to the Sarpy County Economic Development Corporation for up to \$200,000 in CDBG Recovered Program Income funds; and
- WHEREAS, the City of La Vista adopted a CDBG Recovered Program Income – Reuse Plan for Economic Development on May 18, 2004, for such purpose; and
- WHEREAS, on May 6, 2008, the City Council approved an amendment to the Reuse Plan to allow for projects involving infrastructure for economic development activities or the removal of blighted conditions, including planning and engineering studies necessary to design a project; and
- WHEREAS, on July 15, 2008, the City Council authorized the obligation of approximately \$200,000 in CDBG Recovered Program Income Reuse Funds to the City of La Vista for a planning/engineering study related to the 84th Street corridor; and
- WHEREAS, according to the Reuse Plan an application for the 84th Street Redevelopment Vision Plan was submitted to the review committee which consists of the Executive Board of the Sarpy County Economic Development Corporation (SCEDC); and
- WHEREAS, the SCEDC Executive Board and the Board of Directors reviewed the application and program requirements and has unanimously voted to recommend approval of the request; and
- WHEREAS, the City of La Vista has approximately \$230,000 in CDBG Reuse Funds.
- NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the expenditure of up to \$200,000 in CDBG Recovered Program Income Reuse funds from the City of La Vista, Nebraska, for the 84th Street Redevelopment Vision Plan, and authorize the Mayor to sign the necessary documents.

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 – BILLY FROGGS SOUTH, INC. DBA BILLY FROGGS LA VISTA

1. PUBLIC HEARING

At 7:35 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class C Liquor License Application for Billy Froggs South, Inc. dba Billy Frogg's La Vista. April O'Loughlin representing Billy Frogg's South, Inc. was in attendance to answer any questions. In response to a question from Councilmember Gowan, City Clerk Bueth confirmed that Billy Froggs South, Inc. currently is operating at the location under a temporary agency arrangement.

At 7:36 p.m. Councilmember Gowan 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 McLaughlin introduced and moved for the adoption of Resolution No. 08-111: 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 BILLY FROGGS SOUTH, INC DBA BILLY FROGGS LA VISTA, LA VISTA, NEBRASKA.

- WHEREAS, Billy Froggs South, Inc dba Billy Froggs La Vista, 8045 South 83rd Avenue , 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

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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 Billy Froiggs South, Inc dba Billy Froiggs La Vista, 8045 South 83rd Avenue, La Vista, Sarpy County, Nebraska.

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

G. RESOLUTION – APPROVAL OF APPLICATION FOR ADDITION TO LIQUOR LICENSE PREMISE/RECONSTRUCTION - BEYOND GOLF LLC DBA BEYOND GOLF

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 08-112: 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 APPLICATION FOR ADDITION TO PENDING CLASS C LIQUOR LICENSE 82199 FOR PREMISE-RECONSTRUCTION FOR BEYOND GOLF LLC DBA BEYOND GOLF, LA VISTA, NEBRASKA.

WHEREAS, Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, Suite 330, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for an addition to their liquor license, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application to change the description of the new license to read "One story building approx 50 x 75 including sidewalk café approx 17 x 25, which is the addition of an outdoor area, and

WHEREAS, the City, at their meeting of August 19, 2008 recommended to the Nebraska Liquor Control Commission approval of a Class C Liquor License, 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 application for addition to premise-reconstruction submitted by Beyond Golf LLC dba Beyond Golf, 12040 McDermott Plaza, Suite 330, La Vista, Sarpy County, Nebraska.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if there would be any access to the sidewalk café' from outside or if access would only be from the building. Community Development Director Birch stated there will not be any access from outside. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

H. RESOLUTION – APPROVAL OF BLANKET BOND - MAYOR

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 08-113: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING BLANKET BOND IN PLACE OF INDIVIDUAL BOND OF MAYOR, RE-ELECTED AT THE GENERAL ELECTION HELD NOVEMBER 4, 2008.

BE IT RESOLVED, that the penalty amount of the official bond of the Mayor is hereby set at \$5,000.

BE IT FURTHER RESOLVED, that the City Council makes and approves the following findings:
The City Clerk has presented at this meeting a blanket bond, number 69372735, issued by Western Surety Company, as surety, in place of an individual bond, pursuant to Neb. Rev. Stat. Section 11-104(2), as enacted by LB 347 (2007), for the upcoming term of the Mayor of the City of La Vista ("Bond"); by additional indemnity rider, the Bond provides coverage in the amount of \$5,000, conditioned for the faithful discharge of duties of the office of Mayor; the Mayor has executed an undertaking of the Bond in joint and several form; the Bond is payable to the City of La Vista in the penalty amount of \$5,000, conditioned for the faithful discharge of the duties of office; the corporate surety of said Bond is legally authorized to transact business in the State of Nebraska; the Bond has been

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executed by the principal and surety thereof and the required oath has been endorsed by the principal by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement upon said Bond; the Bond has been previously filed with the City Clerk; and all applicable legal requirements with respect to said Bond have been satisfied.

BE IT FURTHER RESOLVED, that the Bond, including, but not limited to the penalty amount and all other terms and conditions thereof, is hereby approved, and the Mayor is hereby authorized to endorse approval of the Council and surety in writing on the Bond or by attachment incorporating or incorporated into the Bond by reference, which shall be effective as and constitute endorsement of approval upon said Bond.

BE IT FURTHER RESOLVED, that the City shall pay the premium for the Bond.

BE IT FURTHER RESOLVED, that the City Clerk is hereby authorized to take any other action as is necessary or appropriate to carry out the actions approved herein.

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

H. JOB DESCRIPTION – RECEPTIONIST/SECRETARY – PART TIME

Councilmember Sell made a motion to approve the job description for the part time receptionist/secretary for the public works department. Seconded by Councilmember Gowan. Councilmember Sheehan stated he would like to have all job descriptions in the City updated and old job descriptions and pay grades no longer in use be deleted. Mayor Kindig stated the updates could have an affect on the compensation study. City Administrator Gunn stated the descriptions would be updated and old job descriptions will be eliminated and this would not affect the compensation study. 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; and if so, for each person to limit his or her comments to 3 minutes. There were no comments from the floor.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember McLaughlin thanked the constituents and the present and past Mayor and Councilmembers for their support and ease to work with. He stated that Councilmember Sell was his mentor.

Councilmember Quick presented a card and a gift to Councilmember McLaughlin on behalf of the Mayor and Council. Councilmember Sell stated he enjoyed working with Councilmember McLaughlin during his term; and the Mayor and Councilmembers wished Councilmember McLaughlin well.

At 7:45 p.m. Councilmember McLaughlin made a motion to adjourn the meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF DECEMBER 2008.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk