

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING November 17, 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 November 17, 2009. Present were Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Absent: Gowan. Also in attendance were City Attorney McKeon, City Engineer Kottmann, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Library Director Barcal, Police Chief Lausten, Fire Chief Uhl, Finance Director Lindberg, Recreation Director Stopak, Building and Grounds Director Archibald, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on November 5, 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 agenda policy statement providing for expanded opportunity for public comment on agenda items.

SERVICE AWARD – STACY CORBIT – 5 YEARS

Mayor Kindig presented a service award to Stacy Corbit for 5 years of service to the City.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 3, 2009
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM OCTOBER 22, 2009
4. PRELIMINARY MONTHLY FINANCIAL REPORT – OCTOBER 2009
5. APPROVAL OF CLAIMS

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

ABE'S PORTABLES, Rentals	129.72
ADAMSON INDUSTRIES, Equipment	633.75
AMERICAN MARKING, Traffic Signs	131.88
ANN TROE, Printing	730.00
ARAMARK UNIFORM, Contract Services	244.98
ASI SIGN SYSTEMS, Signs	90.00
BADGER BODY, Winter Maintenance	189.05
BAKER & TAYLOR BOOKS, Books	83.46
BARRAZA, VINCE, Refund	157.16
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,028.42
BCR-BIBLIOGRAPHICAL, CD Rom	29.28
BENNETT REFRIGERATION, Bldg & Grnds	780.02
BENNINGTON EQUIPMENT, Vehicle Maint.	76.00
BENSON RECORDS, Contract Services	65.88
BETTER BUSINESS EQUIPMENT, Rentals	43.93
BIG RIG TRUCK ACCESSORIES, Vehicle Maint.	435.00
BLACK HILLS ENERGY, Utilities	3,327.88
BRAND, STEVEN, Travel	20.00
BRECI, SHALENE, Refund	94.29
BRENTWOOD AUTO WASH, Vehicle Maint.	102.00
BRUMMELS, JEREMIAH, Refund	78.58
BUETHE, PAM, Travel	50.05
BUILDERS SUPPLY, Bldg & Grnds	723.73

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BURT, STACIA, Training	40.00
CAMPBELL, JIM, Contract Services	31.00
CARDMEMBER SERVICE, Travel, Supplies, Training,	2,778.84
CELEBRITY HOMES, Refund	1,303.15
CITY OF OMAHA, Contract Services	615.13
CJ'S HOME CENTER, Bldg & Grnds, Winter Maint./Vehicle Maint.	963.54
COLBERT, BOB, Refund	30.00
COLOMBO/PHELPS COMPANY, Concessions	52.27
COMER, DELORES, Rescue Revenue	15.00
CORNHUSKER INTL, Vehicle Maint.	1,278.13
CUMMINS CENTRAL POWER, Contract Services	611.53
DANKO EMERGENCY EQUIPMENT, Vehicle Maint.	290.19
DATA TECHNOLOGIES, Contract Services	9,555.20
DAYSPRING PRINTING, Printing	825.00
DEAN, ERIN, Refund	30.00
DEETER FOUNDRY, Sewer Maint.	1,020.00
DUGGER, LISA, Refund	78.58
DULTMEIER SALES & SERVICE, Vehicle Maint.	22.85
ECABERT, JON, Refund	78.58
EDAW, 84th Street	21,986.35
FEAUTO, RYAN, Refund	78.58
FEDEX KINKO'S, Printing	55.50
FERRELLGAS, Utilities	168.33
FICK, AMANDA, Refund	78.58
FOSTER, TERRY, Travel	20.00
G I CLEANER & TAILORS, Uniform Cleaning	109.95
GRAINGER, Bldg & Grnds	437.18
GRAYBAR ELECTRIC, Bldg & Grnds	300.84
GREAT PLAINS ONE-CALL, Contract Services	249.22
GUNN, BRENDA, Travel	55.00
H W WILSON, Books	242.00
HANEY SHOE STORE, Wearing Apparel	120.00
HARBOR FREIGHT TOOLS, Winter Maint.	211.97
HEARTLAND SERVICES, Equip Repair	241.00
HELGET GAS, Squad Supplies	40.00
HERITAGE CRYSTAL CLEAN, Contract Services	193.25
HOST COFFEE, Concessions	40.00
HUSK, RYAN, Refund	78.58
IVESTER, STACI, Refund	78.58
J Q OFFICE EQUIPMENT, Supplies/Rental	297.68
JONES AUTOMOTIVE, Equipment	425.00
KIRSCHBAUM, PHILIP, Refund	78.58
LAUGHLIN, KATHLEEN, Payroll Withholding	809.00
LIFE ASSIST, Squad Supplies	184.71
LOGAN CONTRACTORS, Vehicle Maint./Street Maint.	2,513.35
LOU'S SPORTING GOODS, Supplies	112.19
LUNDY, TRISH, Refund	30.00
MALLARD SAND & GRAVEL, Winter Maint.	4,911.93
MAPA, Travel	70.00
MEADOWBROOK, Bond	100.00
METRO COUNT, Traffic Signs	384.00
MNJ TECHNOLOGIES DIRECT, Contract Services	776.35
MOQUIN, DAN, Refund	78.58
MULLEN & MULLEN, Sewer Connection Fee	10,960.00
NEBRASKA AIR FILTER, Bldg & Grnds	182.16
NEBRASKA CHAPTER APWA, Training	350.00
NEBRASKA LAW ENFORCEMENT, Travel	40.00
NEBRASKA TITLE, Land Deposit	5,000.00
NMC EXCHANGE, Scissors Lift, Supplies	7,831.48
NOHR, KRIS, Refund	95.00
NUTS AND BOLTS, Winter Maint.	93.17
OABR PRINT SHOP, Printing	770.75
OFFICE DEPOT, Supplies	714.08
OMAHA COMPOUND, Supplies	72.30
OMAHA WORLD HERALD, Legal Advertising	758.22
OMB EXPRESS, Wearing Apparel	99.97
OPPD, Utilities	40,438.27

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OSTRANSKY, KARA, Refund	35.00
PAPILLION LA VISTA SCHOOL DIST, Travel	200.00
PAPILLION SANITATION, Contract Services	378.91
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	208.73
PAYLESS, Supplies	445.85
PLUTA, DON, Travel	30.00
PRECISION INDUSTRIES, Vehicle Maint.	136.15
QUICK, TERRILYN, Travel	188.00
QUILL CORPORATION, Supplies	171.63
QWEST, Phones	134.06
RALSTON ADVERTISING, Supplies	234.08
RAMIREZ, JOHN, Contract Services	36.00
RAWLEY, TOM, Contract Services	18.00
RECORDED BOOKS, Media	96.74
RICHT, TREVOR, Contract Services	70.00
SAM'S CLUB, Supplies	358.09
SARPY COUNTY REGISTER OF DEEDS, Professional Services	21.00
SCARPA, DAN, Travel	20.00
SCHOLASTIC LIBRARY PUBLISHING, Books	165.10
SHENNUM, LAURA, Refund	30.00
SIMON, DON, Travel	245.00
SUN LIFE & HEALTH INSURANCE, Payroll Withholding	1,959.78
SUPERIOR SIGNALS, Vehicle Maint.	121.88
THOMPSON DREESSEN & DORNER, Professional Services	22,988.79
TORREZ, TONY, Refund	94.29
U S ASPHALT, Street Maint.	959.95
ULTRAMAX, Equipment	2,058.00
UNITED HEALTHCARE, Rescue Revenue	410.00
VELASQUEZ, ISIAH, Refund	78.58
VOGEL, PAUL, Refund	50.00
WASTE MANAGEMENT, Contract Services	782.91
WEMHOFF, LANCE, Contract Services	80.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Finance Director Lindberg updated Council on the first annual Citizen Shred Day at City Hall. Lindberg stated the three parks department employees were very helpful.

Police Chief Lausten informed Council of a burglary that happened last Wednesday on 74th Avenue. Firearms were stolen from the home. The grandson was involved in the burglary.

Public Works Director Soucie informed Council that the dead spruce tree on the golf course had been replaced. Soucie updated Council on the annual Fall Leaf Collection Day that was held on November 7th. Soucie informed Council the widening of the intersection at 60th and Harrison Street is completed and the intersection is open.

Building and Grounds Director Archibald informed Council the scissor lift that was approved by Council has been purchased. Archibald also informed Council that his department will be looking at a Cub Cadet utility vehicle which is similar to a gator.

B. ANNEXATION OF SANITARY AND IMPROVEMENT DISTRICT #59, SANITARY AND IMPROVEMENT DISTRICT #214, AND ADJOINING MISCELLANEOUS LOTS

1. PUBLIC HEARING

Community Development Director Birch informed Council of updates on Sanitary and Improvement District #59.

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the annexation of Sanitary and Improvement District #59, Sanitary and Improvement District #214, and adjoining miscellaneous lots.

At 7:11 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and, Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

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2. ORDINANCE – SECOND READING

City Clerk Buethe read Ordinance No. 1107 entitled: AN ORDINANCE TO ANNEX CERTAIN REAL ESTATE TO THE CITY OF LA VISTA, NEBRASKA (SID NO.59, OAKDALE PARK, BROOK VALLEY BUSINESS PARKS, AND SID NO. 214, PAPIO VALLEY 1 AND 2 BUSINESS PARKS, SUBDIVISIONS AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND CERTAIN ADJACENT LAND; TAX LOT 6B LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 8 LOCATED IN SECTION 18, T14N, R12E OF THE 6TH P.M., TAX LOT 6C1 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 15 AND VAC ROW ADJ LOCATED IN SECTION 18, T14N R12E OF THE 6TH P.M., TAX LOT 13 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., TAX LOT 14 LOCATED IN SECTION 19, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; AND PORTIONS OF ANY ADJOINING STREET RIGHT-OF-WAY), AS MORE FULLY DESCRIBED HEREIN; TO MAKE PROVISION FOR EXTENSION OF SERVICES TO INHABITANTS OF TERRITORY ANNEXED; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF. Said ordinance was read by title.

Councilmember Carlisle made a motion to approve Ordinance No. 1107 on its second reading and pass it on to a third and final reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

C. ORDINANCE – AMENDING SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE (TABLED FROM 11/3/09 MEETING)

Councilmember Carlisle introduced Ordinance No. 1110 entitled: A AN ORDINANCE TO AMEND SECTION 34.02 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO THE POSITION OF FIRE CHIEF AND ASSISTANTS; TO REPEAL SECTION 34.02 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 Quick seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Crawford, and Ellerbeck. The following voted nay: Sheehan. The following were absent: Gowan. 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Quick. Volunteer Firefighter Joe Juarez addressed Council to ask that election process not be changed to appointment. He stated the "old way" has worked for many years. Training Officer Melanie Smith addressed Council to state that she has been an officer for five years, and was appointed. Smith stated that elections worked in the past, but membership has changed. Smith stated that she never ran for an elected office because elections are more of a popularity contest. Councilmember Sheehan asked if Fire Chief Uhl had presented the revised ordinance to the members. Fire Chief Uhl responded that he had done so, and that members had questions regarding term limits and a few other minor items. Councilmember Sell stated he is not comfortable with taking the vote away but need to cover life/death issues. The Mayor then stated the question was, "Shall Ordinance No.1110 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. The following voted nay: None. The following were absent: Gowan. 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.

D. RESOLUTION – CONDITIONAL USE PERMIT – HOME OCCUPATION (DOG GROOMING) LOT 177, ARDMORE (TABLED FROM 10/20/09 MEETING)

Councilmember Sheehan introduced and moved for the adoption of Resolution No. 09-124: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION TO PERFORM DOG GROOMING AT 7005 MICHELLE AVENUE ON LOT 177, ARDMORE, LA VISTA NEBRASKA.

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WHEREAS, Terry and Dorothy Grindstaff the property owners have applied for a conditional use permit a home occupation to perform dog grooming on Lot 177 in Ardmore, 7005 Michelle Avenue; and

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

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

1. The plumbing drain needs to be tied into the sanitary sewer for the installation of the bathtub.
2. The type of heating for the building needs to be approved by the City of La Vista through the applicant's building permit.
3. There needs to be a hard-surfaced sidewalk constructed from the accessory building to the driveway.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Terry and Dorothy Grindstaff to operate home occupation to perform dog grooming on Lot 177 in Ardmore, 7005 Michelle Avenue, subject to the condition listed in the last recital above.

Seconded by Councilmember Ellerbeck. Terry and Dorothy Grindstaff, the applicants, addressed Council to answer any questions. Councilmember Crawford asked about a complaint from 2002 or 2003. Dorothy Grindstaff responded that they were unaware of the ordinance concerning home occupations and ceased operations at that time. Councilmember Sheehan asked if neighbors were aware of the proposed use. Mrs. Grindstaff stated that they were required to talk to all neighbors within a 200 foot radius of their property, which she did and received no objections. Councilmembers asked to be updated if any complaints are received regarding this conditional use. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, and, Ellerbeck. Nays: Crawford. Absent: Gowan. Motion carried.

E. RESOLUTION – NEBRASKA DEPARTMENT OF ROADS SUPPLEMENTAL AGREEMENT NO. 1 GILES ROAD PAVEMENT REPAIR

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-125: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR PAVEMENT REPAIR ON GILES ROAD FROM I-80 TO 107TH STREET IN LA VISTA.

WHEREAS, the City Council of the City of La Vista has determined that said pavement improvements to Giles Road are necessary; and

WHEREAS, the FY 2008/09 Construction Fund budget includes funds for pavement repair on Giles Road; and

WHEREAS, the project has been designated as being eligible for American Recovery and Reinvestment Act (ARRA) Funds by the Department of Transportation, Federal Highway Administration; and

WHEREAS, the State agrees to cooperate to the end of obtaining Federal approval of the proposed work and Federal Funds for the construction of the proposed improvement; and

WHEREAS, the supplement agreement updates estimated project costs and recognizes Public Works Director Joe Soucie as the City's designated Responsible Charge for the project; and

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor and City Clerk to enter into a supplemental agreement with the Nebraska Department of Roads for pavement repair on Giles Road from I-80 to 107th Street in La Vista.

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

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F. RESOLUTION – AWARD CONTRACT - GOLF COURSE CART PATHS

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 09-126: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO TAB CONSTRUCTION COMPANY, 4153 SOUTH 67TH STREET, OMAHA, NEBRASKA, FOR INSTALLATION OF CONCRETE CART PATHS AT THE GOLF COURSE IN AN AMOUNT NOT TO EXCEED \$19,964.25.

WHEREAS, the City Council of the City of La Vista has determined that the proposed construction improvements are necessary; and

WHEREAS, the FY 2009/10 Capital Improvement budget provides funding for the proposed project.

WHEREAS, the Public Works Department solicited bids and recommends that a contract be awarded to TAB Construction Company, as the low qualified 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 TAB Construction Company, Omaha, Nebraska, for installation of concrete cart paths at the Golf Course in an amount not to exceed \$19,964.25, 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 Ellerbeck. Councilmember Sheehan stated it was ironic to put 20 thousand dollars into the Golf Course when the plan is to eliminate the course. Councilmember Sell stated that talk of demise of the golf course is premature. The City's consultants simply have come up with a draft conceptual design in conjunction with 84th Street visioning; no decision has been made. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and, Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

G. RESOLUTION – PURCHASE POLICE CRUISERS

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-127: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO PERFORMANCE DODGE, LINCOLN, NEBRASKA FOR THE PURCHASE OF TWO 2010 DODGE CHARGER POLICE PACKAGE CRUISERS IN AN AMOUNT NOT TO EXCEED \$64,000.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of new police cruisers is necessary, and

WHEREAS, the FY 2009/10 General Fund budget does include funds for the purchase of said cruisers, and

WHEREAS, the State of Nebraska did receive bids for 2010 Dodge police cruisers, and

WHEREAS, Performance Dodge, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2010 Dodge Police Package cruisers and will extend that price to the City of La Vista, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby accept the Nebraska state bid of Performance Dodge, Lincoln, Nebraska and authorize the purchase of two 2010 Dodge Charger Police Package cruisers in an amount not to exceed \$64,000.

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

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H. CLASS I LIQUOR LICENSE APPLICATION – MMG NEBRASKA F&B INC DBA CHILI'S GRILL & BAR

1. PUBLIC HEARING

At 7:34 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class I Liquor License Application for MMG Nebraska F&B Inc. dba Chili's Grill & Bar.

At 7:35 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and, Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

2. RESOLUTION

Councilmember Crawford introduced and moved for the adoption of Resolution No. 09-128: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS I LIQUOR LICENSE APPLICATION OF MMG NEBRASKA F&B, DBA CHILI'S GRILL & BAR, LA VISTA, NEBRASKA.

WHEREAS, MMG Nebraska F&B dba Chili's Grill & Bar, 7875 S 84th Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class I Liquor License application submitted by MMG Nebraska F&B dba Chili's Grill & Bar, 7875 S 84th Street, La Vista, NE.

Seconded by Councilmember Sheehan. Sean Kelley addressed Council on behalf of the applicant to answer any questions. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and, Ellerbeck. Nays: None. Absent: Gowan. Motion carried.

I. CLASS I LIQUOR LICENSE APPLICATION – LUCKY YAMA INC DBA SUSHI YAMA

1. PUBLIC HEARING

At 7:36 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class I Liquor License Application for Lucky Yama Inc. dba Sushi Yama.

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

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-129: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS I LIQUOR LICENSE APPLICATION OF LUCKY YAMA INC. DBA SUSHI YAMA, LA VISTA, NEBRASKA.

WHEREAS, Lucky Yama Inc. dba Sushi Yama, 8058 S. 84th Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class I Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class I Liquor License application submitted by Lucky Yama Inc. dba Sushi Yama, 8058 S. 84th Street, La Vista, NE.

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

J. SPECIAL ASSESSMENTS

1. PUBLIC HEARING

At 7:37 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments.

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

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 09-130: 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
7313 Joseph Ave., Lot 392/La Vista Replat, \$484.69,
7330 S. 70th Street, Lot 208/La Vista Replat, \$691.59,
10619, 10615, 10611 Hillcrest Drive, Lots 2A, 3, and 4/Val Vista, \$295.21, and
10618, 10216, 10208, 10204, 10202 Brentwood Drive, Lots 154, 175,176, 177, and 178/Val Vista, \$498.15

were notified to clean up their property as they were in violation of the City Municipal Code, Section 133.01, or the City would do so and bill them accordingly, and

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

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

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

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

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

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

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L. EXECUTIVE SESSION – LAND ACQUISITION; LITIGATION STRATEGY SESSION; PERSONNEL

At 7:40 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest to provide negotiating guidance regarding land acquisition, and litigation strategy session; and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, and Ellerbeck. Nays: None. Absent: Gowan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

Councilmember Gowan arrived to take his place on the Council at 8:05

At 9:13 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick informed Council that she attended the National League of Cities conference in San Antonio. Topics discussed were; going green, volunteerism, wellness, and technology.

Mayor Kindig informed Council that committees have been formed for the 50th anniversary and volunteers are needed. He asked them to contact Mary if they were available. Kindig informed Council the final Vision 84 community workshop will be held on Wednesday evening at 6:00 p.m.

At 9:17 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Crawford. Councilmembers voting aye: Sell, Ronan, Quick Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF DECEMBER 2009.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk