

MINUTE RECORD

A-3

No. 729 — REDFIELD DIRECT E2106195KV

LA VISTA CITY COUNCIL MEETING August 1, 2023

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:08 p.m. on August 1, 2023. Present were Mayor Kindig and Councilmembers: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Finance Director Harris, Library Director Barcal, Human Resources Director Lowery, Police Captain Barcal, Assistant Recreation Director Karlson, City Engineer Dowse and Deputy Community Development Director Solberg.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on July 19, 2023. 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 made the announcements.

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE JULY 18, 2023 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE JULY 18, 2023 BUDGET WORKSHOP
4. APPROVAL OF THE MINUTES OF THE JULY 6, 2023 PLANNING COMMISSION MEETING
5. REQUEST FOR PAYMENT — RDG PLANNING & DESIGN — PROFESSIONAL SERVICES — PLACEMAKING PHASE 1 — \$1665.85
6. REQUEST FOR PAYMENT — HDR ENGINEERING — PROFESSIONAL SERVICES — PROJECT MANAGEMENT FOR PUBLIC IMPROVEMENTS — \$613.47
7. REQUEST FOR PAYMENT — OLSSON, INC — PROFESSIONAL SERVICES — CITY PARK PAVILION TESTING — \$3,541.25
8. REQUEST FOR PAYMENT — DLR GROUP — PROFESSIONAL SERVICES — LA VISTA CITY CENTRE PARKING STRUCTURE 2 — \$23,214.20
9. REQUEST FOR PAYMENT — SPENCER MANAGEMENT, LLC — PROFESSIONAL SERVICES — 2023 PAVEMENT REHABILITATION AND RESURFACING — \$306,539.46
10. REQUEST FOR PAYMENT — NL & L CONCRETE, INC — CONSTRUCTION SERVICES — EAST LA VISTA SEWER AND PAVEMENT REHABILITATION — \$187,373.73
11. REQUEST FOR PAYMENT — JE DUNN CONSTRUCTION CO — CONSTRUCTION SERVICES — CENTRAL PARK PAVILION AND SITE IMPROVEMENTS — \$2,012,235.00
12. APPROVAL OF CLAIMS

ABM INDUSTRIES INC, services	11,243.49
ACCO UNLIMITED CORP, supplies	642.70
ACTION BATTERIES, maint.	402.53
ACTIVE NETWORK LLC. Services	186.98
AE SUPPLY, maint.	500.00
AKRS EQUIPMENT SOLUTIONS, maint.	779.05
ALFRED BENESCH & CO, services	31,647.41
AMAZON, supplies	654.33
AMELIA BELIK, services	594.00
AMERICAN HERITAGE LIFE INS, services	1,276.78
ASP ENTERPRISES INC, bld&grnds	140.00
AT&T MOBILITY LLC, phones	98.24
BERGANKDV LLC, services	400.00
BIBLIOTHECA LLC, media	21.67
BISHOP BUSINESS EQUIPMENT, services	1,533.51

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BLACK HILLS ENERGY, utilities	1,498.06
BOBCAT OF OMAHA, maint.	187.82
BOK FINANCIAL, bonds	902,081.70
BS&A SOFTWARE, services	1,450.00
BSN SPORTS LLC, supplies	999.67
BUETHE, PAM, reimbursement	116.00
BUILDERS SUPPLY CO INC, services	1,713.71
CALENTINE, JEFFREY, travel	472.89
CATERPILLAR FINANCIAL, services	1,160.31
CENTER POINT INC, books	282.84
CENTURY LINK/LUMEN, phones	724.33
CINTAS CORP, services	562.17
CITY OF OMAHA, services	255,186.48
CITY OF PAPILLION, services	15,461.69
CONCRETE SUPPLY INC, services	33,510.44
CORNHUSKER INTL TRUCKS INC, services	481.08
COX COMMUNICATIONS INC, services	147.03
CULLIGAN OF OMAHA, services	12.50
D & K PRODUCTS, supplies	554.10
DATASHIELD CORP, services	60.00
DEARBORN NAT'L LIFE INS CO, services	8,388.67
DIAMOND VOGEL PAINTS, supplies	372.82
DOUGLAS COUNTY SHERIFF'S OFC, services	625.00
ECHO GROUP INC, supplies	179.90
ENTERPRISES INC, maint.	27.99
FASTENAL CO, maint.	168.00
FELSBURG HOLT & ULLEVIG INC, services	6,150.33
FENCL, JOHN, services	400.00
FERGUSON ENTERPRISES, supplies	168.95
FIRST NAT'L BANK OF OMAHA, services	62.10
FITZGERALD SCHORR BARMETTLER, services	36,693.95
FUN EXPRESS LLC, supplies	222.52
GALE, books	239.16
GRASS PAD INC, bld&grnds	89.80
GREAT PLAINS UNIFORMS, apparel	1,710.00
GREATAMERICA FINANCIAL, services	1,369.47
HARPENAU, TYLER ANTHONY, services	1,600.00
HGM ASSOCIATES INC, services	43,419.40
HITOUCH BUSINESS, supplies	252.00
HOBBY LOBBY, supplies	82.24
ID WHOLESALER, services	240.00
INDUSTRIAL SALES CO, supplies	83.80
INGRAM LIBRARY SERVICES LLC, books	503.98
INTERNATIONAL CODE COUNCIL, services	160.00
J & J SMALL ENGINE, services	2,051.80
JANITOR DEPOT MIDWEST LLC, supplies	349.25
JENSEN TIRE, maint.	97.00
JOHNSTONE SUPPLY CO, bld&grnds	27.14
KIDWELL INC, services	1,834.00
KIESLER POLICE, supplies	146.00
KIMBALL MIDWEST, maint.	686.37
KINDIG, DOUGLAS, supplies	98.21
KRIHA FLUID POWER, supplies	317.18
LARSEN SUPPLY CO, supplies	216.20
LINCOLN NAT'L LIFE INS CO, services	6,626.02
LIVE WELL GO FISH, services	250.00
LOGAN CONTRACTORS, supplies	3,251.94
LOGO LOGIX EMBROIDERY, apparel	382.00

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LOU'S SPORTING GOODS, supplies	64.06
MALLOY ELECTRIC, bld&grnds	1,313.61
MARCO INC, services	147.87
MATHESON TRI-GAS INC, apparel	272.90
MATT FRIEND TRUCK EQUIPMENT, maint.	706.56
MEDICA INSURANCE CO, services	127,842.51
MENARDS-RALSTON, supplies	500.59
METLIFE, services	1,104.29
METRO COMM COLLEGE, services	23,580.67
MUD, utilities	980.87
MID AMERICAN SIGNAL INC, supplies	4,990.00
MID-AMERICAN BENEFITS INC, services	7,701.01
MIDWEST MUDJACKING INC, services	2,550.00
MIDWEST TAPE, supplies	250.40
MIDWEST TURF & IRRIGATION, maint.	404.49
MOBOTREX INC, supplies	126.00
MSC INDUSTRIAL SUPPLY CO, maint.	283.16
NATIONAL LEAGUE OF CITIES, services	1,652.00
NE DEPT OF REVENUE, lottery taxes	81,662.00
NE DEPT OF REV, motor fuel tax	636.00
NE DEPT OF TRANSPORTATION, services	73,819.27
NE LAW ENFORCEMENT, travel	50.00
NE TURFGRASS ASSOC, services	550.00
NELSON, ALLYSSA, lifeguard cert.	285.00
NMC GROUP INC, maint.	3,320.30
OFFICE DEPOT INC, supplies	159.29
OLSSON INC, services	5,451.00
OPPD, utilities	45,458.98
OMNI ENGINEERING, services	89.30
ON YOUR MARKS INC, supplies	1,725.22
ONE CALL CONCEPTS INC, services	427.06
OVERHEAD DOOR CO OF OMAHA, bld&grnds	251.00
PAPER ROLL PRODUCTS, supplies	100.78
PAPILLION SANITATION, services	3,451.25
PAYROLL MAXX, payroll & taxes	438,274.86
PER MAR SECURITY, services	198.30
PITNEY BOWES, postage	1,392.00
POMP'S TIRE SERVICE INC, maint.	3,852.53
PORT-A-JOHNS, services	270.00
PRIMA DISTRIBUTION INC, supplies	191.03
RALSTON AREA BASEBALL ASSOC, services	1,395.00
RAY ALLEN MANUFACTURING CO INC, services	361.97
RDG PLANNING & DESIGN, services	430.00
RIVER CITY RECYCLING, services	1,572.30
ROBERT HALF, services	7,360.10
RTG BUILDING SERVICES INC, bld&grnds	6,765.00
SAMPSON CONSTRUCTION CO. services	513,439.00
SARPY COUNTY COURTHOUSE, services	4,496.00
SARPY COUNTY FISCAL ADMINSTRTN, services	25,123.95
SHI INTERNATIONAL CORP, services	4,704.90
SITE ONE LANDSCAPE SUPPLY LLC, services	438.00
SMALL, B., travel	333.00
SOUTHERN UNIFORM, apparel	300.97
STAPLES INC, supplies	84.00
SUBURBAN NEWSPAPERS INC, services	517.86
SUN COUNTRY DISTRIBUTING LTD, supplies	21.64
SUSPENSION SHOP INC, maint.	2,227.38
THE FILTER SHOP INC, bld&grnds	208.80

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THE PENWORTHY CO, books	356.81
THE WALDINGER CORP, bld&grnds	329.75
TRUCK CENTER COMPANIES, maint.	3,642.86
TY'S OUTDOOR POWER, maint.	158.37
UNITE PRIVATE NETWORKS LLC, services	4,400.00
US POSTAL SERVICE, postage	1,769.63
US BANK NAT'L ASSOC, supplies	22,827.26
VERIZON WIRELESS, phones	18.02
WESTLAKE HARDWARE INC, supplies	42.10
WHITE CAP LP, supplies	198.49
WHITE, SCOTT L, services	1,333.33
WINCAN LLC, services	5,050.00
WOODHOUSE SW OMAHA INC, maint.	2,266.67

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

There were no reports from the City Administrator and Department Heads.

Councilmember Sell motioned to move item K. Approve Satellite Keno Location up on the agenda ahead of item B. Fiscal Years 23 & 24 Biennial Budget. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

K. RESOLUTION – APPROVE SATELLITE KENO LOCATION

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-093 entitled: 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 ISLANDBNG GROUP LLC DBA ISLAND BAR & GRILL, 7826 S 123RD PLAZA LA VISTA NEBRASKA EFFECTIVE UPON RECEIPT OF THE KENO LICENSE FROM THE STATE.

WHEREAS, the current Keno Lottery Operator Agreement between the City of La Vista and La Vista Keno, Inc., dated August 8, 2008, and assigned and assumed to and by LVK Holdings LLC on April 5 2016 requires LVK Holdings LLC 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, LVK Holdings LLC has proposed a satellite location for the City's keno lottery game continue under new ownership IslandBnG Group LLC dba Island Bar & Grill, 7826 S 123rd Plaza, La Vista, Nebraska pursuant to a Satellite Agreement between said parties dated July 17, 2023, 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

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WHEREAS, the City Clerk has determined that the standards for the Keno Lottery Sales Outlet Location at IslandBnG Group LLC dba Island Bar & Grill, 7826 S 123rd Plaza, 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 under new ownership for the City's keno lottery game at IslandBnG Group LLC dba Island Bar & Grill, 7826 S 123rd Plaza, La Vista NE, and further approve the owner and operator thereof, IslandBnG Group LLC, effective upon receipt of the keno license from that State and 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, JJC Inc. or any stock of JJC Inc., shall require prior written approval of the City of La Vista;
- c. The satellite, IslandBnG Group LLCL. and stockholders of IslandBnG Group LLC. shall be bound by the Lottery Operator Agreement between the City of La Vista and LVK Holdings LLC and owe to LVK Holdings LLC all responsibilities and obligations which LVK Holdings LLC and its owner by said Lottery Operator Agreement, as secured, 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, IslandBnG Group LLC 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, in addition to devices for satellite keno, the following gambling devices are hereby authorized at the satellite premises pursuant to Section 2(H) of the Ordinance: pickle card device.

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.

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

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B. FISCAL YEARS 23 & 24 BIENNIAL BUDGET

1. APPROPRIATIONS ORDINANCE – AMEND FY23/24 BIENNIAL BUDGET – FIRST READING

Councilmember Thomas introduced Ordinance No. 1490 entitled: AN ORDINANCE TO AMEND ORDINANCE NO. 1455 AND THE BIENNIAL BUDGET APPROPRIATING THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING ON SEPTEMBER 30, 2024, AND TO AMEND AMOUNTS APPROPRIATED FOR THE FIRST AND SECOND YEARS OF SUCH BIENNIAL BUDGET FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2022 AND ENDING ON SEPTEMBER 30, 2023; AND FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2023 AND ENDING SEPTEMBER 30, 2024, SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; TO REPEAL INCONSISTENT OR CONFLICTING ORDINANCES OR RESOLUTIONS AS ORIGINALLY ENACTED; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Quick made a motion to approve Ordinance No. 1490 on its first reading and pass it on to a second reading. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

C. PLANNED UNIT DEVELOPMENT SITE PLAN – LOTS 1 – 3 SOUTHPORT EAST REPLAT FIFTEEN

1. PUBLIC HEARING

At 6:15 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Planned Unit Development Site Plan – Lots 1 – 3 Southport East Replat Fifteen. Derek Zimmerman with REV Development gave a presentation.

At 6:20 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. ORDINANCE – ZONING OVERLAY

Councilmember Frederick introduced Ordinance No. 1491 entitled: AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1491. Councilmember Hale seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. 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.

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3. ORDINANCE – PUD SITE PLAN

Councilmember Thomas introduced Ordinance No. 1492 entitled: AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING STANDARDS AND CONDITIONS FOR DEVELOPMENT UNDER THE FINAL PLANNED UNIT DEVELOPMENT PLAN; TO PROVIDE FOR SEVERABILITY; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Frederick seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Sheehan made a motion to approve final reading and adopt Ordinance 1492. Councilmember Wetuski seconded the motion. Upon roll call vote the following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried. 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. CONDITIONAL USE PERMIT – LOT 1 – SOUTHPORT EAST REPLAT FIFTEEN – HOLIDAY INN EXPRESS

1. PUBLIC HEARING

At 6:23 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit – Lot 1 – Southport East Replat Fifteen – Holiday Inn Express. Derek Zimmerman with REV Development was available for questions.

At 6:23 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-086 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR REV DEVELOPMENT, LLC TO ALLOW FOR A HOTEL, SPECIFICALLY HOLIDAY INN EXPRESS, ON LOT 1, SOUTHPORT EAST REPLAT FIFTEEN.

WHEREAS, REV Development, LLC has applied for a Conditional Use Permit for to allow for the construction and operation of a hotel, specifically Holiday Inn Express, on Lot 1, Southport East Replat Fifteen, located northwest of the intersection of Port Grace Blvd and Southport Parkway; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes, subject to the following conditions:

1. Approval of Southport West Replat Fifteen.
2. Satisfactory completion of design review process and update of Conditional Use Permit exhibits, prior to recording of the Conditional Use Permit and submittal for a building permit.

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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, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for REV Development, LLC to allow for a hotel, specifically Holiday Inn Express, on Lot 1, Southport East Replat Fifteen.

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

E. CONDITIONAL USE PERMIT – LOT 2 – SOUTHPORT EAST REPLAT FIFTEEN – RESIDENCE INN

1. PUBLIC HEARING

At 6:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit – Lot 2 – Southport East Replat Fifteen – Residence Inn. Derek Zimmerman with REV Development was available for questions.

At 6:24 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-087 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR REV DEVELOPMENT, LLC TO ALLOW FOR A HOTEL, SPECIFICALLY RESIDENCE INN, ON LOT 2, SOUTHPORT EAST REPLAT FIFTEEN.

WHEREAS, REV Development, LLC has applied for a Conditional Use Permit for to allow for the construction and operation of a hotel, specifically Residence Inn, on Lot 2, Southport East Replat Fifteen, located northwest of the intersection of Port Grace Blvd and Southport Parkway; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a Conditional Use Permit for such purposes, subject to the following conditions:

1. Approval of Southport West Replat Fifteen.
2. Satisfactory completion of design review process and update of Conditional Use Permit exhibits, prior to recording of the Conditional Use Permit and submittal for a building permit.

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, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for REV Development, LLC to allow for a hotel, specifically Residence Inn, on Lot 2, Southport East Replat Fifteen.

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

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F. RESOLUTION – APPLICATION FOR REPLAT – SOUTHPORT EAST REPLAT FIFTEEN

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-088 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOTS 5 AND 6 SOUTHPORT EAST TO BE REPLATTED AS LOTS 1-3 SOUTHPORT EAST REPLAT FIFTEEN, A SUBDIVISION LOCATED IN THE EASTERN HALF OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above-described property applied for approval of a replat for Lots 5 and 6 Southport East, to be replatted as Lots 1-3 Southport East Replat Fifteen; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on July 6, 2023, the La Vista Planning Commission held a meeting and reviewed the replat and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 5 and 6 Southport East, to be replatted as Lots 1-3 Southport East Replat Fifteen, a subdivision located in the eastern half of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of the intersection of Port Grace Blvd and Southport Parkway, be, and hereby is, approved.

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

G. APPROVAL OF CLASS C LIQUOR LICENSE APPLICATION – ASTRO THEATER, LLC DBA THE ASTRO & THE ASTRO AMPHITHEATER

1. PUBLIC HEARING

At 6:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class C Liquor License application – Astro Theater, LLC dba The Astro & The Astro Amphitheater. Sean Kelley was available for questions.

At 6:27 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-089 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF A CLASS C LIQUOR LICENSE FOR ASTRO THEATER, LLC DBA THE ASTRO & THE ASTRO AMPHITHEATER IN LA VISTA, NEBRASKA.

WHEREAS, Astro Theater, LLC dba The Astro & The Astro Amphitheater, 8302 City Centre Dr, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of a Class C Liquor License submitted by Astro Theater, LLC dba The Astro & The Astro Amphitheater, 8302 City Centre Dr, La Vista, Sarpy County, Nebraska.

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

H. APPROVAL OF CLASS C LIQUOR LICENSE APPLICATION – LINCOLN'S CITY CENTRE, LLC DBA THE CITY PUB

1. PUBLIC HEARING

At 6:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Class C Liquor License application – Lincoln's City Centre, LLC dba The City Pub. Lauren Kintner & Gabe Sullivan were available for questions.

At 6:31 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-090 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF A CLASS C LIQUOR LICENSE FOR LINCOLN'S CITY CENTRE, LLC DBA THE CITY PUB IN LA VISTA, NEBRASKA.

WHEREAS, Lincoln's City Centre, LLC dba The City Pub, 7861 Main St, Ste L, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of a Class C Liquor License submitted by Lincoln's City Centre, LLC dba The City Pub, 7861 Main St, Ste L, La Vista, Sarpy County, Nebraska.

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

I. RESOLUTION – AUTHORIZE PURCHASE – LAPTOP COMPUTER

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-091 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) MOBILE PRECISION 7780 DELL LAPTOP COMPUTER FROM DELL MARKETING LP, ROUND ROCK, TX IN AN AMOUNT NOT TO EXCEED \$6,980.00.

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WHEREAS, the City Council of the City of La Vista has determined the purchase of a forensic investigation laptop computer is necessary, and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase, and

WHEREAS, DELL Marketing LP is a sole source vendor 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 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 approve the purchase of a one (1) Mobile Precision 7780 Laptop Computer from DELL Marketing LP, Round Rock, Texas, in an amount not to exceed \$6,980.00.

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

J. RESOLUTION – AUTHORIZE PURCHASE – WIRELESS ACCESS POINTS

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-092 entitled A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF WIRELESS ACCESS POINTS FROM MNJ TECHNOLOGIES DIRECT, INC., BUFFALO GROVE, IL IN AN AMOUNT NOT TO EXCEED \$8,130.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of wireless access points is necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for the proposed purchase; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of wireless access points from MNJ Technologies Direct, IN., Buffalo Grove, IL in an amount not to exceed \$8,130.00.

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

L. 84TH STREET REDEVELOPMENT AREA PHASE 1 TAX INCREMENT FINANCING RESOLUTION AMENDMENTS

1. RESOLUTION – CITY CENTRE NOTE 1A

Councilmember Thomas introduced and moved for the adoption of Resolution No. 23-094 entitled: A RESOLUTION AMENDING RESOLUTION NO. 17-073 RELATING TO TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PHASE 1A PROJECT), SERIES 2017 OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO ALLOW THE NOTE ISSUED THEREUNDER TO BE TRANSFERRED TO ONE OR MORE AFFILIATES OF THE OWNER THEREOF AND SECURED EQUALLY UNDER THE RESOLUTION; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of La Vista (the City) has established a community development agency (the "Agency") under Chapter 18, Article 21, Reissue Revised States of Nebraska, as amended (the "Act");

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WHEREAS, the Agency adopted Resolution No. 17-073, on July 5, 2017, (the "Original Resolution") which authorized issuance of the Agency's \$5,312,561 Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Phase IA Project), Series 2017, dated September 26, 2017 (the "Phase IA Note"), and which Original Resolution governs the repayment of the Phase IA Note from the sources provided and described in the Original Resolution;

WHEREAS, the Phase IA Note was issued to and is currently registered in the name of City Centre I, LLC, (the "Current Owner") which is an affiliate of the Redeveloper (as defined in the Original Resolution) pursuant to the terms of the Original Resolution, and the Current Owner has requested that the City permit the Phase IA Note to be transferred to one or more affiliates of the Current Owner, and that the Original Resolution be amended to allow such transfer or transfers; and

WHEREAS, it is necessary, desirable, advisable, and in the best interest of the Agency to amend the Original Resolution for such purposes and in the manner as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, acting as the community development agency, as follows:

Section 1. Definitions of Words and Terms. Unless otherwise provided herein, and in addition to words and terms defined elsewhere in this amending resolution (the "**Resolution**"), the capitalized words and terms used herein shall have the meanings provided in the Original Resolution.

Section 2. Authorization of Multiple Notes and Transfer. The Note may be issued as a single note or as multiple notes. If more than one Note is issued, all shall be issued with the same interest rate and maturity date and shall be payable equally and ratably from the sources provided in the Original Resolution. The Note may be transferred pursuant to its provisions at the office of the Agency by surrender of such note for cancellation by the Registered Owner, accompanied by a written instrument of transfer, in form satisfactory to the Agency, duly executed by the Registered Owner in person or by such owner's duly authorized agent, and thereupon the Agency will deliver at its office (or send to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Note or Notes of the same interest rate, aggregate principal amount and maturity. One such note may be transferred for several such notes of the same interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the Agency evidencing the same obligation as the note or notes surrendered, including the principal and accrued interest thereon, and shall be entitled to all the benefits and protection of the Original Resolution as amended by this Resolution to the same extent as the note or notes upon transfer of which they were delivered.

Section 3. Further Authority. The officers of the Agency, including the Chair and Secretary, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

Section 4. Effect of Amendment. Except as amended by this Resolution, the Original Resolution is hereby ratified and confirmed in all respects. All resolutions or orders, or parts thereof in conflict with the provisions of this Resolution are to be extent of such conflict hereby repealed.

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Section 5. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 6. Governing Law. This Resolution shall be governed exclusively by and constructed in accordance with the applicable laws of the State.

Section 7. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency.

Seconded by Councilmember Quick. Mike Rogers gave an overview. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION – CITY CENTRE NOTE 1B

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-095 entitled: A RESOLUTION AMENDING RESOLUTION NO. 17-074 RELATING TO TAX INCREMENT REVENUE NOTE (LA VISTA CITY CENTRE PHASE IB PROJECT), SERIES 2017 OF THE LA VISTA COMMUNITY DEVELOPMENT AGENCY, TO ALLOW THE NOTE ISSUED THEREUNDER TO BE TRANSFERRED TO ONE OR MORE AFFILIATES OF THE OWNER THEREOF AND SECURED EQUALLY UNDER THE RESOLUTION; AND PRESCRIBING OTHER MATTERS RELATING THERETO

WHEREAS, the City of La Vista (the City) has established a community development agency (the "Agency") under Chapter 18, Article 21, Reissue Revised States of Nebraska, as amended (the "Act");

WHEREAS, the Agency adopted Resolution No. 17-074, on July 5, 2017, (the "**Original Resolution**") which authorized issuance of the Agency's \$8,222,287 Community Redevelopment Tax Increment Revenue Note (La Vista City Centre Phase IB Project), Series 2017, dated September 26, 2017 (the "**Phase IB Note**"), and which Original Resolution governs the repayment of the Phase IB Note from the sources provided and described in the Original Resolution;

WHEREAS, the Phase IA Note was issued to and is currently registered in the name of City Centre I, LLC, (the "Current Owner") which is an affiliate of the Redeveloper (as defined in the Original Resolution) pursuant to the terms of the Original Resolution, and the Current Owner has requested that the City permit the Phase IA Note to be transferred to one or more affiliates of the Current Owner, and that the Original Resolution be amended to allow such transfer or transfers; and

WHEREAS, it is necessary, desirable, advisable, and in the best interest of the Agency to amend the Original Resolution for such purposes and in the manner as hereinafter provided.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, acting as the community development agency, as follows:

Section 1. Definitions of Words and Terms. Unless otherwise provided herein, and in addition to words and terms defined elsewhere in this amending resolution (the "**Resolution**"), the capitalized words and terms used herein shall have the meanings provided in the Original Resolution.

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Section 2. Authorization of Multiple Notes and Transfer. The Note may be issued as a single note or as multiple notes. If more than one Note is issued, all shall be issued with the same interest rate and maturity date and shall be payable equally and ratably from the sources provided in the Original Resolution. The Note may be transferred pursuant to its provisions at the office of the Agency by surrender of such note for cancellation by the Registered Owner, accompanied by a written instrument of transfer, in form satisfactory to the Agency, duly executed by the Registered Owner in person or by such owner's duly authorized agent, and thereupon the Agency will deliver at its office (or send to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Note or Notes of the same interest rate, aggregate principal amount and maturity. One such note may be transferred for several such notes of the same interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the Agency evidencing the same obligation as the note or notes surrendered, including the principal and accrued interest thereon, and shall be entitled to all the benefits and protection of the Original Resolution as amended by this Resolution to the same extent as the note or notes upon transfer of which they were delivered.

Section 3. Further Authority. The officers of the Agency, including the Chair and Secretary, are hereby authorized and directed to execute all documents and take such actions as they may deem necessary or advisable in order to carry out and perform the purposes of this Resolution and to make any changes or additions in this Resolution and the foregoing agreements, statements, instruments and other documents herein approved, authorized and confirmed which they determine to be in the Agency's best interest, and the execution or taking of such action shall be conclusive evidence of such determination.

Section 4. Effect of Amendment. Except as amended by this Resolution, the Original Resolution is hereby ratified and confirmed in all respects. All resolutions or orders, or parts thereof in conflict with the provisions of this Resolution are to be extent of such conflict hereby repealed.

Section 5. Severability. If any section or other part of this Resolution is for any reason held invalid, the invalidity thereof shall not affect the validity of the other provisions of this Resolution.

Section 6. Governing Law. This Resolution shall be governed exclusively by and constructed in accordance with the applicable laws of the State.

Section 7. Effective Date. This Resolution shall take effect and be in full force from and after its passage by the governing body of the Agency.

Seconded by Councilmember Thomas. Mike Rogers gave an overview. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

COMMENTS FROM THE FLOOR

Martin Ware of 7311 Lillian Avenue addressed the Mayor and Council regarding a tree he feels is dangerous and an area of a public sidewalk that he feels needs to be repaired.

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor or Council.

At 6:47 p.m. Councilmember Thomas made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Quick, Sell, Hale and Wetuski. Nays: None. Abstain: None. Absent: None. Motion carried.

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PASSED AND APPROVED THIS 15TH DAY OF AUGUST 2023.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk