

# MINUTE RECORD

A-2

No. 729 — REFIELD & COMPANY, INC. OMAHA E131056LD

## LA VISTA CITY COUNCIL MEETING November 1, 2016

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on November 1, 2016. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Bueche, Police Chief Lausten, Director of Administrative Services Pokorny, Community Development Director Birch, Finance Director Miserez, Recreation Director Stopak, Assistant Public Works Director/City Engineer Kottmann, Assistant Library Director Norton, and Human Resources Manager Garrod.

A notice of the meeting was given in advance thereof by publication in the Times on October 19, 2016. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order, led the audience in the Pledge of Allegiance, and made the announcements.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2016 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE AUGUST 17, 2016 PARK AND RECREATION ADVISORY COMMITTEE MEETING
4. MONTHLY FINANCIAL REPORT – AUGUST 2016
5. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – BIG PAPIO CREEK SIPHON REPAIR - \$108.75
6. REQUEST FOR PAYMENT – MBC CONSTRUCTION – CONSTRUCTION SERVICES – CITY PARKING DISTRICT ACCESS IMPROVEMENTS - \$67,844.92
7. REQUEST FOR PAYMENT – NL & L CONCRETE, INC. – CONSTRUCTION SERVICES - CITY PARKING DISTRICT ACCESS IMPROVEMENTS – \$52,918.65
8. RESOLUTION NO. 16-141 – CHANGE ORDER NO. 6 – MBC CONSTRUCTION CO. – CITY PARKING DISTRICT ACCESS IMPROVEMENTS – PORTSIDE PARKWAY

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH MBC CONSTRUCTION CO., INC., OMAHA, NEBRASKA, FOR CHANGES IN LABOR EQUIPMENT AND MATERIALS NEEDED TO INSTALL ADDITIONAL FENCING, INSTALL STREET NAME SIGNS, AND SIDEWALK CONSTRUCTION IN AN AMOUNT NOT TO EXCEED \$8,765.90.

WHEREAS, the City has determined it is necessary to install additional fencing, install street name signs, and minor changes to sidewalk construction; and

WHEREAS, the FY17 Capital Improvement Program provides funding for this change order in the amount of \$8,765.90.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order to the contract with MBC Construction Co., Inc., Omaha Nebraska, for changes in labor, equipment and materials needed to install additional fencing, install street name signs, and minor changes to sidewalk construction in an amount not to exceed \$8,765.90.

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## 9. APPROVAL OF CLAIMS

AA WHEEL & TRUCK SUPPLY, maint.	\$24.56
AMERICAN LUNG ASSOCIATION, services	\$480.00
A-RELIEF SERVICES, bld&grnds	\$140.00
ASPHALT & CONCRETE MATERIALS, maint.	\$492.91
ASSURANT EMPLOYEE BENEFITS, services	\$472.33
BANK OF NEBRASKA, services	\$3,066.27
BAUER BUILT TIRE, maint.	\$647.96
BAXTER CHRYSLER DODGE, maint.	\$219.00
BEACON BUILDING, services	\$5,812.00
BIG RIG TRUCK ACCESSORIES, maint.	\$115.00
BISHOP BUSINESS EQUIPMENT, supplies	\$76.14
BJSA-BELLEVUE JR SPORTS, services	\$1,250.00
BLACK HILLS ENERGY, utilities	\$23.14
BOB NORRIS, services	\$600.00
BOUND TREE MEDICAL LLC, services	\$30,000.00
BUILDERS SUPPLY, services	\$752.43
CAVLOVIC, P., travel	\$67.00
CENTURY LINK BUSN SVCS, phones	\$191.30
CENTURY LINK, phones	\$791.03
CHRIS MADDEN, services	\$1,575.00
CITY OF OMAHA, services	\$192,170.61
CITY OF PAPIILLION, services	\$181,286.61
COMP CHOICE INC, services	\$335.00
COX COMMUNICATIONS, services	\$18.70
CPS HUMAN RESOURCE, services	\$986.20
CULLIGAN OF OMAHA, bld&grnds	\$18.00
DANIEL S KRAFT, services	\$50.00
DEARBORN NATIONAL LIFE, services	\$5,578.17
DEBRA K KUHN, services	\$75.00
DIAMOND VOGEL PAINTS, services	\$349.80
DOUGLAS COUNTY SHERIFF'S OFC, services	\$750.00
DULTMEIER SALES, services	\$28.21
ELAN FINANCIAL SERVICES, travel	\$16,632.02
ELECTRIC COMPANY OF OMAHA, services	\$3,940.00
EN POINTE TECHNOLOGIES SALES, services	\$884.85
ENTERPRISE FM TRUST, services	\$580.01
FIRST NATIONAL BANK FREMONT, bonds	\$189,815.12
FIRST WIRELESS INC, services	\$463.00
FITZGERALD SCHORR BARMETTLER, services	\$34,325.70
FOSTER, T., travel	\$60.00
GARROD, M., travel	\$309.69
GRAYBAR ELECTRIC CO, bld&grnds	\$675.65
GREAT PLAINS UNIFORMS, apparel	\$69.50
H & H CHEVROLET LLC, maint.	\$225.91
HALE, D., travel	\$224.50
HANEY SHOE STORE, apparel	\$150.00
HEARTLAND PAPER, supplies	\$116.00
HENKEL, R., travel	\$67.00
HOBBY LOBBY STORES, services	\$91.84
HY-VEE INC, supplies	\$118.75
INGRAM LIBRARY SERVICES, books	\$365.50
INLAND TRUCK PARTS, maint.	\$69.96
JOHNSTONE SUPPLY, bld&grnds	\$16.05
JONES AUTOMOTIVE INC, maint.	\$1,228.00
KISSEL/E & S ASSOCIATES, services	\$10,566.22
KRIHA FLUID POWER CO, maint.	\$225.97
LA VISTA COMM FOUNDATION, payroll	\$60.00

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LANDPORT SYSTEMS, services	\$125.00
LEAF CAPITAL FUNDING, services	\$700.00
LIBRARY IDEAS LLC, media	\$13.00
LIGHT AND SIREN, services	\$2,340.00
LIONHEART ENTERPRISES LLC, services	\$562.80
LOGAN CONTRACTORS SUPPLY, maint.	\$57.63
LOVELAND GRASS PAD, maint.	\$75.67
LOWE'S, bld&grnds	\$440.46
MAPA-METRO AREA PLANNING AGENCY, travel	\$100.00
MARCO INC, services	\$349.63
MARK A KLINKER, services	\$200.00
MAX I WALKER UNIFORM, services	\$602.93
MBC CONSTRUCTION, services	\$135,041.34
MC CANN PLUMBING, services	\$133.50
MENARDS-BELLEVUE, supplies	\$166.80
MENARDS-RALSTON, bld&grnds	\$928.74
MIDLANDS BUSINESS JOURNAL, services	\$150.00
MNJ TECHNOLOGIES, services	\$767.00
MUD, utilities	\$3,858.66
NE DEPT OF REVENUE, sales tax	\$4,844.84
NE DEPT OF REVENUE-LOTTERY, taxes	\$75,651.00
NE SALT & GRAIN CO, maint.	\$3,462.50
NEBRASKA WELDING LTD, maint.	\$44.00
NWEA-NE WATER ENVIRONMENT ASSN, services	\$880.00
OCLC INC, supplies	\$129.42
ODEY'S INC, bld&grnds	\$1,284.00
OFFICE DEPOT INC, supplies	\$808.69
OMAHA COMPOUND CO, supplies	\$287.84
OMAHA WORLD-HERALD, services	\$96.20
OMNIGRAPHICS INC, books	\$81.85
PARK YOUR PAWZ INC, services	\$100.00
PAYFLEX SYSTEMS, services	\$251.55
PAYLESS OFFICE, supplies	\$315.58
PETTY CASH, travel	\$147.59
PITNEY BOWES, services	\$1,294.00
PLUTA, D., travel	\$88.00
POWER DMS INC, services	\$4,330.12
QUICK, T., travel	\$224.50
RAINBOW GLASS & SUPPLY, maint.	\$47.25
REGAL AWARDS OF DISTINCTION, services	\$164.95
REPCO MARKETING INC, supplies	\$26.00
RETRIEVEX, services	\$125.61
ROBERT S LAUSTEN JR, services	\$960.00
SARPY COUNTY TREASURER, services	\$47,607.00
SCARPA, D., travel	\$60.00
SCHLEGEL, J., travel	\$60.00
SECURITY EQUIPMENT INC, services	\$1,200.00
SOUCIE, J., travel	\$56.00
SPENCER FANE LLP, services	\$700.00
SPRINT, phones	\$119.97
SRN INC, bld&grnds	\$629.00
STANDARD INSURANCE CO, services	\$5,770.38
SUBURBAN NEWSPAPERS, services	\$43.00
TORNADO WASH LLC, maint.	\$290.00
TOSHIBA FINANCIAL, services	\$127.40
TRANS UNION RISK, services	\$60.75
UHE, ROBERT, services	\$60.00
UNITE PRIVATE NETWORKS LLC, services	\$3,850.00
UNITED DISTRIBUTORS, bld&grnds	\$74.76
UNITED PARCEL, services	\$28.84

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VERIZON WIRELESS, phones	\$414.20
WAL-MART, media	\$2,956.70
WICK'S STERLING TRUCKS, maint.	\$65.47

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

## REPORTS FROM CITY ADMINISTRATOR AND STAFF

Community Relations Coordinator Beaumont thanked everyone who helped with Halloween Safe Night and stated that there were an estimated 1,200 to 1,300 people in attendance. Beaumont informed Council that Santa's sleigh ride is scheduled for November 27 and the Tree Lighting and Soup Supper are scheduled for November 28.

Recreation Director Stopak reported that Socctoberfest at the soccer complex went very well. There were 142 teams during the three-day tournament, which was an increase of 42 teams from last year. There were 700 hotel room bookings in Sarpy County alone with another 200 in Omaha. There was an increase of \$1,660.00 in revenue from the tournament last year.

Police Chief Lausten reported that Halloween went well. There was one accident at 84<sup>th</sup> and Harrison but nothing else. Lausten also reported that the de-escalation training is almost complete. Lausten also reported that, the person who robbed the Sinclair, was apprehended and that investigation is closed.

Assistant Public Works Director Kottmann reported that fall cleanup is Saturday from 8-3 at the public works facility.

## B. ORDINANCE – AMEND SECTION 2 OF ORDINANCE NO. 1286

Councilmember Quick introduced Ordinance No. 1299 entitled; AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA TO AMEND SECTION 2 OF ORDINANCE NO. 1286 TO ALLOW ADDITIONAL TIME TO SATISFY CERTAIN CONDITIONS FOR MU-CC REZONING; TO REPEAL SAID SECTION AS ORIGINALLY ADOPTED; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Councilmember Sheehan moved that the statutory rule requiring reading on three different days be suspended. Councilmember Crawford seconded the motion to suspend the rules and roll call vote on the motion. The following Councilmembers voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1299 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

## C. RESOLUTION – INTERLOCAL AGREEMENT WITH PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT AND OMAHA – WEST PAPIO TRAIL – GILES ROAD TO MILLARD

Councilmember Sell introduced and moved to adopt Resolution No.16-142; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES

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DISTRICT AND THE CITY OF OMAHA FOR THE UNDERTAKING OF EFFORTS REQUIRED FOR DESIGN, PERMITTING AND BIDDING OF A WEST PAPIO TRAIL EXPANSION FROM GILES ROAD TO MILLARD.

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the expansion of the West Papiro Trail is a vital link to connecting western portions of the metro area to the existing trail, and;

WHEREAS, the FY17 Budget provides funding for this project; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby approves and authorizes the execution of an Interlocal Cooperation Agreement with the PMNRD and the City of Omaha for the undertaking of efforts required for design, permitting and bidding of the West Papiro Trail Expansion from Giles Road to Millard in form and content approved by the City Attorney.

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

## **D. RESOLUTION – AWARD BID – OLD GILES ROAD DITCH IMPROVEMENTS**

Councilmember Thomas introduced and moved to adopt Resolution No.16-143: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDDING A CONTRACT TO HEIMES CORPORATION OF OMAHA NEBRASKA FOR FURNISHING LABOR AND MATERIALS FOR OLD GILES ROAD DITCH REGRADING AND IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$22,050.

WHEREAS, the City Council of the City of La Vista has determined that regrading and improvements of the Old Giles road ditch are necessary; and

WHEREAS, the FY17 Capital Improvement Program provides funding for this project; and

WHEREAS, Bids were solicited and three bids was received, and

WHEREAS, Heimes Corp., Omaha Nebraska has submitted the most qualified bid, and

WHEREAS Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secures Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska award a contract to Heimes Corporation. Omaha Nebraska furnishing labor and materials for Old Giles Road Ditch regrading and improvements in an amount not to exceed \$22,050.

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

## **E. RESOLUTION – CHANGE ORDER NO. 1 – THOMPSON CREEK CHANNEL REHABILITATION – CHANNEL MAINTENANCE**

Councilmember Sell introduced and moved to adopt Resolution No.16-144; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,

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No. 729 -- REFIELD & COMPANY, INC. OMAHA E1310558LD

NEBRASKA AUTHORIZING A CHANGE ORDER TO THE CONTRACT WITH YANO'S NURSERY, INC., OMAHA, NEBRASKA, TO PERFORM WETLANDS DRAINAGE IMPROVEMENTS IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$5,000.

WHEREAS, the City has determined it is necessary to perform wetlands drainage improvements in four wetland basins; and

WHEREAS, the FY17 Capital Improvement Program provides funding for this project; and

WHEREAS, this change order increases the contract price from \$33,000. to \$38,000.; and

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the Mayor is authorized to execute the necessary documents for a change order Yano's Nursery, Inc., Omaha NE to perform wetlands drainage improvements in an additional amount not to exceed \$5,000.

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

## **F. RESOLUTION – AWARD CONTRACT – AMPHITHEATRE FEASIBILITY STUDY**

Councilmember Frederick introduced and moved to adopt Resolution No.16-145; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDED A CONTRACT TO AECOM ECONOMICS TO PREPARE A FEASIBILITY STUDY FOR A PROPOSED AMPHITHEATER IN AN AMOUNT NOT TO EXCEED \$66,500.

WHEREAS, the City Council of the City of La Vista has determined that consideration should be given to the construction of an amphitheater as part of the golf course transformation project; and

WHEREAS, amphitheater construction and operation is a very specialized and unique market for which the City has no expertise; and

WHEREAS, the FY17 Budget included funding for the proposed project and related costs; and

WHEREAS, proposals were received and reviewed; and

WHEREAS, AECOM Economics has a great deal of specific amphitheater expertise experience, making them the most qualified bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract in a form satisfactory to the City Administrator and City Attorney, be awarded to AECOM Economics for the preparation of a feasibility study for a proposed amphitheater in an amount not to exceed \$66,500, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

Seconded by Councilmember Sell. Discussion was held regarding length of time for the study, other studies done by AECOM of this type, how far they look into the future, and the ability to fill the amphitheater, and making the Mayor and City Council the main stakeholders for this study. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

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No. 729 — FIDFIELD & COMPANY, INC. OMAHA E1910558LD

## **G. RESOLUTION - APPROVAL OF RECONSTRUCTION TO AREA OF LIQUOR LICENSE - CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2454**

Councilmember Sell introduced and moved to adopt Resolution No.16-146; 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 RECONSTRUCTION TO THE LIQUOR LICENSE FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2454, LA VISTA NEBRASKA

WHEREAS, Casey's Retail Company dba Casey's General Store #2454, 9542 Giles Road, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for reconstruction to their 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 reconstruction to the Liquor License submitted by Casey's Retail Company dba Casey's General Store #2454, 9542 Giles Road, La Vista, Sarpy County, Nebraska.

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

## **H. RESOLUTION - AUTHORIZE PUBLICATION - NOTICE FOR PRIVATE OWNERSHIP OFF-STREET PARKING - 84<sup>TH</sup> STREET REDEVELOPMENT AREA**

Councilmember Hale introduced and moved to adopt Resolution No.16-147; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PUBLICATION OF NOTICE INVITING APPLICATION FOR PRIVATE OWNERSHIP AND OPERATION OF OFF STREET PARKING FACILITIES FOR THE 84<sup>TH</sup> STREET REDEVELOPMENT AREA AND PUBLIC HEARING ON ANY APPLICATION FOR SAME.

WHEREAS, the Mayor and Council have determined that publication of notice inviting application for Private Ownership and Operation of off-street parking facilities for the 84<sup>th</sup> Street redevelopment area and public hearing on any application for same is necessary, and

WHEREAS, in accordance with § 19-3311 of the Nebraska Revised Statutes, the City Engineer will be receiving applications for the private ownership and operation of off-street parking facilities in the 84<sup>th</sup> Street redevelopment area; and

WHEREAS, applications will be due December 16, 2016 at 10:00 a.m. with the public hearing at the regular Council meeting on December 20, 2106;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council hereby authorize the publication of notice inviting application for Private Ownership and Operation of off-street parking facilities for the 84<sup>th</sup> Street redevelopment area and public hearing on any application for same.

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

## **I. RESOLUTION – AUTHORIZE PUBLICATION – NOTICE FOR PRIVATE OWNERSHIP AND OPERATION – OFF-STREET PARKING – NEAR 120<sup>TH</sup> AND GILES ROAD**

Councilmember Hale introduced and moved to adopt Resolution No.16-148; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PUBLICATION OF NOTICE INVITING APPLICATION FOR PRIVATE OWNERSHIP AND OPERATION OF OFF STREET PARKING FACILITIES NEAR 120<sup>TH</sup> AND GILES ROAD AND PUBLIC HEARING ON ANY APPLICATION FOR SAME.

WHEREAS, the Mayor and Council have determined that publication of notice inviting application for Private Ownership and Operation of off-street parking facilities near 120<sup>th</sup> and Giles Road and public hearing on any application for same is necessary, and

WHEREAS, in accordance with § 19-3311 of the Nebraska Revised Statutes, the City Engineer will be receiving applications for the private ownership and operation of off-street parking facilities near 120<sup>th</sup> and Giles Road; and

WHEREAS, applications will be due December 16, 2016 at 10:00 a.m. with the public hearing at the regular Council meeting on December 20, 2106;

NOW, THEREFORE BE IT RESOLVED that the Mayor and City Council hereby authorize the publication of notice inviting application for Private Ownership and Operation of off-street parking facilities near 120<sup>th</sup> and Giles Road and public hearing on any application for same.

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

### **COMMENTS FROM THE FLOOR**

There were no comments from the floor.

### **COMMENTS FROM MAYOR AND COUNCIL**

Councilmember Sheehan and Councilmember Frederick commended Staff on the success of Halloween Safe Night.

At 7:31 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

\_\_\_\_\_  
Pamela A. Buehe, CMC  
City Clerk



CITY OF LA VISTA  
8116 PARK VIEW BOULEVARD  
LA VISTA, NE 68128  
P: (402) 331-4343

COPY

A-3

PLANNING COMMISSION MINUTES  
OCTOBER 20, 2016-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, October 20th, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman Gayle Malmquist called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Kevin Wetuski, Kathleen Alexander, Harold Sargus, Jackie Hill, and Mike Circo. Members absent were: Tom Miller and Jason Dale. Also in attendance were Chris Solberg, City Planner; Meghan Engberg, Permit Technician; and John Kottmann, City Engineer.

Legal notice of the public meeting and hearing were posted, distributed and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public.

1. **Call to Order**

The meeting was called to order by Chairman Malmquist at 7:00 p.m. Copies of the agenda and staff reports were made available to the public.

2. **Approval of Meeting Minutes – September 15, 2016**

*Krzywicki* moved, seconded by *Alexander* to approve the September 15th minutes with corrections to the vote for the approval of the August 18th minutes. Alexander and Hill's vote needs to be moved from Aye to Abstain. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, Hill, and Sargus. Nays: None. Abstain: None. Absent: Miller and Dale. Motion Carried. (8-0)**

3. **Old Business**

None.

4. **New Business**

A. **Public Hearing for PUD Amendment – Lot 2, Southport East Replat 2 – Saldi Family Investments, LLC**

- i. **Staff Report – Chris Solberg:** Solberg states that the applicant, Saldi Family Investments, LLC, is requesting a Planned Unit Development Site Plan to allow for a commercial strip shopping center on Lot 2, Southport East Replat Two, generally located at the Southeast corner on Southport Parkway and Giles Road. Staff recommends approval of the PUD Site Plan for a commercial strip shopping center, contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

- ii. **Applicant Presentation:** Jamie Saldi, from Saldi Family Investments, LLC, came up and spoke on this item. He said that he was here to answer any questions that the commission might have.

Krzywicki mentioned that the original application included a drive up coffee window and asked if the removal of that was because one of the future tenants is not going to be there.

Saldi said that they originally did that to maximize the square footage, but in dealing with Solberg and the rest of the Staff, they decided it would be best to do a smaller building for that footprint.

- iii. **Public Hearing- Opened by Gayle Malmquist**

No members of the public came up to speak on this agenda item.

**Malmquist closed the Public Hearing.**

Hill asked Saldi how they were coming along with their negotiations with the maintenance of the shared facilities.

Saldi said that they currently have a maintenance agreement with the hotel operator and they also have a shared partner agreement with them.

Malmquist mentioned the review comments, with regard to the shared facilities, and verified that that has been agreed upon.

Saldi said yes.

Kottmann suggested asking for clarification from the applicant on the cross easement maintenance thing, which includes utilities as far as the lighting of the parking lot and whether that is included in the cross easement maintenance agreement. He mentioned that it was not specifically stated.

Saldi responded that in regards to the lighting, they are still working it out between building lighting versus parking lot lighting. He continued by saying when that comes to finalization they will have that worked out.

Solberg said it will have to be resolved before City Council approval as noted in the Staff Report.

- iv. **Recommendation:** *Sargus* moved, seconded by *Hill* to recommend, based on the statements of fact to the City Council, that they approve of the PUD Site Plan for a commercial strip shopping center, contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities prior to City Council approval, as the PUD Site Plan is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes:** *Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, Hill, and Sargus.* **Nays:** *None.* **Abstain:** *None.* **Absent:** *Miller and Dale.* **Motion Carried. (8-0)**

**B. Public Hearing for Conditional Use Permit – Lot 2, I-80 Industrial Park Replat 3 – LB Southwest, LLC**

- i. **Staff Report – Chris Solberg:** Solberg stated the applicant, LB Southwest LLC, is requesting a Conditional Use Permit that would allow the applicant to operate an Automotive Repair Service out of the three suites of an industrial flex building located in Lot 2, I-80 Industrial Park Replat 3, generally located at South 137<sup>th</sup> Circle, south of Giles Road. Staff’s recommendation is for approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.
  
- ii. **Applicant Presentation:** Paul Cech, from Woodhouse Auto Family came up and spoke on behalf of the applicant. He said that he was there to answer any questions they may have.

Malmquist asked if this was intended to be a temporary site during the transition from the one dealership to another.

Cech said that they have a temporary sales location in Douglas County, which is near the service facility that they are looking at and will be there around 30 months while their permanent facility is being built off of 144<sup>th</sup> and Giles.

- iii. **Public Hearing – Opened by Gayle Malmquist**

No members of the public came up to speak on this agenda item.

Hill asked if servicing included body repair.

Cech said that it does not.

Krzywicki said that he had a question about the actual Conditional Use Permit wording. He said that the review mentions noise and refers to the Conditional Use Permit, but after reading sections 2-i, 2-k, and 2-l, he said that he couldn’t find anything that specifically addresses noise in there and was wondering where the noise complaint remediation would be in the Conditional Use Permit.

Solberg said that in l, where it specifically states *Performance Standards for Industrial Uses* that in that section of the Zoning Ordinance it does address noise aspects. In k, it talks about immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises. He said that that is loosely tied to it and that there are environmental safety rules and regulations and that noise is one aspect of the environmental review and that’s how it’s tied in.

Krzywicki asked if those ordinances are specific to decibel levels in certain businesses on the property. He wanted to know if it’s someone’s opinion that it’s too noisy or are there specific requirements to the noise level.

Solberg said that the main aspect is item l which is *Performance Standards for Industrial Uses*. Solberg then read Section 7.16.03 of the Zoning Ordinance in reference to the noise level.

Krzywicki then mentioned notification of nearby residential and asked if Solberg could mention which areas adjacent to the property did receive notification.

Solberg said that the properties immediately to the west, in The Meadows, received notification because of the 300 foot notice requirements.

Krzywicki verified that anyone within the 300 feet of the west boundary received notification.

Solberg said yes.

Malmquist asked if we received any response from the neighbors.

Solberg said there was no response from the neighbors. He then asked the commission to note that 80 decibels [limit mentioned in 7.16.03 ]is rather significant.

Malmquist asked what activities currently go on in that building.

Solberg said that there is a site plan in their packets that shows them what is currently there. He said that their main noise issue is an asphalt plant on the Northside of Giles Road, which is who they have received most of the noise complaints about.

Hill mentioned that in the review comments it states that there is no outdoor storage permitted and that all discarded parts and parts and materials will be required to be stored inside. She also mentioned that it states that any discarded parts and materials will be required to remain in a dumpster until picked up for disposal. She asked Cech how they are handling those vehicles that are dropped off for repair and those waiting to be picked up after the repair.

Cech said that there is parking available outside and that the main sales facility is about 5 miles away, so repairs will be done same day and overnight will be inside. He then said that he didn't know what kind of volume they will have there, but they are not anticipating having bunch of vehicles sitting around outside overnight. He said that they do have a quick load lane out west and they find that if there are vehicles left outside overnight, they could be vandalized, so they either keep the vehicles inside or they give them back to the customers.

**Malmquist closed the Public Hearing.**

- iv. **Recommendation:** Sargus moved, seconded by Wetuski to recommend approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance. **Ayes: Krzywicki, Circo, Alexander, Gahan, Wetuski, Malmquist, Hill, and Sargus. Nays: None. Abstain: None. Absent: Miller and Dale. Motion Carried. (8-0)**

**5. Comments from the Floor**

None, no members of the public came up to speak.

**6. Comments from Planning Commission**

Malmquist mentioned reading in the paper that Costco will be opening.

Solberg said yes, on October 26<sup>th</sup>. He said that are doing the grand opening at 7:15 a.m. and that they may want to take a bike there because the traffic is going to be a little crazy. He said that they are expecting a lot of people to be there and have already been talking to the Police Department on how they are going to route everyone through there. He mentioned that he did a final review on the building [design] today and that there are few things that they are finishing up as well as working on a couple of things from the building department.

Sargus mentioned the Pet Spa that was talked about a few months ago and asked if they were not going to locate on Harrison anymore.

Solberg said they withdrew their application before it went to City Council and decided to look for other locations. He said that he had heard that they had found a different location somewhere farther out west.

Hill mentioned about Woodhouse and the vehicles sitting outside for repair and that the applicant didn't have any idea as to what their volume was going to be. She said that she didn't see anything anywhere in any of the City Ordinances about vehicles like that and asked if there was a situation that would warrant that.

Solberg said that he believed that there was something in the City Code about inoperable vehicle regulations; however, they are not thinking that that is going to be much of a problem. He said that most of the time you receive complaints about inoperable vehicles, it's on somebody's residential property and it's the neighbors complaining about that. He said that that's where we will typically receive most of the complaints on that and they feel that the turn over at a place likes that won't create any issues. He then added that it's at an industrial property and the residential properties are pretty well buffered from that property with a pretty good stand of trees.

Krzywicki mentioned, with Costco in mind, something that happened to the State a couple of years ago with having to rebate back some sales tax or property tax. He asked if there is anything in the Costco agreement or development that puts that out there for the City to keep track of that with the State so that we can make sure that we are not caught with something like that in the future.

Solberg said that what Krzywicki was referring to was something in the Nebraska Advantage Act and that's mainly related to equipment purchases in relation to job creation. He said that it's typically tied to industrial properties and that was an issue a few years back. He mentioned that there have been some changes to the Nebraska Advantage Act and how it is being run. He said that there also some proposed changes in that Act that would change the Act so much that it wouldn't be a rebate of the sales tax on those items to the applicant, it would be upfront.

Gahan said that he had heard that the previous tax commissioner had discussed the fact that there should be more disclosure to the local entities to prepare for the payback of the

rebate to avoid putting them into a financial mess. He said that he understood that it happened in La Vista and that it's happened in cities in Nebraska a number of times.

Solberg said that he couldn't tell him for sure if Costco has applied for the Nebraska Advantage Act and that that type of information is kept close to the chest. He said that retail entities usually don't apply for it. He then said that there is one aspect in relation to sales tax in relation to the Costco is the Nebraska Multisport Complex, in order to obtain the state sales tax rebate; they have to be open within 2 years of October 26, 2016.

Gahan asked if there was anything else known about Cabeia's besides what is in the paper.

Solberg said that we do not have any of that information at this time, but that the Mayor and City have been in communication with the stat DED. He then mentioned that Cabeia's has a massive sign outside that they are hiring, so that may be a good indication of how they're doing.

**7. Comments from Staff**

Solberg mentioned that they are working on a draft of the Comprehensive Plan pretty diligently and that we are down to the point of making edits to it. He said that they do have a draft of the Plan before them and will hopefully have some meetings over the next couple of months with the Advisory Committee and a joint meeting with the Planning Commission and the City Council. They are hoping to have the Plan finalized by the end of the year.

**8. Adjournment**

**Meeting adjourned by Malmquist at 7:39**

Reviewed by Planning Commission:

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Approval Date

A-4

**MEETING OF THE LIBRARY ADVISORY BOARD  
CITY OF LA VISTA**

**MINUTES OF MEETING  
September 8, 2016**

Members Present:      Rose Barcal                      Jill Frederick                      Valerie Russell  
                                 Carol Westlund

Members Absent:      Huyen-Yen Hoang              Kim Schmit-Pokorny

Agenda Item #1: Call to Order

The meeting was called to order at 5:35 p.m.

Agenda Item #2: Announcement of Location of Posted Open Meetings Act

An announcement was made of the location of the posted copy of the Open Meetings Act for public reference.

Agenda Item #3: Introductions

There were no introductions made.

Agenda Item #4: Approval of Minutes of May 12, 2016 Meeting

It was moved by Westlund and seconded by Frederick that the May 12, 2016 minutes be accepted as presented. Board members voting aye: Frederick, Russell, and Westlund. Nays: none. Abstain: none. Absent: Hoang and Schmit-Pokorny. Motion carried.

Agenda Item #5: Library Director's Report

- a. Programs: an overview of programs was given. Under the direction of city administration, the library will now have a division for youth programming to include birth through teen.
- b. A new part-time person will be hired to replace the majority of hours for another part-time employee.
- c. Library Meetings were reviewed including the dissolution of the partnership with the Midlands Literacy Center. The General Education Development program at the library will continue.
- d. General Library Information included receiving the news of the library's adjustment of public library accreditation expiration date. The library's date moved from 2018 to 2019 in the Library Commission's effort to balance the number of libraries accredited in their three-year rotation. A board member was asked to have the continuing education requirements for the board sent to the members. A question was asked concerning the board's accreditation expiration date. Will it be the same as the library or remain 2018? Barcal will clarify with the Nebraska Library Commission.

Agenda Item #6: Circulation Report

Barcal distributed the circulation report. The report was discussed and accepted.

Agenda Item #7: Old Business

- a. Current and future grants were reviewed:
  - i. Tween and Teen BUILD Collective through the Loleta D. Fyan Grant from the America Library Association. Programming and planning continue.

- b. City Comprehensive Plan Update. The Second Annual Taste of La Vista was held with over 700 participants. The mural of the "High Five Your Future" has been hung in the community center.

Agenda Item #8: New Business

- a. Amnesty Week. Amnesty Week was held in August. 19 food items were donated to the Tri-City Food Pantry on behalf of the La Vista community. School supplies were also accepted.
- b. Summer Reading:
  - i. Children: 68 sessions with 3,762 attendees. The top session was Wildlife Encounters with 215 in attendance and then the Dinosaur Egg Hunt with 200 attendees.
  - ii. Teens: 52 sessions with 1,828 attendees. The top session was the Teen/Tween Water Fight Finale with 78 attendees and then the Teen Carnival with 47 attendees.
  - iii. Tweens: 20 sessions with 668 attendees. The top session was the Teen/Tween Water Fight Finale with 78 attendees and then the No Sew Emoji Pillows with 79 attendees.
- c. Library Budget requests for FY17
  - i. Full-time staff member was denied.
  - ii. Part-time staff member was approved.
  - iii. Additional funding for tween programming was approved.
  - iv. The database, Learn-A-Test, was not renewed due to lack of use.
  - v. One time requests for a part-time staff member to attend the Nebraska State Reading Conference in Kearney and for a full-time staff member to attend the Computers in Libraries Conference were both approved.
  - vi. Additional funding for a part-time staff member to attend the Association for Library Services to Children Conference was approved.
  - vii. The Master Fee Schedule was adjusted for fines. Overdue videos are now ten cents per day.
- d. End of Year FY2016. All purchase orders were closed out and paperwork submitted to the finance department.
- e. Grant: A new grant for \$1,800 and an exhibit was submitted for the World War I and America through the Gilder Lehrman Institute of American History by Jan Bolte. The Institute requested she resubmit her application in January of 2017.
- f. Policy Review: Volunteers in the Library. A new city requirement is for all volunteers nineteen years and older to have a background check for the safety and security of the staff and patrons. The verbiage "...and are subject to a background check." was added to the final sentence of the policy. It was moved by Frederick and seconded by Russell that the policy be accepted with amendment. Board members voting aye: Frederick, Russell, and Westlund. Nays: none. Abstain: none. Absent: Hoang and Schmit-Pokorny. Motion carried.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

There were no comments from the Board.

There was a motion by Westlund and second by Frederick to adjourn the meeting at 6:17 p.m.

The next meeting is scheduled for November 10th, 2016 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.

A-5

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

**Preliminary**

	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b>REVENUES</b>					
General Fund	\$ 13,740,132	\$ 1,114,152	\$ 14,945,954	\$ 1,205,822	109%
Sewer Fund	3,855,950	338,744	3,194,982	(660,968)	83%
Debt Service Fund	4,308,605	374,665	4,678,387	369,782	109%
Lottery Fund	1,308,472	105,505	1,319,199	10,727	101%
Golf Fund	227,053	30,988	246,559	19,506	109%
Economic Development Fund	1,186,839	18	1,186,592	(247)	100%
Off Street Parking Fund	45	10	24	(21)	53%
Redevelopment Fund	1,557,696	179,532	2,064,577	506,881	133%
<b>Total Revenues</b>	<u>26,184,792</u>	<u>2,143,614</u>	<u>27,636,274</u>	<u>1,451,482</u>	<u>106%</u>
<b>EXPENDITURES</b>					
General Fund	14,753,100	1,050,402	13,184,357	(1,568,743)	89%
Sewer Fund	3,821,457	449,807	3,023,849	(797,608)	79%
Debt Service Fund	4,207,535	54,431	3,929,318	(278,217)	93%
Lottery Fund	684,906	57,088	602,018	(82,888)	88%
Golf Fund	357,543	20,030	300,118	(57,425)	84%
Economic Development Fund	2,006,427	-	2,000,300	(6,127)	100%
Off Street Parking Fund	613,547	7,131	469,418	(144,129)	77%
Redevelopment Fund	537,500	22,495	209,100	(328,400)	39%
<b>Total Expenditures</b>	<u>26,982,015</u>	<u>1,661,384</u>	<u>23,718,478</u>	<u>(3,263,537)</u>	<u>88%</u>
<b>REVENUES NET OF EXPENDITURES</b>					
General Fund	(1,012,968)	63,750	1,761,597	2,774,565	
Sewer Fund	34,493	(111,063)	171,133	136,640	
Debt Service Fund	101,070	320,234	749,069	647,999	
Lottery Fund	623,566	48,417	717,181	93,615	
Golf Fund	(130,490)	10,958	(53,559)	76,931	
Economic Development Fund	(819,588)	18	(813,708)	5,880	
Off Street Parking Fund	(613,502)	(7,121)	(469,394)	144,108	
Redevelopment Fund	1,020,196	157,037	1,855,477	835,281	
<b>Revenues Net of Expenditures</b>	<u>(797,223)</u>	<u>482,230</u>	<u>3,917,796</u>	<u>4,715,019</u>	
<b>Capital Improvement Program Fund</b>					
<b>REVENUES</b>	1,937,100	26	1,005,567	(931,533)	52%
<b>EXPENDITURES</b>	<u>30,847,780</u>	<u>583,728</u>	<u>3,143,446</u>	<u>(27,704,334)</u>	10%
<b>REVENUES NET OF EXPENDITURES</b>	<u>(28,910,680)</u>	<u>(583,702)</u>	<u>(2,137,879)</u>	<u>26,772,801</u>	
<b>TRANSFERS IN &amp; BOND PROCEEDS</b>	<u>28,910,680</u>	<u>1,185,021</u>	<u>1,823,621</u>	<u>(27,087,059)</u>	6%
<b>Net Activity</b>	<u>-</u>	<u>601,319</u>	<u>(314,258)</u>	<u>(314,258)</u>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

**Preliminary**

	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b><u>TRANSFERS IN &amp; BOND PROCEEDS</u></b>					
General Fund	70,663	-	70,663	-	100%
Sewer Fund				-	
Debt Service Fund	11,839,145	-	2,001,858	(9,837,287)	17%
Capital Improvement Program Fund	28,910,680	1,185,021	1,823,621	(27,087,059)	6%
Lottery Fund				-	
Golf Fund	125,000	-	-	(125,000)	0%
Economic Development Fund	600,000	-	600,000	-	100%
Off Street Parking Fund	615,000	-	615,000	-	100%
Redevelopment Fund	15,000,000	11,101,638	11,101,638	(3,898,362)	74%
<b>Transfers In</b>	<u>57,160,488</u>	<u>12,286,659</u>	<u>16,212,780</u>	<u>(40,947,708)</u>	<u>28%</u>
<b><u>TRANSFERS OUT</u></b>					
General Fund	(1,265,000)	(12,549)	(1,251,170)	13,830	99%
Sewer Fund	(50,000)	(25,000)	(25,000)	25,000	50%
Debt Service Fund	(12,333,489)	(1,084,273)	(1,544,764)	10,788,725	13%
Capital Improvement Program Fund				-	
Lottery Fund	(1,461,999)	181,699	(43,452)	1,418,547	3%
Golf Fund				-	
Economic Development Fund	-	-	-	-	
Off Street Parking Fund	-	-	-	-	
Redevelopment Fund	(15,550,000)	(56,118)	(56,118)	15,493,882	0%
<b>Transfers Out</b>	<u>(30,660,488)</u>	<u>(996,241)</u>	<u>(2,920,504)</u>	<u>27,739,984</u>	<u>10%</u>
<b><u>NET TRANSFERS &amp; BOND PROCEEDS</u></b>					
General Fund	(1,194,337)	(12,548)	(1,180,507)	13,830	99%
Sewer Fund	(50,000)	(25,000)	(25,000)	25,000	50%
Debt Service Fund	(494,344)	(1,084,273)	457,094	951,438	
Capital Improvement Program Fund	28,910,680	1,185,021	1,823,621	(27,087,059)	6%
Lottery Fund	(1,461,999)	181,699	(43,452)	1,418,547	3%
Golf Fund	125,000	-	-	(125,000)	0%
Economic Development Fund	600,000	-	600,000	-	100%
Off Street Parking Fund	615,000	-	615,000	-	100%
Redevelopment Fund	(550,000)	11,045,520	11,045,520	11,595,520	
<b>Bond Proceeds</b>	<u>26,500,000</u>	<u>11,290,419</u>	<u>13,292,276</u>	<u>(13,207,724)</u>	<u>50%</u>
<b><u>NET FUND ACTIVITY</u></b>					
General Fund	(2,207,305)	51,201	581,090	2,788,395	
Sewer Fund	(15,507)	(136,063)	146,133	161,640	
Debt Service Fund	(393,274)	(764,039)	1,206,163	1,599,437	
Capital Improvement Program Fund	-	601,319	(314,258)	(314,258)	
Lottery Fund	(838,433)	230,116	673,729	1,512,162	
Golf Fund	(5,490)	10,958	(53,559)	(48,069)	
Economic Development Fund	(219,588)	18	(213,708)	5,880	
Off Street Parking Fund	1,498	(7,121)	145,606	144,108	
Redevelopment Fund	470,196	11,202,557	12,900,997	12,430,801	
<b>Net Activity</b>	<u>\$ (3,207,903)</u>	<u>\$ 11,188,946</u>	<u>\$ 15,072,193</u>	<u>\$ 18,280,096</u>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>General Fund</u>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b>REVENUES</b>					
Property Taxes	\$ 5,977,668	\$ 478,167	\$ 5,909,751	\$ (67,917)	99%
Sales and use taxes	3,108,225	357,365	4,119,303	1,011,078	133%
Payments in Lieu of taxes	275,000	-	240,990	(34,010)	88%
State revenue	1,461,035	125,220	1,591,215	130,180	109%
Occupation and franchise taxes	1,030,000	12,780	948,616	(81,384)	92%
Hotel Occupation Tax	900,000	79,430	956,583	56,583	106%
Licenses and permits	341,300	13,863	447,441	106,141	131%
Interest income	11,522	1,652	22,806	11,284	198%
Recreation fees	156,100	6,557	179,557	23,457	115%
Special Services	22,500	2,066	23,715	1,215	105%
Grant Income	215,917	10,021	105,442	(110,475)	49%
Other	240,865	27,031	400,535	159,670	166%
<b>Total Revenues</b>	<u>13,740,132</u>	<u>1,114,152</u>	<u>14,945,954</u>	<u>1,205,822</u>	<u>109%</u>
<b>EXPENDITURES</b>					
Current:					
Administrative Services	590,974	40,776	539,602	(51,372)	91%
Mayor and Council	191,343	5,316	140,233	(51,110)	73%
Boards & Commissions	9,160	-	4,779	(4,381)	52%
Public Buildings & Grounds	510,328	43,539	439,223	(71,105)	86%
Administration	500,043	45,849	461,971	(38,072)	92%
Police and Animal Control	4,346,735	302,869	4,005,392	(341,343)	92%
Fire	1,705,949	135,176	1,634,578	(71,371)	96%
Community Development	598,148	38,307	469,150	(128,998)	78%
Public Works	3,372,972	264,871	3,098,946	(274,026)	92%
Recreation	670,345	45,489	612,463	(57,882)	91%
Library	766,945	66,670	698,644	(68,301)	91%
Information Technology	208,485	4,734	183,261	(25,224)	88%
Human Resources	693,497	45,613	538,682	(154,815)	78%
Public Transportation	94,677	4,926	75,837	(18,840)	80%
Capital outlay	493,499	6,267	281,596	(211,903)	57%
<b>Total Expenditures</b>	<u>14,753,100</u>	<u>1,050,402</u>	<u>13,184,357</u>	<u>(1,568,743)</u>	<u>89%</u>
<b>REVENUES NET OF EXPENDITURES</b>					
	<u>(1,012,968)</u>	<u>63,750</u>	<u>1,761,597</u>	<u>2,774,565</u>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (Lottery)	70,663	-	70,663	-	100%
Operating transfers out (EDF, OSP, CIP)	(1,265,000)	(12,549)	(1,251,170)	13,830	99%
Bond/registered warrant proceeds	-	-	-	-	0%
<b>Total other Financing Sources (Uses)</b>	<u>(1,194,337)</u>	<u>(12,549)</u>	<u>(1,180,507)</u>	<u>13,830</u>	<u>99%</u>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>					
	\$ <u>(2,207,305)</u>	\$ <u>51,201</u>	\$ <u>581,090</u>	\$ <u>2,788,395</u>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Sewer Fund</u>				
	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>(Under) Budget</u>	<u>% of Budget Used</u>
<b>REVENUES</b>					
User fees	\$ 3,629,271	\$ 313,145	3,004,717	\$ (624,554)	83%
Service charge and hook-up fees	200,000	25,535	165,832	(34,168)	83%
Grant Income	22,918	-	22,918	-	100%
Miscellaneous	450	24	310	(140)	69%
<b>Total Revenues</b>	<b>3,852,639</b>	<b>338,704</b>	<b>3,193,777</b>	<b>(658,862)</b>	<b>83%</b>
<b>EXPENDITURES</b>					
General & Administrative	533,968	38,657	467,640	(66,328)	88%
Maintenance	2,854,687	409,575	2,159,984	(694,703)	76%
Storm Water Grant	27,502	1,575	45,339	17,837	165%
Capital Outlay	405,300	-	350,886	(54,414)	87%
<b>Total Expenditures</b>	<b>3,821,457</b>	<b>449,807</b>	<b>3,023,849</b>	<b>(797,608)</b>	<b>79%</b>
<b>OPERATING INCOME (LOSS)</b>	<b>31,182</b>	<b>(111,103)</b>	<b>169,928</b>	<b>138,746</b>	
<b>NON-OPERATING REVENUE (EXPENSE)</b>					
Interest income	3,311	40	1,205	(2,106)	36%
	3,311	40	1,205	(2,106)	36%
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<b>34,493</b>	<b>(111,063)</b>	<b>171,133</b>	<b>136,640</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers out (CIP)	(50,000)	(25,000)	(25,000)	25,000	50%
<b>NET INCOME (LOSS)</b>	<b>\$ (15,507)</b>	<b>\$ (136,063)</b>	<b>\$ 146,133</b>	<b>\$ 161,640</b>	

Note: City of Omaha billing (Maintenance Expense) in arrears August and September, approximately \$300,000.

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Debt Service Fund</u>				<u>% of budget Used</u>
	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over(under) Budget</u>	
<b>REVENUES</b>					
Property Taxes	\$ 1,864,694	\$ 149,273	1,847,259	\$ (17,435)	99%
Sales and use taxes	1,554,113	178,682	2,059,652	505,539	133%
Payments in Lieu of taxes	30,000	-	82,289	52,289	274%
Interest income	7,002	264	3,205	(3,797)	46%
Other (Special Assessments; Fire Reimbursmt)	852,796	46,446	685,982	(166,814)	80%
<b>Total Revenues</b>	<b>4,308,605</b>	<b>374,665</b>	<b>4,678,387</b>	<b>369,782</b>	<b>109%</b>
<b>EXPENDITURES</b>					
Current:					
Administration	90,000	1,558	27,945	(62,055)	31%
Fire Contract Bond	298,677	24,700	301,898	3,221	101%
Debt service					
Principal	2,947,400	-	2,900,000	(47,400)	98%
Interest	871,458	28,173	699,475	(171,983)	80%
<b>Total Expenditures</b>	<b>4,207,535</b>	<b>54,431</b>	<b>3,929,318</b>	<b>(278,217)</b>	<b>93%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>101,070</b>	<b>320,234</b>	<b>749,069</b>	<b>647,999</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (Lottery Bond)	339,145	-	-	(339,145)	0%
Operating transfers out (CIP)	(12,333,489)	(1,084,273)	(1,544,764)	10,788,725	13%
Bond/registered warrant proceeds	11,500,000	-	2,001,858	(9,498,142)	17%
<b>Total other Financing Sources (Uses)</b>	<b>(494,344)</b>	<b>(1,084,273)</b>	<b>457,094</b>	<b>951,438</b>	
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>					
	\$ (393,274)	\$ (764,039)	\$ 1,206,163	\$ 1,599,437	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Capital Fund</u>				<u>% of budget Used</u>
	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over(under) Budget</u>	
<b><u>REVENUES</u></b>					
Interest income	\$ -	\$ 26	\$ 43	\$ 43	0%
Grant Income	1,011,000	-	995,684	(15,316)	98%
Interagency	926,100	-	9,840	(916,260)	1%
<b>Total Revenues</b>	<u>1,937,100</u>	<u>26</u>	<u>1,005,567</u>	<u>(931,533)</u>	<u>52%</u>
<b><u>EXPENDITURES</u></b>					
Current:					
Capital outlay	30,847,780	583,728	3,143,446	(27,704,334)	10%
<b>Total Expenditures</b>	<u>30,847,780</u>	<u>583,728</u>	<u>3,143,446</u>	<u>(27,704,334)</u>	<u>10%</u>
<b><u>REVENUES NET OF EXPENDITURES</u></b>	<u>(28,910,680)</u>	<u>(583,702)</u>	<u>(2,137,879)</u>	<u>26,772,801</u>	
<b><u>OTHER FINANCING SOURCES (USES)</u></b>					
Operating transfers in	28,910,680	1,185,021	1,823,621	(27,087,059)	6%
Operating transfers out	-	-	-	-	0%
Bond/registered warrant proceeds	-	-	-	-	0%
<b>Total other Financing Sources (Uses)</b>	<u>28,910,680</u>	<u>1,185,021</u>	<u>1,823,621</u>	<u>(27,087,059)</u>	<u>6%</u>
<b><u>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</u></b>					
	\$ -	\$ 601,319	\$ (314,258)	\$ (314,258)	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Lottery Fund</u>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b>REVENUES</b>					
Lottery Rev/Community Betterment	\$ 925,000	\$ 61,565	\$ 956,404	\$ 31,404	103%
Lottery Tax Form 51	350,000	24,626	332,528	(17,472)	95%
Event Revenue	30,500	13,032	21,666	(8,834)	71%
Interest income	2,972	24	2,343	(629)	79%
Miscellaneous / Other	-	6,258	6,258	6,258	0%
<b>Total Revenues</b>	<b>1,308,472</b>	<b>105,505</b>	<b>1,319,199</b>	<b>10,727</b>	<b>101%</b>
<b>EXPENDITURES</b>					
Current:					
Professional Services	233,261	13,103	170,358	(62,903)	73%
Salute to Summer	22,535	13,000	33,360	10,825	148%
50th Year Celebration	-	-	748	748	0%
Community Events	9,290	525	8,657	(633)	93%
Events - Marketing	22,600	104	16,653	(5,947)	74%
Recreation Events	10,000	730	4,473	(5,527)	45%
Concert & Movie Nights	9,800	-	6,442	(3,358)	66%
Travel & Training	13,420	-	10,023	(3,397)	75%
State Taxes	350,000	24,626	332,528	(17,472)	95%
Other	-	5,000	5,000	5,000	0%
Capital outlay	14,000	-	13,776	(224)	98%
<b>Total Expenditures</b>	<b>684,906</b>	<b>57,088</b>	<b>602,018</b>	<b>(82,888)</b>	<b>88%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>623,566</b>	<b>48,417</b>	<b>717,181</b>	<b>93,615</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers out	(1,461,999)	181,699	(43,452)	1,418,547	3%
Bond/registered warrant proceeds	-	-	-	-	
<b>Total other Financing Sources (Uses)</b>	<b>(1,461,999)</b>	<b>181,699</b>	<b>(43,452)</b>	<b>1,418,547</b>	<b>3%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>					
	\$ (838,433)	\$ 230,116	\$ 673,729	\$ 1,512,162	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Golf Course Fund</u>				
	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>(Under) Budget</u>	<u>% of Budget Used</u>
<b><u>REVENUES</u></b>					
Greens Fees	\$ 138,000	\$ 17,223	\$ 143,140	\$ 5,140	104%
Carts	50,000	7,647	55,703	5,703	111%
Concessions	33,500	5,299	40,496	6,996	121%
<b>Total Golf Proceeds</b>	<u>221,500</u>	<u>30,169</u>	<u>239,339</u>	<u>17,839</u>	<u>108%</u>
Pro-Shop Merchandise	4,750	752	6,649	1,899	140%
Fee Income	200	47	292	92	146%
Miscellaneous	100	-	13	(87)	13%
<b>Total Other Revenue</b>	<u>5,050</u>	<u>799</u>	<u>6,954</u>	<u>1,904</u>	<u>138%</u>
<b>Total Revenue</b>	<u>226,550</u>	<u>30,968</u>	<u>246,293</u>	<u>19,743</u>	<u>109%</u>
<b><u>EXPENDITURES</u></b>					
General & Administrative	156,591	12,688	135,916	(20,675)	87%
Cost of merchandise sold	18,664	750	21,184	2,520	114%
Maintenance	160,288	6,592	121,518	(38,770)	76%
Capital Outlay	22,000	-	21,500	(500)	98%
<b>Total Expenditures</b>	<u>357,543</u>	<u>20,030</u>	<u>300,118</u>	<u>(57,425)</u>	<u>84%</u>
<b>OPERATING INCOME (LOSS)</b>	<u>(130,993)</u>	<u>10,938</u>	<u>(53,825)</u>	<u>77,168</u>	
<b>NON-OPERATING REVENUE (EXPENSE)</b>					
Interest income	503	20	266	(237)	53%
	<u>503</u>	<u>20</u>	<u>266</u>	<u>(237)</u>	<u>53%</u>
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<u>(130,490)</u>	<u>10,958</u>	<u>(53,559)</u>	<u>76,931</u>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (Lottery)	125,000	-	-	(125,000)	0%
<b>NET INCOME (LOSS)</b>	<u>\$ (5,490)</u>	<u>\$ 10,958</u>	<u>\$ (53,559)</u>	<u>\$ (48,069)</u>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Economic Development</u>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b>REVENUES</b>					
JQH Payment	1,186,573	-	1,186,573	-	100%
Interest income	266	18	19	(247)	7%
<b>Total Revenues</b>	<b>1,186,839</b>	<b>18</b>	<b>1,186,592</b>	<b>(247)</b>	<b>100%</b>
<b>EXPENDITURES</b>					
Current:					
Community Development	-	-	903	903	0%
Professional Services	10,000	-	2,970	(7,030)	30%
Debt service: (Warrants)					0%
Principal	685,000	-	685,000	-	100%
Interest	1,311,427	-	1,311,427	-	100%
<b>Total Expenditures</b>	<b>2,006,427</b>	<b>-</b>	<b>2,000,300</b>	<b>(6,127)</b>	<b>100%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(819,588)</b>	<b>18</b>	<b>(813,708)</b>	<b>5,880</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	600,000	-	600,000	-	100%
Operating transfers out	-	-	-	-	0%
Bond/registered warrant proceeds					0%
<b>Total other Financing Sources (Uses)</b>	<b>600,000</b>	<b>-</b>	<b>600,000</b>	<b>-</b>	<b>100%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>					
	\$ (219,588)	\$ 18	\$ (213,708)	\$ 5,880	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Off Street Parking</u>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b><u>REVENUES</u></b>					
Interest income	45	10	24	(21)	53%
<b>Total Revenues</b>	<u>45</u>	<u>10</u>	<u>24</u>	<u>(21)</u>	<u>53%</u>
<b><u>EXPENDITURES</u></b>					
Current:					
General & Administrative	19,467	1,600	20,665	1,198	106%
Professional Services		-			0%
Maintenance	19,500	5,531	14,023	(5,477)	72%
Debt service: (Warrants)					
Principal	430,000	-	430,000	-	100%
Interest	144,580	-	4,730	(139,850)	3%
<b>Total Expenditures</b>	<u>613,547</u>	<u>7,131</u>	<u>469,418</u>	<u>(144,129)</u>	<u>77%</u>
 <b><u>REVENUES NET OF EXPENDITURES</u></b>	 <u>(613,502)</u>	 <u>(7,121)</u>	 <u>(469,394)</u>	 <u>144,108</u>	
 <b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	615,000	-	615,000	-	100%
Operating transfers out		-			0%
Bond/registered warrant proceeds		-	-	-	0%
<b>Total other Financing Sources (Uses)</b>	<u>615,000</u>	<u>-</u>	<u>615,000</u>	<u>-</u>	<u>100%</u>
 <b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>					
	\$ <u>1,498</u>	\$ <u>(7,121)</u>	\$ <u>145,606</u>	\$ <u>144,108</u>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the eleven months ending September 30, 2016**  
**100% of the Fiscal Year 2016**

<u>Preliminary</u>	<u>Redevelopment Fund</u>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b><u>REVENUES</u></b>					
Sales and use taxes	1,554,113	178,682	2,059,652	505,539	133%
Interest income	3,583	850	4,925	1,342	137%
<b>Total Revenues</b>	<u>1,557,696</u>	<u>179,532</u>	<u>2,064,577</u>	<u>506,881</u>	<u>133%</u>
<b><u>EXPENDITURES</u></b>					
Current:					
Community Development	30,000	-	-	(30,000)	0%
Professional Services	150,000	22,495	209,100	59,100	139%
Financial / Legal Fees	50,000	-	-	(50,000)	0%
Debt service: (Warrants)					
Principal	-	-	-	-	0%
Interest	307,500	-	-	(307,500)	0%
<b>Total Expenditures</b>	<u>537,500</u>	<u>22,495</u>	<u>209,100</u>	<u>(328,400)</u>	<u>39%</u>
<b>REVENUES NET OF EXPENDITURES</b>	<u>1,020,196</u>	<u>157,037</u>	<u>1,855,477</u>	<u>835,281</u>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in			-	-	0%
Operating transfers out	(15,550,000)	(56,118)	(56,118)	15,493,882	0%
Bond/registered warrant proceeds	15,000,000	11,101,638	11,101,638	(3,898,362)	74%
<b>Total other Financing Sources (Uses)</b>	<u>(550,000)</u>	<u>11,045,520</u>	<u>11,045,520</u>	<u>11,595,520</u>	
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<u>\$ 470,196</u>	<u>\$ 11,202,557</u>	<u>\$ 12,900,997</u>	<u>\$ 12,430,801</u>	

A-6

**Invoice**



**FELSBURG  
HOLT &  
ULLEVIG**

connecting and enhancing communities

Mail Payments to:  
PO Box 911704  
Denver, CO 80291-1704  
303.721.1440 • 303.721.0832 fax

October 14, 2016  
Project No: 115453-02  
Invoice No: 17659

Mr. John Kottmann, PE  
City Engineer  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

Project 115453-02 Nebraska Multisport  
**Professional Services for the Period: September 1, 2016 to September 30, 2016**

**Professional Personnel**

	Hours	Rate	Amount	
Engineer V				
Meisinger, Mark	.75	150.00	112.50	
Engineer IV				
Andersen, David	10.00	135.00	1,350.00	
Labor	10.75		1,462.50	
<b>Total Labor</b>				<b>1,462.50</b>

**In-House Units**

Color Printing	9.0 Prints @ 0.19		1.71	
<b>Total In-House</b>			<b>1.71</b>	<b>1.71</b>

**TOTAL AMOUNT DUE \$1,464.21**

**Billed-To-Date Summary**

	Current	Prior	Total
Labor	1,462.50	3,990.00	5,452.50
Expense	0.00	14.58	14.58
In-House	1.71	12.56	14.27
<b>Totals</b>	<b>1,464.21</b>	<b>4,017.14</b>	<b>5,481.35</b>

Project Manager Mark Meisinger

O.K. to pay  
of MK 10-26-2016  
05.71.0900.01

Consent Agenda 11/15/16 (pb)



Thompson, Dreessen & Dörner, Inc.  
Consulting Engineers & Land Surveyors

A-7  
INVOICE

Please remit to:  
TD2 Nebraska Office  
10836 Old Mill Road; Omaha, NE 68154  
Office: 402/330-8860 Fax: 402/330-5866

TD2 South Dakota Office  
5000 S. Minnesota Ave., Ste. 300; Sioux Falls, SD 57108  
Office: 605/951-0886

CITY OF LA VISTA  
JOHN KOTTMANN  
8116 PARKVIEW BOULEVARD  
LA VISTA, NE 68128

Invoice number 117671  
Date 10/17/2016

Project 0171-416 72ND STREET AND  
THOMPSON CREEK CULVERT  
REHABILITATION

Professional Services through October 09, 2016

PO #16-0094

Description	Current Billed
Engineering Services	5,582.10
Total	5,582.10

Invoice total 5,582.10

**Aging Summary**

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
117671	10/17/2016	5,582.10	5,582.10				
	Total	5,582.10	5,582.10	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees. Invoices not paid within 90 days of the invoice date will be subject to possible lien filings.

O.K. to pay  
SPNK 10-25-2016  
05.71.0925.03

Consent Agenda 11/15/16 *(initials)*

A-8

**Invoice**



601 P St Sulte 200  
PO Box 84608  
Lincoln, NE 68501-4608  
Tel 402.474.6311, Fax 402.474.5063

October 25, 2016  
Invoice No: 263969

**Invoice Total \$9,935.61**

John Kottmann  
City Engineer/Assistant Public Works Director  
City of La Vista NE  
8116 Park View Blvd  
La Vista, NE 68128-2198

OA Project No. A16-0546 City of LaVista 84th Street Redevelopment Site Preparation  
Professional services rendered September 11, 2016 through October 8, 2016 for work completed in accordance with agreement dated June 21, 2016.

Phase 100 Survey Verification

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	0.00	5,000.00	5,000.00	
Limit			5,000.00	
		<b>Total this Phase</b>		<b>0.00</b> ✓

Phase 110 Survey (Post Construction Verification)

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	0.00	0.00	0.00	
Limit			10,000.00	
Balance Remaining			10,000.00	
		<b>Total this Phase</b>		<b>0.00</b> ✓

Phase 200 Utility & Tennant Coordination

**Labor**

	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Principal			
Egelhoff, Anthony	.25	157.00	39.25 ✓

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	263969
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Project Professional

Jelinek, Brian	3.75	121.00	453.75 ✓
Totals	4.00		493.00

**Total Labor** **493.00** ✓

**Billing Limits**

	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Total Billings	493.00	9,978.00	10,471.00
Limit			15,000.00
Balance Remaining			4,529.00

**Total this Phase** **\$493.00** ✓

Phase 210 Preliminary Construction Documents

**Billing Limits**

	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Total Billings	0.00	13,168.25	13,168.25
Limit			15,000.00
Balance Remaining			1,831.75

**Total this Phase** **0.00** ✓

Phase 220 Final Construction Documents

**Labor**

	Hours	Rate	Amount
Principal			
Egelhoff, Anthony	.50	157.00	78.50 ✓
Project Professional			
Galley, Eric	11.00	121.00	1,331.00 ✓
Assistant Professional			
Niewohner, Philip	44.25	88.00	3,894.00 ✓
Simmons, Timothy	7.75	105.00	813.75 ✓
Designer			
Doty, Ryan	.75	98.00	73.50 ✓
CAD Operator			
Turek, Zachary	2.75	48.00	132.00 ✓
Totals	67.00		6,322.75 ✓

**Total Labor** **6,322.75** ✓

**Billing Limits**

	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Total Billings	6,322.75	19,011.00	25,333.75
Limit			30,000.00
Balance Remaining			4,666.25

**Total this Phase** **\$6,322.75** ✓

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	263969
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Phase            300            Project Management

**Labor**

	Hours	Rate	Amount	
Principal				
Egelhoff, Anthony	12.75	157.00	2,001.75 ✓	
Project Professional				
Galley, Eric	8.50	121.00	1,028.50 ✓	
Administrative/Clerical				
Chambers, Veronica	.75	88.00	66.00 ✓	
Totals	22.00		3,096.25	
<b>Total Labor</b>				<b>3,096.25 ✓</b>
<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	3,096.25	10,713.00	13,809.25	
Limit			20,000.00	
Balance Remaining			6,190.75	
			<b>Total this Phase</b>	<b>\$3,096.25 ✓</b>

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Phase            400            On-Site Construction Administration

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	0.00	0.00	0.00	
Limit			10,000.00	
Balance Remaining			10,000.00	
			<b>Total this Phase</b>	<b>0.00 ✓</b>

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Phase            410            SWPPP Inspections

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	0.00	0.00	0.00	
Limit			8,000.00	
Balance Remaining			8,000.00	
			<b>Total this Phase</b>	<b>0.00 ✓</b>

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Phase            420            On-Site Construction Observation

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

Project	A16-0546	LaVista 84th St Site Preparation	Invoice	263969
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<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	0.00	0.00	0.00	
Limit			15,000.00	
Balance Remaining			15,000.00	
<b>Total this Phase</b>				<b>0.00</b>

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Phase 430 Special Inspections / Testing

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	0.00	0.00	0.00	
Limit			42,000.00	
Balance Remaining			42,000.00	
<b>Total this Phase</b>				<b>0.00</b>

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Phase 900 Expenses

<b>Reimbursable Expenses</b>				
Personal Vehicle Mileage			18.36	
<b>Total Reimbursables</b>			<b>18.36</b>	<b>18.36</b>

<b>Unit Billing</b>				
Duplication-KIP	26.25 Feet @ 0.20		5.25	
<b>Total Units</b>			<b>5.25</b>	<b>5.25</b>

<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>	
Total Billings	23.61	2,484.42	2,508.03	
Limit			10,000.00	
Balance Remaining			7,491.97	

**Total this Phase \$23.61**

**AMOUNT DUE THIS INVOICE \$9,935.61**

Authorized By: Eric Galley

O.K. to pay  
 DMK 10-27-2016  
 CD-17-007  
 05.71.0908.02

*Consent Agenda 11/15/16*

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

A-9

**Invoice**



601 P Street, Suite 200  
PO Box 84608  
Lincoln, NE 68501-4608  
Tel 402.474.6311, Fax 402.474.5160

October 28, 2016  
Invoice No: 264270

John Kottmann  
City Engineer/Assistant Public Works Director  
City of La Vista NE  
8116 Park View Blvd  
La Vista, NE 68128-2198

OA Project No. C14-2258 La Vista Parking District Access Improvements  
Professional services rendered from September 11, 2016 through October 8, 2016 for work completed in accordance with our Agreement executed on September 16, 2015 and Amendment No. 1 dated April 20, 2016.

Phase 800 Amend #1 Construction Services

**Professional Personnel**

	Hours	Rate	Amount
Principal			
Rolling, Christopher	10.50	39.42	413.91
Designer			
Carey, Douglas	2.75	27.64	76.01
Construction Services			
Amys, Ryan	1.75	45.67	79.92
Feik, Justin	9.00	31.25	281.25
Zlomke, Mark	17.00	25.00	425.00
Administrative/Clerical			
Zablocki, Stacy	12.00	19.50	234.00
Totals	53.00		1,510.09

**Total Labor 1,510.09**

**Additional Fees**

Overhead	176.96 % of 1,510.09	2,672.26	
Profit	12.00 % of 4,182.35	501.88	
<b>Total Additional Fees</b>		<b>3,174.14</b>	<b>3,174.14</b>

**Consultants**

Jackson Dean Construction Inc			
7/31/2016 Jackson Dean Construction Inc	3		6,533.26
8/31/2016 Jackson Dean Construction Inc	4		7,408.17
9/30/2016 Jackson Dean Construction Inc	5		6,245.09
<b>Total Consultants</b>			<b>20,186.52</b>

**20,186.52**

Project	C14-2258	La Vista Parking District Access	Invoice	264270
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Billing Limits	Current	Prior	To-Date
Total Billings	24,870.75	67,194.56	92,065.31
Limit			97,568.18
Balance Remaining			5,502.87

Total this Phase \$24,870.75 ✓

AMOUNT DUE THIS INVOICE \$24,870.75

**Outstanding Invoices**

Number	Date	Balance
262264	9/30/2016	11,350.53
<b>Total</b>		<b>11,350.53</b>

*o.k. to pay*  
*of MK 10-31-2016*  
*05.71.0899.02*

Billings to Date	Current	Prior	Total
	24,870.75	151,269.63	176,140.38

Email invoice to: [jkottmann@cityoflavista.org](mailto:jkottmann@cityoflavista.org)

Total Compensation: \$184,781.11

Authorized By: Christopher Rolling

*Consent Agenda 11/15/16* (Signature)

INVOICE PAYMENT IS REQUESTED WITHIN 30 DAYS

A-10

Yano's Nursery  
5240 S 192nd St  
Omaha, NE 68135-2000  
(402) 895-1535  
info@yanosnursery.com  
http://yanosnursery.com

# Invoice



**BILL TO**  
City of La Vista  
9900 Portal Rd.  
La Vista, NE 68128

**SHIP TO**  
City of La Vista  
9900 Portal Rd.  
La Vista, NE 68128

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
4912	10/25/2016	\$27,220.00	10/25/2016	Due on receipt	

**PROJECT NAME**  
Thompson Creek Landscaping

**ATTN**  
John Kottman

ACTIVITY	QTY	RATE	AMOUNT
Commercial Contract:As Per Contract As Per Contract	1	27,220.00	27,220.00T

We Appreciate Your Business!

SUBTOTAL	27,220.00
TAX (0%)	0.00
TOTAL	27,220.00
<b>BALANCE DUE</b>	<b>\$27,220.00</b>

O.K. to pay  
JMK 11-9-2016  
05.71.0915.03

Consent Agenda 11/15/16  
*(Signature)*

A-11  
Invoice

**Upstream Weeds**

*Bringing Science to People, & People to Science!*

3942 N. 66<sup>th</sup> Street  
Omaha, NE 68104  
Phone 402-881-6919  
Email: Chris@upstreamweeds.com



INVOICE # 035  
DATE: NOVEMBER 2, 2016

NVOICING TERM: 10/01/16- 10/31/16

**TO** John Kottmann, City Engineer  
City of La Vista, Nebraska  
Public Works Department  
9900 Portal Road  
La Vista, NE 68128

CONTRACTOR	PROJECT	PAYMENT TERMS
Chris Madden	Papillion-La Vista Stormwater Outreach	Due on receipt

Description	Qty	Unit Price	line total
<b>October 1 - 7, 2016</b>			
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	2	\$ 25.00	\$ 50.00 ✓
Client Account Management and Administration (reporting, documentation, & billing)	12	\$ 25.00	\$ 300.00 ✓
External meeting (preparation, attendance, & follow-ups)	1	\$ 25.00	\$ 25.00 ✓
New Contract execution-plan development	8	\$ 25.00	\$ 200.00 ✓
Event Coordination	11	\$ 25.00	\$ 275.00 ✓
Event Execution	2	\$ 25.00	\$ 50.00 ✓
<b>October 8 - 14, 2016</b>			
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	4	\$ 25.00	\$ 100.00 ✓
Client Account Management and Administration (reporting, documentation, & billing)	2	\$ 25.00	\$ 50.00 ✓
Citizen Science Initiatives (planning, implementation, & maintenance)	3	\$ 25.00	\$ 75.00 ✓
Event Coordination	15	\$ 25.00	\$ 375.00 ✓
Event Execution	6	\$ 25.00	\$ 150.00 ✓
<b>October 15 - 21, 2016</b>			
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	5	\$ 25.00	\$ 125.00 ✓
Event Coordination	5	\$ 25.00	\$ 125.00 ✓

Event Execution	16	\$ 25.00	\$ 400.00 ✓
<b>October 22 - 30, 2016</b>			
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	5	\$ 25.00	\$ 125.00 ✓
Client Account Management and Administration (reporting, documentation, & billing)	5	\$ 25.00	\$ 125.00 ✓
Citizen Science Initiatives (planning, implementation, & maintenance)	2	\$ 25.00	\$ 50.00 ✓
New Contract execution-plan development	5	\$ 25.00	\$ 125.00 ✓
Event Coordination	8	\$ 25.00	\$ 200.00 ✓
Event Execution	3	\$ 25.00	\$ 75.00 ✓
<b>Expenses</b>			
Day of Event Expenses (Courtney Smith Stipend)			\$ 150.00 ✓
	<b>Sub Total</b>		\$ 3,150.00
	<b>50% Cost Share paid by Papillion</b>		\$ (1,575.00)
	<b>Total Due</b>		\$ 1,575.00 ✓

Please make all checks available to Chris Madden

O.K. to pay  
 JMK 11-4-2016  
 02.43.0505

Consent Agenda 11/15/16  
 (pk)

ITEM A-12

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ELECTION OF DIRECTORS TO THE LA VISTA METROPOLITAN COMMUNITY COLLEGE BOARD OF DIRECTORS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ROSE BARCAL LIBRARY DIRECTOR

**SYNOPSIS**

A resolution has been prepared to designate and ratify, as well as affirm and approve the re-election of, the City's three directors of the La Vista Metropolitan Community College Board of Directors for the purposes of the Condominium Board for the public library and MCC Sarpy Center and approving actions of the directors at the 2016 Annual Meeting.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Currently, the City Council has elected the following persons to the Condominium Board:

- City Administrator
- Library Director
- Director of Public Works

It is proposed that Council designate these positions to hold a seat on the Board on behalf of the City. Additionally, the Condominium Board of Directors will hold its annual meeting on November 14, 2016, at which time the above directors will take action on behalf of the City and the resolution will ratify their actions.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ELECT DIRECTORS OF THE LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM OWNERS ASSOCIATION, INC.

WHEREAS, the City of La Vista Facilities Corporation ("City Facility Corporation") and the Metropolitan Community College Facilities Corporation made and entered a Declaration and Master Deed of La Vista Metropolitan Community College Condominium Property Regime dated December 29, 1997 ("Declaration") for the purposes of administering the condominium property regime and maintaining common areas of the Library/Sarpy Center; and

WHEREAS, the La Vista/Metropolitan Community College Condominium Owners Association, Inc., ("Association") was incorporated for purposes of administering the condominium property regime and maintaining the common areas under the Declaration, and the Association is governed by a Board of Directors; and

WHEREAS, pursuant to Article 1.24 of the Declaration, as amended, the City Facilities Corporation delegated to and authorized the City of La Vista ("City") to exercise voting rights with respect to the Association and its Board of Directors, and the City desires to exercise said voting rights to elect Directors of the Association.

WHEREAS, the following positions (and the individuals holding the titles) have been designated by the Mayor and City Council to be the City's three directors on the Association's Board of Director's ("City's Director's):

City Administrator  
Library Director  
Director of Public Works

WHEREAS, the Association will hold its 2016 Annual Meeting on November 14, 2016, at which time and at such meeting the City's Directors shall vote on behalf of the City and in accordance with the desire of the City Council and the Mayor to nominate and re-elect the City's Director's to the Association's Board of Directors; and

WHEREAS, the Mayor and City Council desire to designate, and ratify, affirm and approve the election of the City's Directors.

NOW, THEREFORE, BE IT RESOLVED, that effective November 15, 2016, the following are hereby designated and elected to serve as the City's appointees to the Board of Director's of the Association:

City Administrator  
Library Director  
Director of Public Works

and further that their attendance, participation, voting and exercise of other rights

on behalf of the City (in exercise of the delegated rights of the City Facilities Corporation) to nominate and elect said individuals as directors at the annual meeting of the Association held November 14, 2016 (and all other related actions) are hereby ratified, affirmed and approved.

PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

ITEM A-13

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
DEPARTMENT OF ROADS MAINTENANCE AGREEMENT - 84 <sup>TH</sup> STREET	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

The Nebraska Department of Roads (NDOR) has requested that the City renew its agreement for 2017 whereby the City will perform all surface maintenance on the four lane miles of 84<sup>th</sup> Street from Harrison Street to Giles Road.

**FISCAL IMPACT**

The State reimbursement to the City is \$1,575 per lane mile for 2017. The revenue is reflected in the FY 17 general fund budget.

**RECOMMENDATION**

Approval

**BACKGROUND**

The original agreement between the City and NDOR was adopted in April 1990, and it has been subsequently renewed each year. Updates were made to the agreement in 2001 and 2006. The reimbursement amount was increase in 2008 to its current level. No changes to the agreement are being proposed for 2017.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AGREEMENT #121 WITH THE NEBRASKA DEPARTMENT OF ROADS FOR THE SURFACE MAINTENANCE OF HIGHWAY N-85 (84<sup>TH</sup> STREET).

WHEREAS, the Nebraska Department of Roads is proposing to renew an agreement whereby the City of La Vista would assume maintenance responsibilities for that portion of Highway N-85 (84<sup>th</sup> Street) which lies within the City of La Vista's corporate boundaries; and

WHEREAS, it is the determination of the City Council of the City of La Vista that it is in the best interest of our citizenry and the traveling public to assume official maintenance responsibilities.

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Roads for maintenance of that portion of Highway N-85 (84<sup>th</sup> Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2017 to December 31, 2017.

PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

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

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of La Vista  
Municipal Extensions in La Vista

**NEBRASKA**  
Good Life. Great Journey.  
DEPARTMENT OF ROADS  
**AGREEMENT**

**THIS AGREEMENT**, made and entered into by and between La Vista hereinafter referred to as the "City"; and the State of Nebraska, Department of Roads, acting by and through its Director-State Engineer, hereinafter referred to as the "State" and this agreement is to have an effective date of January 1, 2017.

**WITNESSETH:**

**WHEREAS**, Nebraska Revised Statutes, relating to highways, set out the responsibilities of the State, counties and incorporated municipalities in the establishment of uniform standards of design, construction, operation and maintenance of said highways, and

**WHEREAS**, the State and the City wish to enter into an agreement relative to the maintenance of said highways, and

**WHEREAS**, Neb. Rev. Stat. § 39-1339, § 39-1344, § 39-1372, § 39-2105, § 60-6,120 and § 60-6,121, set out in detail the maintenance responsibilities of the State and the City; said responsibilities shall be incorporated herein by this reference. Therefore, the parties hereto understand that the maintenance responsibilities of the City and State under the above referenced laws are as set forth by Attachment "A" attached hereto.

**NOW THEREFORE**, in consideration of these facts the parties hereto agree as follows:

**SECTION 1a:** The State agrees to perform the maintenance on the above mentioned highways consisting of surface maintenance of those portions of municipal extensions of all rural highways within municipalities of the Metropolitan, Primary and First Class, the design of which exceeds the design of the rural highways leading into the municipality. The State shall maintain

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of La Vista  
Municipal Extensions in La Vista

the entire traveled portion, not including parking lanes thereon, of the municipal extension and the City shall reimburse the State as set out in Section 8a of this agreement for maintaining that portion of said municipal extension that has been designated by statute as the City's responsibility.

**SECTION 1b:** The State agrees to perform the maintenance on the above mentioned highways consisting of surface maintenance of those portions of municipal extensions of all rural highways within municipalities of the Second Class and Villages, the design of which exceeds the design of the rural highways leading into the municipality. The State shall maintain the entire traveled portion, including parking lanes thereon, of the municipal extension and the City shall reimburse the State as set out in Section 8a of this agreement for maintaining that portion of said municipal extension that has been designated by statute as the City's responsibility.

**SECTION 1c.** The City agrees to perform the maintenance on the above mentioned highways consisting of surface maintenance of those municipal extensions of all rural highways, and the State shall reimburse the City as set out in Section 8b of this agreement for the maintenance of that portion of said municipal extension that has been designated by statute as the State's responsibility. No allowance will be made for turning lanes or for lanes used on a part-time basis as parking lanes, or other auxiliary lanes within municipalities of the Metropolitan, Primary and First Class. No allowance will be made for turning lanes or other auxiliary lanes except parking lanes within municipalities of the Second Class and Villages.

**SECTION 1d.** Special provisions in which the State shall perform partial maintenance and the City shall perform partial maintenance on the same municipal extension(s) shall be set out by addendum, in detail in Attachment "B" attached hereto, referred to in Section 5 of this agreement. Said addendum to include specific responsibilities of the State and the City and dollar amounts allowed for performance of said work by the State and by the City.

**SECTION 2.** Maintenance that may be required by "Acts of God" is not covered by this agreement but shall be performed under special agreement in each specific case.

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of La Vista  
Municipal Extensions in La Vista

**SECTION 3.** Repair or reconstruction projects beyond the scope of normal surface maintenance, which are let to contract through the State's contract letting procedure, are considered to be beyond the scope of this Agreement. Normal surface maintenance shall include, but is not limited to the following maintenance activities: Crack Seal, Joint Seal, Fog Seal, Seal Coats, Spot patching, Pothole repair, Sweeping, Surface Milling, Concrete patching, miscellaneous full-depth concrete replacement, or Preventive maintenance. In order to facilitate repair or reconstruction of projects which are beyond the scope of normal surface maintenance, the City shall submit, on an annual basis, a long-range plan (5 years) for such projects to the State. In the event the State and/or the City should desire to do such work, the parties hereto may enter into a separate agreement for the appropriate cost sharing.

**SECTION 4.** It is further understood that normal surface maintenance and maintenance of appurtenances by the City shall include the identifying, locating, and marking with flags of all buried municipally owned and state owned utility facilities that occupy Nebraska Department of Roads right-of-way. The above mentioned utility facilities are those that service highways referenced in this agreement and properties adjacent to the above referenced highways and will be identified, located, and marked with flags upon the request of the State or the One Call Notification Center. Identification of buried utility facilities shall follow the provisions of the One Call Notification System Act, §76-2301 through § 76-2330. (NE Rev. Stat.)

**SECTION 5.** Only those municipal extensions of rural highways shown on the attached list marked as Attachment "C" attached hereto, and hereby made a part of this agreement shall be covered by this agreement; however, additions and deletions may be made to Attachment "C" by mutual written agreement of the parties hereto.

**SECTION 6.** The above mentioned highways shall be inspected periodically, at least quarterly, by the Department's District Engineer or the District Operations and Maintenance Manager, or their authorized representatives, and by the City's Director of Public Works or his authorized representative to review the adequacy of the maintenance work which has been performed.

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of La Vista  
Municipal Extensions in La Vista

**SECTION 7.** Materials used by the City in the performance work hereunder shall be selected by mutual agreement of the parties hereto.

**SECTION 8a.** If Section 1a or 1b of this agreement is incorporated herein, the City will pay to the State the sum of \$ per Attachment "B" per lane mile. The above cost figures shall include all labor, equipment, tools, materials and supplies used or furnished by the State in the performance of the work on the above mentioned highways. Fractional miles or fractional months, if any, will be used in computing the amount payable in this agreement.

**SECTION 8b.** If Section 1c of this agreement is incorporated herein, the State will pay the City the sum of \$ per Attachment "B" per lane mile. The above cost figure price per lane mile shall include all labor, equipment, tools, materials and supplies used or furnished by the City in the performance of such work. Fractional miles or fractional months, if any, will be used in computing the amount payable in this agreement.

**SECTION 8c.** If Section 1d of this agreement is incorporated herein, the costs of partial maintenance by the State and by the City computed by fractional mile or fractional month and as set out in detail in Attachment "B", shall be offset to determine the amount, if any, to which one party or the other may be entitled after said offset.

**SECTION 8d.** Payment under this agreement will be made on an annual basis after December 31, as soon as possible after submission by the State to the City or the City to the State, as the case may be, of a Certificate approved by the District Engineer of the State, providing all work has been done during the period for which payment is made in full conformity with the agreement.

**SECTION 9.** Upon the failure of the City to perform any of the work named herein under the terms of this agreement, the Director or District Engineer of the State may, with concurrence of the City's Director of Public Works, do and perform such work or cause it to be done and performed and may retain from any monies then due to the City or thereafter becoming due, any such amount as is required for the completion of such work, provided, however, that this

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of La Vista  
Municipal Extensions in La Vista

paragraph shall not be construed to relinquish any rights of action which may accrue in behalf of either party as against the other for any breach of agreement.

**SECTION 10.** It is further understood that all persons working on such highways are employees of the State, City or of contracted third parties. All contracts and agreements made by the City with third parties for the performance of any work to be done under this agreement shall be subject to the terms of this agreement and shall comply with all State laws and requirements relating to construction and maintenance contracts.

**SECTION 11.** The City agrees to keep existing and new right-of-way free of encroachments, except those authorized by permit from the City and approved by the State and Federal Highway Administration (FHWA).

**SECTION 12.** The City agrees to abide by the provisions of the Nebraska Fair Employment Practices Act, as provided by Neb. Rev. Stat. § 48-1101 through § 48-1126.

**SECTION 13.** The parties do further agree, anything to the contrary herein notwithstanding, that the Director-State Engineer of the State of Nebraska, either in his individual or official capacity, shall not be responsible or liable in any manner to the City or to any other person or persons whatsoever for any claim, demand, action or causes of action of any kind or character arising out of or by reason of the execution of this agreement or the negligent performance and completion of the work and improvements provided for herein by the City or its agents or arising out of any contract let by the City for the performance of any of the work provided herein.

**SECTION 14.** The City indemnifies, saves and holds harmless the State and all of its departments, agents, and employees of and from any and all claims, demands, actions or causes of action of whatsoever nature or character arising out of or by reasons of the execution or performance of the work provided for herein by the City or its agents and further agrees to defend at its own sole cost and expense any action or proceeding commenced for the purposes of asserting any claim of whatsoever character arising hereunder as a result of work performed by the City or its agents.

Maintenance Agreement Between  
the Nebraska Department of Roads  
and the Municipality of La Vista  
Municipal Extensions in La Vista

**SECTION 15.** This agreement shall not be construed as a relinquishment by the State of any powers or control it may have over the herein before described highways.

**SECTION 16.** This agreement shall terminate December 31, 2017 , except that it may be renewed for one year at a time and each January 1 thereafter for up to four additional years by written concurrence of both parties hereto. After five years, a new agreement must be executed. The lane mile payment provided in Section 8 hereof may be renegotiated to the satisfaction of both parties at any renewal date.

**IN WITNESS WHEREOF**, the parties hereto have caused these presents to be executed by their proper officials thereunto duly authorized as of the dates below indicated.

EXECUTED by the City this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

CITY OF La Vista

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

EXECUTED by the State this \_\_\_\_ day of \_\_\_\_\_, 2017.

STATE OF NEBRASKA  
DEPARTMENT OF ROADS

\_\_\_\_\_  
District Engineer

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF ROADS

City Maintenance Agreement

Attachment B

City of: La Vista

Date: 1/1/17

Surface Maintenance

From Attachment "C", it is determined that the State's responsibility for surface maintenance within the City limits is 4.00 lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the State agrees to pay to the City the sum of \$1,575.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:

4.00 lane miles x \$1,575.00 per lane mile = \$6,300.00.

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:

lane miles x \$ per lane mile = \$

Other (Explain)

In reference to section (4) of this agreement; The State will assist the City when requested by the City in the location of State owned facilities occupying adjacent to and on the right-of-way.



A-14

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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1 BK NE CKG MAIN (600-873)

122616	11/02/2016	2622	MBC CONSTRUCTION		67,844.92
122617	11/02/2016	497	N L & L CONCRETE		52,918.65
122618	11/02/2016	143	THOMPSON DREESSEN & DORNER		108.75
122619	11/15/2016	1657	A & D TECHNICAL SUPPLY COMPANY		275.00
122620	11/15/2016	4354	A-RELIEF SERVICES INC		707.97
122621	11/15/2016	3983	ABE'S PORTABLES INC		160.08
122622	11/15/2016	762	ACTION BATTERIES UNLTD INC		65.46
122623	11/15/2016	3377	AMERICAN CONCRETE PRODS CO INC		156.96
122624	11/15/2016	1271	AMERICAN PLANNING ASSOCIATION		795.00
122625	11/15/2016	188	ASPHALT & CONCRETE MATERIALS		218.88
122626	11/15/2016	2634	ATLAS AWNING CO INC		250.00
122627	11/15/2016	200	AWARDS AND MORE COMPANY		190.69
122628	11/15/2016	2554	BARCAL, ROSE		203.90
122629	11/15/2016	453	BAUER BUILT TIRE		445.08
122630	11/15/2016	3058	BAXTER CHRYSLER DODGE JEEP RAM		81.67
122631	11/15/2016	4781	BISHOP BUSINESS EQUIPMENT		1,426.55
122632	11/15/2016	196	BLACK HILLS ENERGY		2,153.39
122633	11/15/2016	117	BRODART COMPANY		194.50
122634	11/15/2016	448	BS&A SOFTWARE		146,155.00
122635	11/15/2016	76	BUILDERS SUPPLY CO INC		22.00
122636	11/15/2016	2285	CENTER POINT PUBLISHING		324.15
122637	11/15/2016	219	CENTURY LINK		572.38
122638	11/15/2016	2540	CENTURY LINK BUSN SVCS		101.16
122639	11/15/2016	152	CITY OF OMAHA		176,961.05
122640	11/15/2016	301	CITY OF PAPILLION		173,897.00
122641	11/15/2016	4929	CNA SURETY		525.00
122642	11/15/2016	4789	COLIBRI SYSTEMS NORTH AMER INC		805.00
122643	11/15/2016	2158	COX COMMUNICATIONS		286.65
122644	11/15/2016	707	CULLIGAN OF OMAHA		10.00
122645	11/15/2016	3486	DANKO EMERGENCY EQUIPMENT CO		2,291.84
122646	11/15/2016	4981	DATASHIELD CORPORATION		58.75
122647	11/15/2016	3132	DEARBORN NATIONAL LIFE INS CO		.00
122648	11/15/2016	3132	DEARBORN NATIONAL LIFE INS CO		4,366.72
122649	11/15/2016	77	DIAMOND VOGEL PAINTS		163.36
122650	11/15/2016	3892	DILLON BROS HARLEY DAVIDSON		1,352.94
122651	11/15/2016	2149	DOUGLAS COUNTY SHERIFF'S OFC		1,087.50
122652	11/15/2016	364	DULTMEIER SALES & SERVICE		9.51
122653	11/15/2016	380	ELECTRIC COMPANY OF OMAHA		4,810.00
122654	11/15/2016	561	EMBLEM ENTERPRISES INC		509.14
122655	11/15/2016	1235	FEDEX KINKO'S		12.15
122656	11/15/2016	3739	FELSBURG HOLT & ULLEVIG		225.00
122657	11/15/2016	1245	FILTER CARE		69.60
122658	11/15/2016	1344	GALE		344.86
122659	11/15/2016	53	GCR TIRES & SERVICE		139.50
122660	11/15/2016	252	JENNIFER GOSS		8.49
122661	11/15/2016	71	GREENKEEPER COMPANY INC		607.00
122662	11/15/2016	1044	H & H CHEVROLET LLC		93.29
122663	11/15/2016	3775	HARTS AUTO SUPPLY		364.00
122664	11/15/2016	136	HUNTEL COMMUNICATIONS, INC		1,023.75
122665	11/15/2016	4795	ICMA RETIREMENT CORPORATION		.00
122666	11/15/2016	4795	ICMA RETIREMENT CORPORATION		6,800.00

\*\*CLEARED\*\* \*\*VOIDED\*\*

\*\*CLEARED\*\* \*\*VOIDED\*\*

BANK NO CHECK NO	BANK NAME DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
122667	11/15/2016	2323	INGRAM LIBRARY SERVICES	298.60			
122668	11/15/2016	512	J H STUCKEY DISTRIBUTING	4,056.63			
122669	11/15/2016	2394	KRIHA FLUID POWER CO INC	152.16			
122670	11/15/2016	231	LEAGUE OF NEBRASKA MUNICIPA-	95.00			
122671	11/15/2016	4784	LIBRARY IDEAS LLC	3,605.00			
122672	11/15/2016	1573	LOGAN CONTRACTORS SUPPLY	90.00			
122673	11/15/2016	4560	LOWE'S CREDIT SERVICES	68.80			
122674	11/15/2016	544	MAPA-METRO AREA PLANNING AGENCY	1,500.00			
122675	11/15/2016	877	MATHESON TRI-GAS INC	171.96			
122676	11/15/2016	346	MAX I WALKER UNIFORM RENTAL	569.16			
122677	11/15/2016	4943	MENARDS-RALSTON	601.68			
122678	11/15/2016	153	METRO AREA TRANSIT	435.00			
122679	11/15/2016	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
122680	11/15/2016	553	METROPOLITAN UTILITIES DIST.	2,492.23			
122681	11/15/2016	371	MIDWEST SERVICE AND SALES CO	381.25			
122682	11/15/2016	1028	NATIONAL EVERYTHING WHOLESALE	157.13			
122683	11/15/2016	548	NEBRASKA CLERK SCHOOL	223.00			
122684	11/15/2016	479	NEBRASKA LIBRARY COMMISSION	1,180.90			
122685	11/15/2016	214	NEBRASKA MUNICIPAL CLERKS ASSN	35.00			
122686	11/15/2016	132	NEBRASKA SALT & GRAIN COMPANY	31,073.45			
122687	11/15/2016	593	NEFF TOWING INC	235.00			
122688	11/15/2016	4792	NEX TRAQ INC	3,436.80			
122689	11/15/2016	1014	OFFICE DEPOT INC	888.80			
122690	11/15/2016	79	OMAHA COMPOUND COMPANY	58.59			
122691	11/15/2016	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
122692	11/15/2016	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
122693	11/15/2016	195	OMAHA PUBLIC POWER DISTRICT	51,124.70			
122694	11/15/2016	46	OMAHA WORLD-HERALD	93.60			
122695	11/15/2016	109	OMNIGRAPHICS INC	163.70			
122696	11/15/2016	4815	ONE CALL CONCEPTS INC	238.74			
122697	11/15/2016	165	PALFLEET TRUCK EQUIP CO LLC	176.00			
122698	11/15/2016	1821	PETTY CASH-PAM BUETHE	197.39			
122699	11/15/2016	172	QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
122700	11/15/2016	172	QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
122701	11/15/2016	172	QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
122702	11/15/2016	172	QP ACE HARDWARE	1,358.67			
122703	11/15/2016	1121	RALSTON ADVERTISING	436.00			
122704	11/15/2016	191	READY MIXED CONCRETE COMPANY	1,609.38			
122705	11/15/2016	487	SAPP BROS PETROLEUM INC	414.00			
122706	11/15/2016	2240	SARPY COUNTY COURTHOUSE	4,100.37			
122707	11/15/2016	150	SARPY COUNTY TREASURER	35,687.00			
122708	11/15/2016	738	SIGN IT	170.00			
122709	11/15/2016	3838	SPRINT	643.00			
122710	11/15/2016	3893	STRATEGIC INSIGHTS INC	675.00			
122711	11/15/2016	807	SUPERIOR SPA & POOL	50.93			
122712	11/15/2016	514	SUSAN G KOMEN NEBRASKA	170.00			
122713	11/15/2016	471	WEST COAST SHOE COMPANY	627.25			
1261535	11/02/2016	239	ASSURANT EMPLOYEE BENEFITS	472.33			**E-PAY**
1261536	11/03/2016	178	STANDARD INSURANCE COMPANY	5,679.02			**E-PAY**

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
BANK TOTAL						808,087.46			
OUTSTANDING						808,087.46			
CLEARED						.00			
VOIDED						.00			
FUND		TOTAL	OUTSTANDING	CLEARED	VOIDED				
01	GENERAL FUND	327,538.57	327,538.57	.00	.00				
02	SEWER FUND	180,967.79	180,967.79	.00	.00				
04	BOND(S) DEBT SERVICE FUND	25,005.00	25,005.00	.00	.00				
05	CONSTRUCTION	267,014.42	267,014.42	.00	.00				
08	LOTTERY FUND	5,793.12	5,793.12	.00	.00				
09	GOLF COURSE FUND	95.00	95.00	.00	.00				
15	OFF-STREET PARKING	1,673.56	1,673.56	.00	.00				
REPORT TOTAL						808,087.46			
OUTSTANDING						808,087.46			
CLEARED						.00			
VOIDED						.00			

APPROVED BY COUNCIL MEMBERS 11/15/16

\_\_\_\_\_  
COUNCIL MEMBER

Cover Letter (S193)	
Check Date :	11/04/2016-1
Period Range :	10/16/2016 TO 10/29/2016
Week Number :	Week #45

**IMPORTANT TAX INFORMATION**

Please be aware that you are responsible for the timely filing of employment tax returns and the timely payment of employment taxes for your employees, even if you have authorized a third party to file the returns and make the payments. Therefore, the Internal Revenue Service recommends that you enroll in the U.S. Treasury Department's Electronic Federal Tax Payment System (EFTPS) to monitor your account and ensure that timely tax payments are being made for you. You may enroll in the EFTPS online at [www.eftps.gov](http://www.eftps.gov), or call (800) 555-4477 for an enrollment form. State tax authorities generally offer similar means to verify tax payments. Contact the appropriate state offices directly for details.

**Payroll Totals:**

**# Checks**

Total Regular Checks	4	2222.46
Total Direct Deposits	175	181859.79
Total Manual Checks	0	0.00
Total 3rd Party Checks	0	0.00
Total Void Checks	0	0.00
Total COBRA Checks	0	0.00
<b>Total Net Payroll</b>	<b>4 Items</b>	<b>184082.25</b>

Total Billing Impound		390.96
Total Agency Checks	1	164.10
Total Agency Checks DD	14	40496.05
Total Agency Checks Void	0	0.00
Total Tax Deposit Checks	Tax deposit to be made by Payroll Maxx LLC	

**Sum of Checks 225133.36**

**Total of Checks Printed 19 Items**

Total Tax Liability	82716.58
Total Workers Comp Liability	0.00

**Total Payroll Liability 307849.94**

Total Direct Deposits 222355.84

**Total Debited From Account 307849.94**

**NEXT PERIOD DATES**

Check Date: 11/18/2016 Week 47  
 Period Begin: 10/30/2016  
 Period End: 11/12/2016  
 Call In Date: 11/15/2016 Week 46

Payroll rep: M Jodi

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PUD SITE PLAN APPROVAL — LOT 2, SOUTHPORT EAST REPLAT TWO (SE OF SOUTHPORT PKWY & GILES RD)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to approve the PUD Site Plan for Lot 2, Southport East Replat Two, for the purpose of a commercial building, generally located southeast of Southport Parkway and Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval, contingent on finalization of the landscaping plan and maintenance of shared facilities prior to the issuance of a building permit.

**BACKGROUND**

A public hearing has been scheduled to consider an application by Saldi Family Investments, LLC, on behalf of the property owner, Anthony Saldi, for approval of a PUD Site Plan for the purpose of constructing a new commercial building on Lot 2, Southport East Replat Two.

A detailed staff report is attached.

The Planning Commission held a public hearing on October 20, 2016, and unanimously voted to recommend approval of the PUD Site Plan for the commercial strip shopping center, contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities prior to City Council approval as the PUD Site Plan is consistent with the Comprehensive Plan and the Zoning Ordinance.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN FOR LOT 2, SOUTHPORT EAST REPLAT TWO, A SUBDIVISION LOCATED IN THE SOUTHEAST ¼ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, Saldi Family Investments, LLC, on behalf of the owner, Anthony Saldi, of the above described piece of property have made application for approval of a PUD site plan for Lot 2, Southport East Replat Two; and

WHEREAS, the City Planner and the City Engineer have reviewed the PUD site plan; and

WHEREAS, on October 20, 2016, the La Vista Planning Commission held a public hearing and reviewed the amendment to the PUD site plan and recommended approval contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities as the PUD Site Plan is consistent with the Comprehensive Plan and Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD Site Plan for Lot 2, Southport East Replat Two, a subdivision located in the Southeast ¼ of Section 18, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southeast of Eastport Parkway and Giles Road, be, and hereby is, approved, contingent on finalization of the landscaping plan and information provided regarding maintenance of shared facilities prior to issuance of a building permit.

PASSED AND APPROVED THIS 15TH DAY OF OCTOBER, 2016.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

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



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2016-PUD-04

For Hearing of: November 15, 2016  
Report Prepared on: November 7, 2016

**I. GENERAL INFORMATION**

- A. APPLICANT:** Saldi Family Investments, LLC
- B. PROPERTY OWNER:** Anthony Saldi
- C. LOCATION:** Southeast corner of Southport Parkway and Giles Road
- D. LEGAL DESCRIPTION:** Lot 2, Southport East Replat Two
- E. REQUESTED ACTION(S):** Planned Unit Development (PUD) Site Plan to allow for a commercial strip shopping center.
- F. EXISTING ZONING AND LAND USE:**  
C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District) with a PUD zoning overlay; the property is currently vacant.
- G. PROPOSED USES:** Developer wishes to construct a commercial strip shopping center.
- H. SIZE OF SITE:** 1.80 Acres.

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The existing site is vacant ground that is relatively flat.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** Hampton Inn and Suites; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)
  - 2. **West:** Pinnacle Bank; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)
  - 3. **South:** Vacant; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)
  - 4. **East:** Vacant; C-3 Highway Commercial/Office Park District and Gateway Corridor District (Overlay District)

- C. RELEVANT CASE HISTORY:** A PUD Ordinance (Ordinance 976) that covers this property was approved on December 20, 2005. In addition to the regular setbacks of the C-3 district, the ordinance allows for 10-foot setbacks (side and rear) and a 55-foot maximum building height.

**III. ANALYSIS**

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses. The proposed commercial use is consistent with the Future Land Use Map.

- B. OTHER PLANS:** N/A

**C. TRAFFIC AND ACCESS:**

1. A traffic study was submitted based on a layout that contained a separate coffee shop with drive-through that was expected to generate 155 morning peak hour trips. The layout currently submitted does not have a coffee shop and therefore the study does not correspond with this layout.

Rather than have the applicant revise the study, the City Engineer has reviewed the proposed layout with the City's traffic consultant, FHU, who also conducted a review of the draft traffic impact study for the Nebraska Multisport Complex.

As the coffee shop has been removed (which had an AM peak hour traffic impact that would overlap with the surrounding businesses' AM peak) the City Engineer does not have as much concern about the right-in only turn bay causing congestion on Southport Parkway. There will be some signage recommendations that will come forth out of that review to keep the right-in only turn bay free-flowing and to steer existing traffic to the roadway on the east side of the Hampton Inn hotel. However, the traffic signage requirement would be relatively minor and handled at the time of building permit review.

2. The property will have access to McDermott Plaza which is a private roadway that exists from Eastport Parkway to South 123<sup>rd</sup> Plaza.

- D. UTILITIES:** All utilities are available to the site.

**E. PARKING REQUIREMENTS:**

1. The Zoning Ordinance requires a minimum of one parking stall per 100 sq.ft. of building floor area. The proposed building is stated to be 9,975 sq.ft. which would equate to a minimum parking requirement of 100 spaces. The PUD site plan depicts 111 parking spaces on Lot 2.

Additionally, the applicant has entered into a Cross Easement and Use Restriction Agreement with the property owner for Lot 1, Southport East Replat 2 (Hampton Inn and Suites) to allow for shared parking.

No additional parking is anticipated to be needed.

**F. LANDSCAPING:**

1. The landscaping plan has been reviewed as per the Southport East and the Gateway Corridor District design guidelines. Comments regarding the landscaping plan are stated within the design review letter from the City's Design Review Architect and subsequent staff review letters are attached to this report. The documents provided to the City Council have been revised since the last review letter to address these comments. However, minor changes are still necessary to comply with the design guidelines. Staff recommends approval of the PUD site plan contingent on resolving the final issues with the landscaping plan through the building's design review process, prior to the issuance of a building permit.

**G. BUILDING DESIGN:**

1. The building design will be reviewed as part of the design review process that is required for developments within Southport East and the Gateway Corridor District prior to building permit approval. The design review process will be conducted outside of the PUD approval process, with the exception of the review of the landscaping plan. Comments regarding the landscaping plan are stated within the design review letter from the City's Design Review Architect and subsequent staff review letters attached to this report.
2. As per Section D.ii.a.6 of the Southport East Design Guidelines, all light fixtures will need to meet the requirements of the Southport East Design Guidelines. Parking lot fixtures will need to conform to Appendix I of the Guidelines, whereas the corner feature light fixtures will need to conform to Appendix H of the Guidelines. Review of the proposed site lighting will be conducted at the time of the design review for the main structure.
3. As per Section E of the Southport East Design Guidelines, the design of the monument sign will need to comply with Section 7.01 of the Zoning Ordinance and the Southport East Design Guidelines. Review of the monument sign in relation to these regulations will be conducted at the time of the sign permit application.

**IV. REVIEW COMMENTS:**

1. There needs to be information on how maintenance will be provided for shared facilities, such as shared utilities, if any. However, finalization of what

facilities will be shared will not be concluded until building design has commenced. Hence, agreements regarding the maintenance of shared facilities have been determined and finalized prior to building permit issuance.

**V. STAFF RECOMMENDATION – PUD SITE PLAN:**

Approval of the PUD Site Plan for a commercial strip shopping center, contingent on the finalization of the landscaping plan and information provided regarding maintenance of shared facilities prior to building permit approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – PUD SITE PLAN:**

The Planning Commission held a public hearing on October 20, 2016 and unanimously recommended approval of the PUD Site Plan for the commercial strip shopping center, contingent on the finalization of the landscaping plan, traffic issues, and information provided regarding maintenance of shared facilities prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

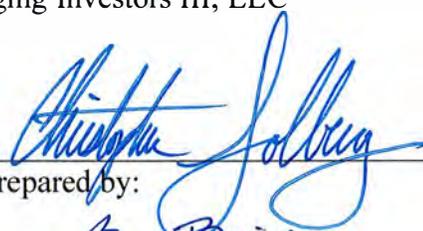
**VII. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Staff Review and Consultant Response Letters
3. Design Review Architect's Letter
4. Draft PUD Site Plan

**VIII. COPIES OF REPORT TO:**

1. Jamie Saldi, Saldi Family Investments, LLC
2. Jeff Lenz, Des Moines Lodging Investors III, LLC
3. Public Upon Request

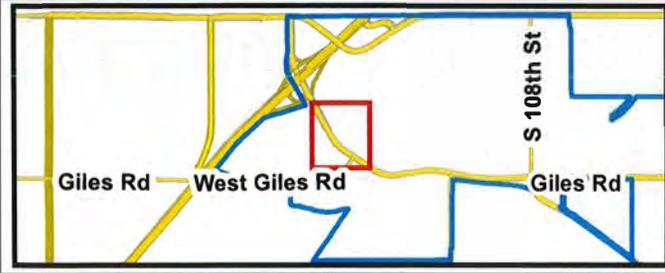
Prepared by:

  
Amanda Pried  
Community Development Director

11-9-16  
Date



**Project Vicinity Map**



**Southport East - PUD - Saldi Family**

10-12-2016

JMC





May 20, 2016

Jamie Saldi  
Saldi Family Investments, LLC  
6910 N. 102<sup>nd</sup> Circle  
Omaha, NE 68122

RE: PUD Site Plan - Initial Review  
Lot 2, Southport East Replat Replat 2

Mr. Saldi,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Planned Unit Development (PUD), the City has the following comments:

Section 5.15 of the Zoning Regulations:

1. Article 5.15.04.01: The applicant needs to submit a proposed schedule of construction that is compliant with this article.
2. Article 5.15.04.03: To demonstrate adequate access the applicant will need to have a traffic study performed to update previous studies. There was a previous study dated August 17, 2005 by E&A Consulting Group that needs to be located and provided to the applicant. Previous traffic studies anticipated a 116 room hotel and a high turnover (sit-down) restaurant of approximately 6,000 square feet on Lots 1 and 2 of Southport East Replat Two. Previous studies also indicated that the existing driveway at the northerly corner on Lot 1 that accesses Southport Parkway would experience Level of Service F during PM peak hours when exiting traffic attempts to get onto Southport Parkway.

The traffic study should identify the expected weekday PM peak hour traffic and Saturday peak hour traffic to be generated by the current development plan for Lots 1 and 2. This should be compared to previous projections and analysis should be done to determine that the existing right-in only access point will function without causing increased congestion on Southport Parkway or backing up traffic into the intersection of Giles Road and Southport Parkway.

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f: 402-331-4375

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The City has hired a consultant to study and make recommendations in the Southport area which included taking peak hour counts at the Southport Parkway and Giles Road intersection. These counts can be provided to the applicant to assist their traffic engineer in conducting their study. Staff recommends that the traffic study be reviewed by the City's traffic engineering consultant (FHU) and they may have other study recommendations.

3. Article 5.15.04.06: Proposed site lighting locations need to be shown.
4. Article 5.15.04.07: It does not appear that adequate parking is provided. The City's parking requirements are:

Drive-through	1 stall per 150 s.f. plus 5 stacking spaces at Drive-up window
Bar, tavern, nightclub	1 stall per 100 s.f. plus 1 stall per employee
Restaurant	1 stall per 4 seats OR 1 per 100 s.f. (whichever is greater) plus 1 stall per employee

The total required is 112 for bar and restaurant (assuming 10 employees in Both) and 13 for the drive-through (which is admittedly high for a coffee Shop) or a total of 125 versus 96 provided. The applicant indicates that the restaurant will be closed at the time of peak use of the bar, but that could change over time unless there is some durable manner in which to prevent that change. Aside from that issue, there are site layout issues that will be noted later herein that will reduce the available parking from what is shown.
5. Article 5.15.04.08: The proposed landscaping plan is currently under review by the City's third-party design review architect. Review comments will be provided when they are available.
6. Article 5.15.04.12: There needs to be information on how maintenance will be provided for shared facilities such as the shared private roadway and potentially shared utilities. A draft common area maintenance agreement would be one way to begin to address this matter.
7. Article 5.15.04.15: No sidewalk is depicted from the eastern edge of "Building C" to the east property line. This needs to be added.
8. Article 5.15.05.02: Proposed contours at a minimum of 2 ft. intervals need to be provided. Also, if the project is to be phased, a basic phasing plan needs to be depicted.
9. Article 5.15.05.04: The plan needs to contain a conceptual Post Construction Storm Water Management Plan (e.g. underground basins versus bio-retention basins for water quality and water quantity management) and a sanitary sewer layout plan of how private sewers will be extended to serve proposed Buildings A, B and C.

### Southport East Design Guidelines:

10. Section 6-Paragraph A: A serpentine sidewalk is required along public street frontages. The proposed sidewalk along Southport Parkway will need to have some undulation added. There is an existing 15 foot sidewalk easement on the final plat that probably will cover the undulation. Since the guidelines were written there have been changes in ADA regulations such that staff recommends the sidewalk be 5 feet wide rather than provide widened sections at intervals for wheelchair passing.
11. Section 6-Paragraph B: The frontage on Giles Road shall have a 20 foot wide bermed and landscaped area per Appendix D of the guidelines. There is only 10 feet of landscaping shown.
12. Section 6-Paragraph C: The frontage on Southport Parkway shall have 20 a foot wide bermed and landscaped area per Appendices A, B and C of the guidelines. There is an area of only 12 feet wide shown.
13. Section 6-Paragraph D: A 10 foot wide landscaped area shall be established along all interior lot lines such as the southeasterly side of Lot 2 where a proposed zero lot line is shown.

### Other Items:

- A. There is a 20 foot wide storm sewer and drainage easement shown on the final plat of Southport East Replat Two on Lot 2 along Giles Road. The proposed parking lot conflicts with this easement in that it would require filling the easement area and reducing the ability of the easement area to convey drainage. In conjunction with the landscaping requirement noted above, the proposed parking lot cannot be in this area.
- B. The proposed menu board and the drive-up window at Building A need to be shown. It is anticipated that the drive-up window would be on the easterly side of the building to enhance available stacking space.
- C. Eventually there will need to be some directional signage identified to try to minimize congestion and wrong-way movements as well as some minor parking lot geometric improvements. But until the site plan is updated for the landscaping and parking count issues, these items can wait.
- D. The site plan depicts two "Project Signage". Only one monument-style sign will be allowed.

Due to the amount of modifications necessary and additional information needed for further review, it is not anticipated that the proposed PUD will be placed on the June Planning Commission agenda. However, it is important to have a relatively quick resubmittal to ensure that the application remains on track for the July Planning Commission meeting.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,

A handwritten signature in black ink, appearing to read "Christopher Solberg", with a horizontal line drawn underneath it.

Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
File



August 9, 2016

Jamie Saldi  
Saldi Family Investments, LLC  
6910 N. 102<sup>nd</sup> Circle  
Omaha, NE 68122

RE: PUD Site Plan – 2nd Review  
Lot 2, Southport East Replat Replat 2

Mr. Saldi,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Planned Unit Development (PUD), the City has the following comments:

Section 5.15 of the Zoning Regulations:

1. The applicant needs to submit a proposed schedule of construction that is compliant with Article 5.15.04.01 of the Zoning Ordinance.
2. Article 5.15.04.03: The traffic study that was submitted was based on the pervious layout that contained a separate coffee shop with drive-through that was expected to generate 155 morning peak hour trips. The layout currently submitted does not have a coffee shop and therefore, the study does not correspond with this layout. Rather than have the applicant revise the study, the City Engineer proposes to review the proposed layout for the site with FHU at the time that FHU will conduct a review the draft impact study for the Nebraska Multisport Complex. As the coffee shop has been removed with an AM peak that would overlap with the surrounding businesses' AM peak, the City Engineer does not have as much concern about the right-in only turn bay causing congestion on Southport Parkway. It is believed that there may be some signage recommendations that will come forth out of that review to keep the right-in only turn bay free-flowing and to steer existing traffic to the east side of the hotel.
3. Sheet C2.1 needs to have some kind of notation about the storm water management system that will be utilized for compliance with Post Construction Stormwater Management Plan requirements. This does not

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require the system be designed, but the type and general location of the facility needs to be identified.

4. There needs to be information on how maintenance will be provided for shared facilities such as the shared, private roadway and potentially shared utilities. A draft common area maintenance agreement would be one way to begin to address this matter.
5. The proposed Site Plan allows 120 parking stalls for the hotel to remain and proposes 112 stalls for the bar and restaurant uses, which complies with the regulations assuming that there would be a maximum of 12 staff working at the same time.
6. Article 5.15.04.06: Proposed site lighting locations have been depicted. Please note that light fixtures will need to meet the specifications of the Southport East design guidelines and will be reviewed at the time of design review submission on the building.
7. Article 5.15.04.15: A sidewalk connection from the lot line in common with Lot 6 Southport East Replat Six, turning north to the drive extension off of McDermott Plaza. This will allow pedestrian traffic along the south side of McDermott Plaza to cross over to the north side to continue westerly movement.

Southport East Design Guidelines:

8. A trash enclosure is depicted near the north end of the property. The design of this trash enclosure will be conducted at the time of design review for the building.
9. Section 6-Paragraph B: The frontage on Giles Road shall have a 20 foot wide bermed and landscaped area per Appendix D of the guidelines. The proposed landscape plan does not meet the guidelines.
10. Section 6-Paragraph C: The frontage on Southport Parkway shall have a 20 foot wide bermed and landscaped area per Appendices A, B and C of the guidelines. The proposed landscaping plan does not meet the guidelines.
11. Section 6-Paragraph D: Along the lot line that is common along Lot 6 Southport East Replat Six shall have a 10 foot wide bermed and landscaped area per Appendices E of the guidelines. The proposed landscaping plan does not meet the guidelines.

12. The proposed plant species listed within the Landscaping Plan Legend do not match what is required as per the guidelines.
13. Landscaping around the building itself will be handled at the time of design review for the building. At this time the delineation of sod vs. seeded areas will be addressed as well as irrigation.

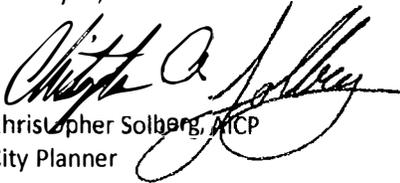
Other Items:

- A. Eventually there will need to be some directional signage identified to try to minimize congestion and wrong-way movements as well as some minor parking lot geometric improvements. It is anticipated that staff will discuss these topics with FHU, with recommendations likely available by the time of the Planning Commission meeting. These items would be relatively minor and would not significantly affect the site plan.
- B. A copy of the draft cross-parking agreement with the Hampton Inn still needs to be provided.

Please submit four full-size copies and one electronic copy of the revised documents by August 22, 2016 to allow for sufficient review prior to potential publication for this project to be added to the September 15, 2016 Planning Commission agenda.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
File



September 1, 2016

Jamie Saldi  
Saldi Family Investments, LLC  
6910 N. 102<sup>nd</sup> Circle  
Omaha, NE 68122

RE: PUD Site Plan – 3rd Review  
Lot 2, Southport East Replat Replat 2

Mr. Saldi,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Planned Unit Development (PUD), the City has the following comments:

Section 5.15 of the Zoning Regulations:

1. Article 5.15.04.03: The traffic study that was submitted was based on the pervious layout that contained a separate coffee shop with drive-through that was expected to generate 155 morning peak hour trips. The layout currently submitted does not have a coffee shop and therefore, the study does not correspond with this layout. Rather than have the applicant revise the study, the City Engineer proposes to review the proposed layout for the site with FHU at the time that FHU will conduct a review the draft impact study for the Nebraska Multisport Complex. As the coffee shop has been removed with an AM peak that would overlap with the surrounding businesses' AM peak, the City Engineer does not have as much concern about the right-in only turn bay causing congestion on Southport Parkway. It is believed that there may be some signage recommendations that will come forth out of that review to keep the right-in only turn bay free-flowing and to steer existing traffic to the east side of the hotel.
2. There needs to be information on how maintenance will be provided for shared facilities such as the shared, private roadway and potentially shared utilities. A draft common area maintenance agreement would be one way to begin to address this matter.

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[info@cityoflavista.org](mailto:info@cityoflavista.org)

3. Article 5.15.04.06: Proposed site lighting locations have been depicted. As a reminder, please note that light fixtures will need to meet the specifications of the Southport East design guidelines and will be reviewed at the time of design review submission on the building.

Also note that three pedestrian-scale light fixtures (and seating) are required as part of the corner landscape feature. A copy of the appropriate section of the Southport East Design Guidelines has been attached for guidance on this issue.

4. Article 5.15.04.15: A sidewalk connection is needed from the lot line in common with Lot 6 Southport East Replat Six, turning north to the drive extension off of McDermott Plaza. This will allow pedestrian traffic along the south side of McDermott Plaza to cross over to the north side to continue westerly movement. The ADA ramps for this sidewalk have been depicted, but the sidewalk leading to the lot line has not been depicted.

#### Southport East Design Guidelines:

5. A trash enclosure is depicted near the north end of the property. As a reminder, the design of this trash enclosure will be conducted at the time of design review for the building.
6. Section 6-Paragraph B: The frontage on Giles Road shall have a 20 foot wide landscaped area per Appendix D of the guidelines. This area does not need to be bermed as previously noted due to the stormwater drainage easement in the area. However, the proposed landscape plan still does not meet the guidelines. A copy of the appropriate section of the Southport East Design Guidelines has been attached for guidance on this issue.
7. Section 6-Paragraph C: The frontage on Southport Parkway shall have a 20 foot wide bermed and landscaped area per Appendices A, B and C of the guidelines. The proposed landscape plan still does not meet the guidelines. A copy of the appropriate section of the Southport East Design Guidelines has been attached for guidance on this issue.
8. Section 6-Paragraph D: Along the lot line that is common along Lot 6 Southport East Replat Six shall have a 10 foot wide bermed and landscaped area per Appendices E of the guidelines. The proposed landscape plan still does not meet the guidelines. A copy of the appropriate section of the Southport East Design Guidelines has been attached for guidance on this issue.
9. The proposed plant species and sizing listed within the Landscaping Plan Legend do not match what is required as per the guidelines. A copy of the

appropriate section of the Southport East Design Guidelines has been attached for guidance on this issue.

10. Landscaping around the building itself will be handled at the time of design review for the building. At this time the delineation of sod vs. seeded areas will be addressed as well as irrigation.

Other Items:

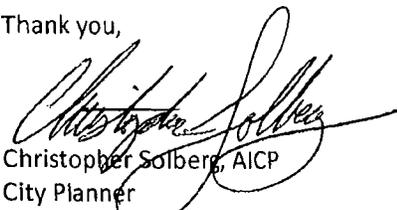
- A. Eventually there will need to be some directional signage identified to try to minimize congestion and wrong-way movements as well as some minor parking lot geometric improvements. It is anticipated that staff will discuss these topics with FHU, with recommendations likely available by the time of the Planning Commission meeting. These items would be relatively minor and would not significantly affect the site plan.

After the aforementioned issues have been addressed, the PUD plan set for Lot 2, Southport East Replat Replat 2 will be close enough to be considered by the Planning Commission. The PUD Amendment application has been added to the September 15, 2016 Planning Commission agenda.

Please provide 11 full-size and four 11"x17" copies, along with an electronic copy, of the revised PUD documents by noon on September 7th for inclusion in the packets to the Planning Commission.

If you have any questions regarding these comments please feel free to contact me at any time.

Thank you,



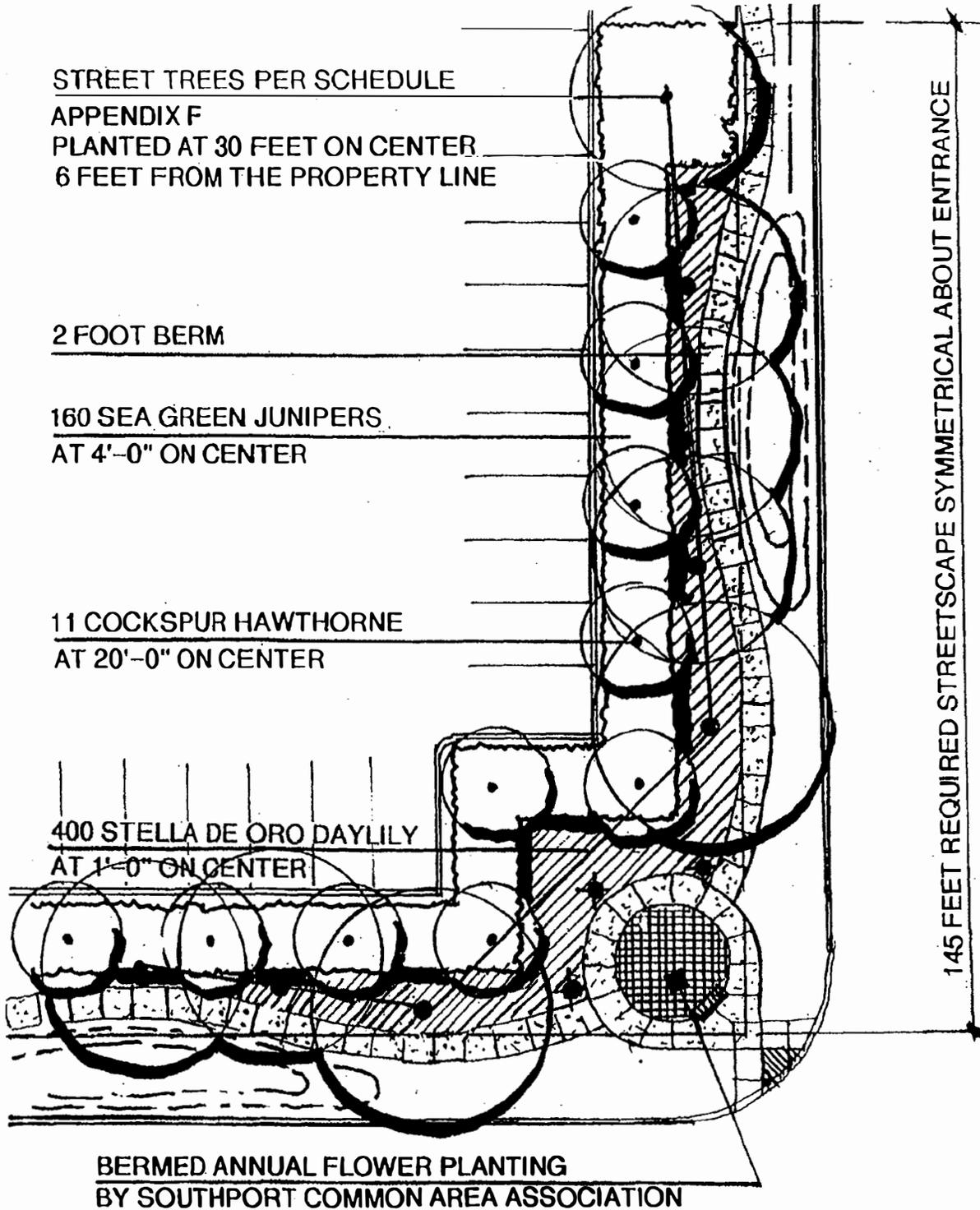
Christopher Solberg, AICP  
City Planner

*Attachments*

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
File



13. APPENDIX B: Corner Streetscape Planting



14. APPENDIX C: Non-Corner Streetscape Concept

3- ORNAMENTAL TREES

TYPE B APPENDIX G

30- EVERGREEN SCREENING

TYPE D APPENDIX G

40- FLOWERING SHRUBS

TYPE E APPENDIX G

100- PERENNIAL FLOWERS

TYPE G APPENDIX G

STREET TREES PER SCHEDULE

SEE APPENDIX F

BERM AT 3 TO 1 SLOPE

4' SERPENTINE WALK

WHERE THE PUBLIC WALK ENTERS  
PRIVATE PROPERTY, A 5 FOOT WIDE  
ACCESS EASEMENT SHALL BE GRANTED

3- ORNAMENTAL TREES

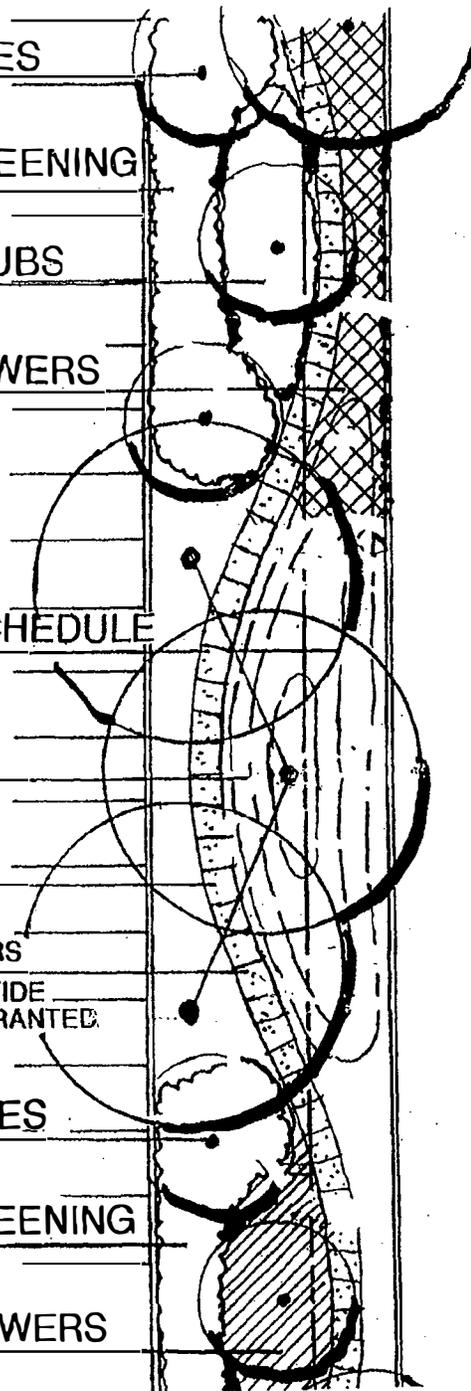
TYPE B APPENDIX G

24- DECIDUOUS SCREENING

TYPE C APPENDIX G

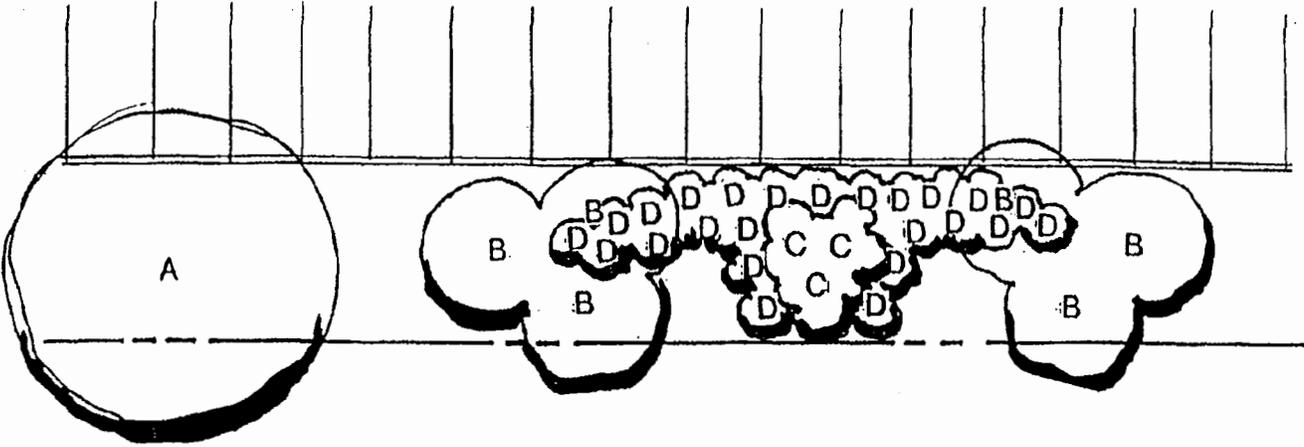
100- PERENNIAL FLOWERS

TYPE G APPENDIX G



PUBLIC STREET

**15. APPENDIX D: Exterior Property Line Plantings**



**PRIMARY STREET FRONTAGE**

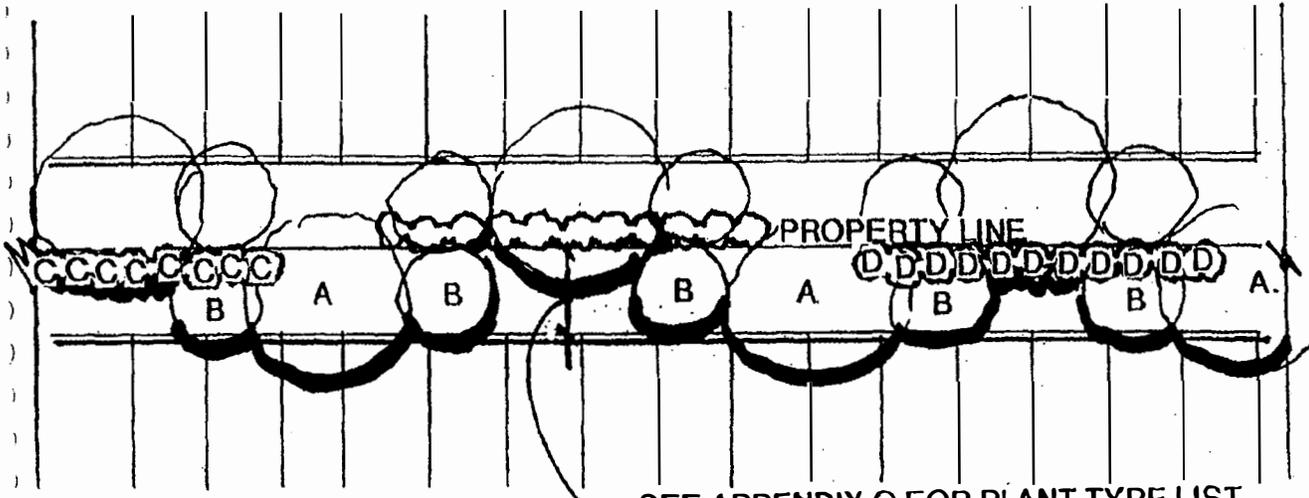
Minimum 20 foot wide green space along I-80, 126<sup>th</sup> Street, Harrison Street and Giles Road. Repeat landscape shown every 150 feet. Plant types are listed in Appendix G. When screening the interstate fence, berming not to exceed a 3:1 slope, sodding (or seeding if approved) and two varieties of type C shrubs selected from the list in Appendix G are required.

Minimum area of sod shall be 20' from property line.

Mulch shall be locally available hardwood. (Natural color only.)

Scale 1"=20'-0"

16. APPENDIX E: Interior Property Line Plantings



SEE APPENDIX G FOR PLANT TYPE LIST  
MINIMUM 10 FOOT GREEN SPACE  
ALONG ALL INTERIOR PROPERTY LINES

Scale 1"= 20'-0"

17. APPENDIX F: Street Tree List

- 120<sup>TH</sup> STREET = AUTUMN PURPLE ASH
- GILES ROAD = SYCAMORE
- PORT GRACE BLVD. = NORTHERN RED OAK
- 126<sup>TH</sup> STREET = RED SUNSET MAPLE
- SOUTHPORT PKWY = RED SUNSET MAPLE
- HEART OF AMERICA LOOP DR. = GINKGO BILOBA
- HEART OF AMERICA DRIVE SOUTH = AUTUMN PURPLE ASH

TYPE	COMMON NAME	BOTANICAL NAME	SIZE	METHOD
A	AUTUMN PURPLE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	3" CAL	B & B
A	SYCAMORE	PLATANUS OCCIDENTALIS	3" CAL	B & B
A	NORTHERN RED OAK	QUERCUS RUBRA	3" CAL	B & B
A	GINGKO	GINGKO BILOBA	3" CAL	B & B
A	RED SUNSET MAPLE	ACER RUBRUM 'RED SUNSET'	3" CAL	B & B

18. APPENDIX G: Plant List

TYPE	COMMON NAME	BOTANICAL NAME	SIZE	METHOD
A	AUTUMN PURPLE ASH	FRAXINUS AMERICANA 'AUTUMN PURPLE'	3" CAL	B & B
A	SYCAMORE	PLATANUS OCCIDENTALIS	3" CAL	B & B
A	NORTHERN RED OAK	QUERCUS RUBRA	3" CAL	B & B
A	SHADEMASTER HONEY LOCUST	GLEDTZIA TRIACANTHOS INERMIS 'SHADEMASTER'	3" CAL	B & B
A	RED SUNSET MAPLE	ACER RUBRUM 'RED SUNSET'	3" CAL	B & B
A	GINGKO	GINGKO BILOBA	3" CAL	B & B
B	SARGENT CRAB	MALUS 'SARGENTII'	2 1/2" CAL	B & B
B	SPRING SNOW CRABAPPLE	MALUS 'SPRING SNOW'	2 1/2" CAL	B & B
B	INDIAN MAGIC CRABAPPLE	MALUS 'INDIAN MAGIC'	2 1/2" CAL	B & B
B	DOWNEY HAWTHORNE	CRATAEGUS CRUSGALLI	2 1/2" CAL	B & B
B	SHADBLOW SERVICEBERRY	AMELANCHIER CANADENSIS	2 1/2" CAL	B & B
C	ARROW-WOOD VIBURNUM	VIBURNUM DENTATUM	5 GAL	CONT.
C	VARIGATED REDTWIG DOGWOOD	CORNUS ALBA 'ARGENTEO MARGINATA'	5 GAL	CONT.
C	MISS KIM LILAC	SYRINGA MEYERI	5 GAL	CONT.
C	RED BARBERRY	BERBERIS THUNBERGII	5 GAL	CONT.

18. APPENDIX G: Plant List

TYPE	COMMON NAME	BOTANICAL NAME	SIZE	METHOD
D	DENSE YEW	TAXIS DENSIFORMIS	18-24"	CONT.
D	SEA GREEN JUNIPER	JUNIPERUS CHINENSIS 'SEA GREEN'	5 GAL	CONT.
E	ANTHONY WATER SPIREA	SPIRAEA 'ANTHONY WATERER'	2 GAL	CONT.
E	GOLDFLAME SPIREA	SPIRAEA 'GOLDFLAME'	2 GAL	CONT.
E	KNOCKOUT ROSE	ROSA 'KNOCKOUT'	2 GAL	CONT.
F	BLUERUG JUNIPER	JUNIPERUS CHINENSIS	2 GAL	CONT.
F	DWARF JAPGARDEN JUNIPER	JUNIPERUS PROCUMBENS 'NANA'	2 GAL	CONT.
G	STELLA D'ORO DAYLILLY	HEMEROCALIS 'STELLA D'ORO'	1 GAL	CONT.
G	AUTUMN JOY SEDUM	SEDUM AUTUMN JOY	1 GAL	CONT.
G	SUNNY BORDER BLUE SPEEDWELL	VERONICA 'SUNNY BORDER BLUE'	1 GAL	CONT.
G	BLANKET FLOWER	GALLARDIA GRANDIFLORA BABY 'COLE'	1 GAL	CONT.
G	SHASTA DAISY	CHRYSANTHEMUM SUPERBUM 'SHASTA DAISY'	1 GAL	CONT.

August 24, 2016

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: Southport East Lot #9 - Design Review #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the applicant's DESIGN REVIEW submittal package dated July 17, 2016. For tracking purposes I have noted deficiencies in the submittal package, and where appropriate, the corresponding requirements outlined in the Southport Design Guidelines.

**General:**

1. Exterior Samples Received:
  - a. Face Brick – Approved
  - b. EIFS #1 and EIFS #2 – Approved
  - c. Aluminum Storefront Framing – Approved.
  - d. Standing Seam Metal Roof – Approved.
  - e. Spandrel Glazing – Approved.
  - f. Additional samples will be required for the prefinished metal cap flashing and vision glazing. Note that the Guidelines require either clear or reflective glazing in the green color ranges.

**Drawings:**

1. Sheet 2 Site Details:
  - a. All steel components of the trash enclosure should be painted to match the exterior steel door color at the building. The elevations appear to appropriately represent this as matching the darker color EIFS #2.
  - b. Roof mounted mechanical equipment is required to be fully screened from view from public right of ways. The Building Section detail appears to show the units fully screened. Note that The City of La Vista uses elevation view to determine screening height required, not an angle from assumed eye level.
2. Sheet 3 Elevations:
  - a. The required recognizable base, mid-facade, and cornice are well proportioned and meet the Guidelines.

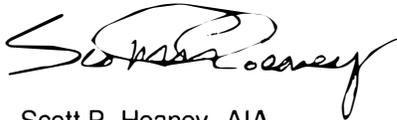
- b. Refer again to Section 7, Building Elements, in the Guidelines for providing at least 4 of the 6 design elements listed. I can only clearly identify 3 elements, those being: awnings, pitched roofs, and square columns.
    - i. The awnings are required to be fabric and a color sample (at least approximate since these probably will come from a sign vendor to be determined) shall be submitted for review.
    - ii. The square columns should be similarly repeated on the west, south, and east elevations in the large brick areas to develop a visual rhythm consistent with the "main" or north elevation. The overall Gateway Corridor District, of which Southport is a part, requires four-sided architecture with consistent quality and detail on all elevations. There is no consideration for what is functionally the "front" or "back" of a building.
  - c. As the fourth required element, I would recommend either adding site furniture for the tenant users or an arbor structure. If an arbor is utilized it needs to be designed to work with the character and lines of the building, and provide a pedestrian destination.
3. Sheet L-1 Landscape Plan
- a. Plant Schedule - Please refer again to the Southport Guidelines, Appendix F and G. for approved Street Tree and Plant Lists. The majority of the proposed selections are non-compliant. Note that we have recently interpreted the Guidelines to allow grasses, even though not included in the required Plant List, to be consistent with what has been previously installed in both Southport East and West. We will allow Sunset Red Maples along Eastport Parkway (old 120<sup>th</sup> Street) whereas the guidelines call for an Autumn Purple Ash. American National Bank, directly to the southeast, utilized Maples as well so they would match.
  - b. The Guidelines don't include Colorado Blue Spruce, although there are existing conifers on the Runza and Burger King sites adjacent to Lot #9. We will allow the spruces because they are screening the view of the trash enclosure from McDermott Plaza, which is desirable.
  - c. Plant sizes meet or exceed the minimums. The Sea Green Juniper is 2 gallons to small. The Dense Yew is using a different measurement than the Guidelines (3 Gal v. 18"-24"), which may be similar in size, but needs to be verified.
  - d. Please review and resubmit the Landscape Plan with revised selections and designations.
4. Sheet E-1 Preliminary Site Lighting:
- a. Parking lot pole fixtures scheduled appear to meet the color standards required per Appendix H and I for the required green color base, aluminum color fluted pole, green color arm, and aluminum color dome.
  - b. Wall pack fixtures should also be aluminum color and a similar style to the pole fixture domes.
  - c. For final Design Review cut sheets must be submitted to clearly demonstrate the fixtures and colors scheduled on the drawings.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6317 direct  
sheaney@schemmer.com

Sincerely,

THE SCHEMMER ASSOCIATES, INC.  
ARCHITECTS | ENGINEERS | PLANNERS

A handwritten signature in black ink, appearing to read "Scott P. Heaney". The signature is fluid and cursive, with the first name "Scott" being the most prominent.

Scott P. Heaney, AIA  
Architect, Associate

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT – LB SOUTHWEST LLC LOT 2, I-80 INDUSTRIAL PARK REPLAT 3 (S. 137 <sup>TH</sup> CIRCLE)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared for Council to consider an application for a Conditional Use Permit to locate and operate an automotive repair service on Lot 2, I-80 Industrial Park Replat 3, generally located south of Giles Road on South 137<sup>th</sup> Circle.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by LB Southwest LLC (dba Woodhouse Auto) for a Conditional Use Permit to locate and operate an automotive repair service on Lot 2, I-80 Industrial Park Replat 3. The property is zoned I-1 Light Industrial; an automotive repair service is listed in the I-1 District as a conditional use. The applicant proposes to operate the repair service in 9,720 sq. ft. bay of an existing 32,400 sq. ft. building located south of Giles Road on South 137<sup>th</sup> Circle.

A detailed staff report is attached.

The Planning Commission held a public hearing on October 20, 2016, and unanimously recommended approval of the Conditional Use Permit for the Woodhouse automotive repair service as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

I:\Administration\BRENDA\My Documents\COUNCIL\16 Memos\CUP - Woodhouse.Doc

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR LB SOUTHWEST, LLC, TO ALLOW FOR AN AUTOMOTIVE REPAIR SERVICE ON LOT 2, I-80 INDUSTRIAL PARK REPLAT 3.

WHEREAS, LB Southwest, LLC, on behalf of the property owner, Miller Developments, LLC, has applied for a Conditional Use Permit for to allow for an automotive repair service on Lot 2, I-80 Industrial Park Replat 3 located south of Giles Road on 137<sup>th</sup> Circle; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for LB Southwest, LLC, to allow for an automotive repair service on Lot 2, I-80 Industrial Park Replat 3.

PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.

CITY OF LA VISTA

ATTEST:

\_\_\_\_\_  
Douglas Kindig, Mayor

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



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2016-CUP-05

For Hearing of: November 15, 2016  
Report Prepared on: November 7, 2016

**I. GENERAL INFORMATION**

- A. APPLICANT:** LB Southwest LLC
- B. PROPERTY OWNER:** Miller Developments, LLC
- C. LOCATION:** South 137<sup>th</sup> Circle, south of Giles Road
- D. LEGAL DESCRIPTION:** Lot 2, I-80 Industrial Park Replat 3
- E. REQUESTED ACTION(S):** Conditional Use Permit approval for *Automotive Repair Service*
- F. EXISTING ZONING AND LAND USE:**  
I-1 Light Industrial; Industrial flex building.
- G. PROPOSED USES:** The Conditional Use Permit (CUP) would allow the applicant to operate an *Automotive Repair Service* out of three suites of an industrial flex building.
- H. SIZE OF SITE:** 3.59 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** An industrial flex building currently sits on the property with the ability to house 10 separate suites. The property is relatively flat with a gradual slope northward.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. **North:** I-80 Industrial Park; Industrial flex building; I-1 Light Industrial District
  - 2. **South:** I-80 Industrial Park; Industrial flex building; I-1 Light Industrial District
  - 3. **East:** I-80 Industrial Park; Industrial building; I-1 Light Industrial District
  - 4. **West:** The Meadows; Single-Family Residential; R-1 Single-Family Residential

**C. RELEVANT CASE HISTORY:**

N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.13 of the Zoning Regulations – I-1 Light Industrial District
2. Article 6 of the Zoning Regulations – Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for industrial uses.

**B. OTHER PLANS: N/A**

**C. TRAFFIC AND ACCESS:**

1. Access will be from two existing egress / ingress points along South 137<sup>th</sup> Circle.
2. Based on nature and extent of the activities stated in the Operating Statement, a traffic impact study is not required.

**D. UTILITIES:** All utilities are available to the site.

**E. PARKING REQUIREMENTS:** The industrial flex building's parking lot consists of 66 striped parking spaces on the north side.

The zoning requirements for *Automotive Repair Services* require a minimum of 3 parking spaces per repair stall. The three suites proposed for this business include 6 bay doors, translating to a need for 18 parking spaces.

The proposed business will use 9,720 square feet of a 32,400 square foot building, leaving 22,680 square feet for the remaining tenants. Zoning requirements for *Industrial Flex Space* require 1 space per 3,000 square feet of building. This would equate to a need of 8 parking stalls for the remainder of the facility.

Sufficient parking is available for this use.

No on-street parking will be allowed on South 137<sup>th</sup> Circle.

**F. LANDSCAPING:** The site already complies with the landscaping requirements of Section 7.17 of the Zoning Ordinance, which is 1 tree per 40 feet of street frontage. A sufficient stand of trees also provides a visual buffer between this lot and the residential development to the west.

**IV. REVIEW COMMENTS:**

1. The applicant proposes to house the *Automotive Repair Service* business within suites 6-8 of the facility, as indicated on the CUP Site Plan.
2. The Operational Statement notes that the proposed business would be temporary due to the proposed development of permanent facilities to house this use near 144<sup>th</sup> Street and Giles Road. However, due to the nature of the lease, the proposed business would be considered permanent in the Conditional Use Permit document. At such time as the business would cease to be in operation in this location for one year, or the applicant notified the City of closure of this location, the CUP would then terminate.
3. No outdoor storage will be permitted. All parts and materials will be required to be stored inside. Any discarded parts and materials will be required to remain in a dumpster until picked up for disposal.
4. Based on information provided within the revised Operational Statement, it is concluded that the impact of noise and/or fumes from this business would be limited. However, conditions 2(i) and 2(l) of the draft Conditional Use Permit document allow the City to address nuisance issues through this permit if nuisance complaints are deemed a sufficient impact to warrant action.
5. A draft Conditional Use Permit is attached for review.

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION:**

The Planning Commission held a public hearing on October 20, 2016 and unanimously recommended approval of the Conditional Use Permit for the Woodhouse *Automotive Repair Service* as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

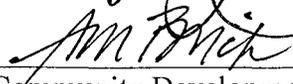
**VII. ATTACHMENTS TO REPORT:**

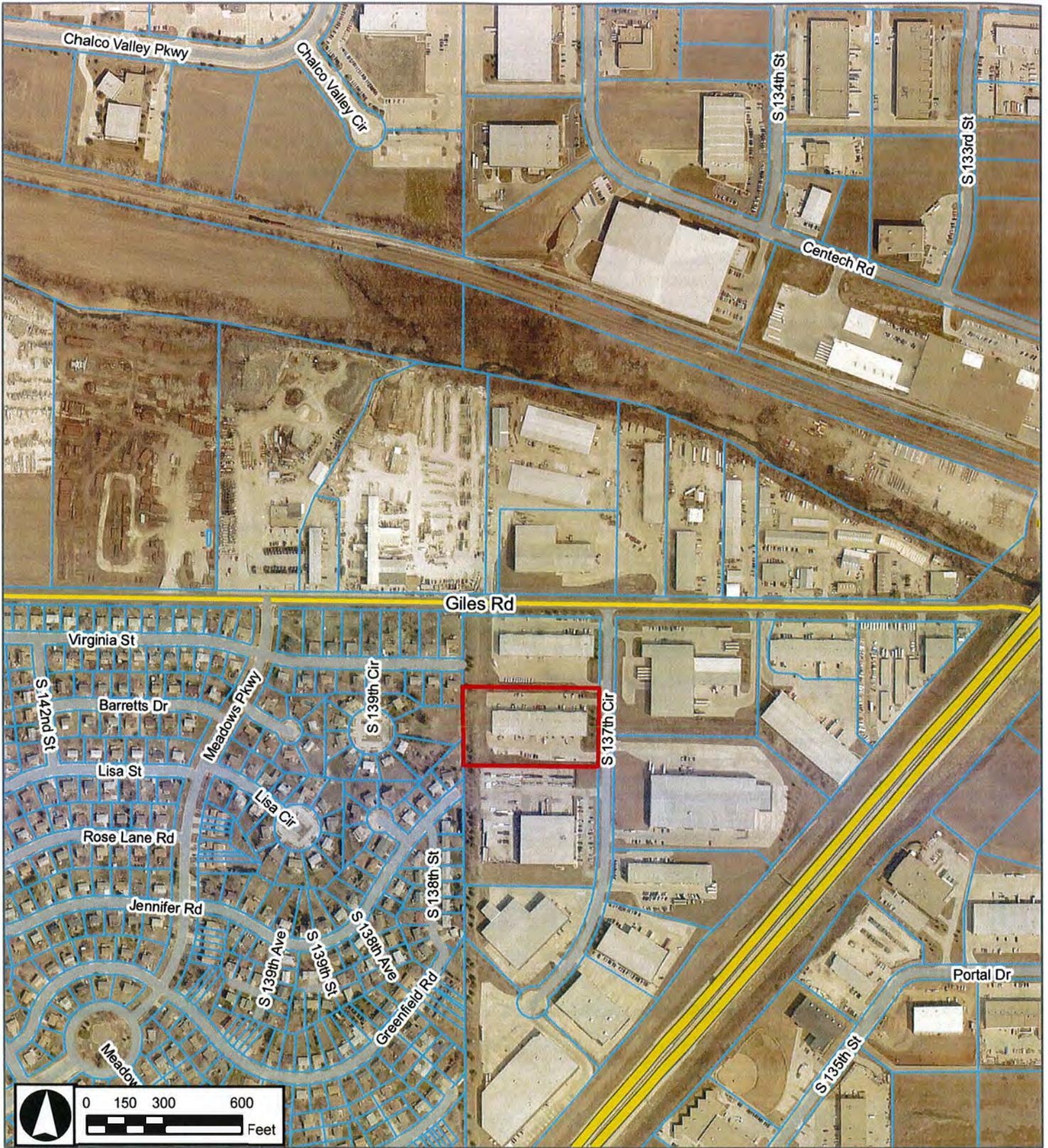
1. Vicinity Map
2. CUP Operational Statement
3. Staff Review Letter
4. Review Response Letter from Representative Consultant
5. Draft CUP
6. CUP Site Plan map

**VIII. COPIES OF REPORT TO:**

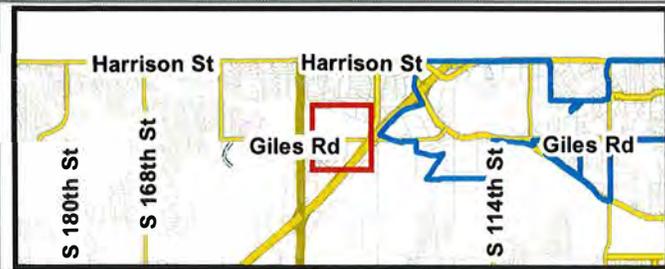
1. Paul Cech; LB Southwest, LLC
2. Stan Baatz; Miller Developments, LLC
3. Scott Loos, P.E.; Lamp, Rynearson & Associates, Inc.
4. Public Upon Request

  
Prepared by \_\_\_\_\_

 11-8-16  
Community Development Director Date



**Project Vicinity Map**



**Woodhouse Repair CUP**

11/8/2016

CAS



Woodhouse Auto Family  
Woodhouse Nissan  
2171 S. Hwy. 30  
Blair, Nebraska 68008

Re: 8550 South 137<sup>th</sup> Cir, Suites 6-8  
Temporary Special Use Permit  
Description of Proposed Use

Description of Property. Woodhouse Auto Family (by Woodhouse SW Omaha, Inc., an affiliated Woodhouse entity ("Woodhouse")) is requesting a temporary Special Use Permit regarding industrial bays 6-8 located at 8550 South 137<sup>th</sup> Cir, Omaha, Nebraska ("Premises"). The industrial bays consist of 9,720 square feet. The industrial building is currently zoned light industrial (L1).

Description of Proposed Use. Woodhouse is intending to utilize the Premises on a temporary basis for the purpose of servicing new and used vehicles. The proposed use of the Premises is a temporary location for the auto service center while Woodhouse constructs a new Nissan automobile dealership building at Woodhouse Plaza located on the southwest corner of 144<sup>th</sup> and Giles In Omaha, Nebraska.

Identification of Owner of the Premises and Lease Description. The owner of the Premises is Miller Developments, c/o Stan Baatz, 15426 W Center Road, Omaha, NE. The initial term of the lease is for a thirty (30) month period (Woodhouse does have the right to extend the lease If the new Nissan building is not completed). The lease is contingent upon the securing of this temporary Special Use Permit.

Operational Information. Woodhouse will employ up to ten (10) employees at the Premises over the term of the lease, with most of these employees being technicians and service advisors. In conjunction with the lease of the Premises, Woodhouse will also lease a separate auto sales facility associated with this Nissan dealership. We anticipate the sales location will be at 136<sup>th</sup> and Q Street at the Deerfield Plaza shopping center. Many of the vehicles that will be repaired at this temporary service facility will originate from the sales point on 136<sup>th</sup> and Q, and customer vehicles will be shuttled to this temporary location for service.

We feel that the extent of proposed activities that could produce noise that impact adjacent tenants in the building and possibly adjacent residential neighbors would be limited to air hammers used during rotating tires and removing and installing various vehicle components. This may happen up to five times an hour; however, the noise will be for very brief intervals. There may also be fumes created while a vehicle sits in the shop area when the overhead doors are down. It is not normal to run a vehicle inside while a repair is being performed but we will have an exhaust system in place to minimize the fumes if the vehicle is running while indoors. We don't feel that fumes will impact any adjacent residential neighbors.

We will not be washing vehicles in this space and any repair activity waste products will be contained in the waste interceptor already installed at the facility.

Business hours will be Monday thru Friday from 7:30 am to 6:00 pm and Saturday's from 8:00 am to 1:00 pm. Woodhouse signage will be displayed on the building subject to the building owner and the City of LaVista's sign requirements.

Woodhouse Auto Family is a locally owned and is operating automobile dealership in the Omaha metro area. Woodhouse employees over 900 people and operates 11 franchises in the market.

September 19, 2016



Scott Loos, P.E.  
Lamp, Rynearson & Associates, Inc.  
14710 West Dodge Road, Suite 100  
Omaha, NE 68154

RE: Conditional Use Permit – Initial Review  
Automotive Repair – Temporary Use  
Lot 2, I-80 Industrial Park Replat 3

Mr. Loos:

Thank you for your submittal of the Woodhouse Temporary Automotive Repair CUP request to allow for an *automotive repair services* facility on Lot 2, I-80 Industrial Park Replat 3. Based on the elements for consideration set forth in Article 6.05 of the Zoning Ordinance, our staff has reviewed the submittal and has provided the following comments:

1. The applicant needs to identify on the site plan what portion of the building will be used for the proposed vehicle repair activities.
2. The current tenants in adjoining bays to the proposed activity should be identified on the site plan.
3. The extent of proposed activities that could produce noise and/or fumes that may impact the adjacent tenants in the building, and possibly adjacent residential neighbors, should be identified.
4. It may be necessary to add a grease and grit trap to the space to address the waste products from the repair activities. The applicant needs to identify if they will be washing vehicles in the space.
5. The proposed term of the lease for the space is 30 months with an option to extend the lease. A renewal would seem to be going beyond the concept of temporary. The drafted Conditional Use Permit will address the use as an ongoing use that can be cancelled by the applicant upon cancellation of the applicant's lease for the building.
6. Please note that no outdoor storage will be permitted. All parts and materials will be required to be stored inside. Also, any discarded parts

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

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

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

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

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

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

**Public Buildings & Grounds**  
8112 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

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

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

[www.cityoflavista.org](http://www.cityoflavista.org)  
[info@cityoflavista.org](mailto:info@cityoflavista.org)

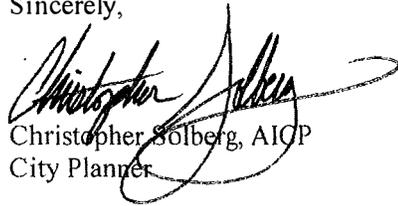
and materials will be required to remain in a dumpster until picked up for disposal.

Enclosed is a copy of the draft Conditional Use Permit. Please note that this draft of the permit is subject to change based on the additional information requested above and by review by the City Attorney.

Please submit four copies of revised documents by September 28<sup>th</sup> in order to continue to be considered for the October Planning Commission meeting. If you cannot re-submit by this date, or additional changes are required after the next submittal, the application will be considered for the November Planning Commission meeting.

Should you have any questions please contact me at 331-4343.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Solberg", written over a printed name and title.

Christopher Solberg, AICP  
City Planner

Enclosure

Cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Paul Cech, LB Southwest, LLC  
Stan Baatz, Miller Developments, LLC



## LAMP RYNEARSON

14710 West Dodge Road, Suite 100  
Omaha, Nebraska 68154  
[P] 402.496.2498  
[F] 402.496.2730  
www.LRA-inc.com

September 27, 2016

Mr. Chris Solberg  
Community Development  
8116 Park View Boulevard  
LaVista, NE 68128

REFERENCE: Woodhouse Auto - 8550 South 137th Circle  
Temporary Conditional Use Permit - Initial Review  
LRA Job No. 0116105.01-004

Dear Mr. Solberg:

The following are LRA's responses to the City of LaVista's initial review letter dated September 19, 2016.

1. The applicant needs to identify on the site plan what portion of the building will be used for the proposed vehicle repair activities.

**RESPONSE:** Concur. The enclosed revised site plan identifies which portion of the building will be used for the proposed vehicle repair activities.

2. The current tenants in adjoining bays to the proposed activity should be identified on the site plan.

**RESPONSE:** Concur. The enclosed revised site plan identifies the current tenants in adjoining bays to the proposed activity.

3. The extent of proposed activities that could produce noise and/or fumes that may impact the adjacent tenants in the building, and possibly adjacent residential neighbors, should be identified.

**RESPONSE:** Concur. The extent of proposed activities that could produce noise and/or fumes that may impact the adjacent tenants in the building, and possibly adjacent residential neighbors, are identified in the enclosed revised Operating Statement.

4. It may be necessary to add a grease and grit trap to the space to address the waste products from the repair activities. The applicant needs to identify if they will be washing vehicles in the space.

**RESPONSE:** Per the revised enclosed Operating Statement, the applicant will not be washing vehicles in this space, and any repair activity waste products will be contained in the waste interceptor already installed at the facility.

5. The proposed term of the lease for the space is 30 months with an option to extend the lease. A renewal would seem to be going beyond the concept of temporary. The drafted Conditional Use Permit will address the use as an ongoing use that can be cancelled by the applicant upon cancellation of the applicant's lease for the building.

**RESPONSE:** Concur.

6. Please note that no outdoor storage will be permitted. All parts and materials will be required to be stored inside. Also, any discarded parts and materials will be required to remain in a dumpster until picked up for disposal.

### LAMP RYNEARSON COMPANIES



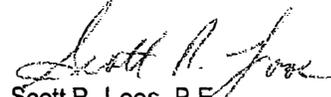
Woodhouse Auto  
Temporary Conditional Use Permit  
September 27, 2016  
Page 2 of 2

**RESPONSE:** Concur.

Please call if you have any questions or comments regarding this submittal.

Sincerely,

LAMP RYNEARSON



Scott R. Loos, P.E.  
Senior Project Manager

Enclosures

c: Paul Cech  
Larry Jobeun

g:\L:\Engineering\0116105 Woodhouse 137th and Giles Road\ADMIN\RSP Solberg 160927.docx

# City of La Vista Conditional Use Permit

## Conditional Use Permit for a Automotive Repair Service

This Conditional Use Permit issued this 15th day of November, 2016, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, LB Southwest, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to operate an Automotive Repair Service facility upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2, I-80 Industrial Park Replat 3

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating an Automotive Repair Service facility; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to the owner for such purposes, subject to certain conditions and agreements as hereinafter provided.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit “A” hereto for an Automotive Repair Service facility, said use hereinafter being referred to as “Permitted Use or Use”.

### **Conditions of Permit**

The conditions to which the granting of this permit is subject are:

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
  - a. A site plan showing the property boundaries of the tract of land and easements, proposed structures and orientation, parking, access points, and drives is approved by the City and attached to the permit as “Exhibit A”. Access will be from 137th Circle.
  - b. Hours of operation for said Automotive Repair Service will be from 7:00 a.m. to 6:00 p.m. Monday through Friday and 8:00 a.m to 1:00 p.m. on Saturday.
  - c. There will be up to 20 employees on site.
  - d. Deliveries must correspond with store business hours and shall be restricted to off-peak traffic hours when reasonable.
  - e. The premises shall be developed and maintained in accordance with the site plan (Exhibit A) as approved by the City and incorporated herein by this reference. Any modifications must be submitted to the Chief Building Official for approval.
  - f. There shall be no storage, placement or display of goods, supplies or any other material, substance, container, or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
  - g. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.

- h. All permanent and temporary signs shall comply with the City's sign regulations.
  - i. Owner shall abide by all aspects of City of La Vista Zoning Ordinance Section 7.16 – *Performance Standards for Industrial Uses*.
  - j. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
  - k. The owner shall make annual inspections of the premises and structures, and the operation thereof for any hazard or risk, including, but not limited to, those of an environmental or safety nature. The owner shall take immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises and to abate any hazard or risk and remove it from the premises in accordance with any applicable laws, rules or regulations, as amended or in effect from time to time.
  - l. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
  - m. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
  - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
  - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
  - c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
  - d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
5. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same.

Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

6. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

**Miscellaneous**

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.
2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

**Contact Name and Address:** Paul Cech  
LB Southwest, LLC  
6603 "L" Street  
Omaha, NE 68117

**Effective Date:**

This permit shall take effect upon the filing hereof with the City Clerk a signed original hereof.

THE CITY OF LA VISTA

By \_\_\_\_\_  
Douglas Kindig, Mayor

Attest:

\_\_\_\_\_  
Pam Buethe  
City Clerk

**CONSENT AND AGREEMENT**

The undersigned does hereby consent and agree to the conditions of this permit and that the terms hereof constitute an agreement on the part of the undersigned to fully and timely perform each and every condition and term hereof, and the undersigned does hereby warrant, covenant and agree to fully and timely perform and discharge all obligations and liabilities herein required by owner to be performed or discharged.

Owner:

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

\_\_\_\_\_  
Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [\_\_\_\_\_], personally known by me to be the \_\_\_\_\_ of LB Southwest, LLC, and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

\_\_\_\_\_  
Notary Public

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE REQUEST FOR QUALIFICATIONS PROJECT MANAGEMENT SERVICES PUBLIC INFRASTRUCTURE IMPROVEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the issuance of a joint Request for Qualifications by the City and the La Vista Community Development Agency for project management services.

**FISCAL IMPACT**

The FY 17 & FY18 City Budget provides funding for multiple potential public infrastructure improvements and associated services.

**RECOMMENDATION**

Approval.

**BACKGROUND**

There are currently several major development and/or redevelopment projects being proposed at various locations in the City of La Vista, which will result in the need for a number of potential public infrastructure improvements including roadway, sewer, utility, recreation, parking facility, landscaping and related amenities. The work will involve simultaneous projects at multiple sites that will, in some cases, take place concurrently and in the immediate proximity of private improvements. The City and the Agency are considering participation in various associated public infrastructure projects including but not limited to the following:

- Site Preparation & Demolition (Agency)
- Relocation of Overhead Power Transmission Line
- Construction of Roads, Sewers & Utilities
- Construction of Public Parking Facilities
- Grading and Enlargement of the Lake in Conjunction with Golf Course Transformation
- Construction of Amphitheater and Amenities in Conjunction with Golf Course Transformation
- Intersection Relocation – 84th Street & Summer Drive
- Conversion of 83<sup>rd</sup> Plaza to Public Road

The anticipated construction period for these projects is November 2016 to November 2018. Design consultants have been selected for some projects and some selections remain to be made. There are additional public infrastructure projects anticipated in 2019 and beyond.

Professional project management services are needed to assist with consultant and contractor selection, estimating, construction management, project monitoring, and coordination of multiple City or Agency projects. The resolution provides for soliciting proposals for such services. A separate agenda item will be considered for City approval in connection with such services to be provided on behalf of the Agency. The City would directly pay for all work for the City or Agency.

The following schedule is recommended:

Publish Notice of Request for Qualifications	November 23 and November 30, 2016
Receive Qualifications submittals	Until December 9, 2016 at 3:30 pm, local time
Conduct interviews and make a selection	Week of December 12, 2016
Negotiate agreement with selected firm	Week of December 19, 2016
City Council Award Contract	January 3, 2017

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR QUALIFICATIONS FOR PROJECT MANAGEMENT SERVICES FOR POSSIBLE PUBLIC INFRASTRUCTURE IMPROVEMENTS.**

**WHEREAS, the Mayor and Council have determined that a number of potential public infrastructure improvements will be necessary as a result of several major development and/or redevelopment projects being proposed; and**

**WHEREAS, the FY17 and FY18 budgets provides funding for multiple potential public infrastructure improvements and associated services; and**

**WHEREAS, the request for qualifications schedule is as follows:**

Publish Notice of Request for Qualifications	November 23 and 30, 2016
Receive Proposals	Until December 9, 2016 at 3:30 pm
City Award Contract	January 3, 2017

**NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the request for qualifications for Project Management Services for possible public infrastructure improvements.**

**PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.**

**CITY OF LA VISTA**

\_\_\_\_\_  
**Douglas Kindig, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pamela A. Buethe, CMC**  
**City Clerk**



**REQUEST FOR QUALIFICATIONS  
FOR  
PROJECT MANAGEMENT SERVICES**

Design & Construction Phases  
Public Infrastructure Improvements

**CITY OF LAVISTA  
&  
LA VISTA COMMUNITY DEVELOPMENT AGENCY**

**DEADLINE FOR SUBMISSION:**

**DECEMBER 9, 2016, 3:30 P.M.**

**AT**

**CITY OF LA VISTA  
PUBLIC WORKS DEPARTMENT  
9900 PORTAL ROAD  
LA VISTA, NE 68128**

## INTRODUCTION

The City of La Vista, Nebraska (City) and the La Vista Community Development Agency (Agency) are hereby requesting qualifications from interested firms to perform professional project management services for the City and the Agency for multiple potential public infrastructure projects including roadway, sewer, utility, recreation, parking facility, landscaping and related amenities with a projected budget of approximately \$64 million. The work will involve simultaneous projects at multiple sites that will, in some cases, take place concurrently and in the immediate proximity of private improvements. (See Appendix for background and additional information.)

### A. TIMELINE

<b>Project Management Selection</b>	<b>Date</b>
Publish Notice of RFQ	November 23 and November 30, 2016
Deadline for Receipt of Submittals	December 9, 2016, 3:30 p.m.
Conduct Interviews/Selection	Week of December 12, 2016
Negotiate agreement with selected firm/individual	Week of December 19, 2016
City Council award of contract	January 3, 2017

*This timeline is provided for informational purposes only and is subject to change as determined in the sole discretion of the City of La Vista and the La Vista Community Development Agency.*

### B. GENERAL SCOPE OF PROJECT MANAGEMENT SERVICES

Project Management Services will be a joint contract for professional services entered into by the City and/or the Agency and will generally include duties of direct responsibility or assistance and consultation to the City's and Agency's project team(s). The City will directly pay for all services provided for the City or the Agency. The City Engineer or other designated City staff will be the point of contact on behalf of the City or the Agency with respect to proposals or services in connection with this RFQ. Project management services will generally include but shall not be limited to matters such as:

- (1) Assist the City and the Agency in negotiating fees with consultants for design and/or construction phase services;
- (2) Review of consultant design submittals and project budgets and advise the City and the Agency on recommended changes, additions, or deletions;
- (3) prepare opinions of probable construction costs based upon conceptual plans, preliminary plans and final plans;
- (4) assist in the review of bidding documents and solicitation for bids;
- (5) assist in establishing a list of prospective contractors and the selection of a Construction Manager at Risk Contractor, where applicable;
- (6) coordinate and collaborate with the various consulting firms, engineering firms, and contractors working for the City and the Agency and any private developers of adjacent property to include utility companies;
- (7) evaluation of and adherence to project schedules and budgets for multiple projects;
- (8) review and prepare change requests, change orders and pay applications;
- (9) attend regular design team

- The character, integrity, and reputation of the firm
- History of experience and successful performance on similar projects
- Project approach and understanding
- Demonstration of the ability and capacity to perform the outlined work for the City and the Agency in light of the size, scope, complexity and required time frame

#### D. SUBMISSION PROCEDURES

Proposals must be submitted to the City of La Vista Public Works Department, 9900 Portal Road, La Vista, NE 68128 on or before 3:30 p.m., December 9, 2016. No exceptions to this deadline will be given. The required number of copies of the proposal should be submitted in an envelope or other sealed container clearly marked on the outside as containing "Proposal for Project Management Services". For purposes of this paragraph the term "submitted" shall mean the actual in hand receipt of all required bid documents. Facsimile transmittals, e-mail or other electronic or telephonic transmittals shall not be accepted and receipt of submittal documents, or change in submittal documents, in such manner will not be accepted.

Those interested in submitting proposals should contact John Kottmann, City of La Vista Public Works Department, 9900 Portal Road, La Vista, NE 68128, 402.331.8927, or [jkottmann@cityoflavista.org](mailto:jkottmann@cityoflavista.org) for any additional questions regarding the project.

Proposals must be firm for sixty (60) days from the proposal due date. City of La Vista and the La Vista Community Development Agency reserve the right to refuse any or all proposals and to waive technicalities in order to accept proposals that may be in the best interest of the City and the Agency at their sole discretion.

Following the opening of all submissions, the proposals will be reviewed and evaluated according to the criteria outlined above. The City and Agency may elect to interview one or more of the firms or individuals. The City and Agency reserves the right to request additional information which, in the City's and Agency's opinion, is necessary to assure that the submitter's consulting competence, business organization, and financial resources are adequate to perform the work described herein.

#### E. APPLICATION OF CITY POLICIES

By submitting a response to the RFQ, the prospective Project Management firm agrees to follow and comply with all City policies, regulations, written staff directives, and practices, as well as information management, purchasing, and accounting requirements.

## APPENDIX

There are currently several major development and/or redevelopment endeavors being proposed in the City of La Vista, which will result in the need for a number of public infrastructure improvements including roadway, sewer, utility, recreation, parking facility, landscaping and related amenities. The work will involve simultaneous projects at multiple sites that will, in some cases, take place concurrently and in the immediate proximity of private improvements. The City and the Agency are considering participation in various associated public infrastructure projects including but not limited to the following:

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- Intersection Relocation – 84th Street & Summer Drive
- Conversion of 83<sup>rd</sup> Plaza to Public Road

The anticipated construction period for these projects is November 2016 to November 2018. Design consultants have been selected for some projects and some selections remain to be made. There are additional public infrastructure projects anticipated in 2019 and beyond.

**CITY OF LA VISTA  
LA VISTA COMMUNITY DEVELOPMENT AGENCY  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE REQUEST FOR QUALIFICATIONS PROJECT MANAGEMENT SERVICES PUBLIC INFRASTRUCTURE IMPROVEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER

**SYNOPSIS**

A resolution has been prepared authorizing the issuance of a joint Request for Qualifications by the City and the La Vista Community Development Agency for project management services.

**FISCAL IMPACT**

The FY 17 & FY18 City Budget provides funding for multiple potential public infrastructure improvements and associated services.

**RECOMMENDATION**

Approval.

**BACKGROUND**

There are currently several major development and/or redevelopment projects being proposed at various locations in the City of La Vista, which will result in the need for a number of potential public infrastructure improvements including roadway, sewer, utility, recreation, parking facility, landscaping and related amenities. The work will involve simultaneous projects at multiple sites that will, in some cases, take place concurrently and in the immediate proximity of private improvements. The City and the Agency are considering participation in various associated public infrastructure projects including but not limited to the following:

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACTING AS THE LA VISTA COMMUNITY DEVELOPMENT AGENCY AUTHORIZING THE REQUEST FOR QUALIFICATIONS FOR PROJECT MANAGEMENT SERVICES FOR POSSIBLE PUBLIC INFRASTRUCTURE IMPROVEMENTS.

WHEREAS, the Mayor and Council, acting as the La Vista Community Development Agency, have determined that a number of potential public infrastructure improvements will be necessary as a result of several major development and/or redevelopment projects being proposed; and

WHEREAS, the FY17 and FY18 budgets provides funding for multiple potential public infrastructure improvements and associated services; and

WHEREAS, the request for qualifications schedule is as follows:

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Receive Proposals      Until December 9, 2016 at 3:30 pm

City Award Contract      January 3, 2017

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PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

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



**REQUEST FOR QUALIFICATIONS  
FOR  
PROJECT MANAGEMENT SERVICES**

Design & Construction Phases  
Public Infrastructure Improvements

**CITY OF LAVISTA  
&  
LA VISTA COMMUNITY DEVELOPMENT AGENCY**

**DEADLINE FOR SUBMISSION:**

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## APPENDIX

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**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
THOMPSON CREEK WATERSHED RESTORATION-STORM WATER PUBLIC EDUCATION & OUTREACH-CONSULTANT SERVICES AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to sign an Agreement with Upstream Weeds (Chris Madden-Principal) for preparation of informational materials, arranging and conducting various public outreach events as well as documentation and reporting.

**FISCAL IMPACT**

The funding for these services will come from the NDEQ Annual Storm Water Management Plan Grant. The agreement has a not-to-exceed total cost of \$20,000 with this being split \$10,000 to La Vista and \$10,000 to Papillion.

**RECOMMENDATION**

Approval subject to the City of Papillion also approving of this Agreement.

**BACKGROUND**

Public education and outreach efforts are required in relation to the Thompson Creek Channel Rehabilitation grants as well as the NPDES permit requirements for MS4 public storm water discharges. An agreement was made with UNO for such services for 2014 and with Chris Madden through his firm, Upstream Weeds for 2015. For 2016 a joint agreement was entered into with the City of Papillion and Upstream Weeds. Public participation in various public events and presentations to school groups has been positive. These services are helpful in continuing to comply with NPDES permit requirements. Discussions have been held with representatives of the City of Papillion Public Works Department and they have recommended approval of this agreement to their City Council as well.

In order to reach a broader audience, provide a wider variety of informative events and to reduce the costs of the consultant services, the City is partnering with the City of Papillion in this agreement. The agreement provides for each City to be responsible for 50 percent of the consultant services. The public education and outreach efforts also meet some of the obligations that an MS4 community has in complying with the conditions of its NPDES permit for public storm sewer discharges.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH CHRIS MADDEN OF UPSTREAM WEEDS FOR THE ANNUAL THOMPSON CREEK PUBLIC OUTREACH AND EDUCATION FOR THE THOMPSON CREEK WATERSHED MANAGEMENT PROJECT.**

**WHEREAS, the City Council of the City of La Vista has determined that said services are necessary; and**

**WHEREAS, the funding for these services will come from the NDEQ Annual Storm Water Management Plan Grant; and**

**WHEREAS, the agreement has a not-to-exceed cost of \$20,000 with this being split equally to La Vista and Papillion;**

**NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of an Agreement with Chris Madden of Upstream Weeds for the annual Thompson Creek public outreach and education for the Thompson Creek Watershed Management Project.**

**PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.**

**CITY OF LA VISTA**

\_\_\_\_\_  
**Douglas Kindig, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pamela A. Buethe, CMC**  
**City Clerk**

## CONTRACT FOR CONSULTANT SERVICES

### PAPILLION-LA VISTA STORM WATER MANAGEMENT

#### 2017 PAPILLION-LA VISTA STORMWATER OUTREACH & PUBLIC EDUCATION

This Contract for consultant services is entered into as of \_\_\_\_\_, 2016, by and between Upstream Weeds (Chris Madden-Principal) (hereinafter called CONSULTANT), and the City of La Vista, Nebraska (hereinafter called LA VISTA) and the City of Papillion, Nebraska (hereinafter called PAPILLION). It is understood by the parties to this agreement that the consultant services described herein will be performed by Upstream Weeds, under the auspices of "Papillion-La Vista Stormwater Outreach" (PLVSO).

**Section I: CONSULTANT Duties** – CONSULTANT shall provide the following services:

In order to address the public education and outreach obligations of La Vista and Papillion under their respective MS4 storm water discharge permits, La Vista and Papillion are partnering to engage the services of the CONSULTANT to include the following:

#### ***Outreach Event Participations and Hosting***

Direct Youth Educational Involvement and Engagement programming:

1. La Vista West Elementary 5<sup>th</sup> grade Bio Blitz Public Event Hosting

Public Promotion and Outreach programming

1. Nebraska Science Festival, Durham Public Exposition booth
2. La Vista's *Salute to Summer* festival booth
3. *Papillion Days* carnival booth
4. La Vista Public Works Day
5. Papillion Farmers Market booth
6. *World "O" Water* booth
7. Host Informational Tours and Presentation in each City to those interested, promoting and publicizing the PLVSO initiatives, platforms and programming; should third parties be interested in such activities

#### ***Engagement Initiatives and Programs***

1. Maintain and refine the PLVSO's existing online and social media presence:
  - a. Dependent and/or Independent Webpage maintenance and refinement for validation and promotion of PAPILLION and LA VISTA storm water management efforts, and information and data dissemination

- b. Social media pages, postings, and sharing links- these also serve for dissemination of photos, text, and promotional information
      - i. Facebook, G+, Twitter, Snapchat
      - ii. Website integrations and promotions
- 2. Maintain and/or install the 3 agreed-upon CrowdHydrology installations (sponsored by USGS and University of Buffalo) at Thompson Creek, Walnut Creek, and Prairie Queen; as described in "PAPILLION – LA VISTA STORMWATER OUTREACH 2016 CONTRACT: PROPOSED AMENDMENT TO 2016 SUMMER & FALL PROGRAMMING Prepared by Chris Madden, Upstream Weeds, July 2016" and "Papillion-La Vista Stormwater Outreach 2016 Mid-Contract Summary, July 2016 Prepared by Chris Madden, Upstream Weeds"
- 3. Promotion and facilitation of each Cities' Rain Barrel programs, specifically La Vista's rain barrel reimbursement program and Papillion's newly formed barrel-repurposing program
- 4. Continuation of the Thompson Creek Learning Station Signage effort facilitation, again as described in "PAPILLION – LA VISTA STORMWATER OUTREACH 2016 CONTRACT: PROPOSED AMENDMENT TO 2016 SUMMER & FALL PROGRAMMING Prepared by Chris Madden, Upstream Weeds, July 2016" and "Papillion-La Vista Stormwater Outreach 2016 Mid-Contract Summary, July 2016 Prepared by Chris Madden, Upstream Weeds"
- 5. Facilitate the production and dissemination of a short video in a partnership with the City of Papillion, using existing infrastructures
- 6. Pursue external sources of funding, such as grants, to expand PLVSO's activities; namely
  - a) Public School direct engagement activities, such as:
    - i. Papillion-La Vista High School outings, traditionally in the spring
    - ii. Papillion-La Vista South High School outings at Walnut Creek
    - iii. Papillion La Vista Foundation afterschool and summer school activities, to Parkview Heights and Golden Hills in particular
    - iv. Expand elementary outings to include 2 schools in fall
  - b) Involve G Stanley Hall Elementary in the Informational Signage/Learning Station initiative with UNO
  - c) Expanding Crowdhydrology stations to other sites of interest
  - d) Explore, initiate, and implement strategies and activities to address the City of Papillion's MS4 Program Audit's recommendations, not already addressed by other contracted activities here within.
    - i. MCM 1 - Education/Outreach
    - ii. MCM 2 – Participation/Involvements

**Documentation & Reporting**

- 1. 1 Mid-Contract Summary Report, Review and Prospectus
- 2. 1 Comprehensive Final Contract Report covering all aspects of interest to both Papillion and La Vista; due February 28<sup>th</sup>, 2017 and February 28<sup>th</sup>, 2018 respectively

**Section II: PAPHILLION & LA VISTA Duties** –PAPHILLION AND LA VISTA and related parties will provide assistance to the project as needed to complete the tasks indicated above including, but not limited to:

- Provide publicity via the Cities' websites and other media outlets and publications
- Provide access to creeks and stream for tours and engagement activities
- Provide City(s)-specific and project(s)-specific related materials, information, and promotion as needed
- Provide for the production of signage, promotional fliers, brochures, and other literature as needed for the above activities
- Token participation in cost-sharing ventures with external partners for items such as volunteer t-shirts and lunches
- Expo-style booth needs, such as a canopy, for engagement activities mentioned here within
- Give-away items for public events and interactions, such as plants and stickers

Upstream Weeds will actively seek to reduce and mitigate these potential expenses through alternative sources including cost-sharing partnerships, grant applications, and collaborations

### **Section III: Property Rights and information Disclosure**

1. Confidential Information – CONSULTANT shall freely disclose to PAPHILLION and LA VISTA all information, data and results obtained from work performed under this Contract. PAPHILLION and LA VISTA are free to use such information for their own internal purposes or to disclose such information to third parties. Provided, however; the work performed pursuant to this Contract requires disclosure of information which any party hereto considers as proprietary and confidential, the parties agree that separate confidentiality agreements may be executed with the individual participants in the project.
2. Rights in Data – Progress reports may be prepared at agreed upon periods detailing the results of the project to date. These reports will become the property of PAPHILLION and/or LA VISTA and will not be distributed by the CONSULTANT without written approval.

### **Section IV: Independent Contractor Statement**

CONSULTANT and anyone that CONSULTANT hires for assistance are not and shall not be considered employees of PAPHILLION or LA VISTA. CONSULTANT shall be and remain an independent contractor and nothing contained in the Contract shall be construed inconsistent with that status. Notwithstanding such status, any employee shall be removed from any job site by CONSULTANT at any time on request of PAPHILLION or LA VISTA for incompetence, neglect of duty, or misconduct. PAPHILLION and LA VISTA shall have no other control over the employment, compensation or discharge of CONSULTANT's employees or agents.

### **Section V: Insurance**

The CONSULTANT shall purchase and maintain insurance as will protect CONSULTANT from claims set forth below which may arise out of or result from the CONSULTANT's execution of the services, whether such execution be by the CONSULTANT or by anyone directly or indirectly employed by the CONSULTANT.

1. Claims under workmen's compensation, disability benefit and other similar employee benefit acts.
2. Claims for damages because of bodily injury, occupational sickness or disease, or death of CONSULTANT or CONSULTANT's employees.
3. Claims for damages because of bodily injury, sickness or disease, or death of any person other CONSULTANT or CONSULTANT's employees.
4. Claims for damages insured by usual personal injury liability coverage which are sustained by any person as a result of an offense directly or indirectly related to the employment of such person by the CONSULTANT.
5. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom.
6. Claims for damages because of bodily injury or death of any person or property damage arising out of the ownership, maintenance or use of any motor vehicle.

Personal property insurance shall be the responsibility of the owner of the property regardless of the location of the loss.

#### **Section VI: Indemnification**

Each party agrees that is will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party therefore agrees that it will assume all risk and liability to itself, its agents, and employees for any injury to persons or property resulting in any manner from the conduct of its own operations and the operations of its agents or employees under this Contract, and for any loss, cost, or damage caused thereby during the performance of this Contract.

#### **Section VII: Term of Contract and Termination**

Unless sooner terminated as provided below, this Contract commences on November 1<sup>st</sup>, 2016, and ends on March 1<sup>st</sup>, 2018, unless extended by mutual agreement of all parties.

#### **Section VIII: Payment of Services**

In consideration of the foregoing, PAPILLION AND LA VISTA will reimburse CONSULTANT for all direct costs incurred in the performance of this Agreement, which shall not exceed the total estimated project cost \$20,000 yearly without written authorization from PAPILLION AND LA VISTA. The project budget is as follows:

1. Upstream Weeds' Consultation fees; including all wages, salaries, benefits, and administration for a minimum of 50 hours per month, at a billed rate \$33 per hour, for a minimum of 600 hours yearly, 700 hours for the entire term of the contract; and are not to exceed \$20,000 per year. This cost-estimate reflects a 53% cost-share of the standard Upstream Weeds rate of \$70 per hour, provided to PAPILLION and LA VISTA by Upstream Weeds.
  - a. Chris Madden, approximately 50 hours per month
  - b. Participant & professional stipends for Bio Blitz and other PAPILLION and LA VISTA public education/outreach activities

2. In addition, the remaining \$1000 allotted for expenses in the 2016 "CONTRACT FOR CONSULTANT SERVICES, PAPIILLION-LA VISTA STORM WATER MANAGEMENT" will be earmarked for additional time-expenditures to be used by Upstream Weeds in the months of November 2016 and December 2016. These additional dollars will serve to facilitate the transition to a significant fund-reduction for PLVSO, due to an unexpected decrease in Stormwater funding available to the Cities of Papillion and La Vista from the State of Nebraska.

CONSULTANT will provide monthly invoices to PAPIILLION and LA VISTA for actual costs incurred in accordance with the above mentioned project budget. Payment shall be made to Upstream Weeds within thirty (30) days of receipt of invoices. The CONSULTANT shall bill each City at the same time and in equal amounts for the services set forth in this agreement. Invoices shall include a narrative of the services, materials and stipends covered by the invoices. Invoices shall be mailed to:

City of La Vista, Nebraska  
Attn: John Kottmann, City Engineer  
8116 Park View Blvd.  
La Vista, NE 68128

City of Papillion, Nebraska  
Attn: Jeffrey Thompson, City Engineer  
122 East Third Street  
Papillion, NE 68046

Checks shall be made payable to Upstream Weeds and mailed to:

Mr. Chris Madden  
Biological Outreach & Engagement Consultant  
Upstream Weeds  
3942 North 66<sup>th</sup> Street  
Omaha, NE 68104-2551  
Tax ID Number 47-1093482

**Section IX: Notices:**

All notices to be given to either party under this Contract shall be sent to the parties listed in Section VIII above.

**Section X: Assignment**

This contract is non-assignable and non-transferrable. Any attempt by either party to assign its obligations hereunder shall be void.

**Section XI: Amendment**

This Contract constitutes the entire understanding between CONSULTANT and PAPIILLION and LA VISTA with respect to the subject matter hereof and may not be amended except by a written agreement signed by all three parties.

**Section XII: Governing Law and Forum**

This Contract shall be governed by the laws of the State of Nebraska. Any legal actions brought by any of the Parties hereunder shall be in the District Court of Sarpy County, Nebraska.

We, the undersigned, hereby warrant that we are properly authorized officers of the organization to be bound by this Contract, and that we do hereby accept the terms and conditions provided herein.

**UPSTREAM WEEDS**

Christopher A. Madden  
Printed Name

  
Signature

Environmental Consultant  
Title

October 21<sup>st</sup>, 2016  
Date

**CITY OF PAPIILLION**

By: \_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Date

**CITY OF LA VISTA**

By: \_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
Date

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL AGREEMENT - PORTAL ROAD DRAINAGEWAY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute an Interlocal Cooperation Agreement with the Papio-Missouri River Natural Resources District and the City of Papillion for the design, permitting, bidding and construction of Portal Road Drainageway Improvements.

**FISCAL IMPACT**

The FY17 Budget provides funding for this project. The proposed agreement identifies a maximum amount of \$90,000.

**RECOMMENDATION**

Approval

**BACKGROUND**

Significant erosion has been occurring at the headwall on the north side of an existing culvert under Portal Road creating a potential safety issue. Since the initial programming of the Storm Sewer Headwall Repair project and securing a PMRNRD grant for part of that project, the drainageway downstream of the culvert has continued to deteriorate creating stability concerns for the culvert under Portal Road. The property south of the culvert is in Papillion’s jurisdiction. Through a joint effort of Papillion and La Vista, a larger grant has been obtained from the PMRNRD which includes rolling over the initial grant from the Headwall Repair project into this drainageway stabilization project. This will result in more complete drainageway stabilization.

This project will replace the previous Storm Sewer Headwall Repair project adjacent to the Parks Facility. The City of Papillion is the lead agent for the project.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT AND THE CITY OF PAPIILLION FOR THE DESIGN, PERMITTING, BIDDING AND CONSTRUCTION OF PORTAL ROAD DRAINAGEWAY IMPROVEMENTS.

WHEREAS, the provisions of Nebraska State Statutes Sections 13-801, et. seq., provide authority for the City of La Vista to join with other governmental agencies on a basis of mutual advantage and in a manner that will accord best with geographic, economic, population and other factors by signing an Interlocal Cooperation Agreement; and,

WHEREAS, the drainageway improvements are vital to the prevention of continued deterioration of the drainageway downstream from the culvert under Portal Road, and;

WHEREAS, the FY17 Budget provides funding for this project; and

WHEREAS, such an agreement is in the best interests of the citizens of the City of La Vista.

NOW, THEREFORE, *BE IT RESOLVED*, that the City Council of La Vista, Nebraska, hereby approves and authorizes the execution of an Interlocal Cooperation Agreement with the PMRNRD and the City of Papillion for the design, permitting, bidding and construction of the Portal Road Drainageway Improvements in form and content approved by the City Attorney.

PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.

CITY OF LA VISTA

\_\_\_\_\_  
Douglas Kindig, Mayor

ATTEST:

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

INTERLOCAL COOPERATION ACT AGREEMENT PORTAL ROAD DRAINAGEWAY  
IMPROVEMENTS (Portal Road to West Papillion Creek) AMONG THE CITY OF LA  
VISTA, THE CITY OF PAPIILLION, AND THE PAPIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT

This agreement is hereby made and entered into as of this \_\_\_\_\_ of \_\_\_\_\_, 2016 by and among the CITY OF LA VISTA ("La Vista"), the CITY OF PAPIILLION ("Papillion"), municipal corporations organized and existing under the laws of the State of Nebraska located in Sarpy County, Nebraska, and the PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT ("District"), a natural resources district organized and existing under the laws of the State of Nebraska (all collectively referred to hereinafter as "the Parties").

WHEREAS, Papillion currently owns a portion of an unnamed tributary of the West Papillion Creek, extending south from the south line the Portal Road right-of-way to the West Papillion Creek in Sarpy County; and,

WHEREAS, La Vista currently owns a portion of an unnamed tributary of the West Papillion Creek, extending north from the south line of Portal Road right-of-way for approximately 120 linear feet in Sarpy County; and,

WHEREAS, La Vista has previously applied to the District in March 2014 for Urban Conservation Assistance Program funding in the amount of \$18,000; and

WHEREAS, District has agreed to increase the Urban Conservation Assistance Program funding to La Vista to \$30,000; and

WHEREAS, the Parties desire to rehabilitate and stabilize drainageway to preserve and enhance operation and maintenance of the Portal Road right of way as well as important existing infrastructure along the unnamed tributary; and,

WHEREAS, Papillion and La Vista requested additional grant funding from the District through their Urban Drainageway Program on March 18, 2016 to assist with stabilization of this urban drainageway; and,

WHEREAS, in order to serve their mutual interests and pursuant to the authority granted the Parties by the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. §§ 13801, et.seq.), the Parties desire to enter into this agreement to delineate and provide for their specific rights and obligations with respect to the development, construction, operation,

maintenance and repairs of the Portal Road Drainageway Improvements (Portal Road to West Papillion Creek).

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements herein contained, the Parties do hereby mutually undertake, promise, agree, and contract each for itself and its successors and assigns as follows:

I. PURPOSE

The purpose of this agreement is to specify the terms and conditions upon which Papillion and La Vista will design, develop, construct, operate and maintain a portion of an unnamed tributary of the West Papillion Creek to be known as the "Portal Road Drainageway" ("PRDW") as more fully described in Exhibit A attached hereto and incorporated herein by reference, on parcels of real property currently owned by the Papillion and La Vista or to be acquired by the Papillion as hereinafter provided, generally extending from Portal Road (approximately 120 linear feet north of Portal Road to the West Papillion Creek).

II. RIGHTS, DUTIES, AND OBLIGATIONS OF PAPIILLION

Papillion agrees to:

1. Act as the lead administrator for development of the PRDW;
2. Retain and compensate consultant(s) to provide professional engineering services in design, bidding and administration of construction of the PRDW;
3. Prior to bidding and construction of the PRDW, provide plans, specifications and construction documents to the Parties for review and approval;
4. Acquire any additional easements and/or rights-of-way necessary for the PRDW, and publicly bid and construct the PRDW after selecting and agreeing to compensate one or more contractors to build the PRDW in accordance with the plans, specifications, and construction documents approved by the Parties; provided, however, the Papillion shall not be required to expend more than a total of \$90,000 of its own funds for rights-of-way, engineering and construction of the PRDW without assurances of proportionate reimbursement by District and La Vista, in the proportions hereinafter stated.

5. Maintain records accounting for the land acquisitions, interim financing, design, development and construction of the PRDW, including receipt and application of private funds;
6. Permanently operate, maintain and repair the portions of the PRDW lying within the limits of Papillion's jurisdiction.

### III. RIGHTS, DUTIES, AND OBLIGATIONS OF DISTRICT

District agrees to:

1. Timely review and approve plans, specifications, and construction documents for the PRDW submitted by Papillion, such approvals to not be withheld or delayed unreasonably.
2. Reimburse to Papillion in one installment the amount of 40% of the Papillion's total costs expended for PRDW land rights, engineering and construction, but such reimbursement not exceeding \$97,122, such installment to become due and payable no more than sixty (60) days after completion of such construction. District shall not contribute more than a total of \$97,122 of its own funds for rights-of-way, engineering and construction of the PRDW unless the Parties agree in writing to amend this Agreement to provide additional participation if the total expenses exceed \$310,000.
3. Reimburse to La Vista in one installment the amount of \$30,000 according to the Urban Conservation Assistance Program application.

### IV. RIGHTS, DUTIES, AND OBLIGATIONS OF LA VISTA

La Vista agrees to:

1. Timely review and approve plans, specifications, and construction documents for the Trail, such approvals not to be withheld unreasonably.
2. Reimburse to Papillion in one installment, in an amount equal to Papillion's share of the total costs (after deduction of District contributions) expended for PRDW land rights, engineering and construction, but such reimbursement not exceeding \$120,000, such installment to become due and payable no more than sixty (60) days after completion of such

construction. La Vista shall not contribute more than a total of \$90,000 of its own funds, combined with \$30,000 received as reimbursement from District, for rights-of-way, engineering and construction of the PRDW unless the Parties agree in writing to amend this Agreement to provide additional participation if the total expenses exceed \$310,000.

3. Permanently operate, maintain, and repair the portions of the PRDW lying within La Vista's jurisdiction.

## V. GENERAL CONDITIONS

1. **NONDISCRIMINATION.** None of the Parties shall, in the performance of this agreement, discriminate or permit discrimination in violation of federal or state laws or local ordinances because of race, color, sex, age, disability as defined under the Americans with Disabilities Act, political or religious opinions, affiliations, or national origin.
2. **CAPTIONS.** Captions used in this agreement are for convenience only.
3. **APPLICABLE LAW.** The Parties shall conform with all existing and applicable city ordinances, resolutions, state and local laws, federal laws, and all existing and applicable rules and regulations. Nebraska law will govern the terms and the performance under this agreement.
4. **INTEREST OF THE PARTIES.** Each of the Parties to this agreement covenants with the other that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict with its performance under this agreement.
5. **MERGER.** This agreement shall not be merged into any other oral or written contract, lease, or deed of any type.
6. **MODIFICATION.** This agreement contains the complete and entire agreement of the parties. No representations were made or relied upon by any of the Parties other than those expressly set forth herein. No agent, employee, or other representative of any party is empowered to alter any of the terms hereof unless done in writing and signed by an authorized officer of the respective Parties.
7. **PROJECT SCHEDULE.** It is the mutual desire and intention of the Parties that the construction of improvements to the PRDW shall be completed by

June 30, 2017. Accordingly, the Parties hereby agree to cooperate with each other and make reasonable, good faith efforts to perform their obligations hereunder in a timely manner so as to achieve such construction by this date.

8. AMENDMENTS. This agreement may be amended upon the actions of the parties if done so in writing.
9. ASSIGNMENTS. A party may assign its rights under this agreement only by written consent of the other Parties.
10. EFFECTIVE DATE. This agreement shall become effective on the date that its execution by each and all of the Parties is complete.
11. COUNTERPARTS. This agreement may be executed simultaneously in several counterparts, each of which shall be deemed to be an original and all of which shall constitute but one and the same instrument. Email/scan copies or facsimile copies of this agreement will be deemed original copies.

#### VI. INDEMNIFICATION

1. Each of the Parties agrees to indemnify and hold harmless the other Parties from and against any and all claims, demands and causes of action for damages to the person or property of third persons arising out of the comparative negligence of the indemnifying party in its performance of any of the covenants of this Agreement.

[ SIGNATURE PAGE TO FOLLOW ]

This Agreement is executed by PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

PAPIO-MISSOURI RIVER NATURAL RESOURCES DISTRICT

By \_\_\_\_\_  
General Manager

This Agreement is executed by THE CITY OF PAPILLION this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE CITY OF PAPILLION

Attest:

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

\_\_\_\_\_  
CITY CLERK

This Agreement is executed by THE CITY OF LA VISTA this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

THE CITY OF LA VISTA

Attest:

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

\_\_\_\_\_  
CITY CLERK



Job Number: 181-601  
 thompson, dreessen & dornier, inc.  
 10836 Old Mill Rd  
 Omaha, NE 68154  
 p.402.330.8860 www.td2co.com

Date: 3-17-16  
 Drawn By: RTM  
 Reviewed By: DAK  
 Revision Date: 04-29-2016

City of Papillion

Portal Road Drainageway  
 Improvements EXHIBIT "A"

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE - MARKED POLICE VEHICLES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

**SYNOPSIS**

A resolution has been prepared to approve the purchase two (2) 2017 Ford Police Interceptor Utility vehicles from Anderson Ford, Lincoln, Nebraska and up-fitting from 911 Custom, Overland Park, KS, in an amount not to exceed \$90,000.

**FISCAL IMPACT**

The FY17 General Fund Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

This purchase is being made off of the Nebraska State Contract. Expected delivery and payment for the vehicles will be in approximately 120 days (April-May 2017).

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE THE PURCHASE OF TWO (2) 2017 FORD POLICE INTECEPTOR UTILITY VEHICLES FROM ANDERSON FORD, LINCOLN, NEBRASKA AND UP-FITTING FROM 911 CUSTOM, OVERLAND PARK, KANSAS, IN AN AMOUNT NOT TO EXCEED \$90,000.**

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

**WHEREAS, the FY17 General Fund budget does include funds for the purchase of two (2) said vehicles, and**

**WHEREAS, the State of Nebraska did receive bids for 2017 police vehicles, and**

**WHEREAS, Anderson Ford, Lincoln, Nebraska, was awarded the state bid for Nebraska for the 2017 Ford Police Interceptor Utility Vehicle and will extend that price to the City of La Vista, and**

**WHEREAS, 911 Custom is a highly qualified and specialty emergency vehicle up-fitter, and**

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

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby accept the Nebraska state bid of Anderson Ford, Lincoln, Nebraska and authorize the purchase of two (2) 2017 Ford Police Interceptor Utility Police vehicles and up-fitting from 911 Customs, Overland Park, Kansas, in an amount not to exceed \$90,000.**

**PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.**

**CITY OF LA VISTA**

\_\_\_\_\_  
**Douglas Kindig, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pamela A. Buethe, CMC**  
**City Clerk**

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
NOVEMBER 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE - MARKED POLICE VEHICLE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

**SYNOPSIS**

A resolution has been prepared to approve the purchase one (1) 2017 Chevrolet Tahoe 4x4 Police Utility vehicle from Sid Dillon Chevrolet, Wahoo, Nebraska and up-fitting from 911 Custom, Overland Park, KS, in an amount not to exceed \$50,000.

**FISCAL IMPACT**

The FY 17 General Fund Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

This purchase is being made off of the Nebraska State Contract. Expected delivery and payment for the vehicle will be in approximately 120 days (April-May 2017).

This vehicle is a K-9 vehicle and will replace the 2008 Dodge Magnum.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO AUTHORIZE THE PURCHASE OF ONE (1) 2017 CHEVROLET TAHOE 4X4 POLICE UTILITY VEHICLE FROM SID DILLON CHEVROLET, WAHOO, NEBRASKA AND UP-FITTING FROM 911 CUSTOM, OVERLAND PARK, KANSAS, IN AN AMOUNT NOT TO EXCEED \$50,000.**

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

**WHEREAS, the FY 2017 General Fund budget does include funds for the purchase of one (1) said vehicle, and**

**WHEREAS, the State of Nebraska did receive bids for 2017 police vehicles, and**

**WHEREAS, Sid Dillon Chevrolet, Wahoo, Nebraska, was awarded the state bid for Nebraska for the 2017 Chevrolet Tahoe 4x4 Police Utility Vehicle and will extend that price to the City of La Vista, and**

**WHEREAS, 911 Custom is a highly qualified and specialty emergency vehicle up-fitter, and**

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

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby accept the Nebraska state bid of Sid Dillon Chevrolet, Wahoo, Nebraska and authorize the purchase of one (1) 2017 Chevrolet Tahoe 4x4 Police Utility vehicle and up-fitting from 911 Customs, Overland Park, Kansas, in an amount not to exceed \$50,000.**

**PASSED AND APPROVED THIS 15TH DAY OF NOVEMBER, 2016.**

**CITY OF LA VISTA**

\_\_\_\_\_  
**Douglas Kindig, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Pamela A. Buethe, CMC**  
**City Clerk**