



**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO JOHN HELWIG FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, John Helwig, has served the City of La Vista since April 17, 2004, and

WHEREAS, John Helwig'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 John Helwig on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 21ST DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV



ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



## CITY OF LA VISTA

### CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO SCOTT COLLETT FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Scott Collett, has served the City of La Vista since April 19, 2004, and

WHEREAS, Scott Collett'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 Scott Collett on behalf of the City of La Vista for 5 years of service to the City.

DATED THIS 21ST DAY OF APRIL, 2009.

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Douglas Kindig, Mayor

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





**ARBOR DAY  
PROCLAMATION**

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

WHEREAS, Arbor Day is now observed throughout the nation and the world, and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife, and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim Friday, April 24, 2009 as *Arbor Day* in the City of La Vista, and I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and to plant trees to promote the well-being of this and future generations.

DATED THIS 21ST DAY OF APRIL, 2009.



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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



**PROCLAMATION**  
**NATIONAL VOLUNTEER WEEK 2009**

WHEREAS, volunteering of ones time and resources is an essential part of our country's tradition and is essential to its spirit; and

WHEREAS, it is ever more in evidence that our nation's greatest resource is its people; and

WHEREAS, volunteers have shown that they truly care and share generosity of themselves; and

WHEREAS, volunteerism is increasingly recognized as a central partner with government, education, and industry in doing the work of our nation; and

WHEREAS, volunteerism directly reflects the democratic principles upon which this nation was founded in that everyone, regardless of circumstance or station or factors of race, age, sex, or creed can volunteer; and

WHEREAS, we are seeking even more contributions of human resources in volunteerism and better application of these valuable contributions.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, wish to honor and to thank the dedicated citizens of the City of La Vista who give so freely of their valuable time, energy, and abilities by proclaiming the week of April 19 – 25, 2009 as **National Volunteer Week** in La Vista. And in doing so, I call on all citizens to help renew and sustain the spirit and vitality of this great nation by committing a portion of their time in addressing the needs of their community through voluntary action.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 21st day of April, 2009.



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING April 7, 2009

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 April 7, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, 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 March 26, 2009. 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.

Mayor Kindig made an announcement regarding the new agenda policy statement providing for expanded opportunity for public comment on agenda items.

### SERVICE AWARDS -TIM KELLER, DON WARD, RICHARD BAKER – 5 YEARS; RICHARD ULRICH – 10 YEARS; JEREMY KINSEY -15 YEARS

Mayor Kindig presented service awards to Tim Keller, Don Ward, and Richard Baker for 5 years of service; to Richard Ulrich for 10 years of service; and to Jeremy Kinsey for 15 years of service.

### PROCLAMATIONS – PARKINSON’S DISEASE AWARENESS MONTH, NATIONAL LIBRARY WEEK

Mayor Kindig presented a proclamation for Parkinson’s Disease Awareness Month to Members of the Parkinson Foundation. Mayor Kindig presented a proclamation for National Library Week to Library Director Rose Iwan.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM MARCH 17, 2009
3. APPROVAL OF CITIZEN ADVISORY REVIEW COMMITTEE MINUTES FROM MARCH 9, 2009
4. APPROVAL OF LIBRARY ADVISORY BOARD MINUTES FROM MARCH 12, 2009
5. PAY REQUEST FROM DOSTALS CONSTRUCTION COMPANY INC. – CART CORRALS - \$45,650
6. APPROVAL OF CLAIMS

Councilmember Carlisle made a motion to approve the consent agenda. Seconded by Councilmember Ellerbeck. 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, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ACTION BATTERIES, Contract Services	80.85
ALAMAR UNIFORMS, Wearing Apparel	206.41
ALLIED ELECTRONICS, Repair	125.25
AMSAN, Supplies	736.26
ARAMARK UNIFORM SERVICES, Contract Services	480.46
ASI-ADVANCED SECURITY, Bldg & Grnds	92.69
ASPHALT & CONCRETE MATERIALS, Street Maint.	80.52
BAKER & TAYLOR BOOKS, Books	1,169.61
BEACON BUILDING SERVICES, Contract Services	6,437.00
BEAUMONT, MITCH, Professional Services	925.00

# MINUTE RECORD

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

April 7, 2009

BENNINGTON EQUIPMENT, Vehicle Maint.	589.37
BETTER BUSINESS EQUIPMENT, Rental	47.50
BIBLIONIX, Subscription/Equip.	3,200.00
BKD, Professional Services	4,500.00
BLACK HILLS ENERGY, Utilities	9,146.07
BLUE CROSS BLUE SHIELD, Rescue Revenue	76.24
BOLEY, ANN, Auto Allowance	100.00
BRODART, Books	607.14
BUETHE, PAM, Travel/Phone/Drug Fund	2,956.57
BUILDERS SUPPLY, Bldg & Grnds	31.60
BURT, STACIA, Training	360.00
CALENTINE, JEFFREY, Phone	30.00
CENTER POINT PUBLISHING, Book	77.88
CITY OF OMAHA, Contract Services	29,274.50
COCA-COLA, Concessions	1,113.40
COMMISSION ON POST-TPS/CPTN, Training	198.00
COMP CHOICE, Professional Services	1,035.00
CORNHUSKER INTL, Vehicle Maint.	151.18
COX, Phone	58.65
DAGANAAR, MONTY, Contract Services	470.00
DAHL, DOUG, Travel	245.00
DESGANTIS HOLSTER & LEATHER, Wearing Apparel	108.01
DOUGLAS COUNTY SHERIFF, Contract Services	150.00
EASTERN LIBRARY SYSTEM, Training	35.00
ECCLES, PAT, Travel/Auto Allowance	200.00
ECOLAB, Resurface	472.12
ED ROEHR SAFETY PRODUCTS, Equip	209.70
EDGEWEAR SCREEN PRINTING, Wearing Apparel	181.00
EDUCATIONAL RECORD CENTER, Books	55.94
EMBASSY SUITES HOTEL, Travel	571.25
FARQUHAR, MIKE, Auto Allowance	100.00
FEDEX KINKO'S, Printing	148.50
FEDEX, Postage	11.16
FILTER CARE, Vehicle Maint.	84.55
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	91.30
FIREGUARD, Equipment	271.50
FIREHOUSE MAGAZINE, Dues	29.95
FITZGERALD SCHORR BARMETTLER, Professional Services	18,333.31
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,235.50
FROEHLICH, RORY, Auto Allowance	100.00
G I CLEANER & TAILORS, Uniform Cleaning	464.40
GALE, Books	98.21
GALL'S, Wearing Apparel	18.89
GAMETIME, Bldg & Grnds	369.00
GASSERT, ADAM, Contract Services	112.50
GASSERT, MIKE, Contract Services	22.00
GAYLORD BROS, Supplies	326.32
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	323.55
GENUINE PARTS COMPANY, Vehicle Maint.	2,294.45
GLS SALES, Supplies	87.60
GOLDMAN, JOHN, Phone	85.00
GRAYBAR ELECTRIC, Bldg & Grnds	113.97
GREAT PLAINS UNIFORMS, Wearing Apparel	499.95
GREAT WESTERN BANK, Fees	250.00
GUNN, BRENDA, Phone	45.00
H & H CHEVROLET, Vehicle Maint.	39.58
HANEY SHOE STORE, Wearing Apparel	120.00
HARM'S CONCRETE, Bldg & Grnds	223.50
HEARTLAND TIRES AND TREADS, Vehicle Supplies	1,085.00
HELGET GAS PRODUCTS, Squad Supplies	100.50
HONEYMAN RENT-ALL, Bldg & Grnds	49.05
HOST COFFEE SERVICE, Concessions	21.50
HUMANA, Rescue Revenue	371.00
HUNTEL, Contract Services	95.00
HUSKER MIDWEST PRINTING, Printing	688.50
HY-VEE, Supplies	92.84
INLAND TRUCK PARTS, Vehicle Maint.	172.03

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April 7, 2009

INTERSTATE ALL BATTERY CENTER, Batteries	59.94
IPMA, Dues	360.00
IVERSON, DENNIS, Wearing Apparel	120.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	991.34
JOHNSON CONTROLS, Bldg & Grnds	1,440.27
JOHNSON FARM EQUIPMENT, Vehicle Maint.	136.30
JOHNSTONE SUPPLY, Bldg & Grnds	124.72
JUSTIN THYME CAFÉ, Supplies	195.00
KAPCO-KENT ADHESIVE PRODS, Supplies	35.19
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	280.00
KRIHA FLUID POWER, Vehicle Maint.	698.21
KUSTOM SIGNALS, Capital Outlay	2,283.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	90.00
LANDS' END BUSINESS OUTFITTERS, Wearing Apparel	398.40
LAUGHLIN, KATHLEEN, Payroll Withholdings	744.00
LEAGUE OF NEBRASKA MUN, Books	57.50
LEXIS NEXIS MATTHEW BENDER, Books	267.10
LIBRARY ADVANTAGE, Supplies	375.00
LIFE ASSIST, Squad Supplies	509.64
LINWELD, Wearing Apparel	278.14
LODES, CHRIS, Contract Services	150.00
LOGAN CONTRACTORS SUPPLY, Street Maint.	4,065.60
LOVELAND LAWNS, Supplies	335.00
LUKASIEWICZ, BRIAN, Phone	50.00
LUPOMECH, CATHY, Travel	81.65
MAPA-METRO AREA PLANNING AGNCY, Travel	60.00
MCCANN PLUMBING, Bldg & Grnds	105.30
METRO AREA TRANSIT, February Fees	586.00
METRO COMMUNITY COLLEGE, Utilities/Phone/Contract Services	11,433.42
METROPOLITAN CHIEFS ASSN, Dues	25.00
MICHAEL TODD AND COMPANY, Vehicle Maint.	726.41
MID AMERICA PAY PHONES, Phones	100.00
MID CON SYSTEMS, Vehicle Maint.	60.60
MIDLANDS LIGHTING & ELECTRIC, Bldg & Grnds	182.28
MID-STATE DISTRIBUTING, Vehicle Maint.	11.68
MIDWEST TURF & IRRIGATION, Bldg & Grnds/Vehicle Maint.	200.21
MNJ TECHNOLOGIES DIRECT, Contract Services	561.66
MONARCH OIL, Street Maint./Vehicle Maint.	575.75
MPH INDUSTRIES, Capital Outlay	1,199.00
MUD, Utilities	850.99
MULLEN & MULLEN, Professional Services	42,384.00
NE LIBRARY COMMISSION, Training/CD	1,989.00
NE SALT & GRAIN COMPANY, Ice Control Salt	4,048.55
NEBRASKA FOREST TREE SERVICE, Training	60.00
NEUMAN EQUIPMENT COMPANY, Bldg & Grnds	391.50
NEW YORK TIMES, Subscriptions	176.80
NEXTEL COMMUNICATIONS, Phones	645.51
NOVA HEALTH EQUIPMENT, Repair	75.00
NPZA-NE PLANNING/ZONING ASSN, Training	210.00
NUTS AND BOLTS, Repair	617.75
ODB, Vehicle Maint.	317.28
ODEY'S, Supplies	419.33
OFFICE DEPOT, Supplies	1,657.53
OMAHA COMPOUND, Supplies	43.51
OMAHA NEWSPAPER, Ads	397.50
OMAHA WORLD HERALD, Legal Advertising	25.00
OMB EXPRESS POLICE, Wearing Apparel	1,142.54
OPPD, Utilities	1,446.41
ORIN, ANGELA, Refund	29.38
PAPILLION SANITATION, Contract Services	212.11
PAPILLION TIRE, Vehicle Maint.	289.10
PAPIO-MO RVR NATURAL RESOURCES, Watershed Agrmt	5,000.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	491.15
PAYLESS OFFICE PRODUCTS, Supplies	350.90
PITNEY BOWES, Supplies	221.00
PRECISION INDUSTRIES, Vehicle Maint.	421.19

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April 7, 2009

PREMIER-MIDWEST BEVERAGE, Concessions	125.65
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	209.25
QUALITY BRANDS, Concessions	535.50
QWEST, Phone	1,192.53
RACOM, Vehicle Maint.	214.09
RADIO SHACK, Equipment	14.98
RAMIREZ, RITA, Phone	43.00
REW MATERIALS, Bldg & Grnds	20.64
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SCHMIDT, LORI, Refund	30.00
SCHOLASTIC LIBRARY PUBLISHING, Books	449.80
SIMON, DON, Travel	245.00
SIMPLEX GRINNELL, Bldg & Grnds/Vehicle Maint.	1,267.10
SINNETT, HELEN, Supplies	45.00
SINNETT, JEFF, Travel	245.00
SMITH, MELANIE, Travel	188.00
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	95.88
ST COLUMBKILLE SHEPHERDS, Refund	770.00
STANDARD IRON WORKS, Bldg & Grnds	70.76
SUBURBAN NEWSPAPERS, Legal Advertising/Books	776.40
SUCCESS FACTORS, Professional Services	4,250.00
SUN LIFE & HEALTH, Payroll Withholdings	4,046.36
SUSPENSION SHOP, Vehicle Maint.	451.97
SUTPHEN, Vehicle Maint.	90.40
TARGET BANK, Supplies	8.76
TED'S MOWER SALES & SERVICE, Repair	100.64
TRACTOR SUPPLY, Vehicle Maint./Wearing Apparel	732.37
TURFWERKS, Vehicle Maint.	107.40
TURNER, WILEY, Contract Services	22.00
TY'S OUTDOOR POWER & SVC, Vehicle Maint.	22.50
U S ASPHALT, Street Maint.	924.48
UNITED SEEDS, Bldg & Grnds	320.00
VANGUARD INDUSTRIES, Bldg & Grnds/Vehicle Maint.	424.50
VERIZON WIRELESS, Phone	93.98
VIERREGGER ELECTRIC, Street Maint.	3,229.29
WAL-MART, Supplies	393.28
WASTE MANAGEMENT, Bldg & Grnds	220.59
WHITTAKER, VICKI, Travel	188.00
WOODHAVEN COUNSELING ASSN, Contract Services	380.00

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that Department Heads will be having a cookout for city employees on Friday, April 17<sup>th</sup>, at the Police Station.

Assistant City Administrator Ramirez informed Council the LARM board's dividend program will pay the City of La Vista \$54,000.

Police Chief Lausten informed Council that Officer Andrew Johnson has been deployed effective April 8<sup>th</sup>, for a one year tour of duty.

Public Works Director Soucie informed Council the Federal highway bridge audit review has been completed and our bridges passed.

Soucie informed Council there are two (2) projects funded with federal stimulus money, with full federal oversight. He does not have a timetable as to when these projects will begin.

Soucie informed Council the annual spring clean-up days will be held on Friday, April 17<sup>th</sup> and Saturday, April 18<sup>th</sup>.

Building and Grounds Director Archibald informed Council that Maintenance Assistant Siebels and Maintenance Worker Keller attended a tree trimming seminar in Lincoln.

Recreation Director Stopak informed Council the annual Easter Egg Hunt will be held on Saturday, April 11<sup>th</sup>.

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April 7, 2009

Stopak informed Council the City of La Vista has been recognized for the 19<sup>th</sup> year for Tree City USA. A ceremony will be held on April 14<sup>th</sup> at 2:15 p.m. in Lincoln.

Library Director Iwan informed Council that she has two metro students helping at the library under federal funding for a savings of \$728.00 to the City.

## **B. ORDINANCE - AMEND CITY CODE – BUILDING BOARD OF APPEALS**

### **1. PUBLIC HEARING**

At 7:34 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Amending the City Code – Board of Appeals.

Community Development Director Birch introduced this agenda item, stating that the intent of the ordinances is for the board of adjustment to also serve as the board of appeals under the various codes of Chapter 150.

At 7:34 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### **2. ORDINANCE**

Councilmember Gowan introduced Ordinance No. 1088 entitled: AN ORDINANCE TO AMEND SECTION 32.03 OF THE LA VISTA MUNICIPAL CODE RELATING TO THE BOARD OF ADJUSTMENT AND BOARD OF APPEALS; TO REPEAL SECTION 32.03 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sell seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Carlisle moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No.1088 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

Councilmember Quick introduced Ordinance No. 1089 entitled: AN ORDINANCE TO AMEND SECTION 150.01(D) OF THE LA VISTA MUNICIPAL CODE RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS; TO REPEAL SECTION 150.01(D) AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Gowan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Carlisle seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1089 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

# MINUTE RECORD

## **C. CITIZEN ADVISORY REVIEW COMMITTEE**

### **1. EDP REPORT**

#### **A. PUBLIC HEARING**

Assistant City Administrator Ramirez introduced this agenda item.

At 7:36 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the EDP Report. Lynda Shafer addressed Council to present the Committee report.

At 7:37 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION - AMENDED CAR COMMITTEE RULES AND OPERATING PROCEDURES**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-027: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO THE EXISTING RULES AND OPERATING PROCEDURES OF THE LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE.

WHEREAS, The La Vista Citizen Advisory Review Committee was formed as an advisory committee to the Mayor and City Council to review the function and progress of the Economic Development Program; and

WHEREAS, The La Vista Citizen Advisory Review Committee has recommended some minor amendments to the Rules and Operating Procedures of the Committee; and

WHEREAS, The City Council must approve any changes to the Rules and Operating Procedures of the Citizen Advisory Review Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to the existing Rules and Operating Procedures of the Citizen Advisory Review Committee.

Seconded by Councilmember Quick. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. SUPPORT OF EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

### **1. PUBLIC HEARING**

Police Chief Lausten introduced this agenda item, describing the grant and stating that the opportunity for public input is necessary to comply with grant application requirements.

At 7:38 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on support of Edward Byrne Memorial Justice Assistance Grant. Police Chief Lausten introduced the item.

At 7:39 p.m. Councilmember Crawford made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **2. RESOLUTION – SUPPORT OF APPLICATION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-028: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA SUPPORTING THE APPLICATION FOR THE “EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT”.

WHEREAS, funding for equipment has been made available to the La Vista Police Department through the “American Recovery and Reinvestment Act of 2009”;

WHEREAS, a grant application for the funds through the “Edward Byrne Memorial Justice Assistance Grant” has been made by the police department;

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April 7, 2009

WHEREAS, the grant application must be submitted to the U.S. Department of Justice along with certifications and assurances;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby support the police department's application for the "Edward Byrne Memorial Justice Assistance Grant".

Seconded by Councilmember Quick. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. ORDINANCE – AMEND CITY CODE – ADOPT INTERNATIONAL PROPERTY MAINTENANCE CODE (TABLED AT MARCH 17, 2009 MEETING)**

Councilmember Sell introduced Ordinance No. 1086 entitled: AN ORDINANCE TO AMEND SECTION 150.03 OF THE LA VISTA MUNICIPAL CODE RELATING TO HOUSING CODES; TO REPEAL SECTION 150.03 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Public hearing was held at the March 17, 2009 Council meeting. Community Development Director Birch and Chief Building Inspector Sinnett gave a review of the ordinance. Sinnett gave a summary of what other government entities in the area are doing. Councilmember Sheehan asked why all the cities in Sarpy County couldn't agree to one code and asked that this be brought up at the next Mayor's meeting.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Ellerbeck. The Mayor then stated the question was, "Shall Ordinance No. 1086 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **F. ORDINANCES – AMEND CITY CODE**

City Clerk Buethe introduced this agenda item, stating that modifications were recommended to reflect amendments to state statutes.

### **1. ORDINANCE - AMEND SECTION 33.22 – PUBLIC PARTICIPATION**

Councilmember Gowan introduced Ordinance No. 1090 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.22; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Gowan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for final passage of the ordinance which motion was seconded by Councilmember Sheehan. Councilmember Crawford asked for confirmation and City Clerk Buethe confirmed that procedures the City recently implemented to facilitate expanded public comment do not conflict with the changes made to state statute. The Mayor then stated the question was, "Shall

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Ordinance No.1090 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **2. ORDINANCE – AMEND SECTION 70.001 – DEFINITIONS**

Councilmember Carlisle introduced Ordinance No. 1091 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.001; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sheehan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, Crawford, Ellerbeck, Quick and Gowan. The following voted nay: None. The following were absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Gowan. The Mayor then stated the question was, "Shall Ordinance No.1091 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## **G. RESOLUTION – ISSUE FIREWORKS PERMIT – LA VISTA YOUTH BASEBALL ASSOCIATION**

City Clerk Buethe introduced this agenda item, explaining that the Council previously had voted to allow the La Vista Youth Baseball Association two weeks to find an alternate site and resubmit the application accordingly.

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-029: 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 BASEBALL ASSOCIATION

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, La Vista Youth Baseball Association has 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 the application received for the purpose of determining that the application was 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 Baseball Association

to sell fireworks within the City of La Vista for the 2009 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

# MINUTE RECORD

applicable regulations; and attendance by an official of the nonprofit organization which applied for the permit at a meeting with City staff (date and time to be established).

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. Steve Hayden, a board member for the La Vista Youth Baseball Association addressed Council to thank the Council for giving the Association a chance to propose an alternate site. Councilmember Sheehan stated that a precedent for denial was set in the past, so he would not vote to approve the resolution. He had no issues with the Association. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **H. RESOLUTION – WASTEWATER SERVICE AGREEMENT AND ADDENDUM**

Finance Director Lindberg introduced this item.

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-030: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE 2009 WASTEWATER SERVICE AGREEMENT AND ADDENDUM BETWEEN THE CITY OF OMAHA AND THE CITY OF LA VISTA.

WHEREAS, the City of La Vista and City of Omaha entered into the first wastewater service agreement on February 11, 1975; and

WHEREAS, that agreement has been renewed and amended several times; and

WHEREAS, this new agreement will supersede the existing wastewater service agreement and addendums; and

WHEREAS, this new agreement will allow the City of La Vista to define and establish an expanded retail wastewater service area;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, the new Wastewater Service Agreement and Addendum is hereby approved subject to review by the City Attorney as to form and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

Seconded by Councilmember Quick. Councilmember Sheehan asked if the agreement included the City's ETJ. Finance Director Lindberg confirmed that it did beginning in 2011. Councilmember Ellerbeck thanked City Engineer John Kottmann for his many years of work for the City. City Administrator Gunn commended Lindberg for her perseverance. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **I. RESOLUTION – INTERLOCAL COOPERATION AGREEMENT – LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)**

City Clerk Buethe introduced this agenda item, stating that the City can realize a premium discount by extending the term of coverage with LARM to September 30, 2012.

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 09-031: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RELATING TO THE TERM OF PARTICIPATION IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT.

WHEREAS the City of La Vista is a member of the League Association of Risk Management (LARM); and

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least 90 days prior to the desired termination date and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates, and efficiency in operation of LARM; and

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WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM; and

WHEREAS, the Mayor and City Council have determined that it is in the best financial interest of the City to extend the term of agreement by three years and establish notice of termination terms in order to receive participation discounts.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2012, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

Seconded by Councilmember Sell. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **J. RESOLUTION – AWARD CONTRACT – INSTALL AIR CONDITIONER IN COMPUTER/COMMUNICATIONS ROOM AT CITY HALL**

Public Building and Grounds Director Archibald introduced this agenda item, stating that the air conditioning unit will allow cooling of the computer/communications room without running the entire large unit all of the time as is currently being done.

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-032: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO AWARD A CONTRACT TO STANDARD HEATING AND AIR CONDITIONING, OMAHA, NEBRASKA, FOR INSTALLATION OF A 2 TON INDIVIDUAL AIR CONDITIONING UNIT IN THE COMPUTER/COMMUNICATIONS ROOM AT CITY HALL IN AN AMOUNT NOT TO EXCEED \$5,190.00.

WHEREAS, the City Council of the City of La Vista has determined that the proposed improvement is necessary; and

WHEREAS, the FY 2008/09 General Fund provides funding for the proposed project.

WHEREAS, the Director of Public Buildings and Grounds solicited bids and recommends that a contract be awarded to Standard Heating and Air Conditioning, as the most responsible bidder; 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, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Standard Heating and Air Conditioning, Omaha, Nebraska, for installation of a 2 ton individual air conditioning unit in an amount not to exceed \$5,190.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Carlisle. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **K. RESOLUTION – ADVERTISEMENT FOR BIDS – STREET SWEEPER**

Public Works Director Soucie introduced this agenda item.

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-033: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR THE PURCHASE OF A NEW STREET SWEEPER FOR THE PUBLIC WORKS DEPARTMENT.

WHEREAS, the City Council has determined that the purchase of a new Street Sweeper for the Public Works Department is necessary, and

# MINUTE RECORD

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

April 7, 2009

WHEREAS, the FY 2008/09 Street Operating Budget provides funding for the purchase of said Street Sweeper, and

WHEREAS, the Public Works Street Superintendent has prepared specifications for said Street Sweeper.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the purchase of a new Street Sweeper in accordance with specifications prepared by the Public Works Street Superintendent and said bids are to be opened and publicly read aloud at 2 p.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, Nebraska on April 23, 2009.

Advertise for Bids – April 8, 2009

Open Bids – April 23, 2009

Award Bid – May 5, 2009

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## L. RESOLUTION – RECONSIDER ASSESSMENT PER RESOLUTION 09-007

City Clerk Buethe introduced this item and explained the process the Council must follow in order to reconsider this item.

Councilmember Sell made a motion to suspend the rules and allow reconsideration of the assessment of the property in the original resolution. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-034, with the assessment of 6905 Josephine St. to be reduced to \$0: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECONSIDERING AND ADJUSTING THE ORIGINAL ASSESSMENT OF A PROPERTY PURSUANT TO RESOLUTION 09-007 AND AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER AN ADJUSTMENT TO THE SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNT CITED HEREIN.

WHEREAS, the Mayor and City Council passed Resolution 09-007 on January 20, 2009 authorizing the City Clerk to file with the Sarpy County Treasurer a special assessment for property clean up at 6905 Josephine Street, Lot 171 La Vista Replat in the amount of \$177.78 ("6905 Josephine St. Assessment"); and

WHEREAS, the City Clerk received a written protest from the property owner on March 13, 2009 requesting the Council's action and 6905 Josephine St. Assessment be reconsidered and adjusted; and

WHEREAS, the City has verified that the owner did make an attempt to trim the branches in compliance with notice of the code enforcement officer; and

NOW THEREFORE BE IT RESOLVED, that, in consideration of the foregoing, exceptional circumstances and interests of equity:

1. Resolution 09-007 is hereby reconsidered to the extent of the 6905 Josephine St. Assessment.

2. Resolution 09-007 is hereby ratified, affirmed and approved, with the exception of the 6905 Josephine St. Assessment, which is hereby adjusted and set at the following amount \$0.00.

3. The La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer an adjustment to the 6905 Josephine St. Assessment in accordance with the actions approved herein.

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

April 7, 2009

Seconded by Councilmember Sell. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **M. RESOLUTION – ADOPTION - STRATEGIC PLAN**

City Administrator Gunn introduced this agenda item.

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-035: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT THE STRATEGIC PLAN FOR 2009-2011 AS ATTACHED.

WHEREAS, the Mayor and City Council recognize the importance and value of having a deliberate planning process to help guide all facets of city government; and

WHEREAS, the Mayor and City Council believe that it is essential to set goals and review them periodically to ensure progress; and

WHEREAS, the Mayor and City Council held their annual strategic planning work session on Saturday, February 28, 2009 to:

1. Align the city's priorities with changing conditions and new opportunities.
2. Create shared commitments among council members and city staff concerning short-term and long-term endeavors.
3. Assess the city's present and future strengths, weaknesses, opportunities and threats; and

WHEREAS, the attached Strategic Plan for 2009-2011 as developed as a collaborative effort between the Mayor and City Council and the city's management team and establishes the organizational priorities for a two year planning period.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the Strategic Plan for 2009-2011 as attached and presented at the April 7, 2009 City Council meeting.

Seconded by Councilmember Ellerbeck. Mayor Kindig stated he is anxious to see the expanded program list for the Senior Center. Councilmember Sheehan stated he would like a discussion on individual items during council meetings. City Administrator Gunn stated that all discussions would be during city council meetings. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Gowan made a motion to move "Comments from the Floor" up on the agenda ahead of Item N. "Executive Session". Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Ellerbeck, Crawford, and Gowan. Nays: None. Absent: None. Motion carried.

## **COMMENTS FROM THE FLOOR**

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes. There were no comments from the floor.

## **N. EXECUTIVE SESSION – STRATEGY SESSION /NEGOTIATING GUIDANCE**

At 8:13 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session and Negotiating Guidance. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:41 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

# MINUTE RECORD

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

April 7, 2009

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig informed Council that the Vision 84 project will "kick off" next week. He thanked Councilmembers Sell and Carlisle for their input in meetings with the consultants.

At 8:44 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\CITYHALL\09 COUNCIL MINUTES\April 7, 2009

**CITY OF LA VISTA  
SAFETY COMMITTEE MEETING  
MINUTES  
January 20, 2009**

**I. CALL TO ORDER**

A meeting of the Safety Committee convened on January 20, 2009 at 9:00 A.M. at La Vista Police Station, 7701 South 96<sup>th</sup> Street, La Vista, NE 68128.

Present were Jeff Sinnett, Jeff Siebels, Bob Lausten, Randy Ruhge, Pam Buethe, Mary Alex, Bob Perry with LARM and Rich Carstensen-guest.

**II. APPROVAL OF MINUTES FROM OCTOBER MEETING**

A motion was made by Ruhge to approve the minutes from the October 14, 2009 meeting, a second motion by Buethe. Minutes were approved.

**III. OLD BUSINESS**

**Reports**

**1. Training Committee**

AED and Hazard training will be handled by Uhl through the Fire Department.

**2. Incident Tracking Committee**

Buethe distributed incident reports for 2008. Included were summaries of incidents by type, preventable/non-preventable and employee/non-employee. Lausten requested a year end report.

**3. Facilities Inspection Committee**

Most of the incidents were taken care of following the November inspection. A decision was made not to replace expired products as supplies are deleted due to cost. A follow-up was completed and will be distributed to Department Heads to show corrective action was taken.

**4. Special Projects Committee**

**1. Wellness Program**

Rich Carstensen, Wellness Committee Chair, gave an update on progress of the Wellness Committee. The Committee members are: Rich Carstensen, D.J. Barcal, Rich Uhl, Pam Buethe, and Karen Fagin. There are approximately 20-25 employees enrolled in the current program. The Wellness Committee is considering an employee wellness survey, working on a new point system, smoking cessation classes, and possible reduction in employee health premiums based on participation in program. Carstensen will check with Blue Cross/Blue Shield on program help.

Guest Bob Perry recommended Sarpy Wellness Council and Wellness Council of the Midlands as sources of information.

Carstensen would also like to offer brown bag sessions and is currently working on putting a budget together. He will be promoting use of the Recreation Center and coordinate other outside activities. The “Biggest Loser” Challenge was also mentioned as a possible program to encourage fitness.

Carstensen reported there are 12 participants signed up at this time for the N-Lighten Nebraska challenge.

Discussion was held on the recent October Health Fair. It was reported that there was lower attendance than in previous years, possibly due to the fact that it was held earlier and Public Works department employees, who normally attend, were still on hour shifts, and unable to attend. We will discuss alternatives to the “Annual Health Fair” and re think who our target audience should be and the best way to serve them.

#### **IV. New Business**

The Building and Grounds department employees will be ordering logoed shirts to replace the need to wear City ID badges, which in some cases, pose a safety hazard. Lausten recommended having a policy on ID badges, who wears them and when. Lausten also reported the Pandemic Plan was still under review by Administration.

Sinnett noted the need to update our current tornado / fire plan. During the last fire drill there was some confusion as to where each department was to meet outside of the building. Members were encouraged to bring their ideas to the next committee meeting.

Next Safety Committee Meeting will be July 14, 2009, 9:00 A.M. at the La Vista Police Station.

#### **V. Adjourn**

Meeting was adjourned at 10:00 am.

City of La Vista  
Park & Recreation Advisory Committee Minutes  
February 18, 2008

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:00 p.m. on February 18, 2009. Present were Recreation Director Scott Stopak, Advisory Board Members Pat Lodes, George Forst, Penny Selders, Jeff Kupfer. Absent: Randy Cahill. Staff member Eddie Burns was also present. Absent: Staff members Dave Carlson and Rich Carstensen.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on February 12, 2009. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice are attached to the minutes. Availability of the agenda was communicated in the advance notice to the members of the Park and Recreation Advisory Committee of this meeting. All proceedings hereafter were taken while the convened meeting was open to attendance of the public. Further, all the subjects included in said proceedings were contained in the agenda for inspection within ten working days after said meeting, prior to the convened meeting of said body.

**CALL TO ORDER**

Director Stopak called the meeting to order.

Seconded by Advisory Board Member Lodes.

Recreation Director Stopak led the audience in the Pledge of Allegiance.

Recreation Director Stopak made an announcement of the location of the posted copy of the Open Meetings Act for public reference and read the Emergency Procedures Statement.

Director Stopak introduced the two new members of the Recreation Advisory Board, Penny Selders and Jeff Kupfer.

Election of new chairperson. Member Lodes was nominated by Member Forst, seconded by Member Kupfer. Committee members voting aye: Forst, Selders, Kupfer.

**A. CONSENT AGENDA**

Chairperson Lodes made the motion to approve the consent agenda.

Seconded by Committee Member Forst. Motion carried.

**REPORTS FROM RECREATION DIRECTOR AND STAFF**

Recreation Director Scott Stopak reported that a 22-year-old male, suffering from a heart defect, passed away after collapsing in the gym at the Community Center on Sunday evening, February 15, 2009.

Stopak also reported that the Senior Valentine's Luncheon scheduled for Friday, February 13, was cancelled due to the weather. It has been re-scheduled for Friday, February 20. There are approximately 140 people signed up for the event.

Ballroom Dance class began in January with six couples participating.

Baton classes have increased in size. The dance room is no longer large enough, so they will be utilizing  $\frac{1}{2}$  the gymnasium for practice.

Burns reported that youth basketball has 2 weeks remaining of the 8-week season. Adult basketball is in its third week, and women's volleyball began tonight. Next month will be registrations for flag football, baseball, softball and soccer. The basketball teams received new uniforms this year. The tank shirts are navy reversible to white, with navy shorts.

Burns also reported that there are two 5/6 grade boys basketball teams and three 3/4 grade boys teams. The teams play cooperatively with the Sarpy YMCA and Offutt teams. Some teams play their games at the La Vista Community Center, others are at a local church in La Vista, the La Vista Junior High, and the YMCA.

Chairperson Lodes asked what type of advertising we are doing for the youth teams. Stopak stated that we advertise in mailings to prior year's participants, the City Wise What's Happening newsletter, the Omaha World-Herald and the Times.

Member Selders asked about youth teams between grades 6 and High School. Burns stated that there is only baseball and softball for that age.

#### COMMENTS FROM THE FLOOR

Jeff Niemiec, the La Vista Vipers Wrestling Club reported that the numbers are down this year to 43 kids. They are participating in tournaments almost every weekend. Practice has been held at the high school this year due to a lack of coaches. Member Kupfer suggested asking the high school coach if he would speak at their wrestling banquet on Saturday, March 28, 2009 at the Community Center.

Don Bellino, La Vista Youth Athletic Association, reported that, due to the selling of fireworks, they would have \$8-9,000 available in the next couple of months for any special projects the Recreation Dept. would have.

Jodee Drake-Soto, Jeff Crnkovich and Steve Hayden Sr. spoke for the La Vista Panthers Baseball Club. They discussed with the Advisory Board the options the Panthers have been given by the City. For 2009, the Panthers can reimburse the City, per participant, an equal fee to our in-house baseball leagues. This will provide field usage for practices and games only. Recreation staff will schedule field usage requests so there is no conflict with in-house usage of fields. If the Panthers want to host a tournament, they would have to submit a tournament request form and pay the tournament usage fees set in the master fee schedule.

The Panthers have until June 1, 2009 to determine what they will do for the 2010 season and beyond. They have two options given by the City. They can stay independent and pay field usage fees for practices and games, as set by the Master Fee Schedule, which is adopted by the City Council. They will be subject to the same expectations as other organizations for scheduling fields as outlined in the Council Policy Statement, Recreation: Scheduling, Operation And Maintenance Of City Fields.

The Panthers other option is to merge with the City. All registration fees will be retained by the City and the City would be responsible for all administrative and financial responsibilities. The Panthers would be responsible for fund raising opportunities to assist with the expenditures of the program.

The Panther representatives stated they need to know more details on how the merger would affect them before they can make a decision for next year

#### COMMENTS FROM COMMITTEE MEMBERS

Chairperson Lodes stated that the subject of field usage and fees has been on the agenda since last year, and feels that the Advisory Board has lost a say on the outcome. Lodes would like to be on record that "fees have to be as such that clubs can operate and not go bankrupt". Lodes also said that the Clubs need clarification on what needs to be accomplished to facilitate a decision.

#### ADJOURNMENT

Chairperson Lodes made the motion to adjourn.

Seconded by Member Forst. Motion carried.

Meeting adjourned at 8:20 p.m.

**CITY OF LAVISTA, NEBRASKA**

**COMBINED STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

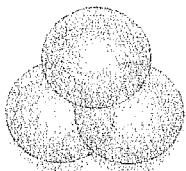
For the six months ended March 31, 2009

50% of the Fiscal Year

	General Fund			Debt Service Fund			Capital Fund			
	Budget (12 month)	Actual	Over/(under) Budget	% of budget Used	Budget	Actual	Over/(under) Budget	Budget	Actual	Over/(under) Budget
<b>REVENUES</b>										
Property Taxes	\$ 4,531,026	\$ 636,071	\$ (3,894,956)	14%	\$ 761,601	\$ 89,023	\$ (672,578)	\$ 835,334	\$ -	\$ -
Sales and use taxes	\$ 1,955,000	\$ 1,089,884	\$ (865,116)	56%	\$ 977,500	\$ 544,942	\$ (432,558)	-	-	\$ (835,334)
Payments in Lieu of taxes	90,000	-	(90,000)	0%	-	-	-	-	-	-
State revenue	1,070,440	538,672	(531,768)	50%	-	-	-	-	-	-
Occupation and franchise taxes	500,000	321,650	(178,350)	64%	-	-	-	-	-	-
Hotel Occupation Tax	872,400	182,883	(689,517)	21%	-	-	-	-	-	-
Licenses and permits	637,000	282,575	(354,425)	44%	-	-	-	-	-	-
Interest income	50,000	27,299	(22,701)	55%	100,000	69,324	(30,676)	-	-	-
Recreation fees	151,000	55,986	(95,914)	36%	-	-	-	-	-	-
Special Services	27,295	8,228	(19,067)	30%	-	-	-	-	-	-
Grant Income	182,750	52,501	(130,249)	29%	-	-	-	-	-	-
Other	176,000	153,679	(22,321)	87%	585,000	217,912	(367,988)	2,893,337	(2,893,337)	(603,825)
<b>Total Revenues</b>	<b>10,242,911</b>	<b>3,348,527</b>	<b>(6,894,584)</b>	<b>33%</b>	<b>2,424,101</b>	<b>921,201</b>	<b>(1,502,900)</b>	<b>4,582,005</b>	<b>49,509</b>	<b>(4,332,466)</b>
<b>EXPENDITURES</b>										
Current:										
Mayor and Council	140,996	55,351	(85,645)	39%	-	-	-	-	-	-
Boards & Commissions	10,025	3,395	(6,630)	34%	-	-	-	-	-	-
Public Buildings & Grounds	476,009	183,011	(292,998)	38%	-	-	-	-	-	-
Administration	540,793	247,663	(295,130)	46%	90,000	5,697	(84,303)	-	-	-
Police and Animal Control	3,311,601	1,511,824	(1,799,777)	46%	-	-	-	-	-	-
Fire	514,198	188,826	(325,372)	37%	-	-	-	-	-	-
Community Development	639,075	277,086	(361,989)	43%	-	-	-	-	-	-
Public Works	2,584,143	1,129,788	(1,454,355)	44%	-	-	-	-	-	-
Recreation	567,335	206,488	(360,847)	36%	-	-	-	-	-	-
Library	590,046	250,780	(339,266)	43%	-	-	-	-	-	-
Human Resources	397,775	334,425 *	(63,350)	84%	-	-	-	-	-	-
Special Services & Tri-City Bus	77,600	25,62	(52,038)	33%	-	-	-	-	-	-
Capital outlay	315,671	65,509	(250,162)	21%	1,475,000	378,374	(1,096,626)	-	-	-
Debt service; (Warrants)	-	-	-	-	1,770,000	1,195,000	(575,000)	-	-	-
Principal	-	-	-	-	1,665,549	507,296	(1,068,523)	-	-	-
Interest	-	-	-	-	5,000,549	2,176,367	(2,824,182)	-	-	-
<b>Total Expenditures</b>	<b>10,165,267</b>	<b>4,479,709</b>	<b>(5,685,559)</b>	<b>44%</b>	<b>2,424,101</b>	<b>921,201</b>	<b>(1,502,900)</b>	<b>4,582,005</b>	<b>49,509</b>	<b>(4,332,466)</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>										
OTHER FINANCING SOURCES (USES)	77,644	(1,131,181)	1,208,825	-145%	(2,576,448)	(1,255,166)	(1,321,283)	(2,178,854)	-	(2,178,854)
Operating transfers in (out)	(820,280)	-	820,280	-	-	134,092	-	118,854	-	(118,854)
Bond/registered warrant proceeds	(820,280)	-	820,280	-	-	1,475,000	-	2,060,000	-	(2,060,000)
Total other Financing Sources (Uses)	\$ (742,636)	\$ (1,131,181)	\$ 388,545	-	\$ (967,356)	\$ (1,255,166)	\$ (1,349,092)	\$ 2,178,854	-	(2,178,854)
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>										
FUND BALANCE, beginning of the year		4,523,855						7,508,967		(292,031)
FUND BALANCES, END OF PERIOD	\$ <u>3,392,674</u>							\$ <u>6,253,801</u>		\$ <u>(292,031)</u>

\* FY09 Liability and Workers' Comp Insurance

CITY OF LAVISTA  
COMBINED STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS  
BUDGET AND ACTUAL  
For the six months ended March 31, 2009



**Bainbridge Leadership Center**  
*Facilitating emergent leadership for an integral world.*

INVOICE

**COPY**

**DATE THIS INVOICE:** April, 2009

**DESCRIPTION:** Leadership Coaching

**CLIENT:** Brenda Gunn

**AMOUNT:** \$2500.00

**TOTAL Due:** \$2500.00

**PAYABLE TO:** Bainbridge Leadership Center  
321 High School Rd. NE – STE 3D PMB 295  
Bainbridge Island, WA 98110

**TAX I.D.:** 16-1735038

OK Pay 4/21/09  
CONSENT  
Agenda

split  
1-14-0313  
2-41-0313

**MULLEN & MULLEN**

Attorneys at Law

10050 Regency Circle, Ste. 111  
Omaha, NE 68114

John P. Mullen, P.C., ILO

James A. Mullen, P.C., LLO

TEL: (402) 341-1080

FAX: (402) 341-8052

14-Apr-09

Federal Tax ID: 47-0766533

Brenda Sedlacek Gunn, Administrator

## CITY OF LAVISTA

8116 Park View Blvd.

LaVista, NE 68128

ATTORNEY WORK PRIVILEGE  
ATTORNEY CLIENT PRIVILEGE

Re: City of LaVista-OTC-Sarpy County Dispute  
Regarding sewer fees

**STATEMENT FOR PROFESSIONAL SERVICES AND COSTS ADVANCED**

For professional services rendered from February 25, 2009 through March 30, 2009 regarding the lawsuit of Oriental Trading Co. ("O.T.C.") v. City of LaVista et al, wherein O.T.C. is seeking the return of previously paid sewer fees. Also, Sarpy County has filed a Cross Claim against LaVista for an accounting concerning all sewer fees that may be due Sarpy County. Services include preparing and filing an answer to OTC's Second Amended Complaint, conferring with attorneys, considering proposed answer and possible counter claim against Sarpy County with respect to Sarpy County's Cross Claim.

**TOTAL FEE** \$ 4,960.00

**TOTAL BALANCE DUE:** **\$ 4,960.00**

OK  
DK  
4-2109  
consider  
agenda  
2-42-0321

## BANK NO BANK NAME

CHECK NO DATE VENDOR NO VENDOR NAME

CHECK AMOUNT CLEARED VOIDED MANUAL

1 Bank of Nebraska (600-873)

46016 Payroll Checks  
Thru 4601746018 Gap in Checks  
Thru 9599695997 4/08/2009 615 MILLER BRANDS OF OMAHA INC 262.00 \*\*MANUAL\*\*  
95998 4/08/2009 2888 HOME DEPOT CREDIT SERVICES 215.00 \*\*MANUAL\*\*  
95999 4/08/2009 3666 DOSTALS CONSTRUCTION COMPANY 45,650.00 \*\*MANUAL\*\*  
96000 4/08/2009 2625 CARDMEMBER SERVICE-ELAN 9,790.21 \*\*MANUAL\*\*

96001 VOIDED Gap in Checks Used for ACH Automatic Withdrawal Set-up.

96002 4/14/2009 1194 QUALITY BRANDS OF OMAHA 346.50 \*\*MANUAL\*\*  
96003 4/14/2009 3702 LAUGHLIN, KATHLEEN A, TRUSTEE 372.00 \*\*MANUAL\*\*  
96004 4/21/2009 762 ACTION BATTERIES UNLTD INC 679.30  
96005 4/21/2009 571 ALAMAR UNIFORMS 543.36  
96006 4/21/2009 87 AMERICAN FENCE COMPANY INC 57.79  
96007 4/21/2009 536 ARAMARK UNIFORM SERVICES INC 316.70  
96008 4/21/2009 635 ARCOA INDUSTRIES LLC 184.72  
96009 4/21/2009 706 ASSOCIATED FIRE PROTECTION 195.00  
96010 4/21/2009 201 BAKER & TAYLOR BOOKS 1,905.70  
96011 4/21/2009 3761 BAKER, MARCUS 384.00  
96012 4/21/2009 849 BARONE SECURITY SYSTEMS 895.00  
96013 4/21/2009 3169 BATTERY ZONE INC 584.79  
96014 4/21/2009 1784 BENNINGTON EQUIPMENT INC 892.42  
96015 4/21/2009 3774 BENSON RECORDS MANAGEMENT CTR 53.54  
96016 4/21/2009 410 BETTER BUSINESS EQUIPMENT 40.30  
96017 4/21/2009 196 BLACK HILLS ENERGY 170.00  
96018 4/21/2009 1242 BRENTWOOD AUTO WASH 156.00  
96019 4/21/2009 117 BODART 41.28  
96020 4/21/2009 76 BUILDERS SUPPLY CO INC 8.43  
96021 4/21/2009 2078 CAVLOVIC, PAT 98.00  
96022 4/21/2009 244 CHILD'S WORLD 784.05  
96023 4/21/2009 83 CJ'S HOME CENTER .00 \*\*CLEARED\*\* \*\*VOIDED\*\*  
96024 4/21/2009 83 CJ'S HOME CENTER .00 \*\*CLEARED\*\* \*\*VOIDED\*\*  
96025 4/21/2009 83 CJ'S HOME CENTER .00 \*\*CLEARED\*\* \*\*VOIDED\*\*  
96026 4/21/2009 83 CJ'S HOME CENTER .00 \*\*CLEARED\*\* \*\*VOIDED\*\*  
96027 4/21/2009 83 CJ'S HOME CENTER 850.03  
96028 4/21/2009 2158 COX COMMUNICATIONS 140.15  
96029 4/21/2009 3136 D & D COMMUNICATIONS 636.96  
96030 4/21/2009 846 DATA TECHNOLOGIES INC 245.00  
96031 4/21/2009 111 DEMCO INCORPORATED 273.92  
96032 4/21/2009 1042 ED M. FELD EQUIPMENT 7,412.00  
96033 4/21/2009 3334 EDGEWEAR SCREEN PRINTING 355.50  
96034 4/21/2009 561 EMBLEM ENTERPRISES INC 158.20  
96035 4/21/2009 3789 ESRI INC .00 \*\*CLEARED\*\* \*\*VOIDED\*\*  
96036 4/21/2009 3789 ESRI INC .00 \*\*CLEARED\*\* \*\*VOIDED\*\*  
96037 4/21/2009 3789 ESRI INC 2,100.00

BANK NO	BANK NAME		CHECK AMOUNT	CLEARED	VOIDED	MANUAL
CHECK NO	DATE	VENDOR NO VENDOR NAME				
96038	4/21/2009	3617 FAIRWAY GOLF LLC	862.50			
96039	4/21/2009	1201 FERRELLGAS	903.66			
96040	4/21/2009	1245 FILTER CARE	67.25			
96041	4/21/2009	3007 FIRE-EXTRICATION-HAZMAT	26.50			
96042	4/21/2009	1344 GALE	35.93			
96043	4/21/2009	4078 GASSERT, ADAM	67.50			
96044	4/21/2009	1697 GAYLORD BROS	174.71			
96045	4/21/2009	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
96046	4/21/2009	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
96047	4/21/2009	966 GENUINE PARTS COMPANY-OMAHA	2,182.11			
96048	4/21/2009	285 GRAYBAR ELECTRIC COMPANY INC	27.59			
96049	4/21/2009	385 GREAT PLAINS ONE-CALL SVC INC	184.94			
96050	4/21/2009	2062 GREAT WESTERN BANK	250.00			
96051	4/21/2009	71 GREENKEEPER COMPANY INC	254.00			
96052	4/21/2009	426 HANEY SHOE STORE	120.00			
96053	4/21/2009	387 HARM'S CONCRETE INC	91.00			
96054	4/21/2009	3775 HARTS AUTO SUPPLY LLC	543.00			
96055	4/21/2009	1744 HEARTLAND AWARDS	298.50			
96056	4/21/2009	3657 HEARTLAND PAPER	276.00			
96057	4/21/2009	1403 HELGET GAS PRODUCTS INC	70.50			
96058	4/21/2009	797 HOBBY LOBBY STORES INC	122.75			
96059	4/21/2009	3146 HORNUNG'S GOLF PRODUCTS INC	331.90			
96060	4/21/2009	1612 HY-VEE INC	10.84			
96061	4/21/2009	1498 INDUSTRIAL SALES COMPANY INC	313.09			
96062	4/21/2009	3050 INSIGHT TECHNOLOGY	809.87			
96063	4/21/2009	2554 IWAN, ROSE	356.04			
96064	4/21/2009	1896 J Q OFFICE EQUIPMENT INC	517.82			
96065	4/21/2009	2653 JONES AUTOMOTIVE INC	500.00			
96066	4/21/2009	550 KELLY'S AWARDS	85.50			
96067	4/21/2009	4097 KNEIEVEL, TYLER	250.00			
96068	4/21/2009	1061 KUSTOM SIGNALS INCORPORATED	393.00			
96069	4/21/2009	787 LERNER PUBLISHING GROUP	805.86			
96070	4/21/2009	3138 LIBRARY STORE INC	84.47			
96071	4/21/2009	1288 LIFE ASSIST	456.00			
96072	4/21/2009	877 LINWELD	481.28			
96073	4/21/2009	1573 LOGAN CONTRACTORS SUPPLY	240.63			
96074	4/21/2009	2664 LOU'S SPORTING GOODS	30.00			
96075	4/21/2009	263 LOVELAND LAWNS	2,402.60			
96076	4/21/2009	919 MARTIN MARIETTA AGGREGATES	244.02			
96077	4/21/2009	1084 MASA	2,285.20			
96078	4/21/2009	3189 MCQUEENY LOCK COMPANY	146.75			
96079	4/21/2009	2887 MEMPHIS NET & TWINE CO INC	3,510.00			
96080	4/21/2009	588 MENARDS-BELLEVUE	88.90			
96081	4/21/2009	3061 MES-MIDAM	400.05			
96082	4/21/2009	98 MICHAEL TODD AND COMPANY INC	1,452.82			
96083	4/21/2009	3921 MID-STATES UTILITY TRAILER	69.65			
96084	4/21/2009	371 MIDWEST SERVICE AND SALES CO	362.13			
96085	4/21/2009	2299 MIDWEST TAPE	63.96			
96086	4/21/2009	1046 MIDWEST TURF & IRRIGATION	51.54			
96087	4/21/2009	1050 MILLER PRESS	300.00			
96088	4/21/2009	1830 NE DEPT OF LABOR-WORKFORCE DEV	5,492.00			
96089	4/21/2009	2388 NEBRASKA NATIONAL BANK	660.00			
96090	4/21/2009	31 NEBRASKA STATE VOLUNTEER	480.00			

## BANK NO BANK NAME

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96091	4/21/2009	808 NEWMAN TRAFFIC SIGNS INC	414.76
96092	4/21/2009	232 NOTARY PUBLIC UNDERWRITERS	100.00
96093	4/21/2009	1831 O'REILLY AUTOMOTIVE INC	30.16
96094	4/21/2009	3415 OABR PRINT SHOP	267.29
96095	4/21/2009	3978 ODB COMPANY	299.55
96096	4/21/2009	3778 ODEY'S INCORPORATED	54.00
96097	4/21/2009	1014 OFFICE DEPOT INC-CINCINNATI	.00 **Cleared** **VOIDED**
96098	4/21/2009	1014 OFFICE DEPOT INC-CINCINNATI	.00 **Cleared** **VOIDED**
96099	4/21/2009	1014 OFFICE DEPOT INC-CINCINNATI	.00 **Cleared** **VOIDED**
96100	4/21/2009	1014 OFFICE DEPOT INC-CINCINNATI	.00 **Cleared** **VOIDED**
96101	4/21/2009	1014 OFFICE DEPOT INC-CINCINNATI	1,462.15
96102	4/21/2009	3611 OMAHA NEWSPAPER	397.50
96103	4/21/2009	195 OMAHA PUBLIC POWER DISTRICT	.00 **Cleared** **VOIDED**
96104	4/21/2009	195 OMAHA PUBLIC POWER DISTRICT	.00 **Cleared** **VOIDED**
96105	4/21/2009	195 OMAHA PUBLIC POWER DISTRICT	40,581.40
96106	4/21/2009	2129 OMB EXPRESS POLICE SUPPLY	267.90
96107	4/21/2009	3477 ORIZON CPAS LLC	180.00
96108	4/21/2009	3039 PAPILLION SANITATION	212.11
96109	4/21/2009	976 PAPILLION TIRE INCORPORATED	147.07
96110	4/21/2009	2686 PARAMOUNT LINEN & UNIFORM	373.96
96111	4/21/2009	3058 PERFORMANCE CHRYSLER JEEP	20.02
96112	4/21/2009	1821 PETTY CASH-PAM BUETHE	121.77
96113	4/21/2009	1821 PETTY CASH-PAM BUETHE	58.81
96114	4/21/2009	2516 QUALITY INN	235.80
96115	4/21/2009	191 READY MIXED CONCRETE COMPANY	331.98
96116	4/21/2009	3139 RECORDED BOOKS, LLC	81.44
96117	4/21/2009	393 REDFIELD & COMPANY	207.06
96118	4/21/2009	1063 ROSE EQUIPMENT INCORPORATED	298.14
96119	4/21/2009	4100 ROY, KATHY	30.00
96120	4/21/2009	4037 RUSTY ECK FORD	124.58
96121	4/21/2009	643 SAFETY-KLEEN CORPORATION	416.28
96122	4/21/2009	292 SAM'S CLUB	938.18
96123	4/21/2009	487 SAPP BROS PETROLEUM INC	11,636.55
96124	4/21/2009	150 SARPY COUNTY TREASURER	.00 **Cleared** **VOIDED**
96125	4/21/2009	150 SARPY COUNTY TREASURER	26,644.25
96126	4/21/2009	2186 SID 195 - MAYFAIR	660.00
96127	4/21/2009	533 SOUCIE, JOSEPH H JR	250.00
96128	4/21/2009	4098 SPURGIN, JESSIE	250.00
96129	4/21/2009	47 SUBURBAN NEWSPAPERS INC	410.00
96130	4/21/2009	659 SUMMER KITCHEN CAFE INC	53.55
96131	4/21/2009	264 TED'S MOWER SALES & SERVICE	58.75
96132	4/21/2009	1122 TURF CARS LTD	44.58
96133	4/21/2009	176 TURFWERKS	93.39
96134	4/21/2009	167 U S ASPHALT COMPANY	895.32
96135	4/21/2009	3052 V & V MANUFACTURING INC	201.90
96136	4/21/2009	3849 VAIL, ADAM	70.00
96137	4/21/2009	766 VIERREGGER ELECTRIC COMPANY	920.20
96138	4/21/2009	78 WASTE MANAGEMENT NEBRASKA	731.01
96139	4/21/2009	968 WICK'S STERLING TRUCKS INC	64.14

BANK NO BANK NAME

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VENDOR NO VENDOR NAME

CHECK AMOUNT

CLEARED

VOIDED

MANUAL

BANK TOTAL	197,667.76
OUTSTANDING	197,667.76
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	123,276.72	123,276.72	.00	.00
02 SEWER FUND	20,126.06	20,126.06	.00	.00
04 BOND(S) DEBT SERVICE FUND	250.00	250.00	.00	.00
08 LOTTERY FUND	500.00	500.00	.00	.00
09 GOLF COURSE FUND	6,846.40	6,846.40	.00	.00
15 OFF-STREET PARKING	46,668.58	46,668.58	.00	.00
REPORT TOTAL	197,667.76			
OUTSTANDING	197,667.76			
CLEARED	.00			
VOIDED	.00			
+ Gross Payroll 4-17-09	<u>199,387.67</u>			
GRAND TOTAL	<u>\$397,055.43</u>			

APPROVED BY COUNCIL MEMBERS 4-21-09

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COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 21, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPROVAL - SATELLITE KENO LOCATION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to authorize a satellite keno location for La Vista, Keno, Inc. at Houston's Lounge, 12040 McDermott Plaza #100, La Vista NE.

**FISCAL IMPACT**

It is anticipated that a satellite location could increase the handle for La Vista, Keno, Inc. which in turn could increase the City's monthly keno revenue.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On August 5, 2008, the City awarded a contract to La Vista Keno, Inc. for operation of a municipal keno-type lottery commencing October 1, 2008 through September 30, 2018. The terms of this contract allowed for the establishment of satellite locations with the approval of the City of La Vista.

On September 16, 2008 the City passed ordinance 1073 which provided qualification standards for Keno lottery sales outlet locations. La Vista Keno and The Rendezvous Company dba Houston's Lounge have met the standards set forth by the City of La Vista and are requesting approval of this satellite location.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A SATELLITE KENO LOCATION FOR THE CITY'S KENO LOTTERY GAME AT THE RENDEZVOUS COMPANY D/B/A HOUSTON'S LOUNGE, 12040 MCDERMOTT PLAZA #100, LA VISTA NEBRASKA.

WHEREAS, the current Keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated August 8, 2008, requires La Vista Keno, Inc. to obtain prior written consent of the City to establish a satellite location; and further that the satellite location shall comply with such qualification standards as adopted by the City pursuant to Nebraska Statutes, Section 9-642.01, governing lottery sales outlet locations, and such other terms and conditions determined necessary or advisable; and

WHEREAS, the City of La Vista, by Ordinance No. 1073, set forth qualification standards for Keno Lottery Sales Outlet Locations, which includes satellite locations ("Ordinance"); and

WHEREAS, La Vista Keno, Inc. has proposed a satellite location for the City's keno lottery game at The Rendezvous Company d/b/a Houston's Lounge, located at 12040 McDermott Plaza #100, La Vista, Nebraska pursuant to a Satellite Agreement between said parties dated April 8, 2009, a copy of which has been presented at this meeting ("Satellite Agreement"); and

WHEREAS, the requirements of the Lottery Operator Agreement and other Keno Requirements as defined in the Ordinance are incorporated into the Satellite Agreement pursuant to said Ordinance; and

WHEREAS, the City Clerk has determined that the standards for the Keno Lottery Sales Outlet Location at The Rendezvous Company d/b/a Houston's Lounge, located at 12040 McDermott Plaza #100, La Vista NE, have been met.

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and City Council of the City of La Vista, Nebraska, hereby authorize and approve a satellite keno location for the City's keno lottery game at The Rendezvous Company d/b/a Houston's Lounge, located at 12040 McDermott Plaza #100, La Vista NE, and further approve the owner and operator thereof, The Rendezvous Company subject to the following:

- a. Submittal of all Exhibits to the Satellite Agreement in form and content satisfactory to the City;
- b. Any change of ownership or control of the satellite, The Rendezvous Company or any stock of The Rendezvous Company shall require prior written approval of the City of La Vista;
- c. The satellite, The Rendezvous Company and stockholders of The Rendezvous Company shall be bound by the Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc. and owe to La Vista Keno, Inc. all responsibilities and obligations which La Vista Keno, Inc. and its owner by said Lottery Operator Agreement, as personally guaranteed, owe to the City of La Vista. The City of La Vista

shall be a beneficiary entitled to enforce such responsibilities and obligations of the satellite, The Rendezvous Company and its stockholders;

- d. City of La Vista shall have access at any time to the satellite location and keno-related funds, documents and records in the possession or control of the satellite owner or operator;
- e. City of La Vista shall be named as an additional named insured on any insurance required of the satellite owner or operator by the Satellite Agreement;
- f. City of La Vista, as owner of the La Vista keno game, retains authority over use of the term "La Vista keno"; and all uses of said term shall be subject to review and approval of the City and cease upon termination of the Satellite Agreement;
- g. Funds of the La Vista keno game handled by the satellite shall be the sole and exclusive property and held in trust for the benefit of the City of La Vista until properly paid in accordance with the Lottery Operator Agreement or Satellite Agreement; and
- h. Ongoing satisfaction by the satellite owner and operator of the Satellite Agreement and this Resolution, as well as the Lottery Operator Agreement, Ordinance and other Keno Requirements, as defined in said Ordinance.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign such documents, including, but not limited to, Nebraska Department of Revenue Form(s) 50G, and take such further actions as necessary or appropriate to carry out the actions approved herein.

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2009

CITY OF LA VISTA

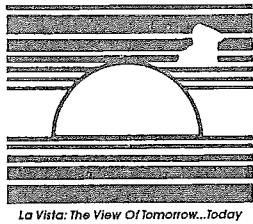
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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



**LA VISTA  
KENO**

**Pamela A Buethe, City Clerk  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128-2198**

**03-18-09**

**RE: La Vista Keno Satellite Location  
Houston's Lounge**

**Dear Ms. Buethe,**

**We are currently looking into the setup of another Satellite Location for La Vista Keno, Inc. The new location will be owned and managed by John Houston of "The Rendezvous Company"; dba Houston's Lounge. The location of this satellite is:**

**Houston's Lounge  
12040 McDermott Plaza - #100  
La Vista, NE 68128  
(402) 301-3611 (John's Cell #)**

**The Form 50G will be filled out by Mr. Houston for the Satellite location within the week (as soon as I have the paperwork – I will bring it over to the City). The Satellite Agreement between Houston's Lounge and La Vista Keno, Inc will follow shortly.**

**We would like to get this application placed on the City Council Agenda at the earliest possible date. We are currently waiting on an equipment quote that should be here within the next week.**

**If you should need any further information or have any questions, please feel free to contact me at the below Office phone number.**

**Sincerely,**

**Richard T Bellino  
CEO – La Vista Keno, Inc.**

*Delivered letter  
3/27/09  
RB*

**LAVISTA KENO, INC.  
SATELLITE AGREEMENT**

This agreement ("Agreement") is made and entered into this 08 day of APRIL, 2009, between LAVISTA KENO, INC., a Nebraska corporation (hereinafter "LaVista Keno"), and The Rendezvous Company, d/b/a Houston's Lounge, located at 12040 McDermit Plaza, "D", (hereinafter "Satellite"), LAVISTA NE 68128

**RECITALS**

WHEREAS, LaVista Keno recently executed a Lottery Operating Agreement with the City of LaVista, Nebraska, (hereinafter the "City"), to become effective October 1, 2008, whereby the City granted LaVista Keno the exclusive right to operate a keno-type lottery (hereinafter "Keno") within the city limits of the City; and

WHEREAS, the Lottery Operating Agreement contemplates the establishment of a certain keno satellite locations; and

WHEREAS, LaVista Keno and Satellite have reached an agreement for the establishment of a keno satellite location on Satellite's premises and wish to memorialize said agreement below.

NOW THEREFORE, in consideration of the foregoing recitals and the mutual promises and covenants set forth herein, and subject to the conditions set forth below, LaVista Keno and Satellite covenant and agree as follows:

1. Conditions Precedent. This Agreement shall not become effective unless and until the following events occur: (1) Satellite obtains all necessary permits, licenses, and approvals, including but not limited to a federal wagering stamp, appropriate licenses, and permits required by the Charitable Gaming Division of the Nebraska Department of Revenue; and (2) LaVista Keno obtains the written consent of the City approving the establishment of a satellite location on Satellite's premises.

2. Compliance with Governing Law. Satellite shall comply and conform with the Nebraska County and City Lottery Act, Neb. Rev. Stat. §§ 9-601 et seq., and all other applicable federal, state, and local laws, rules, regulations, and ordinances, as now existing or hereafter amended, adopted, or replaced, whether applicable to the operation of keno its premises or the operation of its business. If LaVista Keno determines, at its own discretion in good faith, that this agreement is affected by any subsequent action of the federal, state, or local government, LaVista Keno shall have the right to modify any of the provisions herein to such reasonable extent necessary to carry out the purposes of this Agreement.

3. Lease of Satellite's Premises. Satellite shall lease to LaVista Keno a portion of its premises (hereinafter the "leased area"), which is to be mutually agreed upon by the parties hereto and sufficient to allow the operation of keno and the placement of necessary equipment. Satellite shall permit LaVista Keno to enter the Satellite premises during Satellite's normal business hours for purposes of inspecting the leased area, repairing keno-related equipment, or reviewing keno records as set forth in Paragraph 8.

4. Rent for Leased Premises. LaVista Keno shall pay rent for the leased area on a monthly basis in an amount equal to 3 % of the first \$35,000.00 wagered on keno each month at Satellite, plus 4 % of the next \$25,000.00 wagered on keno each month at Satellite, plus 5 % of any amount in excess of \$60,000.00 wagered on keno each month at Satellite (the amount wagered on keno at Satellite's premises is hereinafter referred to as the "handle"). In the event that the amount wagered on keno exceeds \$800,000.00 within any calendar year while this Agreement is in effect, Satellite will receive an additional bonus of 5,000.00. Exhibit "A" attached hereto is intended to serve as an illustration of the determination of monthly rent owed under this Paragraph 4. LaVista Keno shall pay rent each month on a date to be mutually agreed upon by the parties hereto. LaVista Keno may withhold or offset rent against any amounts owed by Satellite under this Agreement.

5. Minimum Handle. Satellite shall maintain a minimum handle of \$35,000 per month. If the average handle is below \$25,000 for any six (6) month period, LaVista Keno may terminate this agreement upon 30 days written notice to Satellite.

6. Keno Staffing. LaVista Keno shall train Satellite's staff in accordance with federal, state, and local laws, rules, regulations, and ordinances. Only those staff members who have been trained by LaVista Keno or approved by LaVista Keno are permitted to participate in the operation of keno on Satellite's premises.

7. Keno Operations. Satellite shall make keno available to its patrons during normal business hours and prominently display all promotional or informational material provided by LaVista Keno. Satellite shall comply with and operate keno pursuant to LaVista Keno's Pay Book, attached hereto as Exhibit "1", and LaVista Keno's Writer's Manual, attached hereto as Exhibit "2" (hereinafter collectively the "Keno Rules"), as are in effect from time to time and which are incorporated herein by this reference. Satellite shall provide and maintain, at its own expense, electrical power, phone lines, or other means of communication designated by LaVista Keno. Satellite shall ensure, at its own expense, that keno is operated in a safe, clean, lawful, and respectable manner on its premises and that it will make no changes to its premises that adversely affect keno operations. Satellite shall use its best efforts to prevent cheating with respect to keno, including, but not limited, to tampering with keno equipment or supplies. Satellite shall immediately report any cheating or suspicion of cheating to LaVista Keno.

Satellite shall use reasonable efforts to ensure that all persons playing keno on Satellite's premises are limited to patrons physically present on its premises. Satellite shall redeem all winning tickets in the presence of all persons who purchased tickets for the keno game on its premises. Any winning ticket of Two Hundred Fifty Dollars (\$250) or more, or any ticket which requires the disclosure information for purposes of a W-2G tax form or any other form required by law, shall be redeemed at LaVista Keno's premises, located at 7101 South 84<sup>th</sup> Street, LaVista, NE 68128.

8. Records, Bookkeeping, Taxes, and Insurance. Satellite shall maintain current, complete, and accurate records pertaining to the operation of keno on its premises which are separate and apart from records pertaining to its business. All Satellite records shall be made available to LaVista Keno or any governmental entity upon request. LaVista Keno shall be entitled to enter onto Satellite's premises at any time that Keno is operated on Satellite's premises, without notice, for purposes of auditing, recoupling, contributing to or withdrawing Keno Funds, as defined in Paragraph 11. Satellite shall physically deliver to LaVista Keno all paperwork relevant to keno wagering transactions, including but not limited to pay tickets. These deliveries shall be made at the

same time and in the same manner as the delivery of Keno Funds required under Paragraph 12 of this Agreement. Satellite shall pay all applicable taxes pertaining to the operation of Keno at its premises, including, but not limited to, federal, state, and local excise and occupational taxes. Satellite shall maintain the confidentiality of all materials, records, and information provided by LaVista Keno and shall return the same to LaVista Keno upon request or termination of this Agreement. Satellite shall maintain commercially reasonable insurance, including, but not limited to, public liability insurance, which names LaVista Keno as an additional insured. Satellite shall also maintain an insurance policy covering theft in the amount of at least fifty thousand dollars (\$50,000). Certificates evidencing these insurance policies shall be provided to LaVista Keno upon request.

**9. Equipment.** LaVista Keno shall maintain any necessary central computer for keno operations on Satellite's premises, and shall provide Satellite with the equipment and supplies necessary for the operation of keno on its premises (hereinafter "equipment"). LaVista Keno shall train one or more of Satellite's staff in operation of the equipment. LaVista Keno shall repair and, if necessary, replace defective equipment. LaVista Keno does not guarantee that the operation of keno or the equipment will be uninterrupted or error-free, and LaVista Keno will not be in breach of this Agreement if its performance is prevented for reasons beyond its control, including, but not limited to, computer or communications failure. All equipment shall remain property of LaVista Keno, shall not be considered a fixture on Satellite's premises, and shall be returned to LaVista Keno upon termination or discontinuation of this Agreement. LaVista Keno may add to, remove from, or alter the equipment at any time. Satellite shall exercise due care to safeguard the equipment and shall notify LaVista Keno immediately upon discovery of lost, stolen, damaged, or destroyed equipment, or equipment that appears to be malfunctioning. Satellite shall reimburse LaVista Keno for any losses sustained as a result of Satellite's failure to comply with the foregoing or its intentional misconduct. If LaVista Keno determines in good faith that video surveillance is necessary, Satellite shall install video cameras on its premises, at its own expense, for purposes of surveillance. Satellite shall store and maintain any and all surveillance tapes or recordings on its premises and shall deliver any and all surveillance tapes or recordings to LaVista Keno upon request.

**10. Marketing and Protection of Marks.** LaVista Keno may market or promote keno on Satellite's premises, at its own expense, as it deems necessary (e.g., with signs and posters). Satellite acknowledges that the name "LaVista Keno" and any other names, marks, or slogans published or distributed by LaVista Keno is property of LaVista Keno, whether or not trademarked. Satellite shall take no action which impairs LaVista Keno's ownership of the property referred to in this Paragraph, and shall obtain the written consent of LaVista Keno prior to advertising or promoting keno on Satellite's premises.

**11. Keno Funds.** Satellite shall require all wagers on keno on its premises to be paid in cash, meaning valid U.S. Currency, to be paid at the time each wager is made. If Satellite chooses to cash checks for its patrons, it does so separately, at its own risk, and shall not accept checks in the name of LaVista Keno. All cash proceeds of keno wagers and any non-cash proceeds that Satellite accepts in violation of this Agreement (hereinafter collectively "Keno Funds") shall be the exclusive property of LaVista Keno. Satellite shall hold Keno Funds in trust for LaVista Keno, keep Keno Funds separate from Satellite funds, and prevent Satellite's creditors or other third parties from obtaining any interest in Keno Funds. All Keno Funds in Satellite's possession shall be stored in safe on Satellite's premises prior to delivery of the Keno Funds pursuant to Paragraph 12 of this Agreement. Satellite shall reconcile the handle, payouts, and deposits on a daily basis.

Prior to commencement of keno operations on Satellite's premises, LaVista Keno shall provide Satellite One Thousand Five Hundred Dollars (\$1,500) as initial seed money. At the close of each business day, and prior to any deposits required in this Agreement, Satellite shall set aside One Thousand Five Hundred Dollars (\$1,500) in Keno Funds as seed money for the following day's keno operations. If at any time there is less than One Thousand Five Hundred Dollars (\$1,500) in Keno Funds on Satellite's premises, Satellite shall immediately contact LaVista Keno and LaVista Keno shall replenish the Keno Funds on Satellite's premises accordingly. All funds set aside as seed money, including the initial funds provided by LaVista Keno, are the sole property of LaVista Keno and shall in no way be considered funds belonging to Satellite. Satellite shall maintain records of said daily reconciliation in accordance with Paragraph 8 of this Agreement. Satellite shall be responsible for any handle, payout, or deposit shortage that is evident from said daily reconciliation. If shortages occur on a consistent basis, as determined in good faith by LaVista Keno, LaVista Keno may demand that Satellite take appropriate corrective measures.

**12. Delivery of Keno Funds.** Satellite shall physically deliver to LaVista Keno all Keno Funds (less prizes paid in accordance with the Keno Rules), Keno Pay Tickets, Voided Tickets, Fill-Ins and Fill-Outs in accordance with Paragraph 8 of this Agreement, on every Monday and every Friday by no later than 9:00 a.m., provided, however, that if Satellite has a daily cash deposit of \$500 or greater, Satellite will deliver any and all Keno Funds (less prizes paid in accordance with the Keno Rules), Keno Pay Tickets, Voided Tickets, Fill-Ins and Fill-Outs by no later than 9:00 a.m. the following morning. All deliveries under this Paragraph 12 shall be made via hand delivery at LaVista Keno's premises located at located at 7101 South 84<sup>th</sup> Street, LaVista, NE 68128. LaVista Keno may demand additional deliveries if it determines in good faith that such additional deliveries are necessary as a result of the daily handle.

3 PM

3 PM

JH

X *DD* X

JH

**13. Other Gambling Operations.** If gambling activities not contemplated in this Agreement are legalized in the future, and Satellite wishes to offer these activities, LaVista Keno and Satellite shall use their best efforts to make these activities available on mutually agreed-upon terms. While this Agreement is in effect, Satellite shall not permit anyone other than LaVista Keno to offer, supply, or install gambling activities on Satellite's premises, other than pickle cards as allowed by the Nebraska Pickle Card Lottery Act. As security for Satellite's performance under this Paragraph and payment for LaVista Keno's damages occasioned hereby, Satellite hereby grants LaVista Keno a security interest in and assigns to LaVista Keno any rents, payments, and other revenues to which Satellite may be entitled with respect to any gambling activities prohibited by this Paragraph.

**14. Covenant not to Compete.** During the term of this Agreement as specified in Paragraph 15 and any successor agreement between the parties hereto, and for a period of two (2) years following the final effective date of this Agreement or any successor agreement between the parties hereto, Satellite shall not, directly or indirectly, alone or in association with others, in its capacity as partner, shareholder or other legal or beneficial capacity, or otherwise, or through or in connection with any corporation, partnership or other form of business entity, engage or attempt to engage in any business competitive with or substantially similar to the business of LaVista Keno within the corporate limits of the City of LaVista, Nebraska. Satellite acknowledges and agrees that, in the event it shall violate or breach the terms of this Paragraph, LaVista Keno will not have adequate remedy by law and shall have the right to obtain, in addition to other remedies, a temporary and/or permanent injunction to order Satellite to obey the terms of this Paragraph, reasonable attorney's fees and costs of court incurred in enforcing this Paragraph.

APR. 6.2009 1:47PM LAMSON DUGAN MURRAY 402397 8450

NO. 486 P.6/9

15. Term and Effective Date. Subject to the conditions contained in Paragraph 1, this Agreement shall become effective on May 01, 2009. This Agreement shall remain effective until December 31, 2009, and shall thereafter be automatically renewed for up to five (5) additional terms of one year each, unless LaVista Keno or Satellite has provided written notice of non-renewal at least thirty (30) days prior to commencement of the next renewal term. The last day that this Agreement may be effective is May 01, 2009.

16. Indemnification. Satellite shall indemnify, defend, and hold LaVista Keno harmless from and against any and all losses, costs, expenses (including reasonable attorney's fees), and damages arising out of or related to: (a) Satellite's breach of this Agreement, (b) a third party's claim based on the wrongful conduct of Satellite, Satellite's staff, or Satellite's patrons, or (c) the conduct of Satellite's business or the condition of Satellite's premises. This paragraph shall not apply to the extent that the sole proximate cause of proven damages is LaVista Keno's own negligence or willful misconduct.

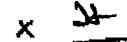
17. LaVista Keno's Right to Terminate or Discontinue. LaVista Keno may terminate this Agreement early, or discontinue its responsibilities under this Agreement without causing a termination hereof, if any of the following occur: (a) LaVista Keno's rights under its Lottery Operating Agreement with the City are altered in such a way that makes performance under this Agreement unlawful, improper, impracticable, or unprofitable; (b) Satellite fails to maintain the licenses and permits described in Paragraph 1 of this Agreement; (c) Satellite fails to comply with the governing law described in Paragraph 2 of this Agreement; (d) Satellite fails to meet the minimum handle requirements described in Paragraph 5 of this Agreement; (e) Satellite discontinues staffing or keno operation for any reason, without the prior written consent of LaVista Keno; (f) Satellite otherwise materially defaults under this Agreement and fails to cure the default upon thirty (30) days after receipt of written notice from LaVista Keno, specifying the default to be corrected; (g) there is a change in ownership of Satellite's business or a materially adverse change in Satellite's business or financial condition, as determined in good faith by LaVista Keno; or (h) LaVista Keno determines, at its own discretion in good faith, that this agreement is affected by subsequent action of the federal, state, or local government that makes performance under this Agreement unlawful, impracticable or unprofitable.

18. Satellite's Right to Terminate or Discontinue. Satellite may terminate this Agreement early if LaVista Keno materially defaults hereunder, and fails to cure said default within thirty (30) days after receipt of written notice from Satellite, specifying the default to be corrected. Satellite may discontinue staffing keno operations on its premises under this Agreement if: (a) LaVista Keno proposes a rent reduction under Paragraphs 2 or 6 and Satellite provides written notice to LaVista Keno that it rejects the rent modification within thirty (30) days of receipt of such proposal; (b) Satellite determines, in good faith, that continued staffing would be impracticable or unprofitable, or (c) Satellite determines that LaVista Keno is unable to provide the additional gambling operations that Satellite desires pursuant to Paragraph 13 of this Agreement. Discontinuation of keno operations under this Paragraph shall not be considered termination of this Agreement. LaVista Keno may, but is not required to, staff the keno operations on Satellite's premises if Satellite discontinues staffing, and may reduce rent under Paragraph 4 by the cost of LaVista Keno's staffing. If Satellite discontinues staffing, any recommendation thereof by Satellite will be subject to the approval of LaVista Keno and applicable governmental entities. In no event shall LaVista Keno's liability arising out of or related to this Agreement exceed two (2) months rent due to Satellite hereunder.

APR. 6, 2009 1:47PM LAMSON DUGAN MURRAY 402397 8450

NO. 486 P. 7/9

19. Remedies. If LaVista Keno terminates this Agreement early or exercises its right to discontinue in accordance with Paragraph 17, except as provided under sections (e) and (h) of Paragraph 17, LaVista Keno shall be entitled to recover damages, in addition to other rights and remedies available at law or equity. LaVista Keno's damages shall be no less than the product of Five Thousand Dollars (\$5,000) multiplied by the number of months remaining until the end of contract, the final effective date of this Agreement referred to in Paragraph 15. LaVista Keno shall not be entitled to damages under this Paragraph based solely on sections (d), (e), or (f) of Paragraph 17, provided that Satellite continues to comply with all other terms of this Agreement. LaVista Keno shall be entitled to specific performance and/or injunctive relief, to the extent available at law, to enforce the terms of this Agreement, including, but not limited to, injunctive relief against third parties in violation of Paragraph 13.

X  X 

20. Transferability. Satellite may not transfer its rights or duties under this Agreement to any other party or any other premises, without the prior written consent of LaVista Keno. Any attempted transfer in violation of this Paragraph shall be considered a material breach of this Agreement.

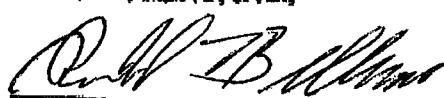
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JK

21. Miscellaneous. This Agreement shall create an independent contractor relationship between Satellite and LaVista Keno. In no way shall this Agreement be construed to create an employment, agency, partnership, or other type of relationship where one party can legally bind the other. All notices required in this Agreement shall be offered in writing and submitted by personal delivery or by registered or certified mail. No waiver under this Agreement shall be effective unless in writing, and no waiver shall be considered a waiver of any other default. Except as otherwise provided herein, the terms of this Agreement may be modified or amended only by a written agreement executed by all parties hereto. This Agreement supersedes in all respects all agreements, leases, arrangements or understandings, whether oral or written between Satellite and LaVista Keno. The captions on the paragraphs of this Agreement are for convenience or reference only and they shall not affect in any way the meaning or interpretation of this Agreement. The invalidity or enforceability of any provision, or portion thereof, of this Agreement, shall not affect the remainder of that provision or any other provision of this Agreement. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Nebraska. This Agreement may be executed in one or more counterparts, and by different parties hereto on separate counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. The parties to this Agreement specifically covenant and agree that facsimile signatures on one or more of the counterparts shall be acceptable for all purposes and shall be legally binding upon the party(ies) executing the Agreement upon facsimile transmission of the Agreement to any other party to the Agreement.

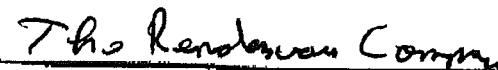
DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

LAVISTA KENO, INC.



By: Richard T. Bellino, President

SATELLITE:



APR. 6.2009 1:48PM LAMSON DUGAN MURRAY 402397 8450

NO.486 P.8/9

John W. Hawks P.M.  
By:

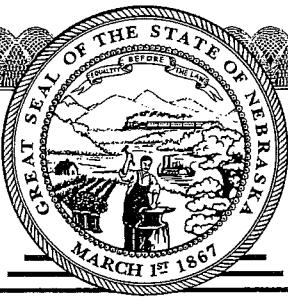
**EXHIBIT A**  
**RENTAL PAYMENT ILLUSTRATION**

Total amount wagered on keno of \$50,000	
Rent at 3% of \$35,000	\$1,050
Rent at 4% of \$15,000	\$600
<b>TOTAL RENT</b>	<b>\$1,650 in monthly rent</b>

Total amount wagered on keno of \$80,000	
Rent at 3% of \$35,000	\$1,050
Rent at 4% of \$25,000	\$1,000
Rent at 6% of \$20,000	\$1,200
<b>TOTAL RENT</b>	<b>\$3,250 in monthly rent</b>

<b>Total amount wagered on keno of \$100,000</b>	
Rent at 3% of \$35,000	\$1,050
Rent at 4% of \$25,000	\$1,000
Rent at 6% of \$40,000	\$2,400
<b>TOTAL RENT</b>	<b>\$4,450 in monthly rent</b>

# STATE OF NEBRASKA



## LIQUOR LICENSE

GRANTED UNDER PROVISIONS OF NEBRASKA LIQUOR CONTROL ACT

79951

CLASS CK - ALCOHOLIC LIQ. ON/OFF SALE/CAT  
(INSIDE CORPORATE LIMITS)

LICENSEE  
THE RENDEZVOUS COMPANY  
12040 MCDERMOTT PLZ  
SUITE 100  
LA VISTA  
NE 68128

PREMISE  
HOUSTON'S LOUNGE  
12040 MCDERMOTT PLZ SARPY  
SUITE 100  
LA VISTA NE 68128

LEGAL DESCRIPTION:  
ONE STORY BUILDING APPROX 49 X 74

WHEREAS, THE ABOVE HAS ON FILE WITH THE LIQUOR COMMISSION AN APPLICATION AND BOND AS REQUIRED BY LAW WHICH HAS BEEN DULY APPROVED AND HAS PAID ALL FEES REQUIRED BY LAW, AS PROVIDED IN THE NEBRASKA LIQUOR CONTROL ACT.

LICENSE PERIOD: 03/30/2009 - 10/31/2009

UNLESS SOONER REVOKED, SUBJECT TO THE PROVISIONS OF SAID ACT AND SUCH RULES AND REGULATIONS AS MAY HAVE BEEN OR MAY HEREAFTER BE PROMULGATED OR ADOPTED. \*

SEAL

Attest

NEBRASKA LIQUOR CONTROL COMMISSION

Executive Director

*John B. Raper*

*R. E. Fogelson*

Chairman



# CITY OF LA VISTA OCCUPATIONAL LICENSE - LIQUOR

Occupation tax, power to levy, exceptions. A city of the first or second class and villages may raise revenue by levying and collecting a license tax on any occupation or business within the limits of, the city or village and regulate the same by ordinance. All such taxes shall be uniform in respect to the classes upon which they are imposed: Provided, all scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by citizens of the city or village. See 16-205; 17-525 Revised Statutes of Nebraska, 1943.

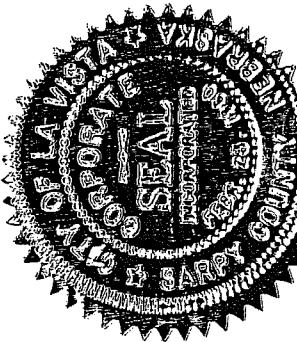
**No. 2009-10L**

**CITY CLERK'S OFFICE  
TO ALL WHO SHALL SEE THESE PRESENTS:**

Know Ye, that, The Rendezvous Company dba Houston's Lounge having paid the Treasurer the sum of Four Hundred Fifty Dollars and No Cents, is hereby licensed to OPERATE A CLASS CK LIQUOR LICENSE, at 12040 McDermott Plaza, Suite 100, La Vista, NE within the city limits of La Vista from March 30, 2009 through October 31, 2009.

In Testimony Whereof, I, the City Clerk of the said City have hereunto set my hand and affixed the Seal of said City, April 1, 2009.

*Janice L. Duehne*  
City Clerk



PLEASE DO NOT WRITE IN THIS SPACE

1 Nebraska I.D. Number of County, City, or Village

521183

2 County, City, or Village Name as shown on  
Form 50G

LAVISTA

**SALES OUTLET LOCATION INFORMATION (Attach additional sheet if necessary)**

Your social security number and date of birth are required under the Nebraska County and City Lottery Act and will be used to request criminal history information from law enforcement agencies to determine if the legal requirements for a lottery sales outlet location's license are met.

3 Nebraska Identification Number

10143947

4 Federal I.D. or Social Security Number

26-1273725

5 Type of Application:

New  Renewal  Report Changes  Cancel

**BUSINESS NAME AND LOCATION ADDRESS**

Name

The Rendezvous Company

Trade Name of Business (If Different Than Above)

Houston's Lounge

Street Address

18040 McDermott PLZ STE 100

City

LA VISTA

State

NE

Zip Code

68128

County

SARPY

**BUSINESS NAME AND MAILING ADDRESS**

Business Name

THE RENDEZVOUS COMPANY

Street or Other Mailing Address

18040 McDermott PLZ STE 100

City

LA VISTA

State

NE

Zip Code

68128

6 Type of Ownership

Sole Proprietorship  Domestic Corporation  Limited Liability Company  Nonprofit Corporation or Organization

Partnership

Foreign Corporation

Domesticated Corporation

Other \_\_\_\_\_

7 Location Type

Keno Satellite

Keno Independent Game

8 List the social security number, full name, home address, date of birth, type of involvement, and percentage of ownership for each of the following persons involved with the applicant.

a. If a sole proprietorship, list the individual owner.

b. If a partnership, list each partner and spouse.

c. If a corporation, list each officer and spouse and each person holding ten percent or more of the debt or equity of the applicant corporation. If any person holding ten percent or more of the debt or equity of the applicant corporation is a partnership, limited liability company, or corporation, list each partner of such partnership, each member of such limited liability company, or each officer of such corporation and every person holding ten percent or more of the debt or equity of any such partnership, limited liability company or corporation.

d. If a limited liability company, list each member and spouse.

e. If a nonprofit organization or nonprofit corporation, list each officer and the individual designated as manager.

