



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **BRYAN WAUGH** FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Bryan Waugh** has served the City of La Vista since December 15, 1997, and

WHEREAS, **Bryan Waugh'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 **Bryan Waugh** on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS EIGHTEENTH DAY OF DECEMBER 2007.

Douglas Kindig, Mayor

Ron Sheehan
Councilmember, Ward I

Brenda Carlisle
Councilmember, Ward I

Robert McLaughlin
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark Ellerbeck
Councilmember, Ward III

Alan Ronan
Councilmember, Ward III

Kelly Sell
Councilmember, Ward IV

Anthony Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk





CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **JEFF SINNETT** FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Jeff Sinnett** has served the City of La Vista since December 15, 1997, and

WHEREAS, **Jeff Sinnett'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 **Jeff Sinnett** on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS EIGHTEENTH DAY OF DECEMBER 2007.

Douglas Kindig, Mayor

Ron Sheehan
Councilmember, Ward I

Brenda Carlisle
Councilmember, Ward I

Robert McLaughlin
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark Ellerbeck
Councilmember, Ward III

Alan Ronan
Councilmember, Ward III

Kelly Sell
Councilmember, Ward IV

Anthony Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk





PROCLAMATION

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, less than two percent of all Scouts actually achieve this goal; and

WHEREAS, as his Eagle Service Project, Ethan White re-sided and re-trimmed the water cooler shed; and he graded and formed a new concrete path to the water cooler shed to replace a crushed rock path; all at the La Vista Falls Golf Course; and

WHEREAS, the City of La Vista wishes to recognize this noteworthy achievement of Ethan White.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby congratulate Ethan White on his endeavors to attain the rank of Eagle Scout and commend him for his unwavering commitment to the Boy Scouts of America.

DATED THIS 18TH DAY OF DECEMBER, 2007.



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe
Pamela A. Buethe, CMC
City Clerk



PROCLAMATION

WHEREAS, the conferring of an Eagle Scout is one of the highest awards that can be bestowed upon a Boy Scout; and

WHEREAS, such award is an earned award in that the recipient must perform and successfully complete and pass the rigid requirements exacted to achieve an Eagle Scout Award; and

WHEREAS, less than two percent of all Scouts actually achieve this goal; and

WHEREAS, as his Eagle Service Project, Kevin Michael Sparks added dirt, re-graded, and re-rocked the pro shop landscape; built a new retaining block wall around the elm tree plant box, and added Hosta plants in the new plant box; all located at the La Vista Falls Golf Course; and

WHEREAS, the City of La Vista wishes to recognize this noteworthy achievement of Kevin Michael Sparks

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby congratulate Kevin Michael Sparks on his endeavors to attain the rank of Eagle Scout and commend him for his unwavering commitment to the Boy Scouts of America.

DATED THIS 18TH DAY OF DECEMBER, 2007.



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buehe, CMC
City Clerk

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING December 4, 2007

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on December 4, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Quick. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Finance Director Lindberg, Library Director Iwan, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, 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 22, 2007. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection within 10 days after said meeting and prior to the next convened meeting of said body.

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

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

APPOINTMENTS - FIRE DEPARTMENT OFFICERS

Mayor Kindig stated, with the approval of Council, he would like to make the following appointments as Fire Department Officers: District 1: Fire Captains – Mark Stevens, Brian Jones, and Ty Ebel; Rescue Lieutenant – Dave (Bo) Wilson; Fire Training Officer – Mike Doyle; Medical Training Officer – T. J. Markowsky; and Public Information Officer – Melanie Smith. District 2: Fire Captains – Steve Stark, Chad Williams, Rory Froehlich; Rescue Captain – Rob Witt, Rescue Lieutenant – Brad Quedensley. Fire Chief Uhl introduced the new Fire Department Officers.

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

A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF CITY COUNCIL MINUTES FROM NOVEMBER 20, 2007
3. APPROVAL OF PLANNING COMMISSION MINUTES FROM NOVEMBER 15, 2007
4. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM OCTOBER 17, 2007
5. PAY REQUEST FROM FELSBERG, HOLT & ULLEVIG FOR QUIET ZONE STUDY - \$1,285.03
6. APPROVAL OF CLAIMS

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

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|-----------------------------------------------|----------|
| ACTION BATTERIES, Electric Cart | 479.70 |
| ALAMAR UNIFORMS, Wearing Apparel | 24.00 |
| ANDERSON FORD LINCOLN MERCURY, Vehicle Maint. | 50.77 |
| APPLIED INFORMATION MGMT, Contract Services | 2,995.00 |
| AQUILA, Utilities | 21.28 |
| ARAMARK UNIFORM SERVICES, Contract Services | 96.08 |
| ASSOCIATED FIRE PROTECTION, Equipment | 60.00 |
| AUDIOVISUAL, Radio Repair | 1,907.00 |
| BAKER & TAYLOR BOOKS, Books | 435.88 |
| BAKER, MARCUS, Auto Allowance | 50.00 |
| BANK OF NEBRASKA, Refund | 25.00 |
| BEACON BUILDING SERVICES, Contract Services | 6,737.00 |
| BENNETT REFRIGERATION, Equip. Repair | 156.48 |
| BETTER BUSINESS EQUIPMENT, Rentals | 37.00 |
| BIRCH, ANN, Auto Allowance | 50.00 |

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| BOLER WOOD & ASSOCIATES, Insurance | 4,263.05 |
| BUETHE, PAM, Auto Allowance/Travel/Supplies | 180.11 |
| CENTER POINT PUBLISHING, Books | 79.08 |
| CHASE AUTO TRANSMISSION REPAIR, Vehicle Maint. | 1,020.00 |
| CITY OF BELLEVUE, Training | 150.00 |
| CITY OF LINCOLN PUBLIC WORKS, Equipment | 950.00 |
| CLASSIC REFRIGERATION, Bldg & Grnds | 277.47 |
| COMP CHOICE, Professional Services | 427.00 |
| CORBIT, JEFF, Auto allowance | 100.00 |
| CORNHUSKER INTL TRUCKS, Vehicle Maint. | 375.95 |
| DANKO EMERGENCY EQUIPMENT, Vehicle Maint. | 134.02 |
| DAVIS, JAMES, Training | 1,500.00 |
| DENNIS, SHARON, Travel | 140.65 |
| DON'S PIONEER UNIFORMS, Wearing Apparel | 78.98 |
| EASTERN LIBRARY SYSTEM, Training | 15.00 |
| EBSCO SUBSCRIPTION SERVICES, CD Rom | 1,495.00 |
| EDGEWEAR SCREEN PRINTING, Wearing Apparel | 164.20 |
| ERICKSON, RANDALL, Auto Allowance | 100.00 |
| FAIRWAY GOLF, Supplies | 24.00 |
| FARQUHAR, MIKE, Auto Allowance | 100.00 |
| FERRELLGAS, Utilities | 456.25 |
| FLEETPRIDE, Vehicle Maint. | 25.54 |
| FORT DEARBORN LIFE INSURANCE, Employee Benefits | 1,172.50 |
| FREMONT NATIONAL BANK & TRUST, Bond Fees | 2,205.90 |
| GENWORTH LIFE AND HEALTH, Payroll Withholdings | 1,649.02 |
| GOLDMAN, JOHN, Telephone | 40.00 |
| GRAINGER, Bldg & Grnds | 11.70 |
| GREAT AMERICAN LEASING, Contract Services | 309.00 |
| GROSSENBACHER BROTHERS, Supplies | 242.25 |
| GUNN, BRENDA, Travel/Auto Allowance | 392.00 |
| HALL, ERICA, Contract Services | 90.00 |
| HALL, LAUREN, Contract Services | 180.00 |
| HANNEBAUM GRAIN, Ice Control Salt | 4,403.83 |
| HARROD, RAYMOND, Training | 1,500.00 |
| HELGET GAS PRODUCTS, Squad Supplies | 67.00 |
| HERTZ EQUIPMENT RENTAL, Rental | 80.00 |
| HOIT, DAVID, Contract Services | 36.00 |
| HY-VEE, Supplies | 174.20 |
| INTERNATIONAL CODE COUNCIL, Professional Services | 15,282.00 |
| IOWA PRISON INDUSTRIES, Traffic Signs | 82.50 |
| IWAN, ROSE, Auto Allowance | 45.00 |
| J Q OFFICE EQUIPMENT, Supplies | 400.64 |
| JESUS, MATTHEW, Contract Services | 70.00 |
| KEYPER SYSTEMS, Equipment | 412.69 |
| KINDIG, DOUGLAS, Telephone/Auto Allowance | 190.00 |
| KLINKER, MARK, Professional Services | 280.00 |
| KROGER, Supplies | 177.56 |
| LA VISTA COMMUNITY FOUNDATION, Payroll Deductions | 375.50 |
| LA VISTA KENO, Refund | 25.00 |
| LEAGUE ASSN OF RISK MGMT, Insurance | 28.00 |
| LOGAN CONTRACTORS SUPPLY, Bldg & Grnds/Street Maint. | 49.39 |
| LUKASIEWICZ, BRIAN, Telephone | 40.00 |
| LYNN PEAVEY COMPANY, Supplies | 96.95 |
| M E SHARPE, Books | 310.60 |
| MARSHALL CAVENDISH, Books | 225.14 |
| MICHAEL TODD AND COMPANY, Traffic Signs | 218.00 |
| MID AMERICA PAY PHONES, Telephone | 100.00 |
| MIDLANDS BUSINESS JOURNAL, Dues | 70.00 |
| MUD, Utilities | 1,007.65 |
| MUNICIPAL PIPE TOOL, Vehicle Maint. | 75.00 |
| NEWMAN TRAFFIC SIGNS, Traffic Signs | 4,456.75 |
| NEXTEL COMMUNICATIONS, Telephone | 98.08 |
| NOBBIES, Supplies | 12.99 |
| OABR PRINT SHOP, Printing | 4,012.50 |
| OCCUVAX, Flu Shots | 1,113.00 |
| OFFICE DEPOT, Supplies | 27.72 |
| OMAHA WORLD HERALD, Legal Advertising | 830.24 |
| OPPD, Utilities | 4,305.15 |

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| PAPILLION TIRE, Vehicle Maint. | 136.25 |
| PAPIO-MO RVR NATURAL RESOURCES, Contract Services | 5,000.00 |
| PAYLESS OFFICE PRODUCTS, Supplies | 182.50 |
| PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits | 155.25 |
| QUILL CORPORATION, Supplies | 204.30 |
| QWEST, Telephone | 2,230.46 |
| RACOM CORPORATION, Vehicle Maint. | 312.20 |
| RAMIREZ, JOHN, Contract Services | 18.00 |
| RAMIREZ, RITA, Travel/Auto Allowance | 309.80 |
| REED, JASON, Contract Services | 160.00 |
| SAPP BROS PETROLEUM, Vehicle Supplies | 325.17 |
| SARPY COUNTY CHAMBER, Travel | 50.00 |
| SARPY COUNTY COURTHOUSE, Contract Services | 3,234.94 |
| SEAT COVER CENTER, Vehicle Maint. | 166.00 |
| SOUICIE, JOSEPH, Telephone | 30.00 |
| SPRINT, Telephone | 88.33 |
| STANDARD DIGITAL IMAGING, Squad Supplies | 162.50 |
| STAPLES BUSINESS ADVANTAGE, Supplies | 63.92 |
| STRATEGIC INSIGHTS, Contract Services | 1,200.00 |
| SUBWAY SANDWICHES, Supplies | 109.91 |
| TED'S MOWER SALES & SERVICE, Maintenance | 109.07 |
| THOMPSON DREESSEN & DORNER, Engineering Design | 4,507.82 |
| THOMSON GALE, Books | 229.36 |
| TURF CARS, Equip.. Supplies | 126.03 |
| UNITED RENTALS. Bldg & Grnds | 85.86 |
| UNITED SEEDS, Street Maint. | 189.00 |
| UNIVERSITY OF NE LINCOLN, Dues | 100.00 |
| VERIZON WIRELESS, Telephone | 65.80 |
| VIERS, STEVE, Auto Allowance | 100.00 |
| WAL-MART, Supplies/Bldg & Grnds | 279.89 |
| WILDER, JONI, Auto Allowance | 33.00 |

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Clerk Buethe informed Council that Candidate Filing Forms are now available at City Hall. Incumbents can file any time between now and February 15, 2008 at 5:00 p.m. Non Incumbents can file any time between now and March 3, 2008 at 5:00 pm. Fees for filing are \$43.20 for City Council members and \$108.00 for Mayor. You may file for a City of La Vista office either here or at the County Election Office, however, if you file at the election Office you must first pay your filing fee to the City and obtain a receipt to take with you to the County Election Office.

Police Chief Lausten informed Council that Officer Harrod and Johnson will be part of the motocade for the President. He said it is an honor for them to be a part of the event. Lausten also informed Council the City has received holiday enforcement grants.

Public Works Director Soucie informed Council there will be two Christmas tree drop off sites this year; one at Kelly Park and the other at the Sports Complex.

B. APPLICATION FOR REPLAT – LOTS 1 & 2, BROOK VALLEY BUSINESS PARK REPLAT 2 (NW OF 108TH & EMILINE) **1. PUBLIC HEARING**

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on an Application for Replat – Lots 1 & 2, Brook Valley Business Park Replat 2 (NW of 108th & Emiline). Ron Westergard, the applicant, was in attendance.

At 7:12 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF REPLAT

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-123: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF A REPLAT FOR LOTS 1 AND 2, BROOK VALLEY BUSINESS PARK REPLAT 2, BEING A REPLAT OF LOT 13A, BROOK VALLEY BUSINESS PARK, LOCATED IN THE NE ¼ OF SECTION 17, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA, GENERALLY LOCATED AT 108TH STREET AND EMILINE STREET.

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WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Lots 1 and 2, Brook Valley Business Park Replat 2; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on September 20, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat proposal and has recommended approval with the following comments from the City Engineer and staff:

1. Addressing of Lot 1 and Lot 2 needs to be corrected to show addresses from Emiline Street.
2. Minimum setbacks may be difficult to achieve with new industrial development on a relatively small lot, especially given the recorded easements on the property. New buildings will be required to meet setbacks in the zoning district.
3. A drainage plan will be required when a building permit is requested on Lot 1; an erosion control plan is also required.
4. A tract sewer connection fee will be required when a building permit is requested for Lot 1

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1 and 2, Brook Valley Business Park Replat 2, being a replat of Lot 13A, Brook Valley Business Park, located in the NE ¼ of Section 17, T14N, R12E of the 6th P.M., Sarpy County, Nebraska, generally located at 108th Street and Emiline Street be, and hereby is, approved subject to the satisfactory resolution of all identified items as approved by the City Administrator and City Attorney.

Seconded by Councilmember McLaughlin. Councilmember Sheehan asked why the replat was necessary. The Applicant, Ron Westergard, who owns a car wash at 108th and Emiline stated he has someone who wants to purchase Lot 1, the additional lot created by the replat, to put in a building to store equipment and drywall. The sale of the property is expected by the end of the year and is conditioned on the Applicant securing the replat. Councilmember Sell asked if the buyer will be able to meet zoning requirements. City Administrator Gunn stated that would be possible. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

C. CONDITIONAL USE PERMIT – BAR AND GRILL – LOT 2, SOUTHPORT EAST REPLAT

THREE

1. PUBLIC HEARING

At 7:16 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Conditional Use Permit – Bar and Grill – Lot 2, Southport East Replat Three.

At 7:17 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF CONDITIONAL USE PERMIT

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-124: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR FANTASY'S INC. TO OPERATE A BAR AND GRILL ON LOT 2, SOUTHPORT EAST REPLAT THREE.

WHEREAS, Lylette Fields, on behalf of Fantasy's Inc. has applied for a conditional use permit for the purpose of operating a bar and grill on Lot 2, Southport East Replat Three, located at 7826 S. 123rd Plaza; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval subject to no additional restaurants will be allowed, the applicant must demonstrate they can provide the necessary parking without negatively impacting the rest of the site, and no beer garden will be allowed; 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:

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1. Based on the occupancy of the building, a minimum of 22 parking spaces are required. Parking shall not overflow outside of the parking lot onto other properties.
2. No other restaurants will be permitted in the same building.
3. The beer garden shall not be permitted. All seating shall be inside the building.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the December 4, 2007, City Council meeting for Fantasy's Inc. to operate a bar and grill on Lot 2, Southport East Replat Three be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator may determine necessary to carry out the intent of the City Council.

Seconded by Councilmember Carlisle. Councilmember Sheehan asked if the permit would allow for a beer garden. Community Development Director Birch responded that the Conditional Use Permit excludes a beer garden and stipulates no other restaurants be permitted in this building due to parking restrictions. Councilmember Sell asked where the daycare is location in relation the the Bar and Grill. Birch responded that the daycare is in the far northeast corner of the development by PayPal and this property is southwest toward the corner of Giles and Southport Pkwy by Pinnacle Bank. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

D. TRAIL & PARK IMPROVEMENTS – PORTAL RIDGE (108TH & GILES RD.)

1. PUBLIC HEARING

At 7:24 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Trail & Park Improvements – Portal Ridge (108th & Giles Rd). Justin Zetterman, a representative from E&A Consulting, was in attendance to answer any questions.

At 7:25 p.m. Councilmember Sheehan made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION – APPROVAL OF TRAIL & PARK IMPROVEMENTS

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-125: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING APPROVAL OF THE PLANS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTS FOR THE PORTAL RIDGE 2007 TRAIL IMPROVEMENT PLANS AND AUTHORIZING EXECUTION OF CONTRACTS AND CONSTRUCTION DOCUMENTS.

WHEREAS, Sanitary and Improvement District No. 276 of Sarpy County ("District"), Portal Ridge and the City of La Vista ("City") entered into a Subdivision Agreement concerning the development of lands locally known as Portal Ridge within the zoning jurisdiction of the City ("Subdivision Agreement") on October 11, 2006; and

WHEREAS, the District has presented to City for approval plans, specifications and construction documents to construct certain improvements; and

WHEREAS, said plans, specifications and construction documents were prepared by E & A Consulting Group, Inc., which firm of engineers has certified to the City that said plans and specifications are in accordance with the Subdivision Agreement and all of the applicable ordinances, policies and regulations of the City and that improvements constructed pursuant to such plans will be adequate for their intended purpose; and

WHEREAS, Thompson, Dreessen & Dörner, Inc., as City Engineer, and city staff have been presented the plans for review and recommend approval subject to resolution of the following items:

1. Shop drawings shall be submitted for the proposed pedestrian bridge for City review prior to the contractor ordering the materials.
2. Administrative fees must be paid.
3. The conveyance of Outlots D and F by the SID as required by the City Administrator in accordance with the Subdivision Agreement and in consultation with the City Attorney.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby approves the plans, specifications and construction documents for Portal Ridge 2007 Trail Improvement Plans, copies of which have been filed with the City Clerk, subject to resolution of the items identified by the City Engineer.

BE IT FURTHER RESOLVED, that the City Council does hereby approve the execution of a contract by the District for said improvements with CYC Construction, Inc., Omaha, Nebraska in the amount of \$338,878.60.

BE IT FURTHER RESOLVED, that the approval herein given is conditioned upon District, prior to its granting authorization of commencement of construction, shall deliver to the City Administrator the following, as required by the Subdivision Agreement:

1. District's warrant in the amount of \$6,777.57 in payment of applicable administrative fee.

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

E. CLASS C LIQUOR LICENSE APPLICATION FOR FIELDS INC DBA ISLAND BAR & GRILL **1. PUBLIC HEARING**

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on a Class C Liquor License Application for Fields Inc., DBA Island Bar & Grill.

At 7:27 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-126: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF FIELDS INC DBA ISLAND BAR & GRILL, LA VISTA, NEBRASKA.

WHEREAS, Fields Inc dba Island Bar & Grill, 7826M S 123rd Plaza, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by Fields Inc dba Island Bar & Grill, 7826M S 123rd Plaza.

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

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

At 7:28 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Special Assessments for Property Improvements.

At 7:29 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

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2. RESOLUTION

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-127: 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
7410 Park View Blvd, Lot 757, La Vista, \$415.94, and
12958 Margo Street, Lot 15, Millard Highland South, Replat 2, \$1,718.20,
9221 Granville Parkway, Lot 121, Southwind Subdivision, \$376.18, and
7105 S 75th Ave., Lot 66, Crestview Heights, \$435.86
were notified to clean up their property as they were in violation of the City Municipal Code, Sections 133.01, and/or 92.15, 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 McLaughlin. Councilmember Sheehan asked to view pictures of the property at 12958 Margo Street, Lot 15, Millard Highland South, Replat 2, which pictures Community Development Director Birch provided for the Mayor and Council to review. Mayor Kindig proposed directing staff to provide additional information with respect to the proposed assessment for 12958 Margo Street, and at the present meeting have Council vote on an amended resolution excluding that property, with which proposal Councilmembers introducing and seconding the main motion concurred.

Councilmembers voting aye to the amended resolution: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

G. DISCUSSION – SMOKING BAN

Councilmember McLaughlin asked if the state legislature could override any ordinance passed in the City regulating smoking. City Attorney McKeon stated that the legislature could override such City ordinances. Councilmember McLaughlin asked if it would be best to get the city on board and pass an ordinance in case legislation grandfathered preexisting city ordinances. City Administrator Gunn stated that the last proposed legislative bill exempted Omaha only, though it allowed other cities to pass an ordinance opting out of state smoking restrictions. Councilmember Sheehan stated he feels the legislature should make the decision, and that it should be fairly and equally applicable across the State. Councilmember Gowan asked if the City's lobbyist will take this to the legislature. Mayor Kindig stated that the United Cities of Sarpy County discussed the subject at its last meeting, and all present were in favor of fair legislation regarding a smoking ban that applies equally to all cities across the State. Mayor Kindig said that Bellevue Mayor Ed Babbitt was unable to attend the last meeting of the United Cities. Mayor Kindig planned to separately follow up with Mayor Babbitt for his position. Councilmember Sell stated that he would like to see the City pass a resolution stating Mayor and Council's support of fair legislation with regard to having or not having a smoking ban that applies equally across the state. Consensus of Council was to have a resolution drawn up for the next Council meeting.

COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor, and asked that each individual limit his or her comments to 5 minutes. There were no comments from the floor.

MINUTE RECORD

December 4, 2007

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

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sell complimented the Public Works department for the replacement of the sidewalk and concrete in the front of City Hall.

Councilmember Gowan thanked all those who helped with the tree lighting and soup supper. He also thanked Santa for riding his sleigh through many areas of the City. He felt the citizens enjoyed this.

Mayor Kindig stated there was a good turnout for the tree lighting event and informed Council that \$207.00 was collected at the tree lighting ceremony and soup supper. The money was given to the Tri-City food pantry.

ADJOURNMENT

At 7:43 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\07 COUNCIL MINUTES\December 4, 2007

**CITY OF LA VISTA
SAFETY COMMITTEE MEETING
MINUTES
September 26, 2007**

I. CALL TO ORDER

A meeting of the Safety Committee convened on September 26, 2007 at 8:30 a.m. at the La Vista Police Facility, 7701 South 96th Street, La Vista, NE 68128.

Present were Mary Alex, Pat Archibald, Ann Birch, Pam Buethe, Pat Cavlovic, Ray Crane, Karen Fagin, Brenda Gunn, Rose Iwan, Bob Lausten, Sheila Lindberg, Cathy Lupomech, Rita Ramirez, Jeff Siebels, Jeff Sinnett, Joe Soucie, Lori Spethman-Twiford, Scott Stopak, and Rich Uhl.

Emergency Procedures announcement made by Lausten.

II. APPROVAL OF MINUTES FROM MARCH MEETING

A motion was made by Soucie to approve the minutes from the July 25, 2007 meeting. Seconded by Ramirez. Ayes: All.

III. OLD BUSINESS

A. SUB-COMMITTEE BRIEFINGS

1. STANDARD POLICIES

Lausten gave an update on the "Emergency Signs" and noted that poison control numbers had been added to the emergency numbers at the Police Facility. Soucie indicated Public Works facility main office has the emergency numbers posted. The golf course is complete with the numbers, but the pool still needs a list posted. Posting of the signs is a work in progress and will be followed up on at the next meeting.

2. SAFETY ANALYSIS AND TRACKING OF INCIDENTS

Lupomech distributed incident reports for July and August. Fagin suggested that names not be included in the reports. Lausten asked if a defibrillator was located at the library. Discussion held on obtaining funding for defibrillators for City Hall / Community Center, Golf Course, Library, and Public Works. Uhl will check with the Fire Association on funding for the estimated cost of \$2,500.00 each. Applying for a grant from the Midlands Hospital Auxiliary or the Midlands Community Foundation was also discussed. If funding not available to purchase all, a fund raiser could possibly be held. Uhl noted that once these are acquired, there would need to be training sessions.

3. TRAINING AND INSPECTIONS

Cavlovic noted that one additional inspection is scheduled before the end of the year. Lausten reported that all noted violations have been corrected at the Police Facility. Soucie asked that information be more specific as to the location of the problems at the Public Works facility and suggested possibly using stickers or tags to mark violations.

Lausten provided information for Red Cross Emergency Preparedness Seminar training on October 10, 2007 at the Red Cross, 2912 South 80th Avenue. One employee from each department is encouraged to attend. Department Heads should notify Mary who will be attending.

4. REWARDS AND INCENTIVES

Lindberg reported that Safety Bingo will continue through the end of the year.

Additional mugs and key chains will be ordered for new employees.

IV. NEW BUSINESS

The Health Fair is scheduled for November 9th, 10:00 A.M. to 1:00 P.M. The Safety Committee will have a table. CERT will also be attending. Lausten will contact the State patrol requesting the roll over car. All employees are encouraged to attend.

Driver's training is tentatively scheduled for October 25th; Fagin will send e-mail to department heads to confirm.

Sinnett reported on "Damage Assessment" training. All inspection staff attended.

Archibald reported that unannounced fire drills will be held during the month of October, separately by building, for better monitoring.

Lausten suggested having clothing available to wear to recognize City of La Vista employees who are in the field during a disaster. Sinnett will check into products and pricing. Gunn would like to have lanyards for city employees to wear when needed to be on a scene. A standard form of ID is needed. Ramirez noted that the City's current ID's need to be updated with the new logo.

Crane questioned our plan for a possible "Flu Pandemic". Lausten noted that 40-60 % of staff would most likely be out of the office, with some possibly being able to work from home. Further work on a citywide plan needs to take place.

Uhl provided a video on "Terrorism Awareness" to mark the sixth anniversary of 911.

A. DISCUSS NEXT MEETING DATE

The next safety committee meeting is scheduled for November 28th, 2007 at 8:30 a.m. at the District #2.

V. ADJOURNMENT

The meeting was adjourned at 9:45 A.M.



Sarpy County EDC
Sarpy County Economic Development Corporation

1301 Harney Street
Omaha, NE 68102
Phone: (402) 978-7947
Fax: (402) 346-7050

LA VISTA INVOICE

Member Information:

Brenda Gunn
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

Invoice Date: 12/6/07

| Description | Price | Total |
|---------------------------------------------------------------|--------------------|------------------------------------|
| SCEDC Annual Investment for 2008 | \$10,000.00 | \$10,000.00 |
| <i>95% of your dues are deductible as a business expense.</i> | | |
| | | <i>Consent Agenda 12/18/07</i> |
| | | Total: \$10,000.00 |

Thank You!



John Q Hammons
INDUSTRIES

November 20, 2007

Sheila Lindberg, Finance Director
City of La Vista
8116 Park View Blvd.
LaVista, NE 68128

RE: Draw Request #3 on LaVista, NE Conference Center

Dear Ms. Lindberg:

Enclosed is our second draw on the Conference Center in LaVista, NE in the amount of \$1,246,655.76 with supporting invoices. Our 28% equity of this draw is \$349,063.61.

We would like the funds in the amount of \$897,592.15 wired as early as possible on the morning of December 3, 2007 using the enclosed wiring instructions. Please notify me at 417/864-4300 when this is completed.

Sincerely,



John Q. Hammons
Chief Executive Officer

lfh
enclosures

PROJECT: LAVISTA, NE CONVENTION CENTER

LENDER: CITY OF LAVISTA

DRAW #3

NOVEMBER 20, 2007

LAVISTANECONVCTRDRAW

| | CONSTRUCTION BUDGET | AMOUNT PAID BY JQH | ADVANCED TO DATE | TOTAL PAID TO DATE BEFORE REQUEST | CURRENT DRAW #3 | LESS JQH 28.00% | NET CURRENT REQUEST | TOTAL ADV AFTER REQUEST | TOTAL PAID AFTER REQUEST | TOTAL % OF BUDGET | BALANCE TO FINISH |
|-----------------------------|------------------------|-----------------------|---------------------|--------------------------------------|--------------------|--------------------|------------------------|----------------------------|-----------------------------|----------------------|----------------------|
| LAND | \$ 1,200,000.00 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 0.00% | \$ 1,200,000.00 |
| CONSTRUCTION | \$ 14,850,000.00 | \$ 1,689,581.84 | \$ 4,392,886.09 | \$ 6,082,467.93 | \$ 1,227,421.57 | \$ (343,678.04) | \$ 883,743.53 | \$ 5,276,629.62 | \$ 7,309,889.50 | 49.22% | \$ 7,540,110.50 |
| BUILDING PERMITS | \$ 90,000.00 | \$ 35,551.65 | \$ 91,418.54 | \$ 126,970.19 | \$ - | \$ - | \$ - | \$ 91,418.54 | \$ 126,970.19 | 141.08% | \$ (36,970.19) |
| TECHNICAL FEES | \$ 1,312,000.00 | \$ 145,284.85 | \$ 373,589.60 | \$ 518,874.45 | \$ 13,265.19 | \$ (3,714.25) | \$ 9,550.94 | \$ 383,140.54 | \$ 532,139.64 | 40.56% | \$ 779,860.36 |
| FF & E | \$ 3,957,000.00 | \$ - | \$ - | \$ - | \$ 5,969.00 | \$ (1,671.32) | \$ 4,297.68 | \$ 4,297.68 | \$ 5,969.00 | 0.15% | \$ 3,951,031.00 |
| CAPITALIZED INTEREST | \$ 665,156.00 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 0.00% | \$ 665,156.00 |
| FINANCE COSTS | \$ 626,844.00 | \$ 18,762.75 | \$ - | \$ 18,762.75 | \$ - | \$ - | \$ - | \$ - | \$ 18,762.75 | 2.99% | \$ 608,081.25 |
| PRE-OPENING | \$ 300,000.00 | \$ 21.69 | \$ 55.76 | \$ 77.45 | \$ - | \$ - | \$ - | \$ 55.76 | \$ 77.45 | 0.03% | \$ 299,922.55 |
| LEGAL FEES | \$ 50,000.00 | \$ 68.60 | \$ 176.40 | \$ 245.00 | \$ - | \$ - | \$ - | \$ 176.40 | \$ 245.00 | 0.49% | \$ 49,755.00 |
| MISCELLANEOUS | \$ 150,000.00 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | 0.00% | \$ 150,000.00 |
| TOTAL | \$ 23,201,000.00 | \$ 1,889,271.38 | \$ 4,858,126.39 | \$ 6,747,397.77 | \$ 1,246,655.76 | \$ (349,063.61) | \$ 897,592.15 | \$ 5,755,718.54 | \$ 7,994,053.53 | 72.00% | \$ 15,206,946.47 |
| % OF JOB AFTER CURRENT DRAW | | 23.63% | | | | 4.37% | | | | 100.00% | |

28% PAID BY BORROWER: \$ 349,063.61
72% ADVANCED BY CITY: \$ 897,592.15

TOTAL INVOICES SUBMITTED: \$ 1,246,655.76



THOMPSON, DREESSEN & DORNER, INC.
Consulting Engineers & Land Surveyors

December 11, 2007

Ms. Brenda Gunn, City Administrator
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: 84th Street Pavement Resurfacing
Change Order No. 2
TD² File No. 171-328.40

Ms. Gunn:

Please find herewith four copies of Change Order No. 2 on the above-referenced project. This change order provides for an addition of \$4,154.00 to the contract. The change order was necessary for additional storm sewer work due to the elevation and condition of the existing storm sewer pipe that was uncovered during the course of making pavement repairs. A revision to the elevation of the existing storm sewer was necessary to provide positive drainage and deteriorated pipe had to be replaced.

We recommend that this change order be executed. This work has been included in the final payment recommendation.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: File
Mr. Joe Soucie, w/copy of change order

ROBERT E. DREESSEN, P.E.
NELSON J. HYMANS, P.E.
JAMES D. WARNER, L.S.
CHARLES E. RIGGS, P.E.
KA "KIP" P. SQUIRE III, P.E., S.E.
JOHN M. KOTTMANN, P.E.
ARTHUR D. BECCARD, P.E.
JOSEPH G. KOSINOVSKY, P.E.
DOUGLAS S. DREESSEN, P.E.
DEAN A. JAEGER, P.E.
RICHARD M. BROYLES, L.S.
DAVID H. NEEF, L.S.
RONALD M. KOENIG, L.S.
CHRIS E. DORNER, L.S.

TIMOTHY T. PAPSTEIN, P.E.
MICHAEL J. SMITH, L.S.
TROY J. NISSEN, P.E., S.E.
DOUGLAS E. KELLNER, P.E.
KEVIN L. TRUE, L.S.
GARY A. NORTON, P.E.
BRIAN L. LODES, P.E.
KURTIS L. ROHN, P.E.
JEFFREY L. THOMPSON, P.E.
DAREN A. KONDA, P.E.
MICHAEL T. CANIGLIA, L.S.
JEREMY T. STEENHOEK, P.E.
JOSHUA J. STORM, P.E.

*Consent Agenda
12/18/07*

Change Order No. 2

Date: December 4, 2007

Project: 84th Street Pavement Resurfacing

Owner: City of La Vista, Nebraska
8116 Park View Boulevard
La Vista, NE 68128

Contractor: Western Engineering Company, Inc.
3345 North 109th Street
Omaha, NE 68164

TD² File No.: 171-328.38

Contract Date: May 24, 2007

Description of Changes:

| ADDITIONS: | | Quantity | Unit | Unit Price | Amount |
|-------------------------------------------------------------|--------------------------------------------------------------|----------|------|------------|------------|
| Item | Description | | | | |
| Storm Sewer & Concrete Work at 84 th & Brentwood | | | | | |
| 2.1 | Remove Existing Flared End Section | 1 | EA | \$210.00 | \$210.00 |
| 2.2 | Remove 18" CMP | 16 | L.F. | \$20.00 | \$320.00 |
| 2.3 | 18" CMP Pipe Extension | 16 | L.F. | \$64.00 | \$1,024.00 |
| 2.4 | 18" Flared End Section | 1 | EA | \$350.00 | \$350.00 |
| 2.5 | PCC Concrete Collar for Attachment | 1 | EA | \$325.00 | \$325.00 |
| 2.6 | PCC Concrete Flume in Ditch Bottom | 1 | L.S. | \$975.00 | \$975.00 |
| 2.7 | Grading and Backfill Area Disturbed by Construction Activity | 1 | L.S. | \$950.00 | \$950.00 |

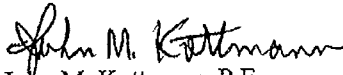
TOTAL CHANGE THIS CHANGE ORDER = \$4,154.00

ORIGINAL CONTRACT AMOUNT AND CHANGE ORDER NO.1 = \$586,466.80

REVISED CONTRACT PRICE = \$590,620.80

Reason for Changes: The elevation and condition of the existing storm sewer under 84th Street required adjustment in grade to provide positive drainage, and replacement of deteriorated pipe.

Submitted by,
THOMPSON, DREESSEN & DORNER, INC.


John M. Kottmann, P.E.
City Engineer

The undersigned parties to the above-referenced contract hereby agree to the changes as set forth above.

City of La Vista, Nebraska

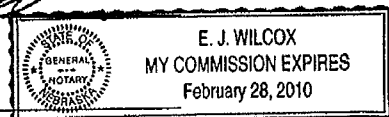
Western Engineering Company, Inc.

Mayor

Clerk

By


Attest





THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

December 11, 2007

Ms. Brenda Gunn
City Administrator
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: 84th Street Pavement Resurfacing
Final Payment Recommendation
TD² File No. 171-328.42

Ms. Gunn:

Enclosed is the Final Payment Recommendation for the above-referenced project. Payment is recommended in the amount shown.

The work has been completed with the exception of the planting of three trees at the northwest corner of the 84th & Giles Road intersection, which have been delayed due to weather and the completion of conflicting punch list work. The trees will be planted in the spring of 2008. Therefore, we have required the Contractor to provide a certified check to the City in the amount of \$1,125.00 and we have received this check and are holding it in our possession until the work is completed. A photocopy of the check is herewith.

In addition, enclosed is a copy of the warranty statements concerning the storm sewer inlet tops. We are providing the original copies of these warranties to Joe Soucie via copy of this letter.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: File
Western Engineering Co., Inc. – w/copy of final payment recommendation
Mr. Joe Soucie, City of La Vista – w/copy of final payment recommendation & original copies of inlet warranty statements

Consent Agenda
12/18/07

FINAL PAYMENT RECOMMENDATION ON CONTRACT FOR 84th STREET PAVEMENT RESURFACING

Owner: City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

Contractor: Western Engineering Company, Inc.
3345 North 109th Street
Omaha, NE 68164

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATION: \$496,231.73

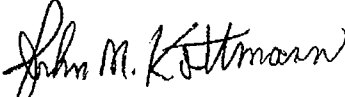
| Item | Description | Approx. Quantities | | Unit Price | Amount |
|------------------------------------------------------|--------------------------------------------------------------------------------------|-----------------------|------|------------|---------------------|
| SCHEDULE "A" - OVERLAY & PAVEMENT REPAIRS | | | | | |
| 1A | Area Milling | 30,450 | S.Y. | \$1.74 | \$52,983.00 |
| 2A | Asphaltic Concrete SP5, in place | 3,254 | TON | \$57.50 | \$187,105.00 |
| 3A | Tack Coat | 3,180 | GAL. | \$1.15 | \$3,657.00 |
| 4A | Adjust Manhole to Grade | 0 | EA. | \$280.00 | \$0.00 |
| 5A | Adjust Valve Boxes to Grade | 0 | EA. | \$280.00 | \$0.00 |
| 6A | Remove and Replace Inlet Top | 30 | EA. | \$1,900.00 | \$57,000.00 |
| 7A | Remove and Replace 9" P.C.C. Median Surfacing | 578 | S.Y. | \$56.50 | \$32,657.00 |
| 8A | Remove and Replace 6" P.C.C. Median Surfacing | 240 | S.F. | \$3.98 | \$955.20 |
| 9A | Remove P.C.C. Sidewalk | 1,896 | S.F. | \$0.48 | \$910.08 |
| 10A | 6" Uniform Thickness P.C.C. Sidewalk, in place | 2,309 | S.F. | \$2.65 | \$6,118.85 |
| 11A | Detectable Warning Insert, in place | 120 | S.F. | \$22.00 | \$2,640.00 |
| 12A | 4" Dashed White, Temporary Paint 10'-30', ip | 9,096 | L.F. | \$0.18 | \$1,637.28 |
| 13A | 4" Solid White, Temporary Paint, in place | 306 | L.F. | \$0.68 | \$208.08 |
| 14A | 4" Dashed White, Performed Plastic Pavement marking Tape 10'-30', in place | 9,676 | L.F. | \$0.54 | \$5,225.04 |
| 15A | 4" Solid White, Performed Plastic Pavement Marking Tape, in place | 2,967 | L.F. | \$2.64 | \$7,832.88 |
| 16A | 12" Solid White, Stop Bar, Performed Plastic Pavement Marking Tape, in place | 574 | L.F. | \$7.42 | \$4,259.08 |
| 17A | 24" Solid White, Crosswalk, Performed Plastic Pavement Marking Tape, in place | 1,488 | L.F. | \$14.53 | \$21,620.64 |
| 18A | Replace Detector Loop, in place | 16 | EA. | \$415.00 | \$6,640.00 |
| 19A | Remove Curb Inlet | 1 | EA. | \$674.00 | \$674.00 |
| 20A | 54" I.D. Storm Manhole, in place | 1 | EA. | \$2,800.00 | \$2,800.00 |
| 21A | Type III Curb Inlet, in place | 3 | EA. | \$2,600.00 | \$7,800.00 |
| 22A | 15" I.D. R.C.P., Class III w/Crushed Rock Bedding, in place | 23 | L.F. | \$68.00 | \$1,564.00 |
| 23A | Dowel Bars Drilled and Grouted, in place | 617 | EA. | \$5.20 | \$3,208.40 |
| 24A | Dowel Bar Expansion Joint, in place | 260 | L.F. | \$9.75 | \$2,535.00 |
| 25A | Remove and Replace Pavement after Milling, if required, w/PR-3625 Concrete, 9" Thick | 41 | SY | \$76.00 | 3,116.00 |
| SCHEDULE "A" SUBTOTAL | | | | | \$413,146.53 |
| SCHEDULE "B" - GILES INTERSECTION TURN BAYS | | | | | |
| 1B | Remove P.C.C. Pavement | 325 | S.Y. | \$12.80 | \$4,160.00 |
| 2B | Remove P.C.C. Sidewalk | 2,068 | S.F. | \$0.50 | \$1,034.00 |
| 3B | Remove Curb Inlet | 2 | EA. | \$674.00 | \$1,348.00 |
| 4B | Remove 18" Storm Sewer Pipe | 7 | L.F. | \$20.00 | \$140.00 |
| 5B | Remove Tree | 3 | EA. | \$150.00 | \$450.00 |
| 6B | Adjust Manhole to Grade | 0 | EA. | \$280.00 | \$0.00 |
| 7B | Adjust Valve to Grade | 1 | EA. | \$280.00 | \$280.00 |
| 8B | Embankment, in place | 300 | C.Y. | \$36.00 | \$10,800.00 |
| 9B | 18" I.D. R.C.P., Class III w/Crushed Rock Bedding, in place | 10 | L.F. | \$96.00 | \$960.00 |

| Item | Description | Approx. Quantities | | Unit Price | Amount |
|------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-----------------------|------|------------|---------------------|
| 10B | Type I Curb Inlet, in place | 2 | EA. | \$2,300.00 | \$4,600.00 |
| 11B | 54" I.D. Storm Sewer Manhole w/Ring and Cover, in place | 1 | EA. | \$3,500.00 | \$3,500.00 |
| 12B | Dowel Bars Drilled and Grouted, in place | 292 | EA. | \$5.25 | \$1,533.00 |
| 13B | 9" Uniform Thickness P.C.C. Pavement, w/Integral Curb, in place | 1,120 | S.Y. | \$46.00 | \$51,520.00 |
| 14B | 6" Uniform Thickness P.C.C. Median Surfacing, in place | 1,941 | S.F. | \$3.75 | \$7,278.75 |
| 15B | 6" Uniform thickness P.C.C. Sidewalk, in place | 2,017 | S.F. | \$2.68 | \$5,405.56 |
| 16B | Detectable Warning Insert, in place | 8 | S.F. | \$22.40 | \$179.20 |
| 17B | Furnish and Install Tree | 3 | EA. | \$300.00 | \$900.00 |
| 18B | Seeding w/Erosion Control Blanket | 2,450 | S.Y. | \$2.25 | \$5,512.50 |
| 19B | Traffic Control Sign | 1 | EA. | \$350.00 | \$350.00 |
| 20B | Remove Pull Box | 2 | EA. | \$250.00 | \$500.00 |
| 21B | Furnish and Install Pull Box PB-1 | 2 | EA. | \$615.00 | \$1,230.00 |
| 22B | Relocate Existing 12C, 2/C PPB and 2/C Det. Lead-in Cables | 1 | LS | \$680.00 | \$680.00 |
| 23B | 2" Conduit (PVC or HDPE) - Bored/ under Roadway | 60 | L.F. | \$11.75 | \$705.00 |
| 24B | 2" Conduit (PVC or HDPE) - Trenched | 467 | L.F. | \$4.40 | \$2,054.80 |
| 25B | Furnish and Install Traffic Signal | 1 | EA. | \$1,110.00 | \$1,110.00 |
| 26B | Furnish and Install Grounding Conductor | 1,400 | L.F. | \$0.83 | \$1,162.00 |
| 27B | Furnish and Install 7/C Interconnect Cable | 1,400 | L.F. | \$2.76 | \$3,864.00 |
| 28B | Furnish and Install Right Turn Only Sign on Mast Arm (R3-5-2) | 1 | EA. | \$350.00 | \$350.00 |
| 29B | Make Connection to Controller, Modify Controller as necessary | 2 | EA. | \$765.00 | \$1,530.00 |
| SCHEDULE "B" SUBTOTAL | | | | | \$113,136.81 |
| SCHEDULE "C" - MARISU LANE COURT RESURFACING | | | | | |
| 1C | Remove Pavement | 113 | S.Y. | \$12.50 | \$1,412.50 |
| 2C | Remove Drive Approach | 86 | S.Y. | \$12.50 | \$1,075.00 |
| 3C | Remove Sidewalk | 115 | S.F. | \$0.50 | \$57.50 |
| 4C | Dowel Bars, Drilled and Grouted | 0 | EA. | \$5.50 | \$0.00 |
| 5C | Remove & Replace Subgrade | 30 | C.Y. | \$18.20 | \$546.00 |
| 6C | Construct 4" PCC Sidewalk | 115 | S.F. | \$2.75 | \$316.25 |
| 7C | Construct 6" PCC L8.5, AE Driveways | 86 | S.Y. | \$37.75 | \$3,246.50 |
| 8C | Construct 8" PCC, L85, Air Entrained, Pavement | 113 | S.Y. | \$43.00 | \$4,859.00 |
| 9C | Adjust Manhole to Grade | 0 | EA. | \$280.00 | \$0.00 |
| 10C | Adjust Valve to Grade | 0 | EA. | \$280.00 | \$0.00 |
| 11C | Mill Existing Overlay | 2,000 | S.Y. | \$2.00 | \$4,000.00 |
| 12C | Curb Height Milling, if required | 0 | L.F. | \$1.00 | \$0.00 |
| 13C | Tack Coat | 150 | GAL. | \$1.20 | \$180.00 |
| 14C | Asphaltic Concrete Overlay | 224 | TON | \$61.00 | \$13,664.00 |
| 15C | Asphaltic Concrete Feathering | 0 | TON | \$65.00 | \$0.00 |
| 16C | Grind Stump | 1 | EA. | \$475.00 | \$475.00 |
| Additions Per Change Order No.1 | | | | | |
| Construct Asphaltic Concrete Overlay on Frontage Rd. at NW Corner of 84th & Brentwood Drive | | | | | |
| 1.1 | Milling & Preparation to Receive Overlay | 1 | L.S. | \$1,000.00 | \$1,000.00 |
| 1.2 | Furnish & Install 2" Asphaltic Concrete Overlay | 120 | Ton | \$57.50 | \$6,900.00 |
| SCHEDULE "C" SUBTOTAL | | | | | \$37,731.75 |

| Item | Description | Approx. Quantities | Unit Price | Amount |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------|-----------------------|------------|-------------------|
| Additions Per Change Order No.2 Storm Sewer & Concrete Work at 84th & Brentwood | | | | |
| 2.1 | Remove Existing Flared End Section | 1 EA. | \$210.00 | \$210.00 |
| 2.2 | Remove 18" CMP | 16 L.F. | \$20.00 | \$320.00 |
| 2.3 | 18" CMP Pipe Extension | 16 L.F. | \$64.00 | \$1,024.00 |
| 2.4 | 18" Flared End Section | 1 EA. | \$350.00 | \$350.00 |
| 2.5 | PCC Concrete Collar for Attachment | 1 EA. | \$325.00 | \$325.00 |
| 2.6 | PCC Concrete Flume in Ditch Bottom | 1 L.S. | \$975.00 | \$975.00 |
| 2.7 | Grading and Backfill Area Disturbed by Construction Activity | 1 L.S. | \$950.00 | \$950.00 |
| CHANGE ORDER NO. 2 SUBTOTAL | | | | \$4,154.00 |
| Total | | | | \$568,169.09 |
| Less Previous Payment Recommendation | | | | \$496,231.73 |
| AMOUNT DUE CONTRACTOR | | | | \$71,937.36 |

We recommend that payment in the amount of \$71,937.36 be made to Western Engineering Company, Inc.

Respectfully submitted,



John M. Kottmann, P.E.
THOMPSON, DREESSEN & DORNER, INC.

JMK/jlf

cc: Western Engineering Company, Inc.

KELLEY & LEHAN, P.C.

Attorneys at Law

7134 PACIFIC STREET

OMAHA, NEBRASKA 68106

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FACSIMILE (402) 474-4052

MISSOURI OFFICE

656 BAYBERRY LANE, SUITE 105

LEE'S SUMMIT, MISSOURI 64064

TELEPHONE (816) 472-4529

December 12, 2007

Rita Ramirez
City of LaVista
8116 Park View Blvd
LaVista, NE 68128

STATEMENT

Lobbying services for the 2007-2008 Legislative Session \$ 5,040.00

Expenses allotment per contract \$ 600.00

Balance due \$ 5,640.00

Please remit to:

Ginger Guilfoyle
Kelley & Lehan PC
7134 Pacific Street
Omaha, NE 68106

OK blyg
12/18/07
Consent
Aspinale
1-11-0314

ACCOUNTS PAYABLE CHECK REGISTER

| BANK NO | BANK NAME | CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
|---------|------------------|----------|--------------------------------|-----------|-------------|--------------|------------|--------|------------|
| ----- | | | | | | | | | |
| 1 | Bank of Nebraska | | | | (600-873) | | | | |
| 91233 | 12/05/2007 | 3702 | LAUGHLIN, KATHLEEN A, TRUSTEE | | 372.00 | | | | **MANUAL** |
| 91234 | 12/05/2007 | 3890 | STEFFES MOTORS | | 9,950.00 | | | | **MANUAL** |
| 91235 | 12/05/2007 | 3739 | FELSBURG HOLT & ULLEVIG | | 1,285.03 | | | | **MANUAL** |
| 91236 | 12/05/2007 | 913 | TARGET BANK | | 42.99 | | | | **MANUAL** |
| 91237 | 12/05/2007 | 2888 | HOME DEPOT CREDIT SERVICES | | 105.92 | | | | **MANUAL** |
| 91238 | 12/05/2007 | 292 | SAM'S CLUB | | 158.24 | | | | **MANUAL** |
| 91239 | 12/05/2007 | 1840 | NE DEPT OF MOTOR VEHICLE-94789 | | 6.50 | | | | **MANUAL** |
| 91240 | 12/05/2007 | 2625 | CARDMEMBER SERVICE-ELAN | | 5,600.09 | | | | **MANUAL** |
| 91241 | 12/12/2007 | 3702 | LAUGHLIN, KATHLEEN A, TRUSTEE | | 372.00 | | | | **MANUAL** |
| 91242 | 12/18/2007 | 2997 | A.S.P. ENTERPRISES INC | | 86.40 | | | | |
| 91243 | 12/18/2007 | 762 | ACTION BATTERIES UNLTD INC | | 348.00 | | | | |
| 91244 | 12/18/2007 | 3854 | AED SUPERSTORE | | 279.95 | | | | |
| 91245 | 12/18/2007 | 2868 | AIR POWER OF NEBRASKA | | 311.00 | | | | |
| 91246 | 12/18/2007 | 571 | ALAMAR UNIFORMS | | 199.97 | | | | |
| 91247 | 12/18/2007 | 1271 | AMERICAN PLANNING ASSOCIATION | | 365.00 | | | | |
| 91248 | 12/18/2007 | 2265 | AMERICAN PLANNING ASSN | | 17.00 | | | | |
| 91249 | 12/18/2007 | 81 | AMSAN | | 426.38 | | | | |
| 91250 | 12/18/2007 | 196 | AQUILA | | 7,046.37 | | | | |
| 91251 | 12/18/2007 | 536 | ARAMARK UNIFORM SERVICES INC | | 278.77 | | | | |
| 91252 | 12/18/2007 | 1678 | ASPEN EQUIPMENT COMPANY | | 848.00 | | | | |
| 91253 | 12/18/2007 | 188 | ASPHALT & CONCRETE MATERIALS | | 66.00 | | | | |
| 91254 | 12/18/2007 | 55 | BADGER BODY | | 52.08 | | | | |
| 91255 | 12/18/2007 | 201 | BAKER & TAYLOR BOOKS | | 1,501.57 | | | | |
| 91256 | 12/18/2007 | 3169 | BATTERY ZONE INC | | 139.50 | | | | |
| 91257 | 12/18/2007 | 3102 | BBC AUDIOBOOKS AMERICA | | 123.63 | | | | |
| 91258 | 12/18/2007 | 1839 | BCDM-BERINGER CIACCIO DENNELL | | 712.50 | | | | |
| 91259 | 12/18/2007 | 1784 | BENNINGTON IMPLEMENT | | 195.25 | | | | |
| 91260 | 12/18/2007 | 3774 | BENSON RECORDS MANAGEMENT CTR | | 50.68 | | | | |
| 91261 | 12/18/2007 | 2757 | BOBCAT OF OMAHA | | 661.44 | | | | |
| 91262 | 12/18/2007 | 1242 | BRENTWOOD AUTO WASH | | 160.00 | | | | |
| 91263 | 12/18/2007 | 117 | BRODART | | 211.66 | | | | |
| 91264 | 12/18/2007 | 830 | BROWN TRAFFIC PRODUCTS INC | | 392.00 | | | | |
| 91265 | 12/18/2007 | 1558 | BUDGET AUTO GLASS | | 175.48 | | | | |
| 91266 | 12/18/2007 | 76 | BUILDERS SUPPLY CO INC | | 88.00 | | | | |
| 91267 | 12/18/2007 | 1681 | CARSTENSEN, RICH | | 20.28 | | | | |
| 91268 | 12/18/2007 | 152 | CITY OF OMAHA | | 601.79 | | | | |
| 91269 | 12/18/2007 | 83 | CJ'S HOME CENTER | | .00 | **CLEARED** | **VOIDED** | | |
| 91270 | 12/18/2007 | 83 | CJ'S HOME CENTER | | .00 | **CLEARED** | **VOIDED** | | |
| 91271 | 12/18/2007 | 83 | CJ'S HOME CENTER | | .00 | **CLEARED** | **VOIDED** | | |
| 91272 | 12/18/2007 | 83 | CJ'S HOME CENTER | | 876.16 | | | | |
| 91273 | 12/18/2007 | 313 | CONRECO INCORPORATED | | 100.00 | | | | |
| 91274 | 12/18/2007 | 2158 | COX COMMUNICATIONS | | 203.75 | | | | |
| 91275 | 12/18/2007 | 23 | CUMMINS CENTRAL POWER LLC #410 | | 558.34 | | | | |
| 91276 | 12/18/2007 | 3107 | DAVIDSON TITLE INC | | 416.05 | | | | |
| 91277 | 12/18/2007 | 111 | DEMCO | | 402.32 | | | | |
| 91278 | 12/18/2007 | 3892 | DILLON BROS HARLEY DAVIDSON | | 371.29 | | | | |
| 91279 | 12/18/2007 | 127 | DON'S PIONEER UNIFORMS | | 39.95 | | | | |
| 91280 | 12/18/2007 | 49 | DOUBLE K FEED INC | | 36.00 | | | | |
| 91281 | 12/18/2007 | 341 | E & A CONSULTING GROUP | | 42.26 | | | | |
| 91282 | 12/18/2007 | 676 | ENVIRO TECH SERVICES INC | | 3,676.39 | | | | |
| 91283 | 12/18/2007 | 3159 | FASTENAL COMPANY | | 35.00 | | | | |

ACCOUNTS PAYABLE CHECK REGISTER

| BANK NO | BANK NAME | CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
|---------|------------|----------|--------------------------------|-----------|-------------|--------------|-------------|------------|--------|
| 91284 | 12/18/2007 | 1201 | FERRELLGAS | | | 78.19 | | | |
| 91285 | 12/18/2007 | 3898 | FRED'S HEATING & AIR | | | 46.50 | | | |
| 91286 | 12/18/2007 | 1344 | GALE | | | 44.14 | | | |
| 91287 | 12/18/2007 | 1161 | GALL'S INCORPORATED | | | 229.43 | | | |
| 91288 | 12/18/2007 | 3901 | GAMBINO'S PIZZA | | | 450.00 | | | |
| 91289 | 12/18/2007 | 1248 | GASSERT, MIKE | | | 682.00 | | | |
| 91290 | 12/18/2007 | 1697 | GAYLORD BROS | | | 211.90 | | | |
| 91291 | 12/18/2007 | 53 | GCR OMAHA TRUCK TIRE CENTER | | | 568.37 | | | |
| 91292 | 12/18/2007 | 3718 | GENWORTH LIFE AND HEALTH | | | 1,649.02 | | | |
| 91293 | 12/18/2007 | 164 | GRAINGER | | | 186.22 | | | |
| 91294 | 12/18/2007 | 285 | GRAYBAR ELECTRIC COMPANY INC | | | 233.93 | | | |
| 91295 | 12/18/2007 | 385 | GREAT PLAINS ONE-CALL SVC INC | | | 305.71 | | | |
| 91296 | 12/18/2007 | 387 | HARM'S CONCRETE INC | | | 389.00 | | | |
| 91297 | 12/18/2007 | 3681 | HEARTLAND TIRES AND TREADS | | | 666.00 | | | |
| 91298 | 12/18/2007 | 3899 | HIGH TECHNOLOGY CRIME | | | 40.00 | | | |
| 91299 | 12/18/2007 | 433 | HIGHSMITH CO INC | | | 124.79 | | | |
| 91300 | 12/18/2007 | 3220 | HOIT, DAVID | | | 36.00 | | | |
| 91301 | 12/18/2007 | 3513 | HUSKER MIDWEST PRINTING | | | 175.35 | | | |
| 91302 | 12/18/2007 | 3440 | ICSC-INTL COUNCIL OF SHPG CTRS | | | 200.00 | | | |
| 91303 | 12/18/2007 | 3646 | INTERNATIONAL CODE COUNCIL INC | | | 2,547.00 | | | |
| 91304 | 12/18/2007 | 1896 | J Q OFFICE EQUIPMENT INC | | | 108.32 | | | |
| 91305 | 12/18/2007 | 223 | KAPCO-KENT ADHESIVE PRODS CO | | | 29.42 | | | |
| 91306 | 12/18/2007 | 1246 | LAW ENFORCEMENT TARGETS INC | | | 240.09 | | | |
| 91307 | 12/18/2007 | 3734 | LAWRENCE, JACKSON | | | 320.00 | | | |
| 91308 | 12/18/2007 | 2380 | LEXIS NEXIS MATTHEW BENDER | | | 88.15 | | | |
| 91309 | 12/18/2007 | 877 | LINWELD | | | 15.00 | | | |
| 91310 | 12/18/2007 | 1573 | LOGAN CONTRACTORS SUPPLY | | | 2,682.11 | | | |
| 91311 | 12/18/2007 | 2664 | LOU'S SPORTING GOODS | | | 6.21 | | | |
| 91312 | 12/18/2007 | 94 | MCCANN PLUMBING SERVICE INC | | | 54.00 | | | |
| 91313 | 12/18/2007 | 3468 | METAL SUPERMARKETS-OMAHA | | | 162.80 | | | |
| 91314 | 12/18/2007 | 153 | METRO AREA TRANSIT | | | 515.00 | | | |
| 91315 | 12/18/2007 | 872 | METROPOLITAN COMMUNITY COLLEGE | | | 11,238.94 | | | |
| 91316 | 12/18/2007 | 553 | METROPOLITAN UTILITIES DIST. | | | 9.58 | | | |
| 91317 | 12/18/2007 | 98 | MICHAEL TODD AND COMPANY INC | | | 480.00 | | | |
| 91318 | 12/18/2007 | 1526 | MIDLANDS LIGHTING & ELECTRIC | | | 1,769.18 | | | |
| 91319 | 12/18/2007 | 2299 | MIDWEST TAPE | | | 597.69 | | | |
| 91320 | 12/18/2007 | 680 | NATIONAL ARBOR DAY FOUNDATION | | | 15.00 | | | |
| 91321 | 12/18/2007 | 911 | NEBRASKA AIR FILTER INC | | | 673.56 | | | |
| 91322 | 12/18/2007 | 3488 | NEBRASKA STATE FIRE MARSHALL | | | 360.00 | | | |
| 91323 | 12/18/2007 | 1778 | NERPA | | | 25.00 | | | |
| 91324 | 12/18/2007 | 28 | NERPA MEMBERSHIP | | | 150.00 | | | |
| 91325 | 12/18/2007 | 2631 | NEXTEL COMMUNICATIONS | | | 383.52 | | | |
| 91326 | 12/18/2007 | 1152 | NLA-NEBRASKA LIBRARY ASSN | | | 245.00 | | | |
| 91327 | 12/18/2007 | 179 | NUTS AND BOLTS INCORPORATED | | | 96.77 | | | |
| 91328 | 12/18/2007 | 3415 | OABR PRINT SHOP | | | 508.43 | | | |
| 91329 | 12/18/2007 | 3778 | ODEY'S INCORPORATED | | | 208.80 | | | |
| 91330 | 12/18/2007 | 1014 | OFFICE DEPOT INC-CINCINNATI | | | .00 | **CLEARED** | **VOIDED** | |
| 91331 | 12/18/2007 | 1014 | OFFICE DEPOT INC-CINCINNATI | | | .00 | **CLEARED** | **VOIDED** | |
| 91332 | 12/18/2007 | 1014 | OFFICE DEPOT INC-CINCINNATI | | | 671.79 | | | |
| 91333 | 12/18/2007 | 195 | OMAHA PUBLIC POWER DISTRICT | | | .00 | **CLEARED** | **VOIDED** | |
| 91334 | 12/18/2007 | 195 | OMAHA PUBLIC POWER DISTRICT | | | 33,731.79 | | | |
| 91335 | 12/18/2007 | 46 | OMAHA WORLD HERALD COMPANY | | | 75.40 | | | |
| 91336 | 12/18/2007 | 3477 | ORIZON CPAS LLC | | | 10,894.49 | | | |

ACCOUNTS PAYABLE CHECK REGISTER

| BANK NO | BANK NAME | CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
|-------------|--------------|------------|-------------------------------|-----------|-------------|--------------|-------------|------------|--------|
| 91337 | 12/18/2007 | 3696 | PALMER, ALEXA | | | 120.00 | | | |
| 91338 | 12/18/2007 | 2484 | PAPIO BOWL | | | 3,003.00 | | | |
| 91339 | 12/18/2007 | 2686 | PARAMOUNT LINEN & UNIFORM | | | 641.16 | | | |
| 91340 | 12/18/2007 | 1769 | PAYLESS OFFICE PRODUCTS INC | | | 206.86 | | | |
| 91341 | 12/18/2007 | 1821 | PETTY CASH-PAM BUETHE | | | 92.07 | | | |
| 91342 | 12/18/2007 | 74 | PITNEY BOWES INC-KY | | | .00 | **CLEARED** | **VOIDED** | |
| 91343 | 12/18/2007 | 74 | PITNEY BOWES INC-KY | | | .00 | **CLEARED** | **VOIDED** | |
| 91344 | 12/18/2007 | 74 | PITNEY BOWES INC-KY | | | 287.92 | | | |
| 91345 | 12/18/2007 | 159 | PRECISION INDUSTRIES INC | | | 38.70 | | | |
| 91346 | 12/18/2007 | 1669 | PROJECT HARMONY | | | 150.00 | | | |
| 91347 | 12/18/2007 | 3879 | PUBLIC RISK MANAGEMENT ASSN | | | 477.00 | | | |
| 91348 | 12/18/2007 | 3498 | PVP COMMUNICATIONS | | | 85.48 | | | |
| 91349 | 12/18/2007 | 219 | QWEST | | | 251.90 | | | |
| 91350 | 12/18/2007 | 3469 | RAMIREZ, JOHN | | | 36.00 | | | |
| 91351 | 12/18/2007 | 191 | READY MIXED CONCRETE COMPANY | | | 396.03 | | | |
| 91352 | 12/18/2007 | 3090 | REGAL AWARDS OF DISTINCTION | | | 479.00 | | | |
| 91353 | 12/18/2007 | 3902 | RICHARDSON, MIKE | | | 31.25 | | | |
| 91354 | 12/18/2007 | 551 | ROCKBROOK CAMERA & VIDEO | | | 170.00 | | | |
| 91355 | 12/18/2007 | 175 | RUSH, TIMOTHY M | | | 31.25 | | | |
| 91356 | 12/18/2007 | 643 | SAFETY-KLEEN CORPORATION | | | 643.76 | | | |
| 91357 | 12/18/2007 | 487 | SAPP BROS PETROLEUM INC | | | 747.25 | | | |
| 91358 | 12/18/2007 | 150 | SARPY COUNTY TREASURER | | | 13,512.00 | | | |
| 91359 | 12/18/2007 | 503 | SCHOLASTIC LIBRARY PUBLISHING | | | 536.90 | | | |
| 91360 | 12/18/2007 | 3897 | SEDLACEK, TIM | | | 41.25 | | | |
| 91361 | 12/18/2007 | 395 | SHAMROCK CONCRETE COMPANY | | | 325.44 | | | |
| 91362 | 12/18/2007 | 3707 | SMITH, MELANIE | | | 100.00 | | | |
| 91363 | 12/18/2007 | 2704 | SMOOTHER CUT ENTERPRISES INC | | | 1,650.00 | | | |
| 91364 | 12/18/2007 | 3423 | SOBCZYK, PAUL | | | 100.00 | | | |
| 91365 | 12/18/2007 | 47 | SUBURBAN NEWSPAPERS INC | | | 454.06 | | | |
| 91366 | 12/18/2007 | 3541 | TAYLOR PLASTICS | | | 100.00 | | | |
| 91367 | 12/18/2007 | 822 | THERMO KING CHRISTENSEN | | | 336.28 | | | |
| 91368 | 12/18/2007 | 143 | THOMPSON DREESSEN & DORNER | | | 9,238.71 | | | |
| 91369 | 12/18/2007 | 3309 | THREE RING ENTERPRISES INC | | | .00 | **CLEARED** | **VOIDED** | |
| 91370 | 12/18/2007 | 3309 | THREE RING ENTERPRISES INC | | | .00 | **CLEARED** | **VOIDED** | |
| 91371 | 12/18/2007 | 3309 | THREE RING ENTERPRISES INC | | | 1,171.93 | | | |
| 91372 | 12/18/2007 | 161 | TRACTOR SUPPLY COMPANY | | | 54.70 | | | |
| 91373 | 12/18/2007 | 3633 | TRICARE | | | 271.96 | | | |
| 91374 | 12/18/2007 | 2426 | UNITED PARCEL SERVICE | | | 82.20 | | | |
| 91375 | 12/18/2007 | 3248 | VAN HAUTE, NATE | | | 190.00 | | | |
| 91376 | 12/18/2007 | 3903 | VAN HAUTE, SAM | | | 60.00 | | | |
| 91377 | 12/18/2007 | 3249 | VAN HAUTE, VINCE | | | 120.00 | | | |
| 91378 | 12/18/2007 | 668 | VEST ELECTRIC INCORPORATED | | | 155.00 | | | |
| 91379 | 12/18/2007 | 78 | WASTE MANAGEMENT NEBRASKA | | | 1,101.20 | | | |
| 91380 | 12/18/2007 | 984 | ZIMCO SUPPLY COMPANY | | | 657.60 | | | |
| BANK TOTAL | | | | | | 153,376.43 | | | |
| OUTSTANDING | | | | | | 153,376.43 | | | |
| CLEARED | | | | | | .00 | | | |
| VOIDED | | | | | | .00 | | | |
| | | | | | | | | | |
| FUND | TOTAL | | | | OUTSTANDING | CLEARED | VOIDED | | |
| 01 | GENERAL FUND | 121,811.93 | 121,811.93 | .00 | .00 | | | | |
| 02 | SEWER FUND | 8,646.60 | 8,646.60 | .00 | .00 | | | | |

ACCOUNTS PAYABLE CHECK REGISTER

| BANK NO | BANK NAME | | | | | | |
|--------------------------|---------------------------|-----------|-------------|--------------|---------|--------|--------|
| CHECK NO | DATE | VENDOR NO | VENDOR NAME | CHECK AMOUNT | CLEARED | VOIDED | MANUAL |
| 04 | BOND(S) DEBT SERVICE FUND | | 344.41 | 344.41 | | .00 | .00 |
| 05 | CONSTRUCTION | | 4,887.04 | 4,887.04 | | .00 | .00 |
| 08 | LOTTERY FUND | | 3,000.00 | 3,000.00 | | .00 | .00 |
| 09 | GOLF COURSE FUND | | 14,247.09 | 14,247.09 | | .00 | .00 |
| 14 | ECONOMIC DEVELOPMENT | | 439.36 | 439.36 | | .00 | .00 |
| REPORT TOTAL | | | | 153,376.43 | | | |
| OUTSTANDING | | | | 153,376.43 | | | |
| CLEARED | | | | .00 | | | |
| VOIDED | | | | .00 | | | |
| + Gross Payroll 12-14-07 | | | | 183,035.95 | | | |
| GRAND TOTAL | | | | \$336,412.38 | | | |

APPROVED BY COUNCIL MEMBERS 12-18-07

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

| Subject: | Type: | Submitted By: |
|--------------------------|-------------------------------------------|-----------------------------------|
| JOB DESCRIPTION — NEW | RESOLUTION ORDINANCE ◆ RECEIVE/FILE | BRENDA GUNN CITY ADMINISTRATOR |

SYNOPSIS

A job description has been prepared for a full-time Circulation Clerk position and is attached for your review.

FISCAL IMPACT

Funding is available in the FY 07/08 municipal budget.

RECOMMENDATION

Receive/File.

BACKGROUND

Currently the Circulation Clerk position is part-time. The Library's long range plan anticipates a full-time Circulation Clerk position and it has recently been determined that facilitating this would be of benefit to the organization and as a result is being recommended. This position is proposed at a pay range 211 (\$11.14-\$14.21) and will be funded by reducing the part-time Circulation Clerk hours. (An amendment to the Compensation Ordinance is also in a separate agenda item.)

Section 6.3 of the City of La Vista Personnel Manual states that the City Administrator shall conduct position classification studies whenever he/she deems it necessary or the duties and responsibilities have undergone significant change. If the City Administrator finds that a substantial change in organization, creation or change of position or other pertinent conditions make necessary the amendment of an existing class, he/she may amend the classification plan subject to review of the Mayor and City Council.

POSITION DESCRIPTION CITY OF LA VISTA

POSITION TITLE: Circulation Clerk – Full Time
POSITION REPORTS TO: Librarian III or Librarian II – Evening/Weekend Supervisor
POSITION SUPERVISES: N/A

DESCRIPTION:

Performs a variety of library tasks under the direction of the Librarian III and/or Librarian II-Evening/Weekend Supervisor. Works in the areas of circulation, reference and equipment operation.

ESSENTIAL FUNCTIONS: (with or without reasonable accommodation)

1. Assists at circulation desk, which includes greeting customers, checking material in and out, emptying book drop, inspecting items for damages, placing items on hold, carrying out overdue item recall procedures, answering the phone (providing routine information or referring and transferring calls), taking inter-library loan requests, assessing and collecting fines, handling routine complaints, answering a variety of questions and responding to requests for information and assistance, including knowing when to refer inquiries to a librarian.
2. Performs routine library computer functions including patron registration/renewal and data input.
3. Assists patrons with library computer and database utilization and answers reference questions as needed.
4. Assists patrons with the use of office and library equipment.
5. Assists in assuring accurate library shelving by shelf-reading and reshelving of materials as needed.
6. Assists in making items to be used for the "story time programs" including craft projects and bulletin boards.
7. Performs routine book maintenance and processing, including typing spine labels and covering books.
8. Recommends library materials for the library collection.
9. Assists in keeping the library neat and orderly, including such things as pushing up books, ensuring that books are at the edge of shelves and picking up trash.
10. Prioritizes tasks within work assignment.
11. Performs other duties as directed or as the situation dictates.

ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS

The physical demands listed here are representative of those that must be met by an employee to successfully perform the essential functions of this position:

- Work is performed mostly in office settings. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.
- While performing the duties of this job, the employee is at various times asked to stand and sit; walk; use hands to finger, handle, feel or operate objects, tools or controls and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; talk and hear.

Note: Physical examination and drug screening tests will follow all conditional offers of employment.

- The employee must occasionally lift and/or move up to 50 pounds. Specific as-corrected vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.
- Must be able to hear and understand voices at normal conversation levels.

EDUCATION, TRAINING, LICENSE, CERTIFICATION AND EXPERIENCE

1. Graduation from an accredited high school or GED equivalent.
2. Demonstrated computer and library experience.

KNOWLEDGE, SKILLS AND ABILITIES

1. The ability to work a non-traditional schedule, including evenings and weekends.
2. Basic knowledge of accepted library principles, practices and techniques, including the Dewey Decimal System.
3. Basic alphabetization and filing skills.
4. Basic computer-use skills.
5. Ability to follow directions.
6. Ability to read and write English proficiently.
7. Ability to operate library and office equipment such as photocopiers, laminator, Fax, and microfilm readers.
8. Ability to establish and maintain effective working relations with City officials, fellow employees, members of the public and patrons.
9. Ability to maintain regular and dependable attendance on the job.
10. Ability to pay attention to details and accuracy.

I have read and understand the requirements of this position description.

Signature

Date

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007**

| Subject: | Type: | Submitted By: |
|---------------------------------------------------|-------------------------------------------|-------------------------------------------------|
| AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR |

SYNOPSIS

A resolution has been prepared to amend Section 7 and Section 8 of the City Personnel Policy and Procedures Manual regarding vacation carryover and payout.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

A little over one year ago the Nebraska Supreme Court ruled in the *Roseland* case that accrued vacation time, which is part of an employment agreement, is due and payable as wages upon termination of employment. Basically, they were saying that once vacation time is earned and can be used by an employee, it cannot be taken away. The City of La Vista has always paid employees for all of their accrued vacation time upon termination. We did, however, establish maximum carry forward amounts for vacation leave, creating a "use it or lose it" situation for employees. The *Roseland* decision makes it clear that you cannot take away an employee's vacation leave once it has been awarded.

In lieu of the "maximum carry forward" provision, we are recommending an "accrual to a fixed maximum" plan. The City establishes the maximum amount of vacation leave that an employee can accrue and when they reach that amount, no additional vacation time is accrued until they use some of their time.

During contract negotiations with the Fraternal Order of Police, a maximum accrual provision for vacation leave was established. It is recommended that a similar policy be adopted for the other employee groups. Currently, exempt employees who have reached the highest vacation accrual level earn 26 days or 208 hours of vacation per year. Non-exempt employees who have reached the highest vacation accrual level earn 23 days or 184 hours of vacation. A maximum accrual rate of 220 hours is being proposed. (An amendment to the Compensation Ordinance reflecting this change is also necessary and is included under a separate agenda item.)

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 7 AND SECTION 8, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING VACATION LEAVE.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, it is being proposed that Subsection 7.22 in the manual regarding vacation payout be deleted and Subsection 8.1 (3) be amended to create a vacation accrual cap; and

WHEREAS, it is the desire of the City Council to amend Section 7 and Section 8 of the Personnel Policy and Procedures Manual to incorporate the changes to the above listed subsections; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed changes submitted at the City Council meeting to Section 7.22 and Section 8.1 (3) regarding vacation leave.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER 2007

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Mary C. Lupomech
Deputy City Clerk

to the employee's estate if the employee leaves no surviving spouse or if, prior to his or her death, the employee has filed with the City Clerk a written designation of his or her estate as beneficiary of such payment.

7.19 Temporary and Regular Part-Time Employees:

- (1) Pay for temporary employees shall be consistent with the duties and responsibilities of the temporary position. Such pay shall be determined by the City Administrator and shall normally be an hourly rate of pay.
- (2) Pay for regular part-time employees shall be based on the number of hours worked per day multiplied by the established hourly pay rate. Such pay shall normally be established proportionate to the regular full-time pay rate for the position.

7.20 Wages in Advance: No advance of earnings, including accrued vacation leave, shall be made.

7.21 Termination Pay: An employee who is dismissed or voluntarily resigns shall receive his/her final pay check on the first regularly scheduled payday following termination of his/her employment. An employee shall be paid for all unused accrued vacation time upon termination. No employee shall be paid for any unused sick leave upon termination of his/her employment, except as follows:

- (1) An employee who voluntarily retires after twenty or more years of service with the City and has no disciplinary action pending against him/her at the time of his/her retirement shall be paid for his/her accrued and unused sick leave.
- (2) An employee who began his/her employment with the City on or after January 1, 2005, or who began his/her employment prior to January 1, 2005 but elected to waive his/her eligibility for emergency sick leave on or before January 31, 2005, subject to any restrictions established in Section VIII, shall be paid for any unused sick leave according to the following sliding schedule:
 - (a) After 10 years of employment – 100% of sick leave hours accrued over 660 hours;
 - (b) After 15 years of employment – 100% of sick leave hours accrued over 440 hours;
 - (c) After 20 years of employment – 100% of sick leave hours accrued up to 880 hours.

~~7.22 **Vacation Payout:** An employee can request to be paid for up to 40 vacation hours which have been earned and are unused in excess of the maximum carry forward permitted from one calendar year to the next under Section VIII or the applicable collective bargaining agreement subject to:~~

- ~~(1) The request must be made in writing to the employee's department head and will be approved only if the department can budget or has budgeted for the expenditure; and;~~
- ~~(2) Approval of the City Administrator in accordance with such policies and procedures as the City Administrator may establish to make such approvals equitable and consistent with any City-wide budgetary conditions, restrictions and limitations.~~

~~Employees can request that authorized payments be made directly to them or deposited into their pension account with the City. Deposits to the pension account are governed by the pension plan document and administrative procedures established by the City Administrator.~~

7.223 Pay During National Guard or Reserve Active Duty:

- (1) State of Nebraska Non-Emergency Active Service: All employees who are active members of the National Guard or other military reserve component (Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve or Coast Guard Reserve) shall be entitled to a military leave of absence from their respective City duties at their full regular City pay or compensation when employed with or without pay on a non-emergency basis under the orders or authorization of competent authority in the active service of the state or of the United States, for not to exceed the Limitations set forth in this paragraph. Such military leave of absence may be taken in hourly increments and shall be in addition to the employee's regular annual leave. Limitations: (1) A City employee who normally works or is normally scheduled to work 120 hours or more in three consecutive weeks shall be eligible to receive such a military leave of absence of up to 120 hours each fiscal year. (2) A City employee who normally works or is normally scheduled to work less than 120 hours in three consecutive weeks shall be eligible to receive such a military leave of absence each fiscal year equal to the number of hours he or she normally works or would normally be scheduled to work, whichever is greater, in three consecutive weeks. See also, subsection 8.1(5) of this Manual.
- (2) State of Nebraska Emergency Active Service: If such an employee is ordered into active service of the state pursuant to a declaration of an emergency by the Governor of Nebraska, the employee shall be entitled to a state of emergency leave of absence until the employee is released from active service of the state by competent authority. During a state of emergency leave of absence because of the call of the Governor, the employee shall receive his or her normal City salary or compensation less the state active duty base pay he or she receives in the active service of the state. Such an employee may alternatively choose to receive his or her full City salary and to remit his or her military compensation to the City. See also, subsection 8.1(5) of this Manual.

7.234 Re-employment: A former employee who is re-employed shall once again serve an initial probationary period regardless of whether he/she had probationary or permanent status prior to separation. Such initial probationary period may be extended in the same manner as any other initial probationary period.

7.245 Annual Salary Survey: The City, to remain competitive in the labor market, shall recognize changes in the cost of living and other variables in the compensation structure by adjusting the grade table or by re-classification of positions. It shall be the responsibility of the City Administrator to determine appropriate adjustments to the grade table annually by analyzing the following general trends:

- (1) Regional, state and municipal compensation trends.
- (2) National compensation trends.
- (3) Local compensation trends.
- (4) Impact of area union contracts on pay scales.
- (5) Cost of living indices.

PERSONNEL RULES AND REGULATIONS

SECTION VIII: EMPLOYEE BENEFITS

ADOPTED: RESOLUTION NO. 96-012

DATE: FEBRUARY 6, 1996

AMENDED: RESOLUTION NO. 01-140

DATE: OCTOBER 2, 2001

AMENDED: RESOLUTION NO. 02-128

DATE: DECEMBER 3, 2002

AMENDED: RESOLUTION NO. 03-072

DATE: AUGUST 19, 2003

AMENDED: RESOLUTION NO. 04-126

DATE: DECEMBER 21, 2004

READOPTED: RESOLUTION NO. 05-159

DATE: DECEMBER 20, 2005

AMENDED: RESOLUTION NO. 07-100

DATE: SEPTEMBER 18, 2007

AMENDED: RESOLUTION NO. XX-XXX

DATE: DECEMBER 18, 2007

8.1 Request for Leave: An employee wishing to take any type of leave shall first submit a Request for Time Off form to the department head and/or City Administrator for approval. This requirement applies to all types of leave.

- (1) Sick Leave for Employees Hired Before January 1, 2005 Who Have Not Elected to Waive Their Eligibility for Emergency Sick Leave:

Full-time regular employees shall accrue entitlement to paid sick leave at the rate of ten (10) hours for each full calendar month of employment. Full-time regular employees shall be allowed to accrue unused sick leave from previous years to a maximum of 880 sick leave hours. An employee shall be credited with one (1) hour of annual vacation leave for each eight (8) hours of sick leave which would otherwise be earned but for the maximum allowable accumulation of sick leave, unless the employee elects to waive his/her eligibility for sick leave.

Earned sick leave may be used for absence necessitated by illness, injury or quarantine. Employees may use sick leave as accrued during the initial probationary period. Paid sick leave may also be used to keep medical or dental appointments. Paid sick leave may also be used for illness in the immediate family to a maximum of five (5) work days in each calendar year.

Paid sick leave shall be used by employees in one hour increments. No full-time non-exempt employee shall be allowed paid sick leave until the department head has approved the sick leave and certified the employee's request to the City Administrator for approval. No full-time exempt employee shall be allowed paid sick leave until the City Administrator has approved the sick leave request. Any full-time employee claiming paid sick leave may be required by the department head and/or the City Administrator to provide a certificate signed by a physician stating the nature and extent of illness.

Paid sick leave shall not be allowed in advance of accumulation. Abuse of paid sick leave may result in disciplinary action. All cases of possible sick leave abuse shall be investigated.

Emergency Sick Leave: All paid sick leave days which would otherwise be earned but for the 880 hours maximum allowable accumulation shall be credited to emergency sick leave accounts

established for full-time exempt and full-time non-exempt employees, less any time of the employee credited to vacation leave (namely eight (8) hours of sick leave time which would otherwise be earned but for the maximum allowable accumulation shall be credited as one (1) hour vacation time for the employee and seven (7) hours credited to the appropriate emergency sick leave account). There are two separate emergency sick leave accounts, one for all full-time exempt employees and one for all full-time non-exempt employees. There are not separate accounts for each individual exempt or non-exempt employee. The accounts are only inclusive of hours contributed by current, eligible employees. Emergency sick leave may be allowed to any regular full-time exempt or non-exempt employee after the employee has exhausted his/her individual paid vacation leave, personal leave and sick leave. Allowance of use of the appropriate emergency sick leave account is granted by the emergency sick leave committee for that account.

The emergency sick leave committee for exempt and non-exempt employees shall consist of the City Clerk, the Finance Director, and the requesting employee's Department Head. If the requesting employee is a Department Head, the City Administrator shall participate in the emergency sick leave committee. Employees are required to complete and sign a Sick Bank Request Form and a HIPAA waiver.

The emergency sick leave committee shall regulate the use of emergency sick leave from the reserve. Only employees meeting the established criteria will be processed through the emergency sick leave committee. Prior to allowing use from the reserve, the committee must determine that the applicant has exhausted his/her individual paid vacation, personal, and sick leave accrual and that an emergency situation exists as defined herein. The committee shall determine the number of hours of emergency sick leave to be granted and shall report the same to the City Council and City Administrator. No employee having less than 880 hours of accrued individual sick leave may contribute sick leave hours to an emergency sick leave account.

An "emergency situation" is a set of circumstances respecting which the appropriate committee determines that an employee, due to serious illness, serious injury or other serious medical, physical or mental condition of the employee, reasonably has an extraordinary need for more time off than he or she has available in any form of paid leave days, and that the employee has previously been conscientious and judicious in the use of his or her paid sick leave. It does not include any illness or injury that typically would be expected to cause the employee to be unable to work a duration of less than five weeks (35 consecutive calendar days).

Provisions of the Worker's Compensation law shall apply where illness or injury occurs on the job.

A full time regular employee who is not a member of the Fraternal Order of Police collective bargaining unit would have had to submit a written request to the City Clerk prior to January 31, 2005, to waive their eligibility for emergency sick leave. Upon submission of said written request, the employee became subject to subsection 8.1(2) for all accrual and payout of sick leave.

- (2) Sick Leave For Employees Hired Prior to January 1, 2005 Who Have Elected to Waive Their Eligibility for Emergency Sick Leave and For Employees Hired On or After January 1, 2005:

Full-time regular employees shall accrue entitlement to paid sick leave at the rate of ten (10) hours for each full calendar month of employment. Full-time regular employees shall be allowed to accrue unused sick leave from previous years to a maximum of 880 sick leave hours. Unless otherwise established by a collective bargaining agreement, no sick leave accrual or vacation credits are earned by any employee at the maximum of 880 accrued and unused sick leave hours.

Earned sick leave may be used for absence necessitated by illness, injury or quarantine. Employees may use sick leave as accrued during the initial probationary period. Paid sick leave may also be used to keep medical or dental appointments. Paid sick leave may also be used for illness in the immediate family to a maximum of five (5) work days in each calendar year.

Paid sick leave shall be used by employees in one hour increments. No full-time non-exempt employee shall be allowed paid sick leave until the department head has approved the sick leave and certified the employee's request to the City Administrator for approval. No full-time exempt employee shall be allowed paid sick leave until the City Administrator and/or the department head has approved the sick leave request. Any full-time employee claiming paid sick leave may be required by the department head and/or the City Administrator to provide a certificate signed by a physician stating the nature and extent of illness.

Paid sick leave shall not be allowed in advance of accumulation. Abuse of paid sick leave may result in disciplinary action. All cases of possible sick leave abuse shall be investigated.

Emergency Sick Leave: In lieu of an emergency sick leave program, employees in this category are eligible for an alternate sick leave payout schedule as outlined in Section 7.21, Termination Pay.

Provisions of the Worker's Compensation law shall apply where illness or injury occurs on the job.

- (3) Vacation Leave: All full-time employees and permanent part-time employees working a minimum of twenty (20) hours per week shall earn paid vacation time as provided herein with the exception of employees subject to the paid vacation leave provisions of the La Vista FOP contract or the Public Works employees contract.

Exempt Employees: During the first year of employment, all full-time exempt employees shall earn eighty (80) hours of paid vacation time per year. No vacation may be taken until the employee has successfully completed the initial or extended initial probationary period with the City. For continuous employment with the City thereafter, an additional eight (8) hours of paid vacation time is earned at the beginning of each calendar year for each additional year of service. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation time earned per year shall not exceed 26 days (208 hours).

Non-exempt Employees: During the first year of employment all full-time non-exempt employees shall earn forty-eight (48) hours of paid vacation time. No vacation may be taken until the employee has successfully completed the initial or extended initial probationary period with the city. Starting the second year of continuous employment, paid vacation time will be earned at a rate of 88 hours per year. For continuous employment with the City thereafter, an additional eight (8) hours of paid vacation time is earned at the beginning of each calendar year for each additional year of service. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation leave earned per year shall not exceed 23 days (184 hours).

Permanent Part-Time Employees: After six (6) months of employment and successful completion of the initial or extended initial probationary period, permanent part-time employees who work a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year. All paid vacation time is accrued on a bi-weekly basis. The total paid vacation time earned per year shall not exceed 5 days (40 hours).

Exempt, Non-exempt, and Permanent Part-Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours. ~~÷ A maximum of ninety-six (96) hours or twelve (12) days of earned vacation may be carried forward from one calendar year to the next. At the end of the final full pay period in December each year, City payroll personnel shall review the amount of unused vacation in each employee's vacation account. Any amount greater than ninety-six (96) hours shall be forfeited unless the employee has applied and been approved for the vacation payout program as outlined in Section 7.22 of this Personnel Manual, and shall not be carried forward into the new calendar year unless approved in writing by the City Administrator for good cause, such as the employee's inability to have taken requested vacation during the expired calendar year due to a directive of the City mandated by the needs of City business.~~

Use of Vacation Leave:

- (a) Vacation leave may be scheduled or taken only with the approval of the employee's department head and/or the City Administrator.
- (b) Vacation leave will only be approved if it will not be disruptive to the work schedule of the departments concerned and/or the operations of the City.
- (c) Upon satisfactory completion of the initial or extended initial probationary period, regular full-time employees and permanent part-time employees shall be entitled to begin using earned vacation leave. Vacation shall not be used in increments of less than one hour. Use of vacation leave in increments of less than four hours must be approved at least forty-eight (48) hours in advance and may be taken only at the beginning or at the end of the employee's work day.
- (d) If a day designated as a paid holiday for the employee falls during an employee's vacation, the day shall not be charged as vacation time. An employee who leaves the employment of the City shall be compensated for vacation leave earned and accrued as provided herein.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

| Subject: | Type: | Submitted By: |
|----------------------------------------|-------------------------------------------|-------------------------------------------------|
| AMENDING THE COMPENSATION ORDINANCE | RESOLUTION ◆ ORDINANCE RECEIVE/FILE | RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR |

SYNOPSIS

An ordinance has been prepared to amend the compensation ordinance to reflect the following changes:

- The addition of a Full Time Library Circulation Clerk position.
- The creation of a vacation accrual cap of 220 hours.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

The Council is being asked to approve the creation of a vacation accrual cap of 220 hours. Additionally, a new position description for a Full Time Library Circulation Clerk is being presented to Council. The Compensation Ordinance needs to be amended to reflect these two changes.

ORDINANCE NO. _____

AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HERewith; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

Section 1. City Council. The compensation of members of the City Council shall, in addition to such vehicle and other allowances as may from time to time be fixed by the Budget or other Resolution of the City Council, be, and the same hereby is, fixed at the sum of \$4,320.00 per year for each of the members of the City Council.

Section 2. Mayor. The compensation of the Mayor shall, in addition to such vehicle and other allowances as may from time to time be fixed by the Budget or other Resolution of the City Council, be, and the same hereby is, fixed at the sum of \$10,800.00 per year.

Section 3. City Administrator. The compensation of the City Administrator shall, in addition to such vehicle and other allowances as may from time to time be fixed by the Budget or other Resolution of the City Council, be established by contractual agreement.

Section 4. Management Exempt Employees. The management exempt employees of the City of La Vista, Nebraska, hereafter named, and collectively referred to as department head level employees, shall, in addition to such vehicle and other allowances as may from time to time be fixed by Resolution of the City Council, receive annualized salaries not to exceed the amounts established in Table A, set forth in Section 21 of this Ordinance, for the following respective wage ranges:

| Position | Range |
|------------------------------------------|-------|
| Asst. City Administrator | 39 |
| City Clerk | 37 |
| Community Development Director | 38 |
| Finance Director | 38 |
| Fire Chief | 38 |
| Library Director | 37 |
| Police Chief | 39 |
| Director of Public Buildings and Grounds | 36 |
| Public Works Director | 39 |
| Recreation Director | 37 |

Section 5. Salaried Exempt Employees. The monthly salary compensation rates of the salaried exempt employees of the City of La Vista shall be, and the same hereby are, fixed in accordance with the schedules of Table 100, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by resolution establish:

| Position | Range |
|------------------------------|-------|
| Asst. Golf Superintendent | 111 |
| Asst. Recreation Director | 120 |
| Chief Building Official | 128 |
| Golf Course Services Manager | 113 |
| Golf Course Superintendent | 116 |
| Human Resources Assistant | 115 |
| Office Manager | 122 |
| Park Superintendent | 128 |
| Planner | 128 |
| Police Lieutenant | 131 |
| Program Director | 116 |
| Street Superintendent | 128 |

Section 6. Hourly Non-Exempt Employees. The hourly compensation rates of the hourly (non-exempt) employees of the City of La Vista shall be, and the same hereby are, fixed in accordance with the schedules of Table 200, Table 300, and Table 400, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by Resolution establish:

| Position | Range |
|-------------------------------------|-------|
| Accounting Clerk | 214 |
| Administrative Assistant | 215 |
| Administrative Secretary | 215 |
| Asst. Mechanic | 318 |
| Building Inspector | 218 |
| Building Inspector II | 223 |
| Circulation Clerk – Full Time | 211 |
| Code Enforcement Officer | 215 |
| Custodian | 210 |
| Evidence Technician | 211 |
| Executive Assistant | 217 |
| Librarian III | 217 |
| Librarian II | 215 |
| Librarian I | 214 |
| Maintenance Assistant | 216 |
| Maintenance Worker I | 311 |
| Maintenance Worker II | 316 |
| Park Foreman | 320 |
| Police Sergeant | 426 |
| Police Officer | 423 |
| Police Data Entry Clerk | 212 |
| Program Coordinator | 212 |
| Records Clerk & Computer Specialist | 218 |
| Secretary II | 214 |
| Secretary/Receptionist | 211 |
| Sewer Foreman | 320 |
| Street Foreman | 320 |
| Shop Foreman | 322 |

Section 7. Part-Time and Temporary Employees. The compensation of part-time and temporary City employees shall be, and the same hereby is, continued in accordance with the following schedule and in accordance with such rules as have been or may be established by Resolution of the City Council:

- | | |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| A. Part-Time Help/Seasonal | An hourly rate not to exceed \$10.50 per hour. |
| B. Temporary/Part-Time Professional | An hourly rate not to exceed \$22.00 per hour. |
| C. Part-Time Help | An hourly compensation rate as fixed in accordance with the schedules of Table 200, set forth in Section 21 of this Ordinance. |

Part-time employees shall receive no benefits other than salary or such benefits as established in accordance with such rules as have been or may be established by Resolution of the City Council:

Section 8. Certification Incentive Pay for Chief Building Official and Building Inspectors.

Employees of the City in the positions of Chief Building Official and Building Inspector are eligible to receive a one time only incentive payment of \$1,000 for each certification obtained in an applicable construction field/trade. Such payment must be approved by the City Administrator.

Section 9. Legal Counsel. Compensation of the legal counsel other than special City Prosecutor for the City shall be, and the per diem rates respecting same shall be, at 90% of the standard hourly rate the firm may from time to time charge. Compensation for Special City prosecution shall be as agreed upon at the time of specific employment.

Section 10. Engineers. Compensation of Engineers for the City shall be, and the same hereby is, fixed in accordance with such schedules of hourly and per diem or percentage rates as shall from time to time be approved by Resolution of the City Council. Travel allowances respecting same shall be as may from time to time be fixed by Resolution of such City Council.

Section 11. Longevity Pay for Salaried Full-Time Employees and Hourly Paid Full-Time Employees, Including Police Employees. Employees of the City in the positions set forth in Sections 3, 5 and 6 of this Ordinance, including police positions, shall receive longevity pay as follows:

An amount equal to the following percentage of the hourly rate set forth in Section 3, 5 and 6 of this Ordinance, rounded to the nearest whole cent:

| <u>Length of Service</u> | <u>Allowance Per Hour</u> |
|--------------------------|---------------------------|
| Over 7 Years | 2.00% (or .02) |
| Over 10 Years | 2.75% (or .0275) |
| Over 15 Years | 4.00% (or .04) |
| Over 20 Years | 4.50% (or .0450) |

Section 12. Health, Dental Life and Long Term Disability Insurance. Subject to the terms, conditions and eligibility requirements of the applicable insurance plan documents and policies, regular full-time

employees of the City of La Vista and their families shall be entitled to be enrolled in the group life, health, and dental insurance program maintained by the City. Regular full-time employees shall also be entitled to be enrolled in the long term disability insurance program maintained by the City.

Unless otherwise provided by collective bargaining agreement, or other applicable agreement, the City's employer share shall be ninety (90) percent of the amount of the actual premium and the employee shall pay the ten percent (10%) balance of the actual premium via payroll deduction for employees enrolled in single coverage. The City's employer share shall be eighty percent (80%) of the amount of the actual premium and the employee shall pay the twenty percent (20%) balance of the actual premium via payroll deduction for any employee enrolled in a level of coverage other than single. Those employees electing not to participate in these programs will receive no other form of compensation in lieu of this benefit.

Section 13. Establishment of Shifts. The City may establish duty shifts of such length, and to have such beginning and ending times, and to have such meal and break times, as it may deem appropriate or necessary, respecting employees of the City.

Section 14. Special Provisions.

- A. Employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska, Covering The Period From October 1, 2007 through September 30, 2009," shall receive compensation and benefits and enjoy working conditions, as described, provided and limited by such Agreement. The terms of such Agreement shall supersede any provisions of this Ordinance inconsistent therewith, and be deemed incorporated herein by this reference.
- B. Holiday Pay shall be compensated as set forth in the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista for police officers and as set forth in the Personnel Manual for all other full time employees.
- C. Subject to subsection 14.D. hereof, each regular full-time salaried non-exempt employee and each full time hourly paid employee of the City shall be entitled to receive overtime pay at the rate of one and one half times the employee's regular rate for each hour worked in excess of forty hours during a work week. If called out at any time other than during regular assigned work hours during the pay period, such employee shall be entitled to compensation at the rate of one and one half times the regular rate for each hour so worked, provided that in no case shall an employee receive less than two hours over time pay for such call out work, and further provided there shall be no pyramiding of hours for purposes of computing overtime. For purposes of this subsection an employee's "regular rate" shall be the sum of his or her hourly rate specified in Section 5 or 6 of this Ordinance and any longevity pay due under this Ordinance.
- D. Police Department employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska," described in subsection 14.A hereof shall, as provided in such Agreement, be paid overtime at one and one half times the employee's hourly rate (including any longevity allowance) for each hour worked in excess of 80 hours during any 14 day work period coinciding with the pay period established by Section 16 of this Ordinance.
- E. All Management Exempt Employees and all Salaried Exempt Employees are considered to be salaried employees and shall not be eligible for overtime pay, holiday pay, or other special pay as provided by this section.
- F. Employees covered by the "Memorandum of Understanding" with the Public Works Employees Collective Bargaining Group may submit to the City for reimbursement for the cost of work boots in an amount not to exceed \$120.
- G. Employees covered by the "Memorandum of Understanding" with the Public Works Employees Collective Bargaining Group may submit to the City for reimbursement for the difference in cost between a Nebraska Driver's License and a "CDL" driver's license within 30 days of obtaining a CDL license when a CDL license is required as a part of the covered employee's job description.
- H. Employees covered by the "Memorandum of Understanding" with the Public Works Employees Collective Bargaining Group shall be provided by the City five safety work shirts in each fiscal year at no cost to the employee.

Section 15. Pay for Unused Sick Leave Upon Retirement or Death. Employees who voluntarily retire after twenty or more years of service with the City and have no pending disciplinary action at the time

of their retirement, shall be paid for any unused sick leave. Employees who began their employment with the City after January 1, 2005, or who began their employment prior to this date but elected to waive their eligibility for emergency sick leave, shall be paid for any unused sick leave, if they voluntarily leave City employment and have no pending disciplinary action, according to the following sliding schedule: After 10 years of employment – 100% of sick leave hours accrued over 660 and up to 880; after 15 years of employment – 100% of sick leave hours accrued over 440 hours and up to 880; after 20 years of employment – 100% of sick leave hours accrued up to 880. No other employee shall be paid for any unused sick leave upon termination of employment.

A regular full-time employee's unused sick leave shall also be paid if, after October 1, 1999, the employee sustains an injury which is compensable by the City or the City's insurer under the Nebraska Workers' Compensation Act and such injury causes the death of the employee within two years after the date of injury. Any payment made pursuant to the preceding sentence shall be made to the surviving spouse of the employee; provided, such payment shall be made to the employee's estate if the employee leaves no surviving spouse or if, prior to his or her death, the employee filed with the City Clerk a written designation of his or her estate as beneficiary of such payment.

Section 16. Pay Periods. All employees of the City of La Vista shall be paid on a bi-weekly basis. The pay period will commence at 12:01 a.m. Sunday and will conclude at 11:59 p.m. on the second succeeding Saturday, except for Police Officers, in which case the pay period will commence at 11:00 p.m. Saturday and will conclude at 10:59 p.m. on the second succeeding Sunday. On the Friday following the conclusion of the pay period, all employees shall be paid for all compensated time that they have been accredited with during the pay period just concluded.

Section 17. Public Works Lunch and Clean-up Times. Lunch period for employees of the Public Works Department shall be one half hour (30 minutes) in duration. Public Works employees shall be granted a 5 minute clean-up period prior to start of lunch period, and shall be granted an additional 5 minutes clean-up period prior to the end of the work day.

Section 18. Sick Leave and Personal Leave. Sick leave and personal leave will be awarded and administered in conjunction with the provisions set forth in the personnel manual and the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, as applicable to the employee in question.

Section 19. Vacation Leave. Upon satisfactory completion of the probationary period applicable to the employee in question, regular full-time employees and permanent part-time employees shall be entitled to vacation leave. Such vacation shall not be used in installments of less than two hours. Increments of vacation leave of less than four hours must have 48 hours prior approval and can be taken only at the beginning or at the end of the work day.

Section 20. Vacation Entitlement.

- A. All full-time employees whose employment is governed by the Agreement described in Section 14, Paragraph A. of this Ordinance shall earn and be eligible for vacation as provided in such Agreement.
- B. All other full-time Hourly Non-Exempt Employees shall earn: six (6) days of paid vacation upon completion of one (1) year of continuous full-time employment; eleven (11) days of paid vacation upon completion of two (2) years of continuous full-time employment; and thereafter, eleven (11) days of paid vacation upon completion of each subsequent year of continuous full-time employment, plus one (1) additional day of paid vacation for each year of continuous full-time employment in excess of two years. Notwithstanding the foregoing, no employee shall earn more than twenty-three (23) days of paid vacation per employment year.
- C. All Management Exempt Employees, and Salaried Exempt Employees, shall earn ten (10) days paid vacation after one (1) year of continuous employment, and one (1) additional vacation day for each additional year of continuous employment not to exceed twenty-six (26) days.
- D. All Permanent Part Time Employees working a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year after six (6) months of employment and successful completion of the initial or extended initial probationary period. Total paid vacation time earned per year shall not exceed forty (40) hours.
- E. Exempt, Non-Exempt, and Permanent Part-Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours.

Section 21. Wage Tables.

| Table A | | | | | | | |
|---------------------------------------------|---------|--------|--------|--------|--------|--------|--------|
| Classification: Management Exempt Employees | | | | | | | |
| Range | | A | B | C | D | E | F |
| 39 | Monthly | 6,492 | 6,817 | 7,158 | 7,516 | 7,891 | 8,286 |
| | Annual | 77,907 | 81,803 | 85,893 | 90,187 | 94,696 | 99,431 |
| 38 | Monthly | 5,953 | 6,251 | 6,563 | 6,891 | 7,236 | 7,598 |
| | Annual | 71,435 | 75,007 | 78,757 | 82,695 | 86,829 | 91,170 |
| 37 | Monthly | 5,608 | 5,888 | 6,182 | 6,492 | 6,816 | 7,157 |
| | Annual | 67,292 | 70,657 | 74,190 | 77,899 | 81,793 | 85,883 |
| 36 | Monthly | 5,398 | 5,668 | 5,951 | 6,248 | 6,561 | 6,889 |
| | Annual | 64,773 | 68,011 | 71,412 | 74,982 | 78,731 | 82,668 |

| Table 100 | | | | | | | |
|-------------------------------------------|---------|--------|--------|--------|--------|--------|--------|
| Classification: Salaried Exempt Employees | | | | | | | |
| Range | | A | B | C | D | E | F |
| 131 | Monthly | 4,482 | 4,706 | 5,010 | 5,187 | 5,445 | 5,717 |
| | Annual | 53,786 | 56,475 | 60,121 | 62,249 | 65,336 | 68,606 |
| 128 | Monthly | 3,857 | 4,047 | 4,249 | 4,461 | 4,684 | 4,921 |
| | Annual | 46,279 | 48,566 | 50,988 | 53,534 | 56,209 | 59,050 |
| 123 | Monthly | 3,238 | 3,401 | 3,570 | 3,749 | 3,936 | 4,132 |
| | Annual | 38,861 | 40,811 | 42,844 | 44,987 | 47,230 | 49,584 |
| 122 | Monthly | 2,813 | 3,025 | 3,233 | 3,444 | 3,617 | 3,798 |
| | Annual | 33,761 | 36,302 | 38,792 | 41,332 | 43,398 | 45,570 |
| 120 | Monthly | 2,765 | 2,904 | 3,049 | 3,201 | 3,361 | 3,529 |
| | Annual | 33,184 | 34,844 | 36,587 | 38,416 | 40,337 | 42,354 |
| 116 | Monthly | 2,562 | 2,690 | 2,824 | 2,965 | 3,114 | 3,269 |
| | Annual | 30,739 | 32,276 | 33,888 | 35,583 | 37,362 | 39,231 |
| 115 | Monthly | 2,371 | 2,489 | 2,614 | 2,743 | 2,879 | 3,025 |
| | Annual | 28,457 | 29,866 | 31,366 | 32,912 | 34,547 | 36,298 |
| 113 | Monthly | 1,996 | 2,094 | 2,203 | 2,311 | 2,429 | 2,550 |
| | Annual | 23,952 | 25,127 | 26,439 | 27,727 | 29,151 | 30,603 |
| 111 | Monthly | 1,662 | 1,713 | 1,799 | 1,889 | 1,983 | 2,082 |
| | Annual | 19,940 | 20,555 | 21,583 | 22,662 | 23,795 | 24,985 |

Table 200
Classification: Hourly Non-Exempt

| Range | | A | B | C | D | E | F | G |
|-------|------|-------|-------|-------|-------|-------|-------|-------|
| 223 | Hrly | 18.13 | 19.04 | 19.99 | 20.99 | 22.04 | 23.14 | 21.06 |
| 218 | Hrly | 15.71 | 16.50 | 17.32 | 18.19 | 19.10 | 20.05 | |
| 217 | Hrly | 15.08 | 15.82 | 16.61 | 17.45 | 18.31 | 19.24 | |
| 216 | Hrly | 14.36 | 15.07 | 15.80 | 16.60 | 17.43 | 18.29 | |
| 215 | Hrly | 13.69 | 14.36 | 15.08 | 15.82 | 16.61 | 17.45 | |
| 214 | Hrly | 12.63 | 13.24 | 13.89 | 14.60 | 15.35 | 16.11 | |
| 213 | Hrly | 11.57 | 12.13 | 12.77 | 13.41 | 14.09 | 14.80 | |
| 212 | Hrly | 11.53 | 12.07 | 12.71 | 13.37 | 14.04 | 14.71 | |
| 211 | Hrly | 11.14 | 11.68 | 12.30 | 12.88 | 13.53 | 14.21 | |
| 210 | Hrly | 8.65 | 9.08 | 9.53 | 10.02 | 10.51 | 11.03 | |

Table 300
Classification: Public Works Collective Bargaining
Hourly Non-Exempt

| Range | | A | B | C | D | E | F | G |
|-------|------|-------|-------|-------|-------|-------|-------|-------|
| 322 | Hrly | 16.62 | 17.45 | 18.32 | 19.23 | 20.18 | 21.21 | 22.26 |
| 320 | Hrly | 15.85 | 16.61 | 17.46 | 18.33 | 19.22 | 20.20 | 21.21 |
| 318 | Hrly | 15.70 | 16.45 | 17.29 | 18.16 | 19.03 | 20.00 | 21.00 |
| 316 | Hrly | 14.36 | 15.06 | 15.81 | 16.61 | 17.44 | 18.29 | 19.21 |
| 311 | Hrly | 11.63 | 12.21 | 12.81 | 13.46 | 14.16 | 14.85 | |

Table 400
Classification: FOP Collective Bargaining
Hourly Non-Exempt

| Range | | A | B | C | D | E | F |
|-------|------|-------|-------|-------|-------|-------|-------|
| 426 | Hrly | | | | 27.07 | 28.19 | 29.99 |
| 423 | Hrly | 18.09 | 19.29 | 21.21 | 22.45 | 24.50 | 25.78 |

Ordinance No.

Section 22. Repeal of Ordinance No. 105147. Ordinance No. 105147 originally passed and approved on the ~~20~~18th day of ~~November~~September 2007, is hereby repealed.

Section 23. Effective Date. This Ordinance shall take effect after its passage, approval and publication as provided by law.

Section 24. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS ~~18~~20TH DAY OF ~~DECEMBER~~NOVEMBER 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

| Subject: | Type: | Submitted By: |
|--------------------------------------------------------------------|-------------------------------------------|-------------------------------------|
| PURCHASE LITTER RECEPTACLES FOR THE OFF-STREET PARKING DISTRICT | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | JOE SOUCIE PUBLIC WORKS DIRECTOR |

SYNOPSIS

A resolution has been prepared authorizing the purchase of (15) McConnell 32-gallon litter receptacles from Keystone Ridge Designs, Butler, Pennsylvania, for an amount not to exceed \$17,006.25, for use at the Off-Street Parking District.

FISCAL IMPACT

They FY 2007/08 Off-Street Parking Fund provides funding for the purchase of litter receptacles.

RECOMMENDATION

Approval

BACKGROUND

Litter receptacles and cart corrals are the last two outstanding items which were not included in the construction project. The recommended litter receptacles are consistent with the Southport West Design Guidelines and must be ordered by December 21, 2007 in order to beat the first of the new-year price increases.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA NEBRASKA AUTHORIZING THE PURCHASE OF (15) MCCONNELL 32-GALLON LITTER RECEPTACLES FROM KEYSTONE RIDGE DESIGNS, BUTLER, PENNSYLVANIA, FOR AN AMOUNT NOT TO EXCEED \$17,006.25, FOR USE AT THE OFF-STREET PARKING DISTRICT NO. 1.

WHEREAS, the City Council has determined that the purchase of said litter receptacles is necessary, and

WHEREAS, the FY 2007/08 Off-Street Parking Fund provides funding for the purchase of litter receptacles, and

WHEREAS, the litter receptacles are consistent with the Southport West Design Guidelines, 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, THEREFOR BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the purchase of (15) McConnell 32-gallon litter receptacles from Keystone Ridge Designs, Butler, Pennsylvania, for an amount not to exceed \$17,006.25, for use at the Off-Street Parking District No. 1.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Keystone Ridge Designs, Inc.®

Mailing Address: P.O. Box 2008, Butler, PA 16003-2008

Physical Address: 670 Mercer Road, Butler, PA 16001

Telephone: 1-800-284-8208

Facsimile: 724-284-1253

www.keystoneridgedesigns.com

Quote Request

To: Joe Soucie **Company:** City of La Vista

From: Adam Benjamin **Date:** 6/20/2007

Re: Parking District 1 **Pages:** 3 including coversheet

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Dear Joe,

Thank you for your interest in our products. Attached please find our Quotation 16095-00.

Please note the following:

| | |
|------------------------------------|---------------------------------------------|
| Products on Quotation: | (15) McConnell 32-gallon litter receptacles |
| Product Color: | Bronze |
| Shipping Address: | La Vista, NE 68128 |
| Freight and Packaging Cost: | \$2,115.00 Includes lift gate service |
| Estimated Lead Time: | 8-10 weeks upon order activation |
| Required To Activate Order: | Sign off on Quote; P.O. if you require |
| Balance Due Net 30: | \$17,006.25 |
| Special Considerations: | -A 5% discount has been included. |

Please contact me at 800-284-8208, ext. 240 with any questions regarding our quotation.

Thanks again Joel!

Regards,

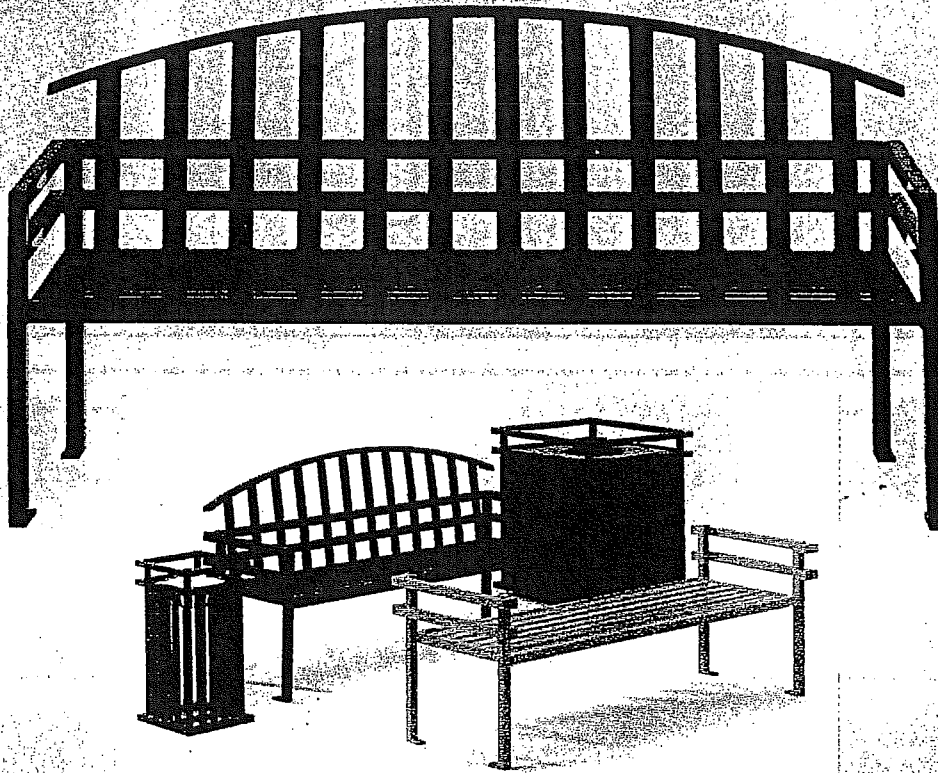
Adam Benjamin

Sales Representative

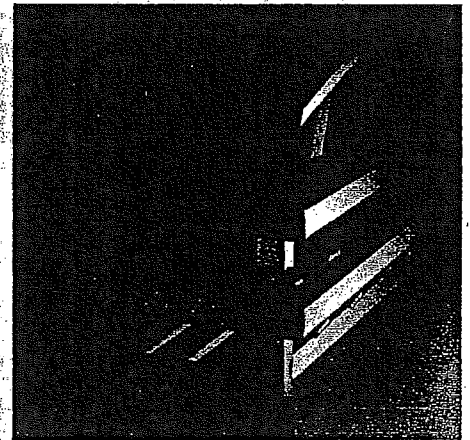
AdamB@keystoneridgedesigns.com

McCONNELL SERIES

(Patent No. Des. 413,449)



| | |
|--------|---------------------------|
| MC24 | McConnell bench w/back 4' |
| MC26 | McConnell bench w/back 6' |
| MC28 | McConnell bench w/back 8' |
| MC14 | McConnell flat bench 4' |
| MC16 | McConnell flat bench 6' |
| MC18 | McConnell flat bench 8' |
| MC3-22 | McConnell litter 22 gal. |
| MC3-32 | McConnell litter 32 gal. |
| MC5 | McConnell ash urn |
| MCA5 | McConnell ash/trash combo |



All site furnishings shall be McConnell series benches with back, Mc24, Mc26, Mc28; McConnell ash urn, Mc5, Mc5a, and trash receptacles, Mc3-22, Mc3-32.

All shall be black powder coated finish.

Manufactured by Keystone Ridge Designs. 1-800-284-8208

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

| Subject: | Type: | Submitted By: |
|------------------------------------------------------------------------------------------------------------|-------------------------------------------|-----------------------------|
| INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY FOR UNDERAGE DRINKING INVESTIGATION REIMBURSEMENT | ◆ RESOLUTION ORDINANCE RECEIVE/FILE | BOB LAUSTEN POLICE CHIEF |

SYNOPSIS

A resolution has been prepared to approve and extend an Interlocal Cooperation Agreement between the City of La Vista and Sarpy County for underage drinking investigation reimbursement.

FISCAL IMPACT

Regular overtime funds are budgeted to cover call-outs for specialized investigations. This interlocal would reimburse the City for overtime funds associated with the call-out of detectives associated with underage drinking investigations. Funding under the Interlocal would not increase the police department's overtime budget.

RECOMMENDATION

Approval.

BACKGROUND

Sarpy County received a federal mini-grant through the Region 6 Behavioral Healthcare organization to aid in the prevention of underage drinking in Sarpy County. The grant is to be used to reimburse overtime expenses for underage alcohol related incidents involving minors and to identify the adult who provided the alcohol. Sheriff Davis has contacted the municipal law enforcement agencies in Sarpy County and has proposed inclusion of the municipal agencies in the grant. The proposed Interlocal Cooperation Agreement would be effective from January 1, 2008 to June 30, 2008.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY FOR OVERTIME REIMBURSEMENT FOR ALCOHOL RELATED INCIDENTS INVOLVING MINORS.

WHEREAS, pursuant to the authority granted under Neb. Rev. Statute 13-801, et. Seq. Reissue 1997, the Mayor and City Council determine that it is in the best interest of the City to enter into an Interlocal cooperation agreement for the purpose of providing animal control services in an efficient and effective manner;, and

WHEREAS, the City of La Vista is desirous of actively enforcing underage drinking laws within the City;

WHEREAS, Sarpy County has received a grant for reimbursement of overtime funds spent in the investigation of alcohol related incidents involving minors and has proposed inclusion of the city of La Vista in the grant;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorize the Mayor to execute an Interlocal Cooperation Agreement with Sarpy County for overtime reimbursement for alcohol related incidents involving minors.

PASSED AND APPROVED THIS 18th DAY OF DECEMBER, 2007.

CITY OF LA VISTA

Douglas D. Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CONTRACT FOR INTERLOCAL SERVICES AND COOPERATION
BETWEEN SARPY COUNTY, NEBRASKA AND THE CITY OF LA VISTA,
NEBRASKA**

This AGREEMENT is entered into this _____ day of _____, 2007, by and between Sarpy County, Nebraska, a political subdivision of the State of Nebraska ("County"), and the City of La Vista, Nebraska, political subdivision of the State of Nebraska ("City").

WHEREAS, County and City are authorized by the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801 (Reissue 1997), et seq., which provides that two (2) or more public entities may enter into an agreement for the joint and cooperative exercise of powers, privileges, or authorities capable of being exercised by either agency; and,

WHEREAS, pursuant to Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, et seq., (Reissue 1997), the parties wish to permit their local governmental units to make the most efficient use of their powers by enabling them to cooperate with each other on the basis of mutual advantage and thereto to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs of the communities; and,

WHEREAS, County has been awarded a federal mini grant through Region 6 Behavioral Healthcare to aid in the prevention of underage drinking in Sarpy County.

WHEREAS, said grant is to be used to reimburse overtime for minor alcohol related incidents involving minors and to identify the adult who provided the alcohol.

WHEREAS, County and City agree that underage drinking is a County-wide problem and working together would greatly benefit the entire County.

NOW, THEREFORE, it is agreed by and between the parties, pursuant to Neb. Rev. Stat. 13-807 (Reissue 1997), as follows:

1. TERM OF AGREEMENT: The term of this Agreement shall be from January 1, 2008 through June 30, 2008.

2. COUNTY RESPONSIBILITIES:

A. County will reimburse City for approved overtime expended for services covered by the grant.

- B. The approved total grant amount is \$19,333 and in no event shall County be responsible to all participants for more than that total amount.
 - C. County has final approval of all grant funds expended.
3. CITY RESPONSIBILITIES:
- A. City will follow all terms and conditions of grant (Exhibit A).
 - B. Keep detailed records of eligible overtime worked for reimbursement from grant.
 - C. Submit monthly invoices to County for reimbursement with copies of detailed records attached.
4. TERMINATION: Agreement may be terminated by either the County or City upon thirty (30) days written notice.
5. ENTIRE AGREEMENT: This Agreement with its attachments contains the entire agreement between the parties hereto, and there are no other written or oral promises, contracts, or warrants which may affect it, except as contained herein. This Agreement cannot be amended except by all of the parties hereto.
6. Pursuant to Neb. Rev. Stat. §13-804(5) (Reissue 1997), the parties hereby acknowledge, stipulate and agree that this agreement shall not relieve any public agency of any obligation or responsibility imposed upon it by law.
7. Pursuant to Neb. Rev. Stat. §23-3113 (Reissue 1997), the parties hereto declare and affirm that no Deputy, member or employee, or no member of their governing bodies, and no other public official of parties who exercise any functions or responsibilities in the review or approval of the undertaking described in this agreement, or the performing of either parties' obligations pursuant to this agreement, shall participate in any decision relating to this agreement which affects his or her personal interests, or any partnership, or association in which he or she is directly or indirectly interested; nor shall any employee, nor any member of their governing bodies, have any interest, direct or indirect, in this agreement or the proceeds thereof.
8. It is understood and agreed by the parties hereto that if any part,

term, condition or provision of this agreement is held to be illegal, void, or in conflict with any law of this State or the United States, the validity of the remaining parts, terms, conditions or provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this agreement did not contain the particular part, term, condition or provisions held to be illegal and/or invalid.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective on the day and year first written above.

SARPY COUNTY BOARD OF COMMISSIONERS

Chairman

Date

Attest:

County Clerk

Date

Approved as to form:

Deputy County Attorney

Date

CITY OF LA VISTA, NEBRASKA

Mayor, City of LaVista

Date

Attest

Date

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

| Subject: | Type: | Submitted By: |
|---------------------|-------------------------------------------|--------------------------------------|
| RESOLUTION — LB 395 | ► RESOLUTION ORDINANCE RECEIVE/FILE | BRENDA S. GUNN CITY ADMINISTRATOR |

SYNOPSIS

A resolution has been prepared to implore the Nebraska Legislature to ensure fairness and equity should they determine it desirable to adopt legislation to amend the Nebraska Clean Indoor Air Act (LB 395).

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A discussion item was placed on the December 4, 2007 City Council agenda to consider a request made by the City's Keno operator to adopt a smoking ban policy similar to the one recently passed by Ralston. The City's Keno operator expressed concern that if the Legislature passes a state-wide smoking ban, Omaha will be granted an exemption which will result in Omaha's keno operations having a competitive advantage over La Vista's keno operations.

As a result of the discussion that took place during the December 4, 2007 Council meeting, the Mayor and Council directed staff to prepare the attached resolution that implores the legislature to ensure fairness and equity should they determine it desirable to approve legislation to amend the Nebraska Clean Indoor Air Act (LB 395).

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF FAIR, EQUITABLE AND UNIFORM LEGISLATION SHOULD THE LEGISLATURE DECIDE TO AMEND THE NEBRASKA CLEAN INDOOR AIR ACT (LB 395).

WHEREAS, LB 395, introduced during the 2007 legislative session, would amend the Nebraska Clean Indoor Air Act by restricting smoking in any place of employment or public place in the State; and

WHEREAS, in it's final reading LB 395 contained an exemption for a metropolitan class city that had a smoking ban ordinance prior to January 1, 2007 and included a provision for other cities or villages to adopt more or less stringent smoking ordinances; and

WHEREAS, the governing body of the City of La Vista acknowledges that it is within the purview of the Nebraska Legislature to decide whether or not to enact a state-wide smoking ban; and

WHEREAS, should a state-wide smoking ban be approved, the ban should be fair, equitable and uniformly applicable in all jurisdictions across the State.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, hereby expresses its support of legislation that ensures fairness, equity and uniformity in all jurisdictions across the State in the event the Nebraska Legislature amends the Nebraska Clean Indoor Air Act and enacts a state-wide smoking ban.

BE IT FURTHER RESOLVED, that the Mayor is hereby directed to communicate this position to our representative in the Legislature and such other parties as may be desirable to further these purposes.

PASSED AND APPROVED THIS _____ DAY OF _____, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 18, 2007 AGENDA**

| Subject: | Type: | Submitted By: |
|-----------------------|-------------------------------------------|--------------------------------------|
| STRATEGIC PLAN UPDATE | RESOLUTION ORDINANCE ◆ RECEIVE/FILE | BRENDA S. GUNN CITY ADMINISTRATOR |

SYNOPSIS

On March 20, 2007 the City Council adopted the strategic plan that was developed during the annual strategic planning work session held by the Mayor and City Council on February 24, 2007. This is the third quarterly progress report.

FISCAL IMPACT

N/A.

RECOMMENDATION

Receive/File.

BACKGROUND

On Saturday, February 24, 2007 the Mayor and City Council held their annual strategic planning work session. As a result, the collaborative effort with the management team produced the City's Strategic Plan for 2007-2009 which Council approved via Resolution No. 07-033 on March 20, 2007.

It is intended that the Mayor and Council will be briefed quarterly on the status of the strategic planning initiatives. Updates included in this third report are underlined.



City of La Vista, Nebraska Strategic Plan for 2007-2009

As a part of the annual strategic planning work session the Mayor and City Council developed and has adopted this strategic plan to position the city government to meet La Vista's future needs.

1. Pursue revitalization of the 84th Street corridor

Key objectives:

- a. Understand that revitalization of the 84th Street corridor is twofold which includes dealing with the loss of businesses and vacant storefronts as well as potential redevelopment of the corridor
- b. Seek professional services to bring new ideas to the table and assist with plan development
- c. Appoint a committee to work on the development of an 84th Street Corridor Revitalization plan (*with consultant*)
 - i. Provide avenues to involve current business owners and other stakeholders in decisions about a redevelopment plan
- d. Adopt and enforce design standards to assure attractive redevelopment that promotes a unique community identity

Responsible Parties: Administration & Community Development

Action Steps:

- ♦ ICSC Attendance & Exhibition — May 2007
 - Cultivate resources and contacts identified from recent attendance.
 - Follow up correspondence & marketing materials were sent out.
- ♦ Budget for increased ICSC Participation & Exposure

Funding for the identified ICSC programs was approved in the recommended FY 08 municipal budget.

 - ICSC Deal Makers — October 2007 Attended by Gunn & Birch.
 - ICSC Alliance — January 29-30, 2008, St. Louis (2 staff members likely to attend)
 - ICSC Annual Conference — May 2008
- ♦ Begin 84th Street Visioning Process for Public Spaces — Anticipate utilizing American Planning Association (APA) resources.

The Community Development Director has made some initial inquiries regarding possible options for a visioning process. We will be meeting to discuss this during the next week and it is anticipated that we will have a recommendation for Council in early 2008.
- ♦ Items C & D are not currently anticipated in the upcoming fiscal year.

Timeline: Immediate & Ongoing

2. Provide for planned, fiscally responsible expansion of the city's boundaries.

Key objectives:

a. Prepare a long-range plan for the annexation of both residential and industrial subdivisions

Responsible Parties: All departments will be involved with primary responsibility to Community Development, Finance & Administration

Action Steps:

- ♦ Community Development and Finance prepare draft
The Finance Director has developed a preliminary assessment of the financials of subdivisions within the city's ETJ. We are in the process of trying to obtain the current financial reports from some of the SID's.
- ♦ Draft to Council at 2008 Strategic Planning Workshop
- ♦ Plan approval by Fall of 2008

Timeline: Plan completion at time of FY 08/09 Budget adoption

b. Plan for infrastructure improvements in the city's capital improvement budget

Responsible Parties: Administration, Finance & Public Works

Action Steps:

- ♦ Adoption of CIP 2008-2013, September 2007
Completed.
- ♦ Develop Capital budget for projects approved for FY 2008
Completed.
- ♦ Implement quarterly project progress reports
The Assistant City Administrator has developed the process and forms for said reports. The first reports will be due at the end of December.
- ♦ Draft of 2009-2014 plan to Council at 2008 Strategic Planning Workshop

Timeline: Fall of 2007 & Ongoing

c. Communicate the annexation plan and property tax implications to key stakeholders

Responsible Parties: Administration

Action Steps:

- ♦ Letters to property owners
- ♦ Quarterly newsletter
- ♦ Website
- ♦ Public Meetings

Timeline: TBD based on plan.

3. Preservation of older residential neighborhoods

Key objectives:

a. Schedule needed improvements in public facilities through the city's capital improvement plan

Responsible Parties: Public Works

Action Steps:

- ♦ Submit public facility improvements as part of the CIP process.

Timeline: Ongoing

b. Strengthen and enforce city building and environmental codes

Responsible Parties: Community Development

Action Steps:

- ♦ Review and propose improvements to municipal codes.
- ♦ Continue to be proactive in code enforcement.

Timeline: Ongoing

c. Implement a rental inspection program

Responsible Parties: Community Development

Action Steps:

- ♦ Review resource requirements for program.
- ♦ Develop proposal for rental housing program.

Timeline: Propose program as part of the FY 2008/09 Budget

4. Strengthen a sense of shared community identity among residents and businesses.

Key objectives:

a. Provide leadership to accomplish a significant celebration of the community's 50th anniversary.

Responsible Parties: Administration

Action Steps:

- ♦ Retain the services of an author to write the La Vista Story.
The City Attorney has assisted the Assistant City Administrator in making some contacts with people who have worked on similar projects. Following some upcoming meetings we hope to be able to make some recommendations to the Mayor and Council in the near future.
- ♦ Engage the La Vista Community Foundation in the planning of 50th Anniversary celebration events
- ♦ In conjunction with the LVCF, identify a 50th Anniversary Celebration committee.

Timeline:

- ♦ Currently in the process of identifying an author, timeline to be identified.
- ♦ Committee established by Summer of 2008

b. Market community identity through strategic partnerships with the Chamber of Commerce and the Community Foundation

Responsible Parties: Administration

Action Steps:

- ♦ Propose funding for marketing materials
Funding for has been included in the recommended FY 08 municipal budget.
- ♦ Develop Website Video
We are currently in the review process and anticipate the video being completed shortly after the first of the year.
- ♦ Identify opportunities for cooperative efforts with Chamber and Foundation (i.e. Citizen Survey)
Citizen survey has been completed with an open-ended question paid for by the La Vista Community Foundation. Results will be received in early 2008.

Timeline: Immediate & Ongoing.

- d. Conduct a random-sample written survey of citizens to determine attachment to community and ideas for improving the community and municipal services.**

Responsible Parties: Administration

Action Steps:

- ♦ Funding request as part of the FY 07/08 budget
- ♦ If approved, engage with the National Citizen Survey to conduct survey.

Timeline: Survey is complete. Results will be available in early 2008.

- e. Distribute quarterly citizen newsletter to residents of La Vista's SID's**

Responsible Parties: Administration

Action Steps:

- ♦ Funding request as part of the FY 07/08 budget (Completed)

Timeline: Winter 2008 if funding is approved.

5. Improve and expand the city's quality of life amenities for residents and visitors to the community.

Key objectives:

a. Complete swimming pool plan and determine implementation schedule

Responsible Parties: Administration & Finance

Action Steps:

- ♦ Continue working with Citizen Committee to present recommendation to the Mayor & Council
- ♦ Based on scope of recommended project, prepare financing proposal.
- ♦ Propose a timeline for potential bond issue.

Timeline: Fall 2008

Based on the Swimming Pool Committee's desire to have additional community input, two questions were included in the Citizen Survey. Once the results are obtained (in early 2008) the Committee will meet again to work on their recommendation.

b. Identify options for creation of public green space with the property owner of the sod farm and develop a plan

Responsible Parties: Administration, Community Development, Public Works, Recreation

Action Steps:

- ♦ Explore opportunities with the La Vista Community Foundation
- ♦ Request funding for plan development.

Timeline: Ongoing. Propose funding for plan as part of the FY 2008/09 Budget.

d. Create strategies for accomplishing other high priority quality of life amenities identified by residents through the citizen survey

- ♦ To Be Determined based on results of citizen survey.

6. Become more proactive on legislative issues

Key objectives:

- a. Form a consortium with other local governments in the region so as to work cooperatively in pursuit of mutual interests**

Responsible Parties: Mayor & Administration

Action Steps:

- ♦ Quarterly Mayors Meeting

Timeline: Immediate & ongoing.

- b. Adopt a common legislative agenda for advancing state policies that promote the interests of communities in the consortium**

- i. Consider hiring a lobbyist**

Responsible Parties: Administration

Action Steps:

- ♦ Through an Interlocal Cooperation Agreement the five cities of Sarpy County have jointly hired a lobbyist and established a legislative agenda for the 2008 Legislative session.

Timeline: Immediate & Ongoing.

7. Adopt and implement standards of excellence for the administration of city services.

Key objectives:

a. Achieve a successful leadership transition in the fire department

Responsible Parties: Fire & Administration

Action Steps:

- ♦ This has been successfully completed and the transition will continue to evolve.
- ♦ Continue to monitor progress and address related issues.

Timeline: Ongoing.

b. Provide for the orderly and uninterrupted transition of personnel into key city appointed positions through a succession plan

Responsible Parties: All Departments

Action Steps:

- ♦ Utilize hiring process as an opportunity to review position descriptions to articulate long term organizational expectations
- ♦ Fund and provide training opportunities
Funding for additional training opportunities has been included in the FY 08 municipal budget.
- ♦ Provide succession planning training to the Management Team
- ♦ Review and make recommendation regarding the City's policies for funding for employee educational assistance.

Timeline: Immediate & Ongoing.

c. Expand formal learning opportunities for employee development

Responsible Parties: All Departments.

Action Steps:

- ♦ Fund training requests as part of the annual budget.
Funding was approved in the FY 08 municipal budget.
- ♦ Identify opportunities in-house training
Funding for to bring an ICMA Training Session to La Vista has been included in the approved FY 08 municipal budget.

Timeline: Immediate & Ongoing.

d. Assure the recruitment and retention of city staff through competitive compensation which is guided by results of a wage and benefit survey

Responsible Parties: Human Resources

Action Steps:

- ♦ Funding was included in FY 08 budget.
- ♦ The Assistant City Administrator recently sent out a request for proposals (RFP) and is currently in the review process. It is anticipated that a recommendation will be made to Council in early 2008.

Timeline: TBD

J

RESOLUTION _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF BONES, BREW AND BBQ, LA VISTA, NEBRASKA.

WHEREAS, Bones, Brew and BBQ, 8045 South 83rd Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by Bones, Brew and BBQ, 8045 South 83rd Street.

PASSED AND APPROVED THIS 18TH DAY OF DECEMBER 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM

TO: PAM BUETHE, CITY CLERK
FROM: BOB LAUSTEN, POLICE CHIEF
SUBJECT: LOCAL BACKGROUND- LIQUOR LICENSE
DATE: 11/30/2007
CC:

The police department conducted a check of computerized records on the applicant, John C Davis and his spouse Calleen Davis, for criminal conduct in Nebraska and Sarpy County in reference to the Liquor License application. The applicant has traffic entries only.

STATE OF NEBRASKA

Dave Heineman
Governor

NEBRASKA LIQUOR CONTROL COMMISSION

Hobert B. Rupe Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814
TRS USER 800 833-7352 (TTY)

November 29, 2007

LA VISTA CITY CLERK
8116 PARK VIEW BLVD
LA VISTA NE 68128-2198

RE: BONES BREW & BBQ

Dear Local Governing Body:

Attached is the form to be used on all retail liquor license applications. Local clerks must collect proper license fees and occupation tax per ordinance, if any, before delivering the license at time of issuance.

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

- 1) Publicize one time not less than 7 days, not more than 14 days prior to date of hearing.
- 2) You have 45 days to conduct a hearing after the date of receipt of the notice from this Commission (§53-134). You may choose **NOT** to make a recommendation of approval or denial to our Commission.

PER §53-133, THE LIQUOR CONTROL COMMISSION SHALL SET FOR HEARING ANY APPLICATION WHEREIN:

- 1) There is a recommendation of denial from the local governing body.
- 2) A citizens protest; or
- 3) Statutory problems that the Commission discovers.

PLEASE NOTE...A LICENSEE MUST BE PROPERLY LICENSED IN ORDER TO PURCHASE FROM WHOLESALERS; AND, A LICENSE IS EFFECTIVE:

- 1) Upon payment of the license fees;
- 2) Physical possession of the license;
- 3) Effective date on the license.

Sincerely,

NEBRASKA LIQUOR CONTROL COMMISSION



Randy Seibert
Licensing Division

Enclosures

Rhonda R. Flower
Commissioner

Bob Logsdon
Chairman

An Equal Opportunity/Affirmative Action Employer

Pat Thomas
Commissioner

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

Date Mailed from Commission Office: November 29, 2007

I, _____ Clerk of _____
(City, Village or County)

Nebraska, hereby report to the Nebraska Liquor Control Commission in accordance with Revised Statutes of Nebraska, Chapter 53, Sec. 134 (7) (reissue 1984) the recommendation of said city, village or county, as the case may be relative to the application for a license under the provisions of the Nebraska Liquor Control Act as applied for by:

BONES BREW & BBQ

8045 SOUTH 83RD S

LA VISTA NE 68128

1. Notice of local hearing was published in a legal newspaper in or of general circulation in city, village or county, one time not less than 7 nor more than 14 days before time of hearing.

Check one.....Yes_____ No_____

The Statutes require that such hearing shall be held not more than 45 days after the date of receipt of this notice from the Commission.

2. Local hearing was held not more that 45 days after receipt of notice from the Nebraska Liquor Control Commission.

Check one.....Yes_____ No_____

3. Date of hearing of Governing Body: _____

4. Type or write the Motion as voted upon by the Governing Body. If additional Motions are made by the Governing Body, then use an additional page and follow same format.

5. Motion was made by: _____ Seconded by: _____

6. Roll Call Vote: _____

7. Check one: The motion passed: _____ The motion failed _____

8. If the motion is for recommendation of denial of the applicant, then list the reasons of the governing body upon which the motion was made.

(Attached additional page if necessary)

SIGN HERE _____ **DATE** _____
clerks signature

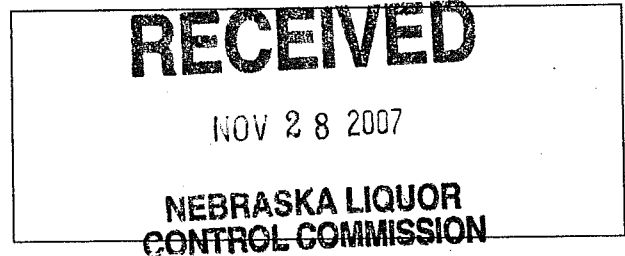
RS

**APPLICATION FOR LIQUOR LICENSE
CHECKLIST**

301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov

79445

City
↙



Applicant Name John C. Davis

Trade Name Bones Brew & BBQ, LLC Previous Trade Name Boston's

Provide all the items requested. Failure to provide any item will cause this application to be returned or placed on hold. All documents must be legible. Any false statement or omission may result in the denial, suspension, cancellation or revocation of your license. If your operation depends on receiving a liquor license, the Nebraska Liquor Control Commission cautions you that if you purchase, remodel, start construction, spend or commit money that you do so at your own risk. Prior to submitting your application review the application carefully to ensure that all sections are complete, and that any omissions or errors have not been made. You may want to check with the city/village or county clerk, where you are making application, to see if any additional requirements must be met before submitting application to the state.

REQUIRED ATTACHMENTS

Each item must be checked and included with application or marked N/A (not applicable)

- A
Q
- ☐ 1. Fingerprint cards for each person (two cards per person) must be enclosed with a check payable to the Nebraska State Patrol for processing in the amount of \$38.00 per person. All areas must be completed on cards as per brochure.
 - ☐ 2. Enclose registration fee for the appropriate class of license, made out to the Nebraska Liquor Control Commission.
 - ☐ 3. Enclose the appropriate application forms; Individual License – Form 1; Partnership License – Form 2; Corporate - Form 3a; Limited Liability Form (LCC) – Form 3b. Corporate Form 3a and LLC Form 3b requires Corporate Manager application – Form 3c.
 - ☐ 4. If building is being leased send a copy of the lease. Be sure it reads in the individual(s), corporate or LLC name being applied for. Also, the lease must extend through the license year being applied for. If building owned, send a copy of the deed or purchase agreement in appropriate name.
 - ☐ 5. If you are buying the business of a current licensee, provide a copy of the purchase agreement from licensee. This also needs to be in appropriate applicant's name.
 - ☐ 6. If wishing to run on current liquor license enclose temporary agency agreement (must be Commission form only, must include copy of signature card from the bank showing both the seller and buyers name on account).



BUS 22124
45mm

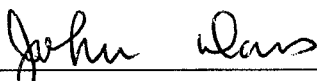
☐ 7. Copy of alcohol inventory being purchased. Inventory shall include brand names and container sizes. Inventory may be taken at the time application is being submitted.

☐ 8. Enclose a list of any inventory or property owned by other parties that are on the premise.

☐ 9. For individual, partnership and LLC enclose proof of citizenship; copy of birth certificate (certificate from the State where born, not hospital certificate), naturalization paper or passport, for all applicants, members and spouses.

☐ 10. If corporation or LLC enclose a copy of articles as filed with the Secretary of States Office. This document must show barcode.

I acknowledge that this application is not a guarantee that a liquor license will be issued to me, and that the average processing period is 45-60 days. Furthermore, I understand that all the information is truthful and I accept all responsibility for any false documents.



Signature

APPLICATION FOR LIQUOR LICENSE

301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.ne.gov/

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CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES CHECK DESIRED CLASS(S) **NEBRASKA LIQUOR CONTROL COMMISSION**

RETAIL LICENSE(S)

| | | | |
|-------------------------------------|---|-----------------------------------------------|---------|
| <input type="checkbox"/> | A | BEER, ON SALE ONLY | \$45.00 |
| <input type="checkbox"/> | B | BEER, OFF SALE ONLY | \$45.00 |
| <input checked="" type="checkbox"/> | C | BEER, WINE & DISTILLED SPIRITS, ON & OFF SALE | \$45.00 |
| <input type="checkbox"/> | D | BEER, WINE & DISTILLED SPIRITS, OFF SALE ONLY | \$45.00 |
| <input type="checkbox"/> | I | BEER, WINE & DISTILLED SPIRITS, ON SALE ONLY | \$45.00 |

Class K Catering license may be added to any of these classes with the filing of the appropriate form and fee of \$100.00

MISCELLANEOUS

| | | | | |
|--------------------------|---|--------------------------|------------------------|-----------------------|
| <input type="checkbox"/> | L | Craft Brewery (Brew Pub) | \$295.00 | \$1,000 minimum bond |
| <input type="checkbox"/> | O | Boat | \$ 95.00 | |
| <input type="checkbox"/> | V | Manufacturer | \$ 45.00(+license fee) | \$10,000 minimum bond |
| <input type="checkbox"/> | W | Wholesale Beer | \$545.00 | \$5,000 minimum bond |
| <input type="checkbox"/> | X | Wholesale Liquor | \$795.00 | \$5,000 minimum bond |
| <input type="checkbox"/> | Y | Farm Winery | \$295.00 | \$1,000 minimum bond |
| <input type="checkbox"/> | Z | Micro Distillery | \$295.00 | \$1,000 minimum bond |

All Class C licenses expire October 31st

All other licenses expire April 30th

Catering expire same as underlying retail license

TYPE OF APPLICATION BEING APPLIED FOR (CHECK ONE)

- ☐ Individual License (requires insert form 1)
☐ Partnership License (requires insert form 2)
☐ Corporate License (requires insert form 3a & 3c)
☒ Limited Liability Company (requires form 3b & 3c)

NAME OF PERSON OR FIRM ASSISTING WITH APPLICATION (commission will call this person with any questions we may have on this application)

Name John C. Davis

Phone number: 402-301-3002

Firm Name Bones Brew & BBQ, LLC

PREMISE INFORMATIONTrade Name (doing business as) Bones Brew & BBQStreet Address #1 8045 S. 83rd Ave.

Street Address #2 _____

City LaVista County Douglas Zip Code 68128Premise Telephone number 402-592-2337Is this location inside the city/village corporate limits: ☒ YES ☐ NO

Mail address (where you want receipt of mail from the commission)

Name Bones Brew & BBQ, LLCStreet Address
#1 5921 F StreetStreet Address
#2 _____City Omaha County Douglas Zip Code 68117**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED**

In the space provided or on an attachment draw the area to be licensed. This should include storage areas, basement, sales areas and areas where consumption or sales of alcohol will take place. If only a portion of the building is to be covered by the license, you must still include dimensions (length x width) of the licensed area as well as the dimensions of the entire building in situations. No blue prints please. Be sure to indicate the direction north and number of floors of the building.

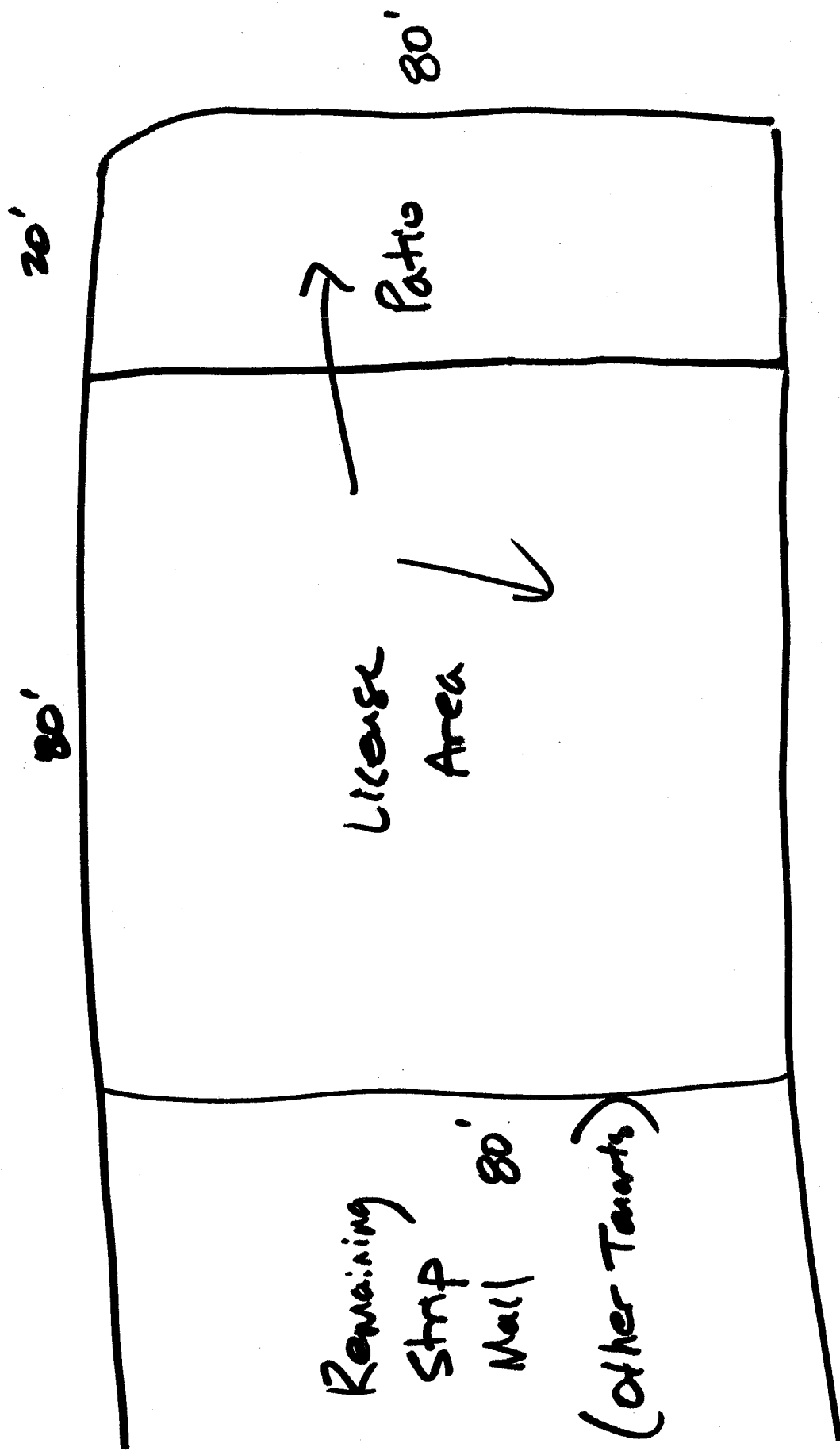
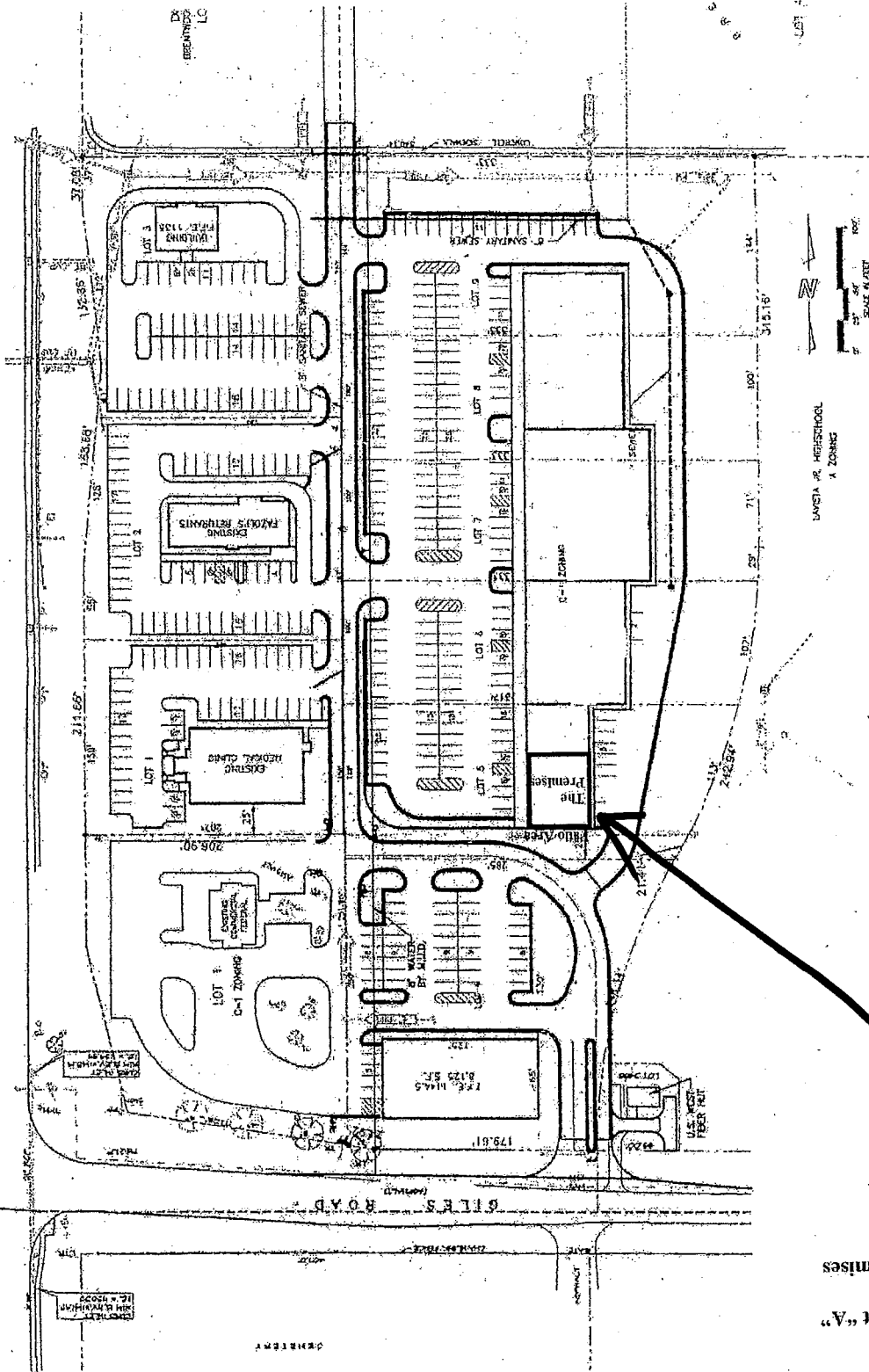


Exhibit "A"
The Premises



ENGINEER
THOMAS R. REX
1000 10th St. N.E.
ALBANY, N.Y. 12206
(518) 535-5442

APPLICANT INFORMATION

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

☐ YES ☒ NO

If yes, please explain below or attach a separate page.

2. Are you buying the business and/or assets of a licensee?

☐ YES ☒ NO

If yes, give name of business and license number

58684

- a) Submit a copy of the sales agreement including a list of the furniture, fixtures and equipment.
b) Include a list of alcohol being purchased, list the name brand, container size and how many?

3. Are you filing a temporary agency agreement whereby current licensee allows you to operate on their license?

☒ YES ☐ NO

If yes, attach temporary agency agreement form and signature card from the bank.

This agreement is not effective until you receive your three (3) digit ID number from the Commission.

4. Are you borrowing any money from any source to establish and/or operate the business?

☐ YES ☒ NO

If yes, list the lender

5. Will any person or entity other than applicant be entitled to a share of the profits of this business?

☐ YES ☒ NO

If yes, explain. All involved persons must be disclosed on application.

6. Will any of the furniture, fixtures and equipment to be used in this business be owned by others?

☐ YES ☒ NO

If yes, list such items and the owner.

7. Will any person(s) other than named in this application have any direct or indirect ownership or control of the business?

☐ YES ☒ NO

If yes, explain.

No silent partners

8. Are you premises to be licensed within 150 feet of a church, school, hospital, home for the aged or indigent persons or for veterans, their wives, children, or within 300 feet of a college or university campus?

☐ YES ☒ NO

If yes, list the name of such institution and where it is located in relation to the premises (Neb. Rev. Stat. 53-177)

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9. Is anyone listed on this application a law enforcement officer?

☐ YES ☒ NO

If yes, list the person, the law enforcement agency involved and the person's exact duties

**NEBRASKA LIQUOR
CONTROL COMMISSION**

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business and the individual(s) who will be authorized to write checks and/or withdrawals on accounts at the institution.

Pinnacle Bank, Papillion Branch, John C. Davis

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.
None

12. List the person who will be the on site supervisor of the business and the estimated number of hours per week such person or manager will be on the premises supervising operations. John C. Davis, 40 Hours

13. List the training and/or experience (when and where) of the person lists in #12 above in connection with selling and/or serving alcoholic beverages. 2 years Management experience at the Icehouse

14. If the property for which this license is sought is owned, submit a copy of the deed, or proof of ownership. If leased, submit a copy of the lease covering the entire license year. Documents must show title or lease held in name of applicant as owner or lessee in the individual(s) or corporate name for which the application is being filed.

☒ Lease: expiration date November 30, 2008

☐ Deed

☐ Purchase Agreement

15. When do you intend to open for business? December 3, 2007

16. What will be the main nature of business? Restaurant and Bar

17. What are the anticipated hours of operation? Monday-Thursday 4p-1a, Friday-Sunday 11a-1a

18. List the principal residence(s) for the past 10 years for all persons required to sign, including spouses. If necessary attach a separate sheet.

separate sheet.

| RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE | | | | | |
|----------------------------------------------------------------------|------|------|----------------------|------|----|
| APPLICANT: CITY & STATE | YEAR | | SPOUSE: CITY & STATE | YEAR | |
| | FROM | TO | | FROM | TO |
| Bellevue, NE | 1996 | 2007 | | | |
| | | | | | |
| | | | | | |
| | | | | | |

The undersigned applicant(s) hereby consent(s) to an investigation of his/her background investigation and release present and future records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant(s) and spouse(s) waive(s) any right or causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

Individual applicants agree to supervise in person the management and operation of the business and that they will operate the business authorized by the license for themselves and not as an agent for any other person or entity. Corporate applicants agree the approved manager will superintend in person the management and operation of the business. Partnership applicants agree one partner shall superintend the management and operation of the business. All applicants agree to operate the licensed business within all applicable laws, rules regulations, and ordinances and to cooperate fully with any authorized agent of the Nebraska Liquor Control Commission.

Must be signed in the presence of a notary public by applicant(s) and spouse(s). If partnership or LLC (Limited Liability Company), all partners, members and spouses must sign. If corporation all officers, directors, stockholders (holding over 25% of stock and spouses). Full (birth) names only, no initials.

John Davis
Signature of Applicant

Callen M Davis
Signature of Spouse

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

Signature of Applicant

Signature of Spouse

State of Nebraska

County of DOUGLAS

The foregoing instrument was acknowledged before me this 11/26/07 by

BRYON J. TENSKI

[Signature]
Notary Public signature

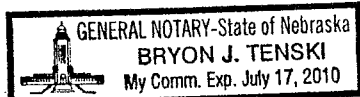
County of DOUGLAS

The foregoing instrument was acknowledged before me this 11/26/07 by

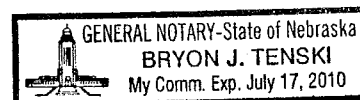
BRYON J. TENSKI

[Signature]
Notary Public signature

Affix Seal Here



Affix Seal Here



in compliance with the ADA, this manager insert form 3c is available in other formats for persons with disabilities.
A ten day advance period is required in writing to produce the alternate format.

APPLICATION FOR LIQUOR LICENSE
LIMITED LIABILITY COMPANY (LLC)
INSERT - FORM 3b

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

Office Use

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NOV 28 2007

NEBRASKA LIQUOR
CONTROL COMMISSION

All LCC members, including spouses, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must provide a copy of their certified birth certificate or INS papers
- 3) Must submit their fingerprints (2 cards per person)
- 4) Must sign the signature page of the Application for License form (even if spousal affidavit has been submitted)

Attach copy of Articles of Organization (Articles must show barcode receipt by Secretary of States office)

Name of Registered Agent: John Davis

Name of Limited Liability Company that will hold license as listed on the Articles of Organization

Bones Brew & BBQ

LLC Address: 5921 F ST

City: Omaha State: NE Zip Code: 68117

LLC Phone Number: 402-301-3002 Fax Number 402-391-9946

Name of Contact Member (Name and information of contact member must be listed on following page)

Last Name: DAVIS First Name: John MI: C

Home Address: 2213 Scarborough Dr City: Bellvue

State: Ne Zip Code: 68123 Home Phone Number: 402-291-4189

John Davis

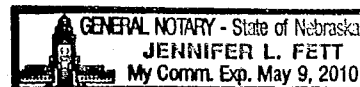
Signature of Contact Member

County of Sarpy

The foregoing instrument was acknowledged before me this 28th day of November 2007 by

John Davis
Jennifer L. Fett
Notary Public signature

Affix Seal Here



List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: DAVIS First Name: John MI: C

Social Security Number: _____ Date of Birth: 3.8.67

Spouse Full Name (indicate N/A if single): CAileen M. Davis

Spouse Social Security Number: _____ Date of Birth: 10-11-70

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Is the applying Limited Liability Company controlled by another Corporation/Company?

☐ YES

☒ NO

If yes, provide the name of corporation/company and supply an organizational chart

Indicate the company's tax year with the IRS (Example January through December)

Starting Date: _____ Ending Date: _____

Is this a Non Profit Corporation?

☐ YES

☒ NO

If yes, provide the Federal ID #.

In compliance with the ADA, this limited liability company insert form 3b is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format

List names of all members and their spouses (even if a spousal affidavit has been submitted)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Spouse Full Name (indicate N/A if single): _____

Spouse Social Security Number: _____ Date of Birth: _____

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

Corporate manager, including their spouse, are required to adhere to the following requirements

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 - 006)
- 3) Must provide a copy of their certified birth certificate or INS papers
- 4) Must submit their fingerprints (2 cards per person)
- 5) Must be 21 years of age or older
- 6) Applicant may be required to take a training course

Corporation/LLC information

Name of Corporation/LLC: Bones Brew & BBQ

Premise information

Premise License Number: _____

Premise Trade Name/DBA: _____

Premise Street Address: 8045 S. 83rd AVE

City: LA VISTA State: NE Zip Code: 68128

Premise Phone Number: 402-592-2337

The individual whose name is listed in the president or contact member category on either insert form 3a or 3b must sign their name below.

John Wans
CORPORATE OFFICER SIGNATURE
(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Gender: ☒ MALE ☐ FEMALE

Last Name: Davis First Name: John MI: C

Home Address (include PO Box if applicable): 2213 Scarborough Dr

City: Bellevue State: Ne Zip Code: 68123

Home Phone Number: 402-291.4189 Business Phone Number: 402-301.3002

Social Security Number: _____ Drivers License Number & State: H12519215

Date Of Birth: 3-8-67 Place Of Birth: Michigan City, Indiana

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

☒ YES ☐ NO

Spouse's information

Spouses Last Name: DAVIS First Name: Calleen MI: M

Social Security Number _____ Drivers License Number & State: H12505641

Date Of Birth: 10-11-70 Place Of Birth: Omaha, NE

APPLICANT AND SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST 10 YEARS

| APPLICANT | | | SPOUSE | | |
|--------------|--|-----------------|--------------|--|-----------------|
| CITY & STATE | | YEAR FROM TO | CITY & STATE | | YEAR FROM TO |
| Bellevue, NE | | 1996 2007 | Bellevue, NE | | 1996 2007 |
| | | | | | |
| | | | | | |
| | | | | | |

MANAGER'S LAST TWO EMPLOYERS

| YEAR FROM TO | NAME OF EMPLOYER | NAME OF SUPERVISOR | TELEPHONE NUMBER |
|-----------------|---------------------|--------------------|------------------|
| 4/04 6/04 | ICEHOUSE SPORTS BAR | Mark Mitchell | 402-850.5555 |
| 1/06 11/07 | HAPPY CAB | Mark Mitchell | 402-850-5555 |

Manager and spouse must review and answer the questions below

PLEASE PRINT CLEARLY

1. **READ PARAGRAPH CAREFULLY AND ANSWER COMPLETELY AND ACCURATELY.**

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea. Also list any charges pending at the time of this application. **If more than one party, please list charges by each individual's name.**

☐ YES

☒ NO

If yes, please explain below or attach a separate page.

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? **IF YES**, list the name of the premise.

☐ YES

☒ NO

3. Do you, as a manager, have all the qualifications required to hold a Nebraska Liquor License? Nebraska Liquor Control Act (§53-131.01)

☒ YES

☐ NO

4. Have you filed the required fingerprint cards and **PROPER FEES** with this application? (The check or money order must be made out to the **Nebraska State Patrol for \$38.00 per person**)

☒ YES

☐ NO

PERSONAL OATH AND CONSENT OF INVESTIGATION

The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true. If any false statement is made in any part of this application, the applicant(s) shall be deemed guilty of perjury and subject to penalties provided by law. (Sec §53-131.01) Nebraska Liquor Control Act.

The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action that said applicant or spouse may have against the Nebraska Liquor Control Commission and any other individual disclosing or releasing said information to the Nebraska Liquor Control Commission. If spouse has **NO** interest directly or indirectly, a spousal affidavit of non participation may be attached:

The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate, or fraudulent.

John Davis
Signature of Manager Applicant

Calleen M Davis
Signature of Spouse

State of Nebraska

County of Sarpy

County of Sarpy

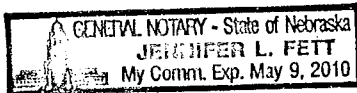
The foregoing instrument was acknowledged before me this 28th day of November 2007 by John Davis

The foregoing instrument was acknowledged before me this 28th day of November 2007 by Calleen M. Davis

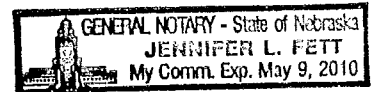
Jennifer L. Fett
Notary Public signature

Jennifer L. Fett
Notary Public signature

Affix Seal Here



Affix Seal Here



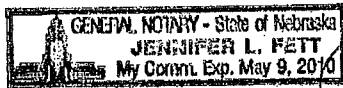
**NEBRASKA LIQUOR CONTROL COMMISSION
AFFIDAVIT OF NON PARTICIPATION**

The undersigned individual acknowledges that he/she will have no interest, directly or indirectly, in the operation or profit of the business, as prescribed in Section §53-125(13) of the Liquor Control Act. Such individual shall not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent themselves as owner or in any way participate in the day to day operations in any capacity. The undersigned individual will also be waived of filing fingerprint cards, however, will be required to disclose any violation(s) on all applications and sign all necessary documents.

Caitlin M Davis

Signature of Spouse Asking to be Waived

SUBSCRIBED in my presence and sworn to before me this 28th day
of November, 2007.



Jennifer L. Fett
Signature of Notary Public

The applying individual, whose spouse is requesting to be waived, understands that he/she is responsible for compliance with the conditions set out above, and that if such terms are violated, the Commission may cancel or revoke the license.

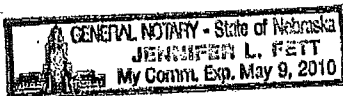
John Davis

*Signature of applying individual
(spouse of individual listed above)

John Davis

Print name of applying individual

SUBSCRIBED in my presence and sworn to before me this 28th day
of November, 2007.



Jennifer L. Fett
Signature of Notary Public

*spouse of individual listed above is the individual required to sign bottom portion of affidavit

LAPORTE COUNTY HEALTH DEPARTMENT

LA PORTE, INDIANA

Certificate of Birth Registration

According to the records of the LaPorte County Health Department

Name John Courtney Davis March 8, 1967 Year
Was born in Michigan City Indiana, on
Child of Johnson Davis and Mamie L. Cotton Davis
Birthplace of Father Mississippi Birthplace of Mother Mississippi
Record was filed 3-16-67 Certificate Number 182 Book MC1967 Page 26

SEAL

HEALTH OFFICER

Issued September 11 19 78

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NEBRASKA LIQUOR
CONTROL COMMISSION

TEMPORARY AGENCY AGREEMENT

ID# _____

1. On November 15, 2007, Seller and Buyer entered into a contract for sale of the business known as Boston's, which contract is contingent upon Buyer receiving approval for a liquor license to operate the business.
2. Seller and Buyer agree to allow Buyer to operate the business, subject to approval by the Liquor Control Commission, for a period not to exceed 120 days subsequent to _____, _____, the date of filing the application with the Liquor Control Commission.
3. Seller will maintain a possessory interest in the property in the form of a lease, use permit or license;
4. Buyer will at all times be the agent of the Seller, but Buyer will be completely and totally responsible for the operation of the business and for all liability associated with the operation of the business during the time when Buyer is acting as Seller's agent; it is specifically understood that Seller shall have no liability for the operation of the business during this period of time, and Buyer agrees to indemnify and hold Seller harmless from any claims arising during this period of operation; however, it is understood that the liquor license remains in the name of the Seller and Seller will be responsible for all violations of the liquor laws of the State of Nebraska until such time as Seller's license is canceled;
5. At time of closing, certain funds will be held in escrow pending issuance of the license.
6. **Financial Institution: Name, Address, Account number** of _____ where escrow account is being held - Send Copy Of Signature Card.
7. All profits derived from the operation of the business by the buyer, after payment of bills and salaries, shall be paid to the same escrow agent to be held until the issuance of the license, it being specifically understood that the Buyer shall receive no profits from the operation of the business until the liquor license has been issued to Buyer, but shall have the right to direct the investment of profit funds by escrow agent.
8. This agreement constitutes the entire and complete understanding of all parties with regard to the agency relationship, and is binding upon the heirs, personal representatives and successors of the parties.
9. It is hereby understood that in the event the Commission denies this application, this Temporary Agency Agreement is null and void the date of the order.

Signature of Seller [Signature]

Signature of Seller _____

Signature of Buyer [Signature]

Signature of Buyer _____

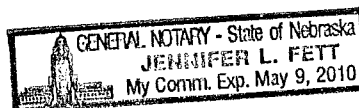
Dated this 15th day of November, 2007.

STATE OF NEBRASKA)
COUNTY OF SARPY)
SS

The above and foregoing Agency Agreement was acknowledged before me this 15th day of November, 2007, by William E. Newig, as **Seller**, _____, as **Seller**.

The above and foregoing Agency Agreement was acknowledged before me this 15th day of November, 2007, by John Davis, as **Buyer**, _____, as **Buyer**.

Signature & Seal of Notary Public _____



Pinnacle Bank - KMN
Additional Authorized Individual Request Form

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Corporation / Entity Name: BONES BREW AND BBQ LLC

NOV 28 2007

Account Number: 2200662100

NEBRASKA LIQUOR
CONTROL COMMISSION

☒ The following persons are authorized to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this financial institution:

| NAME & TITLE | SIGNATURE | OFAC (Y / N) |
|-------------------|-------------------------|--------------|
| A. Amanda Nervig | <u>Amanda M. Nervig</u> | <u>Y</u> |
| B. William Nervig | <u>W. R. Nervig</u> | <u>Y</u> |
| C. John Davis | <u>John Davis</u> | <u>Y</u> |
| D. _____ | _____ | _____ |

☐ The following persons are no longer authorized to endorse checks and orders for the payment of money or otherwise withdraw or transfer funds on deposit with this financial institution:

1. _____
2. _____
3. _____

Agent Change (Corporate Resolution or Entity Agreement)

EIN # _____

☐ Add Power(s) # _____ authorized for _____ (Agent)

(Agent Signature)

☐ Remove Power(s) # _____ for _____ (Agent)

Authorized by: [Signature] (MARK MITCHELL)

Resolution Dated: 11-15 Dated: NOV 27, 20 07

Only required if not signed in the presence of a Pinnacle employee.

Notary

State: Nebraska

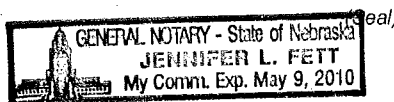
County: Sarpy

The foregoing instrument was acknowledged before me this 27th date of November, 2007

By: Mark W. Mitchell

Notary Public: Jennifer L. Fett

My Commission Expires: May 9, 2010



November 28, 2007

Nebraska State Liquor Commission
301 Centennial Mall South
Lincoln, NE 68509

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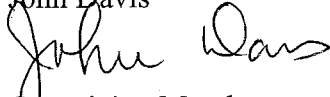
NOV 28 2007

**NEBRASKA LIQUOR
CONTROL COMMISSION**

Commission staff;

I have established an LLC under the name "Bones Brew & BBQ". This LLC will do business as a restaurant to be known as Bones Brew and BBQ. The premise address is 8045 S. 83rd ave, LaVista, Ne 68128. This entity will assume the remaining inventory of beer, wine, and/or alcohol from Heritage LLC dba as "Boston's". Bones Brew and BBQ did not purchase the business from Boston's however, Bones will assume control of the remaining inventory.

John Davis



Organizing Member
Bones Brew & BBQ

STATE OF

NEBRASKA

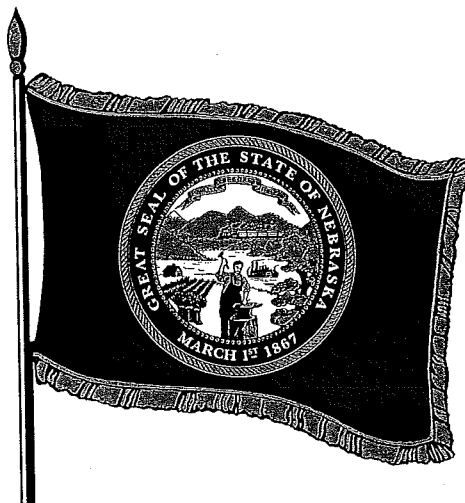
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NEBRASKA LIQUOR
CONTROL COMMISSION

United States of America, }
State of Nebraska } ss.

Department of State
Lincoln, Nebraska



I, John A. Gale, Secretary of State of Nebraska do hereby certify;

the attached is a true and correct copy of the Articles of Organization
of

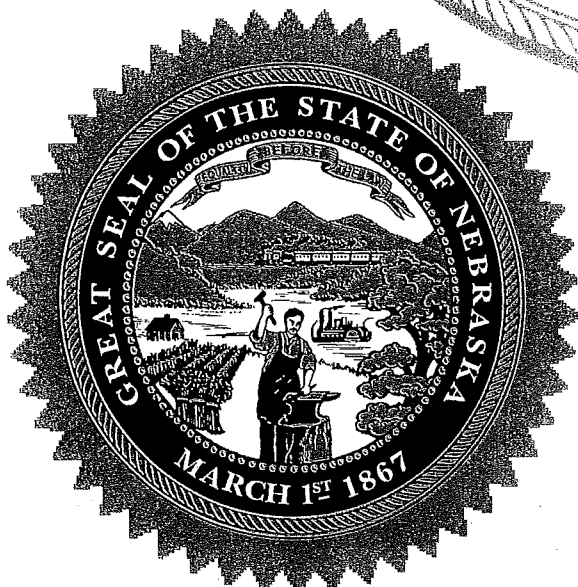
BONES BREW & BBQ, LLC

with its registered office located in OMAHA, Nebraska, as filed in this
office on November 27, 2007.

In Testimony Whereof,

I have hereunto set my hand and
affixed the Great Seal of the State
of Nebraska on November 27, 2007.

John A. Gale
SECRETARY OF STATE



This certificate is not to be construed as an endorsement,
recommendation, or notice of approval of the entity's
financial condition or business activities and practices.

**ARTICLES OF ORGANIZATION
OF
Bones Brew & BBQ, LLC**

NE Sec of State John A Gale - CORP AL
1000753892 Pgs: 2
BONES BREW & BBQ, LLC
Filed: 11/27/2007 02:13 PM

The undersigned, desiring to form a limited liability company (the "Company") under the Nebraska Limited Liability Company Act (the "Act") hereby states as follows:

Article I: NAME

The name of the Company is Bones Brew & BBQ, LLC.

Article II: PURPOSE

The Company may conduct any lawful business as allowed by law.

Article III: PRINCIPAL PLACE OF BUSINESS

The principal place of business of the Company in Nebraska is 5921 F Street, Omaha NE 68117.

Article IV: CAPITAL CONTRIBUTIONS

Capital Contributed. The total amount of cash contributed to the Company by the members as stated capital is \$200 and no property other than cash was contributed.

Additional Contributions. The members may make additional contributions to the capital of the Company at such times and in such amounts as the members may determine in accordance with the Operating Agreement of the Company.

Article V: ADDITIONAL MEMBERS

Additional members may be admitted to the Company by the members at such times and upon such terms and conditions as are provided in the Operating Agreement of the Company.

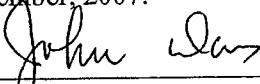
Article VI: MANAGEMENT AND ADMINISTRATION

The business and affairs of the Company shall be managed by the members. The administration and regulation of the affairs of the Company shall be governed in the Operating Agreement of the Company. The names and addresses of the members are: John Davis, 5921 F Street, Omaha NE 68117

Article VII: REGISTERED AGENT AND OFFICE

The name and address of the registered agent of the Company is John Davis, 5921 F Street, Omaha NE 68117

EXECUTED by the undersigned Organizer on the 26th day of November, 2007.



John Davis, Organizer

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

November 26, 2007

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To Whom it May Concern:

NOV 28 2007

NEBRASKA LIQUOR
CONTROL COMMISSION

As owner of the reserved name, Bones Brew & BBQ, I, Mark W Mitchell authorize John C Davis to file articles of incorporation.

A handwritten signature in black ink, appearing to read 'mm', followed by a long horizontal line.

Mark W Mitchell