(Attach additional sheet if necessary)

Social Security Number	Name, Address, City, State, Zip Code (See instructions)	Date of Birth	Type of Involvement and Percentage of Ownership
[REDACTED]	John W. Houston 5106 So. 181 <sup>st</sup> Plz, Omaha, NE 68135	[REDACTED]	PRES. OWNER 50%
[REDACTED]	SARAH V. Houston 5106 So. 181 <sup>st</sup> Plz Omaha, NE 68135	[REDACTED]	SPouse
SEE ATTACHED			

9 Does any person other than those listed in line 8 above have any ownership interest in the license applicant? (See instructions)

YES  NO

If Yes, in the case of an individual, identify the social security number, full name, home address, date of birth, type of ownership interest of each such individual. In the case of a business, identify the federal employer identification number, business name, address, and type of ownership interest of each such business. (Attach additional sheet if necessary)

10a Has anyone listed in line 8 ever been convicted of, forfeited bond upon a charge of, or pled guilty or nolo contendere to any felony or misdemeanor at any time involving any gambling activity, fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level? This includes shoplifting or issuing bad checks.

If Yes, see instructions.  YES  NO

10b Has anyone listed in line 8 ever been convicted of, forfeited bond upon a charge of, or pled guilty or nolo contendere to any felony other than that described in line 10a within ten years preceding the date of this application?

If Yes, see instructions.  YES  NO

11 Has each of the individuals listed in line 8 above filed fingerprint cards and proper fees for criminal background investigation with the Nebraska State Patrol, or when applicable, attached a signed affidavit for each spouse waiver?

YES  NO

12 Do any of the individuals listed in line 8 above have a financial interest, directly or indirectly, in any company licensed as a manufacturer or distributor pursuant to the Nebraska Bingo Act or the Nebraska Pickle Card Lottery Act or in any company licensed as a manufacturer-distributor pursuant to the Nebraska County and City Lottery Act?

If Yes, attach a detailed explanation of such interests.  YES  NO

13 Does any member of the governing board or any governing official of the county, city, or village named in this application have any financial interest, directly or indirectly, in the business named in this application?

If Yes, attach a detailed explanation of such interests.  YES  NO

14 Do any of the individuals listed in line 8 above currently hold or have any of the individuals previously held any other licenses issued under the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska County and City Lottery Act?

YES  NO If Yes, indicate the types of licenses, and their current status (active, suspended, cancelled, revoked, or expired).

Under penalties of law, I declare that I have examined this application, and to the best of my knowledge and belief, it is correct. I will comply with the provisions of the Nebraska County and City Lottery Act and the regulations adopted under such Act.

**sign  
here**

John W. Houston

President

4-809 (402) 301-3661

Signature of Sales Outlet Location Owner, Member, Partner, Officer, or Person Authorized by Attached Power of Attorney

Date Daytime Telephone Number

Name of Person to Contact Regarding This Application:

John W. Houston

Title President

Daytime Telephone Number (402) 301-3661

Name

Authorized Signature

Title

Date

Daytime Telephone Number

**AUTHORIZATION—Signature of Governing Official**

Attach documentation indicating approval of location by governing board of the county, city or village and a copy of the site agreement.

I declare that I have examined this application, and authorize the applicant to conduct a lottery on behalf of the county, city, or village named in this application.

**sign  
here**

Authorized Signature

Title

Date

Daytime Telephone Number

Mail the original application to: NEBRASKA DEPARTMENT OF REVENUE, CHARITABLE GAMING DIVISION, P.O. BOX 94855, LINCOLN, NE 68509-4855  
Please make a copy for your records.

9-132-1993 Rev. 6-2007 Supersedes 9-132-1993 Rev. 6-2006

## INSTRUCTIONS

**WHO MUST FILE.** Any individual, business, nonprofit organization, or nonprofit corporation that has contracted with a lottery operator to conduct a lottery on behalf of a county, city, or village must apply for and obtain a lottery sales outlet location license. This includes any individual or business whose only involvement with the operation of the lottery is the provision of space to the lottery operator, even if the space is leased to and staffed by the lottery operator.

**WHEN AND WHERE TO FILE.** All licenses issued to any lottery sales outlet location expire on May 31 of every even-numbered year and may be renewed on a biennial basis. The Nebraska Schedule II - County/City Lottery Sales Outlet Location Application may be submitted with the Nebraska Application for County/City Lottery, Form 50G, and the Nebraska Schedule I - County/City Lottery Operator Application, or submitted separately if the county, city, or village and lottery operator are already licensed. Applications for license renewal must be submitted to the Nebraska Department of Revenue at least 60 days prior to the expiration date of the license.

The Nebraska Schedule II may also be utilized during the period covered by the license to report changes in the application information or to cancel the license. Any changes in the information originally submitted on the application must be provided to the Department within 30 days of such changes.

Mail the Nebraska Schedule II and attachments to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, Nebraska 68509-4855. Please make a copy of this application for your records.

### SPECIFIC INSTRUCTIONS

**DEFINITION.** Sales outlet location as it applies to keno means a location other than the lottery operator location where keno wagers are placed. This includes any person whose only involvement with the operation of the lottery is the provision of space to the county, city, village, or lottery operator for a satellite location or independent location even if the space is leased to and staffed by the county, city, village, or lottery operator. Sales outlet location as it applies to a ticket drawing means a location where lottery tickets are sold.

**TYPE OF OWNERSHIP.** Enter the type of ownership under which your business is operated. Partnership includes all types of partnerships such as general, limited, and joint ventures. A domestic corporation is a corporation which is organized under the laws of Nebraska and has qualified to do business in this state. A foreign corporation is a corporation which is organized under the laws of another state. A domesticated corporation is a foreign corporation that is domesticated in Nebraska.

**LINE 7.** A keno satellite location is separate from a main keno location and electronically linked to the main location, but does not conduct its own winning number selection. An independent keno game location is not electronically linked to another location and does conduct its own winning number selection.

**LINE 8.** Identify the social security number, name, address, date of birth, type of involvement (owner, member, partner, officer, debt or equity holder, or spouse) and percentage of ownership of each person who has any interest in the entity to be licensed as a lottery sales outlet location. If a nonprofit organization or nonprofit corporation, identify each officer and the individual designated as manager.

A person is a debt holder of the corporation, partnership, or limited liability company if such person holds any mortgages, notes, bonds, convertible debentures, or other obligations, whether written or oral, issued by the corporation, partnership, or limited liability company. For purposes of this application, a debt holder does not include any financial institution organized or chartered under the laws of Nebraska, any other state, or the United States relating to banks, savings institutions, trust companies, savings and loan associations, credit unions, installment loan licensees, or similar associations organized under the laws of Nebraska and subject to supervision by the Department of Banking and Finance. A person is an equity holder of the corporation, partnership, or limited liability company if such person holds any capital stock, whether common or preferred, or any ownership interest or share issued by the corporation, partnership, or limited liability company.

**LINE 9.** Identify any person(s) who have an ownership interest in the license applicant not listed in Line 8. Owner means a person with a right to share in the profits, losses, or liabilities of an applicant or licensee. The term includes loan guarantors who make actual debt payments for or contribute capital to a license applicant or licensee with a contingent right to share in the profits, losses, or liabilities of the operation. The term ownership interest is synonymous with owner.

**LINES 10a and 10b.** If the "Yes," box is checked, provide an attachment with the following information, if known:

1. The date and place the incident occurred.
2. The court case or docket number under which it is filed.
3. The original charge and ultimate disposition of the matter.
4. A description of the events which are the subject of the incident.

**LINE 11.** Nebraska Revised Statutes, Section 9-1,104, requires all new applicants for a sales outlet location license to be fingerprinted for criminal background investigation purposes. Please refer to the **Instructions for Completing Fingerprint Application** to determine who is subject to this requirement. Fingerprinting of a spouse will be waived if an Affidavit by Spouse for Waiver of Fingerprinting and/or Personal History Record and Background Disclosure Form for Charitable Gaming Licensees accompanies the application form. Fingerprinting may be waived for those applicants who have previously filed fingerprint cards with the Nebraska Liquor Control Commission. Each individual required to be fingerprinted must submit two fingerprint cards and the proper fees directly to the Nebraska State Patrol.

**AUTHORIZED SIGNATURES.** The application must be signed by a lottery sales outlet location owner, member, partner, officer, or person authorized by an attached power of attorney.

**COUNTY/CITY AUTHORIZATION.** The application must also be signed by a member of the governing board or a governing official of the county, city, or village as an indication of county/city/village approval of the applicant to participate in the lottery on its behalf.

Any questions regarding the completion of this application should be addressed to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, Nebraska 68509-4855, telephone (402) 471-5937 or toll free (877) 564-1315. Additional information and forms may be obtained from the Department's Web site at [www.revenue.ne.gov/gaming](http://www.revenue.ne.gov/gaming).

Nebraska Schedule II, Form 50G - Attachment, Line 8  
The Rendezvous Company 12040 McDermott St. #100, LaVista, NE 68128

SSN	Name, Address, City, State, Zip Code	DOB	Type of Involvement
[REDACTED]	Brian M. Houston 16428 Olive St., Omaha, NE 68136	8-10-72	VP, Owner 50%
[REDACTED]	Valarie A. Houston 16428 Olive St., Omaha, NE 68136	1-15-74	Spouse

PLEASE DO NOT WRITE IN THIS SPACE

1 Nebraska I.D. Number of County, City, or Village

521183

2 County, City, or Village Name as Shown on  
Form 50G

LAVISTA

LOTTERY WORKER INFORMATION

Your social security number and date of birth are required under the Nebraska County and City Lottery Act and will be used to request criminal history information from law enforcement agencies to determine if the legal requirements for a lottery worker's license are met.

3 Social Security Number

4 Date of Birth

5 Type of Application

New  Inactive  Report Changes  Renewal  Cancel

Name (Last name, first name, middle name)

Ritzman Julie Nicole

Alias(es), Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise

DOR USE ONLY

DOB Check

Y  N

Date \_\_\_\_\_

Street or Other Mailing Address

11901 Oakmont Dr. #4

City State Zip Code County

Omaha NE

68130

Sarpy

6 Provide a brief description of your duties as a county/city lottery worker by checking those items that apply to you.

REQUIRED TO BE FINGERPRINTED (see 6a and 6b)

<input type="checkbox"/> Keno Manager	<input type="checkbox"/> Accounting	<input type="checkbox"/> Authorized Representative	<input type="checkbox"/> Keno Writer	<input type="checkbox"/> Security
<input type="checkbox"/> Individual other than keno manager who has authority over verification of winning number selection by a manual or automated ball draw device	<input type="checkbox"/> Administration	<input type="checkbox"/> Governing Official	<input type="checkbox"/> Lottery Operator Officer or Owner	<input type="checkbox"/> Other (specify) _____
	<input type="checkbox"/> Audit	<input type="checkbox"/> Keno Runner	<input checked="" type="checkbox"/> Sales Outlet Officer or Owner	

6a Have you ever been fingerprinted for a license under the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, or the Nebraska County and City Lottery Act?

NO  YES If Yes, indicate the approximate date you were fingerprinted and the type of license involved. Date: \_\_\_\_\_ Type of License: \_\_\_\_\_

6b Have you ever been fingerprinted by the Nebraska Liquor Control Commission in conjunction with an application for a liquor license?

NO  YES If Yes, indicate the approximate date you were fingerprinted and the number of the liquor license. Date: \_\_\_\_\_

If you answered No to lines 6a and 6b, see the instructions on the reverse side of this application.

Liquor License Number: \_\_\_\_\_

• You must answer questions 7 through 9 accurately.

7 Have you been convicted of, forfeited bond upon a charge of, or pled guilty or nolo contendere to any FELONY OR MISDEMEANOR AT ANY TIME involving fraud, theft, any gambling activity, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level? This INCLUDES shoplifting or issuing bad checks.

NO  YES If you answered Yes, see instructions.

8 Have you been convicted of, forfeited bond upon a charge of, or pled guilty or nolo contendere to any other felony within ten years preceding the date of this application?

NO  YES If you answered Yes, see instructions.

9 Have you previously worked at any other lottery conducted by a Nebraska county, city, or village or by a lottery operator or authorized sales outlet location on behalf of a Nebraska county, city, or village?

NO  YES If Yes, indicate the name(s) of the county, city, village, lottery operator, or sales outlet location involved. Bellevue Keno

LOTTERY OPERATOR INFORMATION (Required unless working at county, city, or village location)

10 Nebraska Identification Number

Name, Address, City, State, Zip Code

521183

LAVISTA KENO, INC

8001634

7101 S. 84th St LAVISTA NE 68134

LOTTERY SALES OUTLET LOCATION INFORMATION (Required if working at a sales outlet location)

11 Nebraska Identification Number

Name, Address, City, State, Zip Code

31-10143947

THE RENDEZVOUS COMPANY dba HOUSTON'S LOUNGE

13040 McDermott Plz #100 LAVISTA NE 68134

Under penalties of law, I declare that I have examined this application, and to the best of my knowledge and belief, it is correct.  
I will comply with the provisions of the Nebraska County and City Lottery Act and the regulations adopted under such Act.

**sign here** *Julie Ritzman*  
Signature of Applicant

04/09/09

(402) 850-1876  
Daytime Telephone Number

AUTHORIZATION – Signature of Governing Official or Authorized Representative

I declare that I have examined this application and authorize the applicant to submit it to the Nebraska Department of Revenue for approval.

**sign here**

Signature of Governing Official or Authorized Representative

Title

Date

( )  
Daytime Telephone Number

Printed Name of Official or Representative

Mail this application to: NEBRASKA DEPARTMENT OF REVENUE, CHARITABLE GAMING DIVISION, P.O. BOX 94855, LINCOLN, NE 68509-4855

NEBRASKA DEPARTMENT OF REVENUE — White Copy

APPLICANT — Canary Copy

COUNTY, CITY, OR VILLAGE — Pink Copy

9-133-1993 Rev. 2-2008 Supersedes 9-133-1993 Rev. 6-2007

## INSTRUCTIONS

**WHO MUST FILE.** Any individual who intends to perform any work directly related to the conduct of a county/city lottery must complete and file this application. A county/city lottery worker license applicant must be at least 19 years of age. Work directly related to the conduct of a lottery means any work involving the actual day-to-day conduct of the lottery, including, but not limited to, ticket writing, working as a keno runner, winning number selection, prize payments to winners, record keeping, shift checkout, review of keno writer banks, security, and compiling or filing county/city lottery tax return information. Please refer to Regulation 35-619 of the County and City Lottery Regulations for a detailed description of individuals who are required to file this application.

**WHEN AND WHERE TO FILE.** A properly completed and signed application must be filed with the Department prior to a lottery worker beginning his or her duties. The application will be considered on file with the Department once the Nebraska Schedule III has been received by the Department or as of the date postmarked or transmitted by electronic facsimile to the Department, provided the application is received by the Department within 10 days after the date postmarked or electronically transmitted. An application not received within 10 days of the date postmarked or electronically transmitted is not considered filed. The applicant must cease performing any duties for the lottery until such time as the Nebraska Schedule III is on file with the Department. A separate Nebraska Schedule III must be submitted for each county, city, or village for which the applicant will be performing duties related to the conduct of the lottery. Incomplete applications will be returned to the county, city, or village and the lottery worker license applicant must immediately cease working with the lottery until a properly completed application is on file with the Department. In order to determine whether a license application has been filed with the Department, contact our office by telephone or visit our Web site at [www.revenue.ne.gov/gaming](http://www.revenue.ne.gov/gaming). In order to access the lottery worker database on the Web site, the User Name and Password are needed. Only county/city lottery licensees, governing officials, and their designated authorized representatives may access the lottery worker database. The User Name and Password may be obtained by contacting our office.

All lottery worker licenses expire on May 31 of odd-numbered years and may be renewed biennially. All applications for license renewal must be submitted at least 60 days prior to the expiration date of the license.

The Nebraska Schedule III may also be utilized after an initial filing to report changes in the application information or to report that the license is inactive or void. If a lottery worker is no longer working with a county/city lottery, the Department must be notified by marking inactive on a Schedule III and filing the form with our office. Any changes in the information originally submitted on the application form must be promptly reported to the Department. Such changes are also to be reported to the county, city, or village.

Each applicant should review the questions on the application carefully and provide accurate responses. If any of the information provided by the applicant is found to be false, the applicant will be disqualified and a notice of disqualification and intended license application denial may be issued. Disqualified workers may not work for a county/city lottery at any time. If the responses of a licensed lottery worker reporting changes are found to be false, notice of license suspension, cancellation, or revocation, as applicable, may be issued.

Mail the white copy of the Nebraska Schedule III and any attachments to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, Nebraska 68509-4855, or transmit the Nebraska Schedule III and any attachments electronically by facsimile to (402) 471-5600 and mail the original, or the Nebraska Schedule III may be personally delivered to any of the Department's offices in Grand Island, Lincoln, Norfolk, North Platte, Omaha, or Scottsbluff. Original signatures are required in order to process the application. Mail the pink copy to the county, city, or village listed at the top of the form. The canary copy is for the applicant's records.

## SPECIFIC INSTRUCTIONS

**LINE 1. NEBRASKA IDENTIFICATION NUMBER.** Enter the state identification number assigned to the county, city, or village. This number is found on every county/city lottery license issued by the Department and is identified as 35-xxxxxx. If unknown or not assigned, this space may be left blank.

**LINE 2. COUNTY, CITY, OR VILLAGE NAME.** Enter the name of the county, city, or village on whose behalf the applicant will be working with the county/city lottery. This information is found on the license displayed at the location of the lottery or on the Nebraska Application for County/City Lottery, Form 50G. List only the county, city, or village on the license. If the lottery is conducted jointly with another county, city, or village, file one Schedule III and indicate the name of each county, city, or village involved.

**LINE 5.** A "new" application is required for each new lottery worker and anyone who has terminated employment or is currently inactive, but wishes to resume work at a later date. If reporting changes to a previously filed license application, check the "report changes" box. "Inactive" is to be checked when an individual is no longer actively working with a county/city lottery. "Cancel" is to be marked only by a lottery worker to request cancellation of his or her license. **Cancel may not be used by a county, city, village, or lottery operator to report that an individual is no longer working for the county, city, village, or lottery operator.**

**LINES 6, 6a, AND 6b. FINGERPRINTING REQUIREMENTS.** If a box in the left-hand column is marked and the applicant answered "NO" to lines 6a and 6b, two fingerprint cards and the proper fees must be submitted to the Nebraska State Patrol for criminal background investigation purposes. To obtain fingerprint cards and instructions for their completion, contact the Charitable Gaming Division at the address or telephone number listed below.

**LINES 7 AND 8.** If the "Yes" box is checked, provide an attachment with the following information, if known:

1. The date and place the incident occurred.
2. The court case or docket number under which it is filed.
3. The original charge and ultimate disposition of the matter.
4. A description of the events which are the subject of the incident.

**LINE 9.** Check the "YES" box only if the work previously performed by the applicant was directly related to the conduct of a county/city lottery as described in these instructions.

**LINE 10.** Enter the state identification number and name of the lottery operator at whose place of business the applicant will be working or of the lottery operator who contracts with the lottery sales outlet location where the applicant will be working.

**LINE 11.** Enter the state identification number and name of each lottery sales outlet location only if the applicant performs work at the sales outlet location's place of business. If a state identification number has not yet been assigned, this space may be left blank. Enter only one sales outlet location per line. If additional space is needed, attach a separate sheet listing the additional locations.

**AUTHORIZED SIGNATURES.** The application must be signed by the applicant and by a governing official or their designated authorized representative to be valid.

Any questions regarding the completion of this application should be addressed to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, Nebraska 68509-4855, telephone (402) 471-5937 or toll free at (877) 564-1315. Additional information and forms may be obtained from the Department's Web site at [www.revenue.ne.gov/gaming](http://www.revenue.ne.gov/gaming).

1 Nebraska I.D. Number of County, City, or Village <b>521183</b>	2 County, City, or Village Name as Shown on Form 50G <b>LAVISTA</b>
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PLEASE DO NOT WRITE IN THIS SPACE

**LOTTERY WORKER INFORMATION**

Your social security number and date of birth are required under the Nebraska County and City Lottery Act and will be used to request criminal history information from law enforcement agencies to determine if the legal requirements for a lottery worker's license are met.

3 Social Security Number	4 Date of Birth	5 Type of Application <input checked="" type="checkbox"/> New <input type="checkbox"/> Inactive <input type="checkbox"/> Report Changes <input type="checkbox"/> Renewal <input type="checkbox"/> Cancel
--------------------------	-----------------	---

Name (Last name, first name, middle name)  
**HOUSTON BRIAN MICHAEL**

Alias(es), Nicknames, Maiden Name, Other Name Changes, Legal or Otherwise  
**NON**

Street or Other Mailing Address  
**16428 OLIVE STREET**

City <b>OMAHA</b>	State <b>NE</b>	Zip Code <b>68130</b>	County <b>SARPY</b>
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6 Provide a brief description of your duties as a county/city lottery worker by checking those items that apply to you.

**REQUIRED TO BE FINGERPRINTED (see 6a and 6b)**

<input type="checkbox"/> Keno Manager	<input type="checkbox"/> Accounting	<input type="checkbox"/> Authorized Representative	<input type="checkbox"/> Keno Writer	<input type="checkbox"/> Security
<input type="checkbox"/> Individual other than keno manager who has authority over verification of winning number selection by a manual or automated ball draw device	<input type="checkbox"/> Administration	<input type="checkbox"/> Governing Official	<input type="checkbox"/> Lottery Operator Officer or Owner	<input type="checkbox"/> Other (specify) _____
	<input type="checkbox"/> Audit	<input type="checkbox"/> Keno Runner	<input checked="" type="checkbox"/> Sales Outlet Officer or Owner	

6a Have you ever been fingerprinted for a license under the Nebraska Bingo Act, the Nebraska Pickle Card Lottery Act, or the Nebraska County and City Lottery Act?

NO  YES If Yes, indicate the approximate date you were fingerprinted and the type of license involved. Date: \_\_\_\_\_ Type of License: \_\_\_\_\_

6b Have you ever been fingerprinted by the Nebraska Liquor Control Commission in conjunction with an application for a liquor license?

NO  YES If Yes, indicate the approximate date you were fingerprinted and the number of the liquor license. Date: \_\_\_\_\_

If you answered No to lines 6a and 6b, see the instructions on the reverse side of this application. Liquor License Number: \_\_\_\_\_

• You must answer questions 7 through 9 accurately.

7 Have you been convicted of, forfeited bond upon a charge of, or pled guilty or nolo contendere to any **FELONY OR MISDEMEANOR AT ANY TIME** involving fraud, theft, any gambling activity, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level? This INCLUDES shoplifting or issuing bad checks.

NO  YES If you answered Yes, see instructions.

8 Have you been convicted of, forfeited bond upon a charge of, or pled guilty or nolo contendere to any other felony within ten years preceding the date of this application?

NO  YES If you answered Yes, see instructions.

9 Have you previously worked at any other lottery conducted by a Nebraska county, city, or village or by a lottery operator or authorized sales outlet location on behalf of a Nebraska county, city, or village?

NO  YES If Yes, indicate the name(s) of the county, city, village, lottery operator, or sales outlet location involved. \_\_\_\_\_

**LOTTERY OPERATOR INFORMATION (Required unless working at county, city, or village location)**

10 Nebraska Identification Number <b>521183</b>	Name, Address, City, State, Zip Code <b>LAVISTA KENO, INC 7101 S. 84TH ST LAVISTA NE 68128</b>
<b>8001634</b>	

**LOTTERY SALES OUTLET LOCATION INFORMATION (Required if working at a sales outlet location)**

11 Nebraska Identification Number <b>21-10143-947</b>	Name, Address, City, State, Zip Code <b>THE RENDEZVOUS COMPANY dba HOUSTON'S LOUNGE 13040 McDermott PLZ #100 LAVISTA NE 68128</b>
--	--

Under penalties of law, I declare that I have examined this application, and to the best of my knowledge and belief, it is correct.  
I will comply with the provisions of the Nebraska County and City Lottery Act and the regulations adopted under such Act.

**sign here** *Brian Houston*  
Signature of Applicant

**04/09/2009** ( )  
Date

Daytime Telephone Number

**AUTHORIZATION – Signature of Governing Official or Authorized Representative**

I declare that I have examined this application and authorize the applicant to submit it to the Nebraska Department of Revenue for approval.

<b>sign here</b>	Signature of Governing Official or Authorized Representative	Title	Date	( )	Daytime Telephone Number
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Printed Name of Official or Representative

Mail this application to: **NEBRASKA DEPARTMENT OF REVENUE, CHARITABLE GAMING DIVISION, P.O. BOX 94855, LINCOLN, NE 68509-4855**

NEBRASKA DEPARTMENT OF REVENUE — White Copy

APPLICANT — Canary Copy

COUNTY, CITY, OR VILLAGE — Pink Copy

# INSTRUCTIONS

**WHO MUST FILE.** Any individual who intends to perform any work directly related to the conduct of a county/city lottery must complete and file this application. A county/city lottery worker license applicant must be at least 19 years of age. Work directly related to the conduct of a lottery means any work involving the actual day-to-day conduct of the lottery, including, but not limited to, ticket writing, working as a keno runner, winning number selection, prize payments to winners, record keeping, shift checkout, review of keno writer banks, security, and compiling or filing county/city lottery tax return information. Please refer to Regulation 35-619 of the County and City Lottery Regulations for a detailed description of individuals who are required to file this application.

**WHEN AND WHERE TO FILE.** A properly completed and signed application must be filed with the Department prior to a lottery worker beginning his or her duties. The application will be considered on file with the Department once the Nebraska Schedule III has been received by the Department or as of the date postmarked or transmitted by electronic facsimile to the Department, provided the application is received by the Department within 10 days after the date postmarked or electronically transmitted. An application not received within 10 days of the date postmarked or electronically transmitted is not considered filed. The applicant must cease performing any duties for the lottery until such time as the Nebraska Schedule III is on file with the Department. A separate Nebraska Schedule III must be submitted for each county, city, or village for which the applicant will be performing duties related to the conduct of the lottery. Incomplete applications will be returned to the county, city, or village and the lottery worker license applicant must immediately cease working with the lottery until a properly completed application is on file with the Department. In order to determine whether a license application has been filed with the Department, contact our office by telephone or visit our Web site at [www.revenue.ne.gov/gaming](http://www.revenue.ne.gov/gaming). In order to access the lottery worker database on the Web site, the User Name and Password are needed. Only county/city lottery licensees, governing officials, and their designated authorized representatives may access the lottery worker database. The User Name and Password may be obtained by contacting our office.

All lottery worker licenses expire on May 31 of odd-numbered years and may be renewed biennially. All applications for license renewal must be submitted at least 60 days prior to the expiration date of the license.

The Nebraska Schedule III may also be utilized after an initial filing to report changes in the application information or to report that the license is inactive or void. If a lottery worker is no longer working with a county/city lottery, the Department must be notified by marking inactive on a Schedule III and filing the form with our office. Any changes in the information originally submitted on the application form must be promptly reported to the Department. Such changes are also to be reported to the county, city, or village.

Each applicant should review the questions on the application carefully and provide accurate responses. If any of the information provided by the applicant is found to be false, the applicant will be disqualified and a notice of disqualification and intended license application denial may be issued. Disqualified workers may not work for a county/city lottery at any time. If the responses of a licensed lottery worker reporting changes are found to be false, notice of license suspension, cancellation, or revocation, as applicable, may be issued.

Mail the white copy of the Nebraska Schedule III and any attachments to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, Nebraska 68509-4855, or transmit the Nebraska Schedule III and any attachments electronically by facsimile to (402) 471-5600 and mail the original, or the Nebraska Schedule III may be personally delivered to any of the Department's offices in Grand Island, Lincoln, Norfolk, North Platte, Omaha, or Scottsbluff. Original signatures are required in order to process the application. Mail the pink copy to the county, city, or village listed at the top of the form. The canary copy is for the applicant's records.

## SPECIFIC INSTRUCTIONS

**LINE 1. NEBRASKA IDENTIFICATION NUMBER.** Enter the state identification number assigned to the county, city, or village. This number is found on every county/city lottery license issued by the Department and is identified as 35-xxxxxx. If unknown or not assigned, this space may be left blank.

**LINE 2. COUNTY, CITY, OR VILLAGE NAME.** Enter the name of the county, city, or village on whose behalf the applicant will be working with the county/city lottery. This information is found on the license displayed at the location of the lottery or on the Nebraska Application for County/City Lottery, Form 50G. List only the county, city, or village on the license. If the lottery is conducted jointly with another county, city, or village, file one Schedule III and indicate the name of each county, city, or village involved.

**LINE 5.** A "new" application is required for each new lottery worker and anyone who has terminated employment or is currently inactive, but wishes to resume work at a later date. If reporting changes to a previously filed license application, check the "report changes" box. "Inactive" is to be checked when an individual is no longer actively working with a county/city lottery. "Cancel" is to be marked only by a lottery worker to request cancellation of his or her license. **Cancel may not be used by a county, city, village, or lottery operator to report that an individual is no longer working for the county, city, village, or lottery operator.**

**LINES 6, 6a, AND 6b. FINGERPRINTING REQUIREMENTS.** If a box in the left-hand column is marked and the applicant answered "NO" to lines 6a and 6b, two fingerprint cards and the proper fees must be submitted to the Nebraska State Patrol for criminal background investigation purposes. To obtain fingerprint cards and instructions for their completion, contact the Charitable Gaming Division at the address or telephone number listed below.

**LINES 7 AND 8.** If the "Yes" box is checked, provide an attachment with the following information, if known:

1. The date and place the incident occurred.
2. The court case or docket number under which it is filed.
3. The original charge and ultimate disposition of the matter.
4. A description of the events which are the subject of the incident.

**LINE 9.** Check the "YES" box only if the work previously performed by the applicant was directly related to the conduct of a county/city lottery as described in these instructions.

**LINE 10.** Enter the state identification number and name of the lottery operator at whose place of business the applicant will be working or of the lottery operator who contracts with the lottery sales outlet location where the applicant will be working.

**LINE 11.** Enter the state identification number and name of each lottery sales outlet location only if the applicant performs work at the sales outlet location's place of business. If a state identification number has not yet been assigned, this space may be left blank. Enter only one sales outlet location per line. If additional space is needed, attach a separate sheet listing the additional locations.

**AUTHORIZED SIGNATURES.** The application must be signed by the applicant and by a governing official or their designated authorized representative to be valid.

Any questions regarding the completion of this application should be addressed to the Nebraska Department of Revenue, Charitable Gaming Division, P.O. Box 94855, Lincoln, Nebraska 68509-4855, telephone (402) 471-5937 or toll free at (877) 564-1315. Additional information and forms may be obtained from the Department's Web site at [www.revenue.ne.gov/gaming](http://www.revenue.ne.gov/gaming).

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF BEER AT A BEER GARDEN IN CENTRAL PARK ON JUNE 11-13, 2009, IN CONJUNCTION WITH THE ANNUAL LA VISTA DAYS CELEBRATION.

WHEREAS, Central Park is located within the City of La Vista; and

WHEREAS, the La Vista Chamber of Commerce has requested approval of a Special Designated Permit to sell and serve beer at a beer garden in Central Park June 11-13, 2009, in conjunction with the annual La Vista Days celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the La Vista Chamber of Commerce to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell and serve beer at a beer garden in Central Park on June 11-13, 2009, in conjunction with the annual La Vista Days celebration.

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



April 4, 2009

Nebraska Liquor Control Commission  
P.O. Box 95046  
Lincoln, NE 68509

Re: La Vista Area Chamber of Commerce  
Special Designated Use Permit

To whom it may concern,

The La Vista Police Department has recently reviewed the request by the La Vista Chamber of Commerce for a special designated use permit to have an outdoor area to serve beer during La Vista Days at La Vista's Central Park on Thursday, Friday and Saturday, June 11, 12 & 13, 2009. The Chamber has been advised that they are to have the proper number of security personnel staffing the event. Therefore, we would recommend approval of the permit contingent on the proper number of security personnel assigned.

Sincerely,

Robert S. Lausten  
Chief of Police

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Cornhusker Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

## APPLICATION FOR SPECIAL DESIGNATED LICENSE NON PROFIT APPLICANTS

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.ne.gov/](http://www.lcc.ne.gov/)

### BEFORE SUBMITTING APPLICATION TO THE LIQUOR CONTROL COMMISSION

- Include approval from the City, Village or County Clerk where the event is to be held
- Include signed statement from the local law enforcement (see question #8)
- A license fee \$40 (payable to Nebraska Liquor Control Commission) for each day/event to be licensed (i.e. if you have two separate areas at one event they both need to be licensed)
- Application MUST be received at the Liquor Control Commission Office no later than 10 working days prior to event (excluding weekends, Federal and State observed holidays)
- Letter from IRS declaring your organization exempt from payment of federal income taxes, or copy of federal tax return, as filed with the IRS, as well as affidavit signed by an officer of the organization declaring that the copy of the tax return is true and correct copy as filed with the IRS

### COMPLETE ALL QUESTIONS

1. Type of alcohol to be served and/or consumed

Beer       Wine       Distilled Spirits

2. Status of applicant (check one)

Municipal  Political  Fine Arts  Fraternal  Religious  Charitable  Public Service

3. Licensee name (last, first, middle), Corporate name, Limited Liability Company (LLC)

La Vista Area Chamber of Commerce

NAME: \_\_\_\_\_

8040 S. 84th Street La Vista, NE 68128  
ADDRESS: \_\_\_\_\_

Sarpy  
COUNTY: \_\_\_\_\_

4. Location where event will be held; name, address, city, county, zip code

ADDRESS: Central Park Edgewood & Valley Rd. La Vista COUNTY Sarpy

- a. Is this location within the city/village limits?  YES  NO
- b. Is this location within the 150' of church, school, hospital or home aged/indigent or for veterans their wives?  YES  NO
- c. Is this location within 300' of any university or college campus?  YES  NO

5. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date <u>Jun 11, 2009</u>	Date <u>Jun 12, 2009</u>	Date <u>Jun 13, 2009</u>	Date _____	Date _____	Date _____
Hours From 6:00 To 10:00	Hours From 6:00 To 12:00	Hours From 4:00 To 12:00	Hours From _____ To _____	Hours From _____ To _____	Hours From _____ To _____

- a. Alternate date: \_\_\_\_\_
- b. Alternate location: \_\_\_\_\_  
**(alternate date or location must be approved by local and law enforcement)**

6. Indicate type of activity to be carried on during event

Dance  Reception  Fund Raiser  Beer Garden  Sampling/Tasting  Other

7. Description of area to be licensed

Inside building, dimensions of area to be covered INFEET \_\_\_\_\_ x \_\_\_\_\_  
Name of building \_\_\_\_\_ (not square feet or acres)

Outdoor area dimensions of area to be covered INFEET 40 100  
x \_\_\_\_\_  
(not square feet or acres)

If outdoor area, how will premises be enclosed

fence, type of fence CHAIN LINK & PLASTIC  
 tent  
 other, explain \_\_\_\_\_

\*If both inside and outdoor area to be licensed include simple sketch

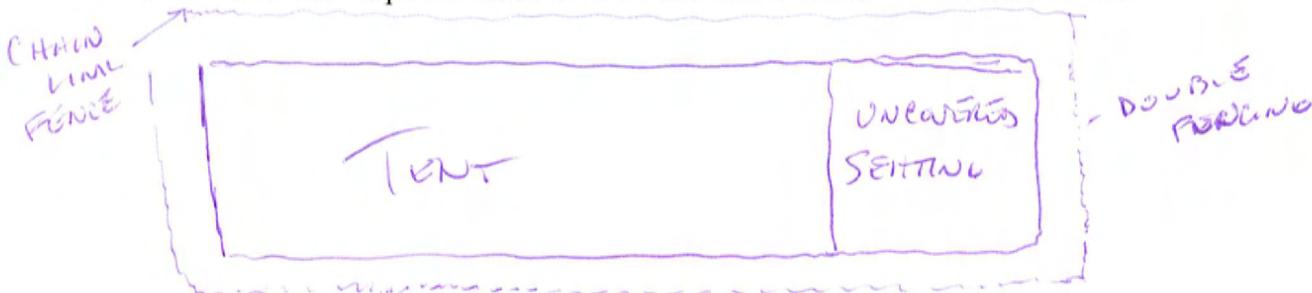
8. Attach a signed statement from local police chief or county sheriff, whichever is applicable, that local law enforcement has been informed in advance of this event, and if they are aware of any reason the event should not occur.

9. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages.

10. Will premises to be covered by license comply with all Nebraska sanitation laws?

YES  NO

a. Are there separate toilets for both men and women?  YES  NO



11. Will there be any games of chance operating during the event?  YES  NO  
If so, describe activity \_\_\_\_\_

**NOTE:** Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law. There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

12. Any other information or requests for exemptions:

13. Name and **telephone number/cell phone number** of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to.

Tom Kerfoot

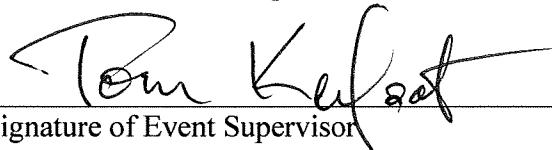
402-960-0306

402-960-0306

Phone: Before \_\_\_\_\_

During \_\_\_\_\_

Print name of Event Supervisor

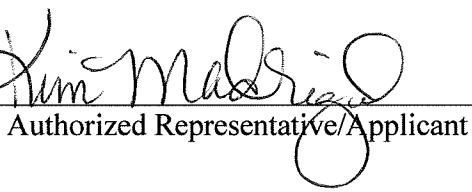


Signature of Event Supervisor

Consent of Authorized Representative/Applicant

14. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign  
here

  
Authorized Representative/Applicant

President

Title

4/7/09

Date

  
Kim Madrigal

Print Name

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

**Application for Special Designated License  
Under Nebraska Liquor Control Act  
Affidavit of Non-Profit Status**

I HEREBY DECLARE THAT THE CORPORATION MAKING APPLICATION FOR A SPECIAL DESIGNATED LICENSE UNDER THE NEBRASKA LIQUOR CONTROL ACT IS EITHER A MUNICIPAL CORPORATION, A FINE ARTS MUSEUM INCORPORATED AS A NONPROFIT CORPORATION, A RELIGIOUS NONPROFIT CORPORATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, A POLITICAL ORGANIZATION WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES, OR ANY OTHER NONPROFIT CORPORATION, THE PURPOSE OF WHICH IS FRATERNAL, CHARITABLE, OR PUBLIC SERVICE AND WHICH HAS BEEN EXEMPTED FROM THE PAYMENT OF FEDERAL INCOME TAXES AS PER §53-124.11(1).

AS SIGNATORY I CONSENT TO THE RELEASE OF ANY DOCUMENTS SUPPORTING THIS DECLARATION AND ANY DOCUMENTS SUPPORTING THIS DECLARATION WILL BE PROVIDED TO THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY AGENT OF THE LIQUOR CONTROL COMMISSION IMMEDIATELY UPON DEMAND. I ALSO CONSENT TO THE INVESTIGATION OF THIS CORPORATE ENTITY TO DETERMINE IT'S NONPROFIT STATUS.

I AGREE TO WAIVE ANY RIGHTS OR CAUSES OF ACTION AGAINST THE NEBRASKA LIQUOR CONTROL COMMISSION, THE NEBRASKA STATE PATROL OR ANY PARTY RELEASING INFORMATION TO THE AFOREMENTIONED PARTIES.

La Vista Area Chamber of Commerce

NAME OF CORPORATION

47-0650061

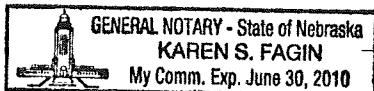
FEDERAL ID NUMBER

  
\_\_\_\_\_  
SIGNATURE OF TITLE OF CORPORATE OFFICERS

THE ABOVE INDIVIDUAL STATES THAT THE STATEMENT ABOVE IS TRUE AND CORRECT: IF ANY FALSE STATEMENT IS MADE ON THIS APPLICATION, THE APPLICANT SHALL BE DEEMED GUILTY OF PERJURY AND SUBJECT TO PENALTIES PROVIDED BY LAW. (SEC. §53-131.01) NEBRASKA LIQUOR CONTROL ACT

SUBSCRIBED IN MY PRESENCE AND SWORN TO BEFORE ME THIS 6th DAY OF

April 2009



  
\_\_\_\_\_  
NOTARY PUBLIC SIGNATURE & SEAL



## #9 Prevention of underage person from obtaining alcohol beverages

The policy of prevent underage drinking is as follows:

- Uniformed Police Officers working as security
- Wristbands for participants once ID is validated
- Seating area fenced
- Trained Volunteers Uniformed as Security/ID Validators
- Signage Posted

D

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE SALE AND CONSUMPTION OF ALCOHOL AT GLORY DAYS INC DBA J BIRDS FOOD AND SPIRITS LOUNGE MAY 30, 2009, IN CONJUNCTION WITH THE ANNUAL LA VISTA FIRE DEPARTMENT GOLF TOURNAMENT.

WHEREAS, Glory Days Inc dba J Birds Food and Spirits Lounge is located within the City of La Vista; and

WHEREAS, Glory Days Inc dba J Birds Food and Spirits Lounge has requested approval of a Special Designated Permit to sell alcohol in an outdoor area at their establishment May 30, 2009 from 10:00 a.m. to 3:00 p.m., in conjunction with the annual La Vista Fire Department Golf Tournament.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize Glory Days Inc dba J Birds Food and Spirits Lounge to proceed with the application for a "Special Designated License" from the Nebraska Liquor Control Commission to sell alcohol in an outdoor area at their establishment on May 30, 2009, in conjunction with the annual La Vista Fire Department Golf Tournament.

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2009.

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:** Robert S. Lausten, Police Chief  
**DATE:** 13 April 2009  
**RE:** Application for SDL  
**CC:**

---

Re: Glory Days, Inc  
Special Designated Use Permit

The La Vista Police Department has been informed and has reviewed the request by Glory Days Inc. for a special designated use permit on May 30, 2009 from 10 am to 3 pm at 9725 Giles Road in La Vista. There have been no concerns regarding the event identified by the police department at this time.

**APPLICATION FOR SPECIAL  
DESIGNATED LICENSE  
RETAIL LICENSE HOLDERS**

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.ne.gov/](http://www.lcc.ne.gov/)

**BEFORE SUBMITTING APPLICATION TO THE LIQUOR CONTROL COMMISSION**

- Include approval from the City, Village or County Clerk where the event is to be held
- Include signed statement from the local law enforcement (see question #8)
- A license fee \$40 (payable to Nebraska Liquor Control Commission) for each day/event to be licensed (i.e. if you have two separate areas at one event they both need to be licensed) (unless licensed as a K Caterer no fees required)
- Application MUST be received at the Liquor Control Commission Office no later than 10 working days prior to event (excluding weekends, Federal and State observed holidays)

**COMPLETE ALL QUESTIONS**

1. Type of alcohol to be served and/or consumed

Beer       Wine       Distilled Spirits

2. Liquor license number and class (i.e. C-55441)

C-79978

3. Licensee name (last, first, middle), Corporate name, Limited Liability Company (LLC)

Brown Jay/ Glory Days Inc.

NAME: \_\_\_\_\_

9725 Giles Rd LaVista Ne 68128  
ADDRESS: \_\_\_\_\_

Sarpy  
COUNTY: \_\_\_\_\_

4. Location where event will be held; name, address, city, county, zip code

9725 Giles Rd LaVista Ne. 68128 **ADDRESS:** **COUNTY:** Sarpy

a. Is this location within the city/village limits?  YES  NO

b. Is this location within the 150' of church, school, hospital or home aged/indigent or for veterans their wives?  YES  NO

c. Is this location within 300' of any university or college campus?  YES  NO

5. Date(s) and Time(s) of event (no more than six (6) consecutive days on one application)

Date 5-30-2009	Date	Date	Date	Date	Date
Hours From 10 AM To 3 PM	Hours From To				

a. Alternate date: N/A

b. Alternate location: \_\_\_\_\_  
**(alternate date or location must be approved by local and law enforcement)**

6. Indicate type of activity to be carried on during event  
 Dance  Reception  Fund Raiser  Beer Garden  Sampling/Tasting  Other

7. Description of area to be licensed

Inside building, dimensions of area to be covered INFEET x \_\_\_\_\_  
Name of building \_\_\_\_\_ (not square feet or acres)

Outdoor area dimensions of area to be covered INFEET 25 100  
x \_\_\_\_\_  
(not square feet or acres)

If outdoor area, how will premises be enclosed  
 fence, type of fence  
 tent      Same as previous years. Cones & caution tape furnished by the volunteer fire dept.  
 other, explain

\*If both inside and outdoor area to be licensed include simple sketch

8. Attach a signed statement from local police chief or county sheriff, whichever is applicable, that local law enforcement has been informed in advance of this event, and if they are aware of any reason the event should not occur.

9. Indicate the steps that will be taken to prevent underage persons from obtaining alcohol beverages.

10. Will premises to be covered by license comply with all Nebraska sanitation laws?  
 YES  NO

a. Are there separate toilets for both men and women?  YES  NO

11. Will there be any games of chance operating during the event?  YES  NO  
If so, describe activity \_\_\_\_\_

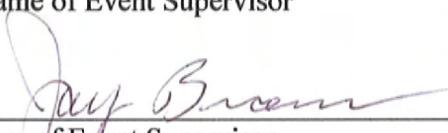
**NOTE:** Only games of chance approved by the Department of Revenue, Charitable Gaming Division are permitted. All other forms of gambling are prohibited by State Law: There are no exceptions for Non Profit Organizations or any events raising funds for a charity. This is only an application for a Special Designated License under the Liquor Control Act and is not a gambling permit application.

12. Any other information or requests for exemptions: \_\_\_\_\_

13. Name and **telephone number/cell phone number** of immediate supervisor. This person will be at the location of the event when it occurs, able to answer any questions from Commission and/or law enforcement before and during the event, and who will be responsible for ensuring that any applicable laws, ordinances, rules and regulations are adhered to.

Jay Brown 402-991-3999  
Phone: Before \_\_\_\_\_ During \_\_\_\_\_

Print name of Event Supervisor



Signature of Event Supervisor

Consent of Authorized Representative/Applicant

14. I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

sign here \_\_\_\_\_  
Jay Brown \_\_\_\_\_  
Authorized Representative/Applicant \_\_\_\_\_  
Owner \_\_\_\_\_  
Title \_\_\_\_\_  
4-9-08 \_\_\_\_\_  
Date \_\_\_\_\_

Jay Brown \_\_\_\_\_  
Print Name \_\_\_\_\_

The law requires that no special designated license provided for by this section shall be issued by the Commission without the approval of the local governing body. For the purposes of this section, the local governing body shall be the city or village within which the particular place for which the special designated license is requested is located, or if such place is not within the corporate limits of a city or village, then the local governing body shall be the county within which the place for which the special designated license is requested is located.

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 21, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADDENDUM TO INTERLOCAL COOPERATION AGREEMENT	► RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to approve an Addendum to Amended 800 MHZ System Interlocal Agreement dated March 14, 1995.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

On April 19, 1994, the City of La Vista and other municipalities in Sarpy County entered into an interlocal agreement with Sarpy County to provide 911 services. (*Agreement amended in 1995*). The 1994 agreement was for 15 years and is scheduled to expire on April 19, 2009. There is a provision in the current agreement stating that, "Termination of this Agreement as an Interlocal Cooperation Agreement occurs at the end of the fifteenth (15<sup>th</sup>) year of system operation. At that time, the parties may negotiate a new Agreement or continue under the terms of this Agreement as a contract for operational cost sharing."

The proposed Addendum to Amended 800 MHZ System Interlocal Agreement as drafted by Sarpy County will extend the term of the Amended Agreement by six (6) months for the purpose of negotiating a successor 911 agreement. Representatives from the United Cities are negotiating on behalf of the cities of Bellevue, Gretna, La Vista, Papillion and Springfield.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN ADDENDUM TO AMENDED 800 MHZ SYSTEM INTERLOCAL AGREEMENT DATED MARCH 14, 1995.

WHEREAS, the City of La Vista and Sarpy County entered into an Interlocal Cooperation Agreement to provide for the implementation and operation of an 800 MHZ system and had amended said agreement on March 14, 1995; and

WHEREAS, an addendum to amended 800 MHZ system Interlocal Agreement dated March 14, 1995 has been prepared to extend the term of the amended agreement by six (6) months.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the addendum to amended 800 MHZ system Interlocal Agreement dated March 14, 1995 is hereby approved and the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

PASSED AND APPROVED THIS 21ST DAY OF APRIL, 2009.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## **ADDENDUM TO AMENDED 800 MHZ SYSTEM INTERLOCAL AGREEMENT**

This Addendum is entered into by and among the City of Gretna, Nebraska ("Gretna") City of Papillion, Nebraska ("Papillion"), City of Bellevue, Nebraska ("Bellevue"), City of LaVista, Nebraska ("LaVista"), City of Springfield, Nebraska ("Springfield"), (hereinafter collectively called "Cities" or "a City" when used in the singular), and the County of Sarpy, Nebraska, a body politic and Corporate ("Sarpy").

WHEREAS, the parties have previously entered into an agreement pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, *et seq.* (Reissue 2007), to provide for the implementation and operation of a 800 MHZ system, and had amended said agreement in and Amended 800 MHZ System Interlocal Agreement, said Amended Agreement executed on March 14, 1995; and,

WHEREAS, the parties are desirous of amending the provisions of said Amended Agreement by this Addendum.

NOW, THEREFORE, it is hereby agreed by and between the parties:

### **I.**

The prior Amended Agreement between the parties is hereby amended by the terms of this Addendum.

### **II.**

The term of the Amended Agreement is hereby extended by six (6) months for the purposes of paragraph 4.61 of said Amended Agreement. Each party shall fully perform the duties and obligations, including the annual obligations relating to budgeting and funding, as described in said Amended Agreement during said extended time.

### **III.**

The remaining terms and conditions of said prior Agreement shall remain unchanged.

IN WITNESS WHEREOF, we, the contracting parties, by our respective and duly

authorized agents, hereby affix our signatures and seals as shown on the following signature pages.

COUNTY OF SARPY, NEBRASKA  
A Body Politic and Corporate

---

Chairman

SEAL

ATTEST:

---

County Clerk

Approved as to form:

---

County Attorney/Deputy

CITY OF PAPILLION, NEBRASKA

(SEAL)

By \_\_\_\_\_  
Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney/Assistant

CITY OF LAVISTA, NEBRASKA

(SEAL)

By \_\_\_\_\_  
Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney/Assistant

CITY OF GRETNA, NEBRASKA

(SEAL)

By \_\_\_\_\_  
Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney/Assistant

CITY OF BELLEVUE, NEBRASKA

(SEAL)

By \_\_\_\_\_  
Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney/Assistant

CITY OF SPRINGFIELD, NEBRASKA

(SEAL)

By \_\_\_\_\_  
Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney/Assistant

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 21, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION - PURCHASE IP PHONE SYSTEM - CITY HALL/COMMUNITY CENTER, POLICE STATION, FIRE DISTRICT 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAT ARCHIBALD DIRECTOR PUBLIC BUILDINGS & GROUNDS

**SYNOPSIS**

A resolution has been prepared authorizing HunTel Communications to replace the digital phone system with a Mitel IP (Internet Protocol) system in an amount not to exceed \$26,349.37.

**FISCAL IMPACT**

Funding is provided in the FY 08/09 General Fund budget.

**RECOMMENDATION**

Approval.

**BACKGROUND**

It is recommended that the City begin upgrading the existing phone system to IP technology. Currently, City Hall, the Community Center, Fire District 1, and the Police Station are still operating with digital technology that is becoming obsolete. The telephones at all of the other facilities are already IP compatible.

Advantages of the IP system include:

- Upgraded features, such as a computer connection built into the phone, which will cut down on the space required for the phone system in the Communications Room.
- Takes the City well into the future with current technology.
- Reduces the hardware cost and ongoing maintenance required for the current networked sites.
- Provides for a smooth transition to new phones as current ones need to be replaced.
- Allows the City to take advantage of new presence and productivity applications that are available.
- Provides additional desktop devices that can be matched with the end user requirements such as conferencing units.
- Reduces cabling requirements and costs with any future phone additions.

The requirements have been identified by city staff and a quote has been received from Huntel Communications Inc. HunTel is the single source for Mitel, which is the same brand and type currently utilized by Public Works and Fire District 2. A copy of the quote is attached.

**RESOLUTION NO.\_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF AN INTERNET PROTOCOL (IP) PHONE SYSTEM FROM HUNTEL COMMUNICATIONS, OMAHA NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$26,349.37

WHEREAS, it has been determined that an upgrade to the phone systems at City Hall, the Community Center, the Police Station, and Fire District 1 is necessary; and

WHEREAS, funds were included in the FY09 General Fund Budget for a an Internet Protocol (IP) phone system; and

WHEREAS, a proposal was submitted by HunTel Communications, Omaha, Nebraska, the City's current communications and telephone system provider, determined to be the sole source provider for this system upgrade; 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, by the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of an IP phone system in an amount not to exceed \$26,349.37

PASSED AND APPROVED THIS 21ST DAY OF APRIL 2009.

CITY OF LA VISTA

ATTEST:

---

Douglas Kindig, Mayor

---

Pamela A. Buethe, CMC  
City Clerk

**CITY OF LAVISTA  
UPGRADE TO ALL IP PHONES**

QTY	Part Number	Description	Sell	
			Unit Cost	Unit Cost
14	54000661	(AMC)1 IP NETWORK CHANNEL LIC SX-200 ICP	\$ 83.40	\$ 1,167.60
25	54000660	(AMC) 1 IP SET LIC SX-200 ICP	\$ 79.23	\$ 1,980.75
	Desktop Devices - 5200/5300 IP Phones			
0	50002815	5201 IP Phone Dark Grey	\$ 71.86	\$ -
37	50004890	5212 IP Phone, Dual Mode	\$ 137.19	\$ 5,076.14
8	50004894	5224 IP Phone, Dual Mode	\$ 202.52	\$ 1,620.18
0	50005070	5330 IP PHONE	\$ 258.05	\$ -
0	50005071	5340 IP PHONE	\$ 323.38	\$ -
	Desktop Devices - Accessories			
1	50002823	5448 PKM Kit (48 Key) Dark Gray	\$ 235.19	\$ 235.19
1	50004459	IP Conference Saucer	\$ 329.00	\$ 329.00
2	50004461	IP Conference Control	\$ 98.70	\$ 197.40
2	50005500	Power Supply	\$ 26.32	\$ 52.64
2	51005172	Power Cord	\$ 3.29	\$ 6.58
2	NSI-Labor	Labor to Configure and Install	\$ 95.00	\$ 1,140.00
45	NSI-MISC	Patch Cord	\$ 2.50	\$ 112.50
		SUB TOTAL CITY HALL	\$	\$ 11,917.98

SX-200 ICP Police Department					
QTY	Part Number	Description	Unit Cost		Sell
1	50005382	SX-200 CX Controller	\$ 1,045.28		\$ 1,045.28
1	54002838	SX-200 ICP Core SW Options Bundle	\$ 162.63		\$ 162.63
1	54002840	64 Max. IP User Uplift Bundle	\$ 663.03		\$ 663.03
10	54000661	(AMC)1 IP NETWORK CHANNEL LIC SX-200 ICP	\$ 83.40		\$ 834.00
1	54000929	(AMC)PC(2ND) PORT ON IP SETS SX-200 ICP	\$ 291.90		\$ 291.90
1	54000890	(AMC)8 COMPRESSION LIC SX-200 ICP	\$ 458.70		\$ 458.70
1	54000660	(AMC) 1 IP SET LIC SX-200 ICP	\$ 79.23		\$ 1,980.75
25		Desktop Devices - 5200/5300 IP Phones			
0	50002815	5201 IP Phone Dark Grey	\$ 71.86		\$ -
34	50004890	5212 IP Phone, Dual Mode	\$ 137.19		\$ 4,664.56
7	50004894	5224 IP Phone, Dual Mode	\$ 202.52		\$ 1,417.66
0	50005070	5330 IP PHONE	\$ 258.05		\$ -
0	50005071	5340 IP PHONE	\$ 323.38		\$ -
		Desktop Devices - Accessories			
2	50002823	5448 PKM Kit (48 Key) Dark Gray	\$ 235.19		\$ 470.38
24	Nsi-Labor	Labor to Install Reprogram Database	\$ 95.00		\$ 2,280.00
1	NSI-MISC	Misc Installation Equipment	\$ 60.00		\$ 60.00
41	NSI-MISC	Patch Cord	\$ 2.50		\$ 102.50
		SUB TOTAL POLICE DEPARTMENT	\$		\$ 14,431.39
		TOTAL Upgrade	\$		\$ 26,349.37

## RESOLUTION NO. \_\_\_\_\_

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  
7303 Lillian Ave., Lot 478/La Vista Replat, \$162.78  
were notified to clean up their property as they were in violation of the City  
Municipal Code, Section 94.06, 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.

PASSED AND APPROVED THIS 21ST DAY OF APRIL, 2009

CITY OF LA VISTA

ATTEST:

---

Douglas Kindig, Mayor

---

Pamela A. Buethe, CMC  
City Clerk



April 16, 2009

Jeffrey & Colleen Gilpin  
4951 Dumfries Circle  
Omaha, NE 68157-2414

RE: 7303 Lillian Ave, La Vista, Sarpy County, NE 68128  
Lot 478/La Vista Replat

Dear Mr. & Mrs. Gilpin:

I am writing in response letter concerning an assessment to your property at 7303 Lillian Avenue.

City staff has reviewed the information and determined that the Public Works Department did tree trimming on the property. At the April 21, 2009 City Council meeting, Council will vote to determine if the assessment will be charged. The meeting will begin at 7:00 p.m. at the Harold "Andy" Anderson Council Chamber at the La Vista City Hall, 8116 Park View Blvd, La Vista, NE.

If you have any questions, please give me a call.

Sincerely,

Pamela A. Buethe, CMC  
City Clerk

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
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**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
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**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Cornhusker Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

Pamela Bueche,

2-24-09

Attached is a letter that I wrote before attending the city council meeting on February 3, 2009, stating the attempts that I made to resolve this matter.

As I mentioned at the meeting, if your department comes to your property to take care of a situation, then a notice should be placed on the door so the residents are aware that something was done. I did not receive a notice. It was my understanding that the trimming that we did took care of the problem.

Also I did not receive your letter with this bill until December 24, 2008 and it states that the work was done on October 9, 2008. Why did it take the city over 2 months to notify us of this change. Another reason why I assumed the situation was taken care of.

As I mentioned, I'm not trying to be difficult. We did what you requested and if I knew then that I would have this problem I would have taken pictures and kept my receipt for the tree trimmer.

Please take this into consideration.

Thank you.

Colleen Gilpin

4-1-09:

Recommend do not issue assessment. Letters sent to both tenant and owner; either one could have contacted the Code Enforcement Officer to determine compliance.

No contact was made, PW determined non-compliance and did the work.

AB

## Cathy Lupomech

---

**From:** Joe Soucie  
**Sent:** Wednesday, February 25, 2009 2:05 PM  
**To:** Cathy Lupomech; Pam Buethe; Ann Birch  
**Subject:** RE: Tree Trimming Assessment

The branches must have exceeded the 12 inch allowance the crews were working from. Any branches that were trimmed on by the homeowner and were within 12 inches, the crew trimmed them to the proper height and left them off the billing list.

**Joe**

---

**From:** Cathy Lupomech  
**Sent:** Wednesday, February 25, 2009 11:03 AM  
**To:** Pam Buethe; Ann Birch; Joe Soucie  
**Subject:** Tree Trimming Assessment

Hi All,

Attached is the documentation from the resident that attended the February 3<sup>rd</sup> City Council meeting concerning an assessment to their property for tree trimming.

Please let me know what you would like to do on this.

Thank you.  
Cathy

2-3-09

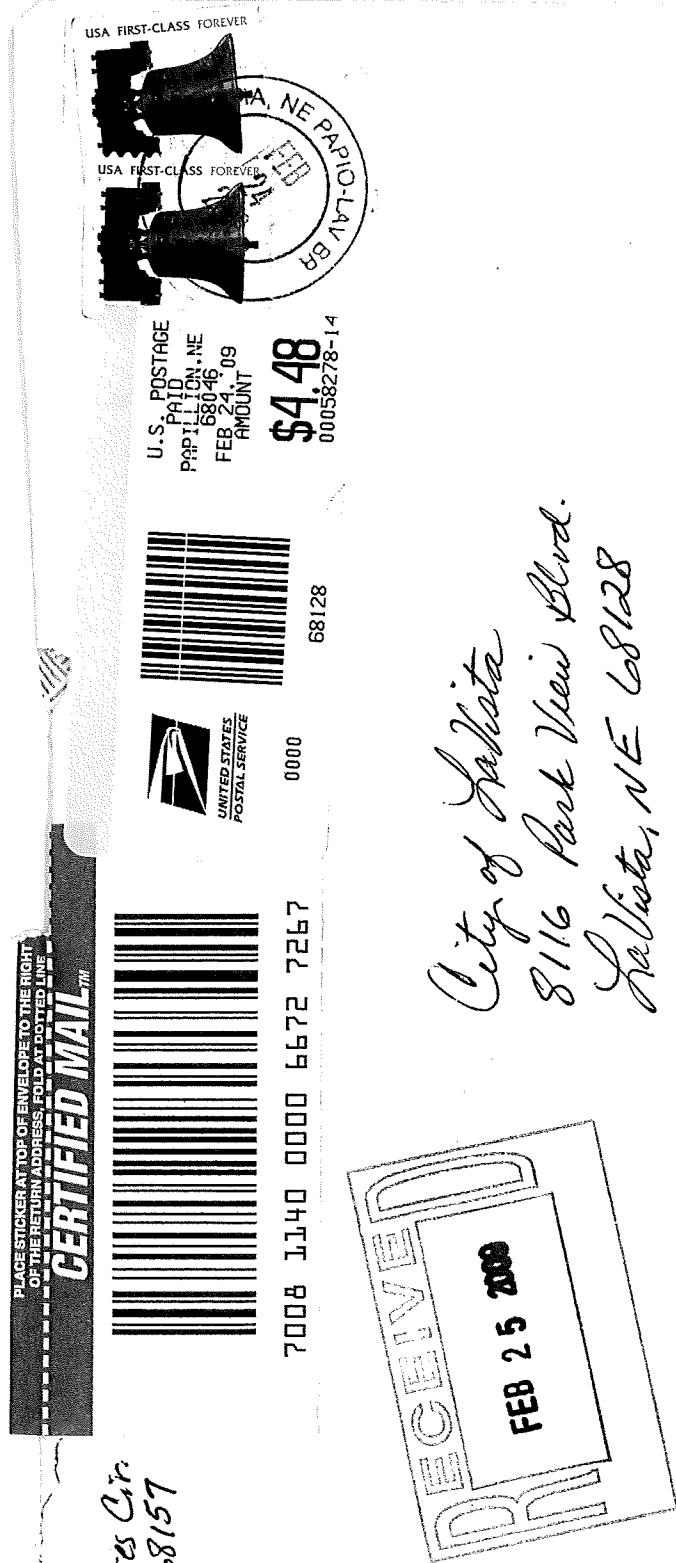
## City Council Members,

In regard to the letter dated December 19, 2008 billing us for the trimming and removal of trees on our property at 7303 Lillian Ave, I made an attempt to see the city clerk in January before the 30 days had passed and she was in a meeting. I also made another attempt today but she was out of the office. With my job it is seldom that I get off before your office closes.

This matter was taken care of and the trees were trimmed by our son before the deadline date. My husband & I were there and he had several large bundles of tree branches tied and placed on the curb spanning from the driveway to the stop sign. We also purchased a tree trimmer in order for him to take care of this. And the branches were removed by the garbage company.

If we did not take care of this matter, I would not have a problem paying this bill. But we did do what you required us to do. We lived at this address for 20 years and never had a situation like this during that time period. Please take this into consideration. Thank you.

Colleen Gilpin



U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

JULY 9  
JULY 9  
Postmark  
Here

Sent To JEFFREY & COLLEEN GILPIN  
 Street, Apt. No.,  
 or PO Box No. 4951 DUMFRIES CIR  
 City, State, Zip OMAHA NE 68157-2414

PS Form 3800, June 2002      See Reverse for Instructions

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <u>Colleen Gilpin</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>Colleen Gilpin</u> C. Date of Delivery <u>2-12-09</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes    If YES, enter delivery address below: <u>  </u> <input checked="" type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><u>JEFFREY &amp; COLLEEN GILPIN</u>  <u>4951 DUMFRIES CIR</u>  <u>OMAHA NE 68157-2414</u></p>		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  <i>(Transfer from service label)</i></p>		<p>7006 0810 0001 6713 9485</p>	



February 11, 2009

Jeffrey & Colleen Gilpin  
4951 Dumfries Circle  
Omaha, NE 68157-2414

RE: 7303 Lillian Ave, La Vista, Sarpy County, NE 68128  
Lot 478/La Vista Replat

Dear Mr. and Mrs. Gilpin:

I am writing in response to your appearance at the February 3, 2009 City Council meeting concerning an invoice you received for tree trimming at 7303 Lillian Ave in La Vista.

For review of your protest, please submit a letter and any back-up to explain why the fees should not be charged.

Once this information has been received, City staff will review the information, and submit to you, in writing, its determination.

If written documentation is not received by February 26th, the City Council will, on March 3, 2009, take action to file the cost with the Sarpy County Treasurer as a special assessment for improvements against your property

If you have any questions, please contact me.

Sincerely,

Pamela A. Buethe, CMC  
City Clerk

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
p: 402-331-4343  
f: 402-331-4375

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Cornhusker Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Jeffrey & Colleen Gilpin  
4951 Dumfries Circle  
Omaha, NE 68157-2414

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

**X** *Colleen Gilpin*  Agent  
 Addressee

B. Received by (Printed Name)

*Colleen Gilpin* **1224-08** C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

3. Service Type

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7006 0810 0001 6713 8891

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	<i>1/17/08</i> Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

7006 0810 0001 6713 8891

Sent To: Jeffrey & Colleen Gilpin  
Street: 4951 Dumfries Circle  
City, S: Omaha, NE 68157-2414

PS Form 3811

December 19, 2009



Jeffrey & Colleen Gilpin  
4951 Dumfries Circle  
Omaha, NE 68157-2414

RE: 7303 Lillian Ave, La Vista, Sarpy County, NE 68128  
Lot 478/La Vista Replat

Dear Mr. and Mrs. Gilpin:

On September 19, 2008, your property on Lillian Ave in La Vista was in violation of the City of La Vista's Municipal Code, Sections 94.06 and a letter was sent to you that stated the trees on the property needed to be trimmed or the City would correct the violation at the owner's expense. On October 9, 2008 the Public Works Department trimmed and disposed of the tree branches that were over the street and/or the sidewalk. The cost of \$162.78 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
 Tree Trimming and Disposal		
Two Workers, 1 Hour Each		37.78
Equipment Cost		25.00
Chipping		50.00
<b>TOTAL</b>	\$	<b>162.78</b>

Please remit \$162.78, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on February 3, 2009, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
City Clerk

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La Vista, NE 68128-2198  
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9900 Cornhusker Rd.  
p: 402-331-8927  
f: 402-331-1051

**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

December 10, 2008

To: Valerie Houloose  
Code Enforcement Officer

Fr: Joe Soucie  
Public Works Director

Re: Tree Trimming  
7303 Lillian Ave.

The following is a list of expenses incurred by the Public Works Department on October 9, 2008 while trimming and disposing of the tree branches over the street and/or sidewalk at 7303 Lillian Ave., per your instructions.

**LABOR:**

	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
Employee #1	23.17	1	23.17
Employee #2	14.61	1	14.61
			\$ 37.78

**EQUIPMENT:**

<u>Description</u>	<u>Rate</u>	<u>Hours</u>	<u>Total</u>
1 pickup truck	20.00	1	20.00
1 manual pruner	5.00	1	5.00
			\$ 25.00

**CHIPPING:**

Standardized fee for chipping tree branches	\$ 50.00
---	----------

<b>TOTAL LABOR, EQUIPMENT and CHIPPING:</b>	<b>\$ 112.78</b>
---	------------------

9/19/08

Jeffrey & Colleen Gilpin  
4951 Dumfries Circle  
Omaha, NE 68157-2414

Re: Lot #478/7303 Lillian Avenue, La Vista, NE 68128  
La Vista Replat

hedges done  
tree branches  
all done  
10/2/08

To: Jeffrey & Colleen Gilpin,

The City of La Vista continues to emphasize citizen participation in improving our community. Through our efforts we hope to make La Vista a safe and more attractive place.

This letter is in reference to tree branches and shrubs that are not in compliance. A copy of our ordinance has been enclosed for you to read. Please trim the shrubs to 48 inches and tree branches should be 15 feet above the street and 8 feet above the sidewalk. All signs should be visible. Please have these violations corrected by 10/3/2008 or the city will send a crew out to correct the violations.

Many of the tree services are busy this time of year, please contact this office if you need additional time so this will not get turned over to Public Works to do. Any work done by the city is at the owner's expense.

If you have any questions or concerns, please contact us at 331-4343.

Thank you,

*Valerie Houlouze*  
Valerie Houlouze  
Code Enforcement Inspector

Cc to: Occupant, 7303 Lillian Avenue, La Vista, NE 68128

# City of La Vista

## Service Request Form



Council Member

Citizen

Employee

**Caller's Name:**

**Address:**

**Phone Number:**

**Date Received:** 9/16/8

**Time Received:** 10:10am

**Received By:** TEK

Request by Phone

Request by Mail

Request in Person

**Nature of Request:** At 7303 Lillian Ave., the hedges along the sidewalk need to be cut, including around the school crossing sign, as they are interfering with the sign visibility.

*free branches  
over Street & Sidewalk  
also*

**Department Responsible for Action:**

**Assigned Date:**

**Report of Action:**

**Date Accomplished:**

**Reviewed by DH:**

**Date:**

**Reviewed by CA:**

**Date:**

**Date Mailed:**

**Active**

Parcel Number: 010576754  
 Location: 07303 LILLIAN AVE  
 Owner: GILPIN/JEFFREY L & COLLEEN S  
 C/O  
 Mail Address: 4951 DUMFRIES CIR  
                  OMAHA NE 68157-2414  
 Legal: LOT 478 LA VISTA REPLAT  
 Tax District: 27002  
 Map #: 2959-14-1-30051-000-0471



Click Picture/Sketch for Larger View.

**Residential Information for 1 January Roll Year 2008**

Style:	Raised Ranch		
Year Built:	1961	Bedrooms	3
Bathrooms	1	Total Sqft	864
Total Bsmt Finish Sqft	276	Bsmt Total Sqft	864
Garage Type		Garage Sqft	0
Lot Depth	125	Lot Width	70

**Misc**

Description	Sqft or Quanity
OPEN SLAB PORCH	36
BSMT GARAGE FINISH	312
DRIVEWAY	1

**Sales Information (Updated 12/16/2008)**

Sale Date B & P	Grantor	Grantee	Sale Price

**Valuation Information**
**Valuation  
PV = Partial Valuation**

Roll Year	Land Value	Impr Value	Outbuildings	Total Value	PV
2008	\$18,000	\$78,426	\$0	\$96,426	NO
2007	\$18,000	\$78,011	\$0	\$96,011	NO
2006	\$18,000	\$71,074	\$0	\$89,074	NO
2005	\$18,000	\$63,726	\$0	\$81,726	NO
2004	\$18,000	\$60,268	\$0	\$78,268	NO
2003	\$18,000	\$58,154	\$0	\$76,154	NO
2002	\$18,000	\$56,456	\$0	\$74,456	NO
2001	\$16,000	\$54,372	\$0	\$70,372	NO
2000	\$15,520	\$49,701	\$0	\$65,221	NO
1999	\$15,360	\$45,660	\$0	\$61,020	NO
1998	\$11,280	\$44,478	\$0	\$55,758	NO
1997	\$54,770			\$54,770	NO
1996	\$47,465			\$47,465	NO
1995	\$43,610			\$43,610	NO
1994	\$41,992			\$41,992	NO
1993	\$40,377			\$40,377	NO
1992	\$40,377			\$40,377	NO
1991	\$39,690			\$39,690	NO
1990	\$39,690			\$39,690	NO
1989	\$39,690			\$39,690	NO



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 21, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
DISCUSSION - COUNCIL POLICY STATEMENT - PAY FOR PERFORMANCE	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

An updated draft of a Council Policy Statement regarding Pay for Performance has been prepared for discussion. A preliminary recommendation for an adjustment to the salary ranges and the establishment of a base factor for FY10 is also being presented for discussion.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

No action by Council is being requested at this time.

**BACKGROUND**

In February of 2009 the first draft of a Council Policy Statement regarding Pay for Performance (PFP) was presented to Council for review and feedback. Subsequently, several changes have been incorporated into the latest version of the policy, including an appeal process for employees and a proposed PFP compensation system.

The proposed policy calls for Council to make two determinations annually regarding the PFP compensation system:

1. An adjustment to the salary ranges should be determined in order to keep La Vista's salaries comparable to the market. (This adjustment only changes the salary ranges – it does not increase employee pay.)
2. An annual establishment of a “base factor,” which is a salary increase percentage that employees who receive an overall performance rating of “Meets Expectations” will be eligible to receive. Employees in each of the two rating categories “Exceed Expectations” and “Exemplary” would be eligible for increases 1% and 2% above the base factor.

In preparation for the FY budget staff has reviewed data as identified in the chart below from the U.S. Bureau of Labor Statistics including the Employment Cost Index and the Consumer Price Index, as well as materials from the International Public Management Association for Human Resources (IPMA-HR), World at Work, and Mercer.

	Average Wage Increases 2008	Projected Wage Increases 2009
Bureau of Labor Statistics (State & Local Government)	3.1%	
Mercer	3.8%	3.2%
World at Work (National)	3.9%	3.9%
World at Work (Nebraska)	3.8%	3.8%

The salary survey and salary projection information we compiled from the various sources indicates salaries overall in 2008 rose more than 3% and projections for 2009 are similar. The Bureau of Labor Statistics reports that for the year ended December 2008, wages and salaries for state and local government workers rose 3.1 percent. Mercer's information, which is not exclusive to any particular segment of worker (i.e. government or public sector), indicates the average wage increase in 2008 was 3.8%. Mercer updated 2009 projection information in February, which indicated companies are budgeting salary increases at 3.2 percent. World at Work's survey indicates salary budgets nationally increased 3.9 percent in 2008 and they are predicting an additional 3.9 percent increase in 2009. Nebraska figures were at 3.8 percent for both 2008 and 2009.<sup>1</sup>

The Mercer data also reported on base pay increases for 2009 as a function of performance. The report indicated that middle-rated performers are projected to receive annual pay increases of 3.3%; the next highest-rated performers are projected to receive average pay increases of 4.3%; and the highest-rated performers will receive 5.6% increases.<sup>2</sup>

At this time, staff is looking for feedback from Council regarding the proposed policy and budget preparation assumptions. 1) Is Council supportive of the proposed compensation system as outlined in the attached policy draft? 2) Based on the above data, a 3% adjustment to the salary ranges is being recommended to keep La Vista's salaries in line with the market. 3) A base factor of 3% is being recommended for the Pay for Performance compensation system.

The base factor is the piece of the equation that will result in salary increases for employees. Public Works has another year left on their Memorandum of Understanding with the City regarding wages, which calls for a 3 percent across the board increase. We are anticipating that this group of employees will opt to stay with the agreement for the final year rather than switch to the new system. The FOP contract expires September 30, 2009 and we will be negotiating with that group on a new collective bargaining agreement over the next several months. This recommendation is also in line with the Mercer information regarding increases based on performance.

<sup>1</sup> World at Work's projections for 2009 were made in the fall of 2008 prior to some of the major declines in the economy. Additionally, while companies are projecting salary increases for existing employees, some are also reducing head counts by not filling vacant positions, not adding new positions or in some cases enacting lay offs.

<sup>2</sup> Much of the data we looked at made reference to Pay for Performance and the trend toward performance management programs that differentiate strong from average or weak performers. This data supports that a switch to Pay for Performance is in line with the trend.

For the FY11 budget preparations and in subsequent years we would anticipate Council taking action in March of each year to set the salary range adjustments and the base factor. As Council has not officially adopted the Pay for Performance (PFP) policy, this year we are looking for some general guidance regarding the assumptions we make as the budget is prepared for FY10.

**SUBJECT: EMPLOYEE COMPENSATION – PAY FOR PERFORMANCE**

**ISSUED:** (Date)

**ISSUED BY:** Brenda Gunn, City Administrator

**Purpose**

The City's Pay for Performance compensation program is designed to attract, retain, motivate and reward qualified employees who demonstrate a commitment to the City of La Vista, Nebraska and its mission through the payment of financial compensation that is commensurate with the employee's ability, responsibility and contribution toward the City's goals.

**Objectives**

The primary objectives are to:

- Maintain internal equity by evaluating jobs to assure that a position's duties and responsibilities and the required skills, experience, and education are valued fairly as compared to others within the organization.
- Ensure external competitiveness by developing and maintaining compensation levels that reflect current market rates of pay.
- Promote a pay for performance philosophy by providing incremental pay increases that distinguish between levels of performance.
- Ensure that compensation actions comply with federal, state and local legal requirements.
- Provide employees with information on the compensation process, the overall pay structure and current market pay for each position.
- Provide flexibility to allow the system to remain responsive to changes in the marketplace, the organization and the economic conditions within our industry.

**Applicability**

The Pay for Performance program shall apply to all employment positions in the City with the following exclusions:

- a. Employment positions covered as part of a collective bargaining agreement, except to the extent otherwise provided in the agreement.
- b. Any temporary employment position such as seasonal positions.
- c. Any employment position covered by an express employment contract, except to the extent otherwise provided in the contract.

**Provisions**

The City Administrator or his/her designated representative shall be responsible for administering the Pay for Performance program according to the following provisions:

• ***Salary Ranges***

Salary ranges will be established for each class of positions and shall be approved by the Governing Body as part of the annual Compensation Ordinance. Each range will be defined by minimum and maximum salary amounts. The range defines the pay opportunities for the class of positions.

The Governing Body shall annually consider adjustments to the salary ranges. Recommendations for adjustments to the salary ranges shall be based on information

compiled from multiple sources including but not limited to national surveys conducted by the Society for Human Resource Management (SHRM) or Workforce Management, the U.S. Bureau of Labor Statistics, World at Work, and the Consumer Price Index. Additionally, the City of La Vista will conduct a market study every three years for all positions covered by the pay for performance program to ensure market comparability. Every five years position descriptions will be reviewed to maintain internal equity and relevancy.

Adjustments to the salary ranges do not increase employee pay, but do increase the range maximum. Upon implementation of a salary range adjustment all ranges are adjusted upward. Any employee (other than a probationary employee) who is below the minimum after a salary range adjustment will be moved to the new minimum.

- ***Starting Salaries***

New employees in positions that are part of the Pay for Performance program shall be hired at the minimum of the pay range in which the position is classified. However, a Department Head, with the approval of the Human Resources Department, can recommend to the City Administrator that an exceptionally well-qualified applicant be employed above the minimum, not to exceed the mid-point of the range. The City Administrator shall approve any appointment above the entry level salary.

- ***Performance Appraisals***

The performance appraisal process provides the basis for determining employment status and performance-based salary increases. Appraisals are considered in determining promotions, used as a factor in determining the order of layoffs, and as a means of identifying employees who should be transferred, rehired, or who, because of their poor performance, should be demoted or dismissed, and for any other purpose related to job performance.

Salary increases will be based exclusively on the performance appraisal system which rewards for job knowledge, citizen/public service, adaptability/flexibility, communication, dependability, initiative, integrity/ethics, teamwork and work place safety as core competencies. As salary increases are dependent upon the performance appraisal, it shall be the responsibility of supervisors to complete an accurate and honest evaluation on employees supervised.

Performance appraisals shall be completed as follows (includes employees whose salary is at the top of the range):

- (1) at the end of an employee's introductory period;
- (2) annually, corresponding with the employee's anniversary date in his/her current position; or
- (3) after 3 months if an employee has received a "Fails to Meet Expectations" performance rating.

Prior to the time frame set out above, employees will be required to complete a self-evaluation using the approved performance appraisal instrument, which shall be reviewed with their supervisor. This requirement is meant to provide an opportunity for open communication between the employee and the supervisor on measurements of performance. An important part of the performance appraisal is the establishment of goals for the next year. Goal achievement should, where appropriate, be linked to individual and departmental performance goals and/or measures.

Direct supervisors are responsible for completing employee performance appraisals. The performance appraisal shall be reviewed and approved by additional department/division supervisors, if appropriate, as well as the Department Head. Prior to presenting the appraisal

to the employee, it must be submitted to Human Resources for review and approval, along with a Personnel Action Form (PAF) if a salary adjustment is being recommended. After the appraisal and the PAF are reviewed by HR and returned, the appraisal will be presented to the employee.

Recommended salary adjustments shall be one of the following:

- (1) a salary increase in an amount commensurate with the corresponding level of performance consistent with pay for performance guidelines,
- (2) maintain the current rate of pay, or
- (3) reduction of the current salary.

- ***Performance Appraisal Appeal Process***

The City believes that managers and supervisors are in the best position to evaluate an employee's work performance and work behavior. For this reason, Human Resources will not attempt to substitute its judgment for the supervisor's unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory or not factual based on solid data. The appeal process can still be helpful, however because it involves a neutral third party who can help to facilitate a better understanding or resolve a dispute between an employee and a supervisor.

An employee who is dissatisfied with his or her performance appraisal should request a follow-up meeting with his/her supervisor to discuss the appraisal candidly, express any disagreements the employee may have with the review and provide additional information/documentation to support his/her case.

If the employee still disagrees with his/her appraisal after follow-up discussion with the supervisor, the employee may submit a formal, written appeal to the Department Head within 10 working days of the follow-up meeting with the supervisor. The appeal must include (1) a written memo stating the employee's intent to appeal and listing the specific parts of the appraisal with which the employee disagrees, explaining the nature and extent of the disagreement; (2) a copy of the performance appraisal with the employee's comments; and (3) any relevant supporting documentation.

The Department Head will review and respond in writing to the employee within 15 working days.

If the employee continues to disagree with their performance appraisal, he/she may then appeal to Human Resources within 15 working days. The appeal must include all of the information submitted on appeal to the Department Head and the Department Head's written response.

Human Resources response to appeals of an employee performance appraisal may include some or all of the following actions:

- a. Review the appraisal, appeal, and supporting documentation.
- b. Contact the employee and/or the supervisor to obtain clarification or additional information.
- c. Contact the Department Head to obtain clarification or additional information.
- d. Collect additional information from other relevant sources.
- e. Make a decision and inform the employee in writing with a copy to the supervisor and the Department Head. If applicable, take any necessary action to implement the decision.

Human Resources shall present a final recommendation to the City Administrator for approval. This decision shall be final.

- **Performance Ratings**

The City's performance appraisal system is based on the following rating system:

*Fails to Meet Expectations (An overall score of 0-1.8):* Does not meet standard job expectations. May not provide an acceptable level of service to citizens, the general public and other employees. Performance is inconsistent; additional training may be needed. May have received one or more warnings during the review period.

*Meets Expectations (An overall score of 1.9-2.6):* Consistently meets minimum job expectations. Is competent in all essential job functions and routinely provides acceptable service to citizens, the general public and other employees. Meets most performance goals within his/her control. The employee does what is necessary and is a valued member of the team.

*Exceeds Expectations (An overall score of 2.7-3.6):* Fully meets all job expectations and routinely exceeds some job expectations; routinely demonstrates initiative, accuracy and reliability; routinely provides service to citizens, the general public and other employees at a high level. Meets most performance goals and surpasses others within his/her control.

*Exemplary (An overall score of 3.7-4.0):* Consistently exceeds most job expectations, including all major expectations. Provides exemplary service to citizens, the general public and other employees. Surpasses most performance goals within his/her control. Actively supports department and City mission.

Note: Receipt of the "Exemplary" level of overall performance rating is rare and should be reserved for only those employees that routinely out perform all others, or where circumstances during the evaluation period allowed an employee to truly distinguish him/herself. Employees receiving this rating would typically be a small percentage of the total workforce.

Any employee who receives a performance appraisal with an overall rating of "Fails to Meet Expectations" will be placed on a Performance Improvement Plan (PIP) for a minimum of 90 days. A PIP is a document that may include, but is not limited to, levels of performance that must be achieved to obtain a "Meets Expectations" rating, current performance deficiencies, support that may be provided by the department or City, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions. If the employee's performance does not improve, the employee will be subject to termination. If the employee's performance does improve to an acceptable level, any salary adjustment forthcoming will not be paid retroactively.

- **Performance Pay Increases**

Employees may be considered for performance pay increases each year as part of their annual performance appraisal according to the following:

- (1) An employee whose overall performance is rated "Meets Expectations" is eligible to receive a merit increase in an amount to be defined annually by the Governing Body. This shall be known as the base factor.
- (2) An employee whose overall performance is rated "Exceeds Expectations" is eligible to receive a merit increase in an amount equal to the base factor plus 1%.

(3) An employee whose overall performance is rated "Exemplary" is eligible to receive a merit increase in an amount equal to the base factor plus 2%.

The Governing Body shall annually determine the amount of the base factor for pay for performance increases subject to the City's overall financial state. The goal is to appropriately reward and recognize employees for the overall appraisal rating.

Exceptions:

- ❖ Employees in their introductory period will not be eligible for an increase.
- ❖ An employee receiving an overall rating of "Fails to Meet Expectations" will not be eligible for an increase.
- ❖ Employees placed on a Performance Improvement Plan will not be eligible for an increase.
- ❖ An employee subject to disciplinary action consisting of suspension, more than one written warning, or more than two oral warnings in the year immediately preceding their evaluation will not be eligible for an increase.
- ❖ An employee subject to disciplinary action consisting of one written warning or two or less oral warnings in the year immediately preceding their evaluation will be eligible for a limited increase.\*\*

\*\* Increases in these situations are the exception and require prior approval from the City Administrator.

Employee salaries shall be maintained within the range established for the position classification they currently hold. Employees whose salary is at the maximum of the pay range and whose overall performance is rated "Exceeds Expectations" or "Exemplary" may receive additional compensation above the top of the range in the form of a one-time, lump sum amount not to exceed the base factor established by the Governing Body for that year.

- ***Other Pay Rate Adjustments***

The following actions shall affect the pay status of an employee in the manner provided:

- (1) Transfer: When an employee is transferred to a different position within the same pay classification, the employee shall continue to receive the same salary.
- (2) Promotion: When an employee who meets all established requirements is promoted to a position in a higher pay classification, the employee's salary shall be advanced to the minimum level of the new pay range. If the employee's rate of pay prior to promotion was equal to or greater than the minimum of the new range, the employee shall be advanced to the minimum of the pay range or the level which would provide at least the equivalent of a five (5) percent increase.
- (3) Demotion: Upon demotion an employee may receive a decrease in pay. It shall be the responsibility of the City Administrator or his/her designated representative to determine the amount of the pay decrease, if any.