

LA VISTA CITY COUNCIL MEETING AGENDA

October 6, 2020

6:00 p.m.

Harold "Andy" Anderson Council Chamber
La Vista City Hall
8116 Park View Blvd

- **Call to Order**
- **Pledge of Allegiance**
- **Announcement of Location of Posted Open Meetings Act**
- **Service Award: Rick Roy – 15 Years; Cindy Miserez – 5 Years**

All matters listed under item A, Consent Agenda, are considered to be routine by the city council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. CONSENT AGENDA

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the September 15, 2020 City Council Meeting
3. Request for Payment – Alfred Benesch & Company – Professional Services – 96th & 108th St. Pavement Rehabilitation – \$10,727.00
4. Request for Payment – Design Workshop, Inc. – Professional Services – 84th Streetscape Plan – \$14,272.80
5. Request for Payment – Design Workshop, Inc. – Professional Services – 84th Streetscape Plan – \$68,725.67
6. Request for Payment – DLR Group – Professional Services – City Centre Parking Structure 2 – \$15,424.73
7. Request for Payment – HDR Engineering Inc. – Professional Services – Project Management for Services for Public Improvements and Other Works – \$309.42
8. Request for Payment – Lamp Rynearson – Professional Services – 2020 Asset Management – \$23,898.00
9. Request for Payment – Midwest Right of Way Services, Inc. – Professional Services – 120th & Giles – \$237.50
10. Request for Payment – RDG Planning & Design – Professional Services – Placemaking & LA Services – \$4,747.44
11. Request for Payment – Waters Edge Aquatic Design – Professional Services – Outdoor Pool Planning – \$10,751.50
12. Resolution – Authorize Payment – MCC/Library Shut Off Valves
13. Resolution – Authorize Payment – MCC/Library Water Line Break
14. Resolution – Authorize Repairs to Front-End Loader
15. Approve Manager Application – Class C Liquor License – HOA Restaurant Holder, LLC dba Hooters – Troy Falk
16. Approve Manager Application – Class I Liquor License – SSL Operating Group LLC dba Swizzle Stix Lounge – Steven Wyldes
17. Receive & File – Insurance Renewal – Property, Liability and Workers Compensation
18. Approval of Claims

• **Reports from City Administrator and Department Heads**

B. Citizen Advisory Review Committee – EDP Report

1. Public Hearing

C. Conditional Use Permit – Giandinoto, LLC – Lot 16A3B Park View Heights

1. Public Hearing
2. Resolution

D. Conditional Use Permit Amendment – The Waldinger Corporation – 8802 S. 121st Street

1. Public Hearing
2. Resolution

E. Amend Keno Operator Agreement

1. Public Hearing
2. Resolution

F. Pavement Assessment

1. Presentation
2. Receive and File

- G. Ordinance – Adopt Municipal Code Section 30.16 – Emergency Authority**
- H. Resolution – Authorize Replacement of Automatic Door Openers at Public Works Facility**
- I. Resolution – Authorize Purchase and Installation of Two P2Pe Certified Card Readers for Parking Garage 1**
- J. Resolution – Council Policy Statement – Issuance of Military Library Cards**
 - **Comments from the Floor**
 - **Comments from Mayor and Council**
 - **Adjournment**

The public is welcome and encouraged to attend all meetings. If special accommodations are required, please contact the City Clerk prior to the meeting at 402-331-4343. A copy of the Open Meeting Act is posted in the Council Chamber and available in the public copies of the Council packet. Citizens may address the Mayor and Council under "Comments from the Floor." Comments should be limited to three minutes. We ask for your cooperation in order to provide for an organized meeting.



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

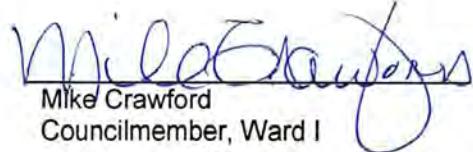
A CERTIFICATE OF APPRECIATION PRESENTED TO RICK ROY OF THE LA VISTA PUBLIC WORKS DEPARTMENT, FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

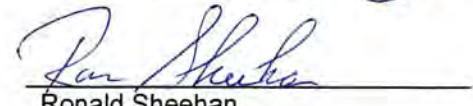
WHEREAS, **Rick Roy** has served the City of La Vista since March 28, 2005; and

WHEREAS, **Rick Roy's** input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Rick Roy** on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 6TH DAY OF OCTOBER 2020.

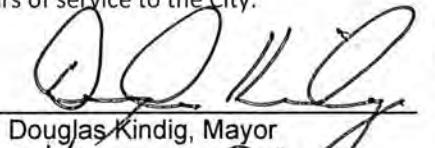

Mike Crawford
Councilmember, Ward I


Ronald Sheehan
Councilmember, Ward II

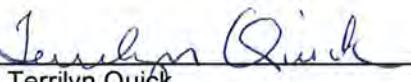

Deb Hale
Councilmember, Ward III

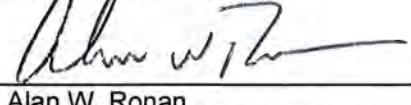

Kelly R. Sell
Councilmember, Ward IV

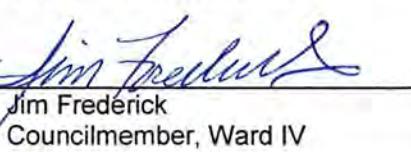



Douglas Kindig, Mayor

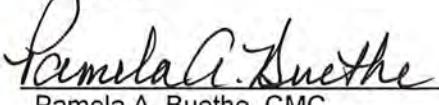

Kim J. Thomas
Councilmember, Ward I


Terrilyn Quick
Councilmember, Ward II


Alan W. Ronan
Councilmember, Ward III


Jim Frederick
Councilmember, Ward IV

ATTEST:


Pamela A. Bueche, CMC
City Clerk



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

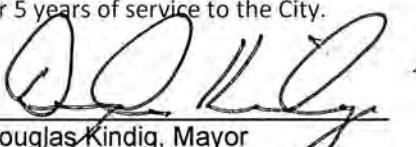
A CERTIFICATE OF APPRECIATION PRESENTED TO **CINDY MISEREZ** OF THE **LA VISTA FINANCE DEPARTMENT**, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Cindy Miserez** has served the City of La Vista since April 13, 2015; and

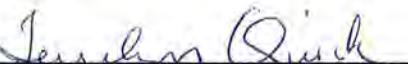
WHEREAS, **Cindy Miserez's** input and contributions to the City of La Vista have contributed to the success of the City;

NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Cindy Miserez** on behalf of the City of La Vista for 5 years of service to the City.

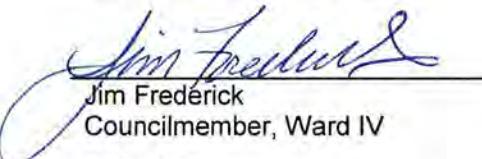
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Douglas Kindig, Mayor

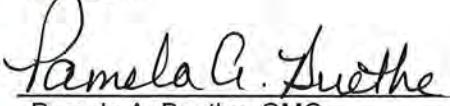

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Councilmember, Ward I


Terrilyn Quick
Councilmember, Ward II


Alan W. Ronan
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ATTEST:


Pamela A. Buethe, CMC
City Clerk



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MINUTE RECORD

A-2

No. 729 -- REEDIE & COMPANY, INC. OMAHA E1310556LD

LA VISTA CITY COUNCIL MEETING September 15, 2020

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on September 1, 2020. 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, Police Chief Lausten, City Clerk Buethe, Director of Public Works Soucie, Director of Administrative Services Pokorny, Library Director Barcal, Recreation Director Stopak, Finance Director Miserez, City Engineer Dowse, and Community Development Director Fountain.

A notice of the meeting was given in advance thereof by publication in the Times on September 9, 2020. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

Mayor Kindig called the meeting to order and made the announcements.

APPOINTMENT – PARK & RECREATION ADVISORY BOARD – BOBETTE JONES – 2 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Bobette Jones to the Park & Recreation Advisory Board for a 2-year term.

Councilmember Thomas made a motion to approve the re-appointments. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

A. CONSENT AGENDA

1. APPROVAL OF THE MINUTES OF THE SEPTEMBER 1, 2020 CITY COUNCIL MEETING
2. APPROVAL OF THE MINUTES OF THE SEPTEMBER 3, 2020 PLANNING COMMISSION MINUTES
3. MONTHLY FINANCIAL REPORT – JULY 2020
4. REQUEST FOR PAYMENT – COMMERCIAL SEEDING CONTRACTORS – CONSTRUCTION SERVICES – 84TH ST. REDEVELOPMENT – \$2,299.10
5. REQUEST FOR PAYMENT – MIDWEST RIGHT OF WAY SERVICES, INC. – PROFESSIONAL SERVICES – 120TH & GILES – \$95.00
6. REQUEST FOR PAYMENT – OLSSON – PROFESSIONAL SERVICES – CITY CENTRE PHASE 1 PUBLIC INFRASTRUCTURE – \$2,723.50
7. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – MISCELLANEOUS SERVICES 2012- CURRENT, CIVIL – \$4,417.50
8. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CENTRAL PARK IMPROVEMENTS – \$1,680.00
9. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – PHASE 2 GOLF COURSE TRANSFORMATION – \$806.00
10. RESOLUTION NO. 20-083 – HARRISON STREET BRIDGE GUARDRAIL REPLACEMENT

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING A PAYMENT TO MIDWEST FENCE, RALSTON, NEBRASKA FOR CONSTRUCTION SERVICES IN AN AMOUNT NOT TO EXCEED \$12,750.00.

WHEREAS, the Mayor and City Council have determined that construction services for the repair of the Harrison Street Bridge at Papillion Creek are necessary; and

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No. 729 — REEDFIELD & COMPANY, INC. OMAHA E1310556LD

WHEREAS, the FY19/20 Biennial Budget provides funding for the proposed services;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a payment be authorized to Midwest Fence, Ralston, Nebraska for the construction services in an amount not to exceed \$12,750.00.

11. APPROVAL OF CLAIMS

911 CUSTOM LLC, services	26,220.95
ACTION BATTERIES, maint.	163.90
AED ZONE, services	40.00
AMAZON, supplies	85.99
BAUER BUILT INC, maint.	796.00
BISHOP BUSINESS EQUIPMENT, services	336.00
BJORKLUND COMP CONSULTING, services	240.00
BLACK HILLS ENERGY, utilities	550.53
BOBCAT OF OMAHA, maint.	249.89
CENTER POINT INC, books	44.34
CENTURY LINK, phones	766.02
CENTURY LINK BUSN SVCS, phones	122.34
CINTAS CORP, services	168.10
CITY OF OMAHA, services	1,011,425.47
CONSOLIDATED CONCRETE LLC, services	2,137.25
COUNCIL OF STATE GOVERNMENTS, books	112.50
COX COMMUNICATIONS INC, services	280.55
CRADLEPOINT INC, services	60.00
CULLIGAN OF OMAHA, services	46.00
DIAMOND VOGEL PAINTS, supplies	303.60
DLR GROUP, services	159,210.82
DXP ENTERPRISES INC, supplies	239.29
EDGEWEAR SCREEN PRINTING, apparel	178.00
FAC PRINT & PROMO CO, supplies	198.08
FERGUSON ENTERPRISES INC, bld&grnds	1,047.47
GALE, books	47.23
GREATAMERICA FINANCIAL, services	1,127.00
HARM'S CONCRETE INC, services	211.25
HARTS AUTO SUPPLY, maint.	1,447.00
HDR ENGINEERING INC, services	362.10
HOBBY LOBBY, supplies	6.15
HUNTEL COMMUNICATIONS INC, services	155.00
INDUSTRIAL SALES CO INC, services	1,138.89
INGRAM LIBRARY SERVICES, books	100.05
LV COMM FOUNDATION, payroll	140.05
LEAGUE OF NEBR MUNICIPALITIES, services	46,504.00
LOGAN CONTRACTORS SUPPLY, services	4,478.46
MALLOY ELECTRIC, services	1,750.00
MARTIN ASPHALT - MONARCH OIL, services	603.10
MENARDS-RALSTON, bld&grnds	338.36
METRO AREA TRANSIT, services	971.00
MICROFILM IMAGING SYSTEMS INC, services	4,060.00
MIDLANDS LIGHTING & ELECTRIC, bld&grnds	325.03
MIDWEST TURF & IRRIGATION, services	249.42
MOBOTREX INC, services	200.00
MONTPELIER GLOVE & SAFETY, supplies	91.30
MUNICIPAL PIPE TOOL CO LLC, services	324.56
NE LAW ENFORCEMENT, services	714.00
OCLC INC, services	161.21
OFFICE DEPOT INC, supplies	650.02
OPPD, utilities	55,734.70
OMAHA WINNELSON SUPPLY, bld&grnds	189.25

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OMNI ENGINEERING, services	350.00
ONE CALL CONCEPTS INC, services	328.81
O'REILLY AUTO PARTS, maint.	1,333.97
PAPILLION SANITATION, services	1,373.77
PAPILLION TIRE INC, maint.	76.50
PAY-LESS OFFICE, supplies	607.56
PROJECT LIFESAVER INC, services	67.92
RDG PLANNING & DESIGN, services	2,838.35
READY MIXED CONCRETE CO, services	2,639.56
RIVER CITY RECYCLING, services	98.00
ROSE EQUIPMENT INC, maint.	257.50
SARPY COUNTY COURTHOUSE, services	8,415.36
SIRCHIE ACQUISITION CO, supplies	21.95
SOUTHERN UNIFORM, apparel	21.99
STAPLES INC, supplies	80.24
SUN VALLEY LANDSCAPING, services	1,549.76
TED'S MOWER SALES, maint.	36.94
THE SCHEMMER ASSOCIATES INC, services	1,322.50
THOMPSON DREESSEN & DORNER INC, services	1,394.50
TOSHIBA FINANCIAL, services	138.00
TRAIL, R., supplies	135.80
TRANE U.S. INC, services	10.00
TRANS UNION RISK, services	50.00
TRUCK CENTER COMPANIES, maint.	27.75
U.S. CELLULAR, phones	1,694.34
UNITE PRIVATE NETWORKS LLC, services	4,400.00
UNITED PARCEL, services	10.18
UNMC PHYSICIANS, services	150.00
UTILITY EQUIPMENT CO, supplies	45.00
VERIZON CONNECT NWF INC, phones	152.14
VERIZON WIRELESS, phones	331.89
VOGEL TRAFFIC SERVICES, supplies	13,325.00
WESTLAKE HARDWARE INC, bld&grnds	717.87
WHITE CAP CONSTR, supplies	314.96

Councilmember Sell made a motion to approve the consent agenda. Seconded by Councilmember Quick. Councilmember Quick 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 DEPARTMENT HEADS

City Administrator Gunn reported on the plan for City Council meetings to return to the Council Chambers in October.

City Clerk Buethe reported that all required documents have been submitted to request reimbursement of public safety costs through the Coronavirus Relief Fund.

Police Chief Lausten reported that the Sarpy-Douglas Law Enforcement Academy graduation will be held on October 2, 2020 at the Beautiful Savior Lutheran Church.

PRESENTATION – INTERFACE PROJECT UPDATE

Bruce Niedermeyer from RDG Planning & Design gave a presentation on the Interface Project.

B. PUD SITE PLAN AMENDMENT – LOTS 1-4 ECHO HILLS REPLAT FOUR – WEST MANAGEMENT, LLC.

1. PUBLIC HEARING

MINUTE RECORD

September 15, 2020

No. 729 — REEDFIELD & COMPANY, INC. OMAHA E1310556LD

At 6:38 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed site plan amendment. Nate Kasterns from Sampson Construction provided an update from the applicant.

At 6:40 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION

Councilmember Sell introduced and moved for the adoption of Resolution No. 20-083 entitled: 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 AMENDMENT FOR LOTS 1 THROUGH 4 ECHO HILLS REPLAT FOUR, LOCATED IN THE SE $\frac{1}{4}$ OF THE NE $\frac{1}{4}$ OF SECTION 14, T14N, R11E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the applicant, West Management, LLC, has made an application for approval of a PUD Site Plan Amendment for Lots 1 Through 4 Echo Hills Replat Four for the PUD Site Plan approved by Council on February 4, 2020; and

WHEREAS, the City's Planning Division staff and the City Engineer have reviewed the PUD Site Plan Amendment; and

WHEREAS, the La Vista Planning Commission reviewed the application on September 3, 2020, and recommends approval;

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD Site Plan Amendment for Lots 1 Through 4 Echo Hills Replat Four, located in the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ of Section 14, T14N, R11E of the 6th P.M., Sarpy County, Nebraska, generally located northwest of the intersection of 144th Street and Chandler Road be, and hereby is, approved.

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

C. FISCAL YEAR 20/21 AND FISCAL YEAR 21/22 MUNICIPAL BUDGETS

1. PROPOSED BUDGET AMENDMENTS

Councilmember Sheehan made a motion to approve the proposed budget amendments as presented in the Council report. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. APPROPRIATIONS ORDINANCE AS AMENDED – FINAL READING

a. PUBLIC HEARING

At 6:43 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed appropriations ordinance.

At 6:43 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

b. ORDINANCE

City Clerk Buethe read Ordinance No. 1395 entitled: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2020 AND ENDING ON SEPTEMBER 30, 2021; AND FOR THE

MINUTE RECORD

September 15, 2020

No. 729 — REEDIE & COMPANY, INC. OMAHA E1310556LD

FISCAL PERIOD BEGINNING OCTOBER 1, 2021 AND ENDING ON SEPTEMBER 30, 2022 SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE FILING AND CERTIFICATION OF THE BUDGET AND TAX LEVY HEREIN SENT TO THE STATE AUDITOR AND COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Councilmember Thomas made a motion to approve final reading and adopt Ordinance 1395. Councilmember Sell seconded the motion. The Mayor then stated the question, "Shall Ordinance No. 1395 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.

3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY

a. PUBLIC HEARING

At 6:45 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed increase of the base of restricted funds authority.

At 6:46 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Frederick. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

b. RESOLUTION

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-084 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2020-21 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2020-21 municipal budget on September 15, 2020; and

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2020-21 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2020-21 municipal budget by an additional one percent.

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

4. SETTING THE PROPERTY TAX LEVY

a. PUBLIC HEARING

At 6:46 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the proposed property tax levy. Mayor Kindig read comments from Gary Bush.

MINUTE RECORD

September 15, 2020

No. 729 — REEDIE & COMPANY, INC. OMAHA E1310556LD

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

b. RESOLUTION

Councilmember Thomas introduced and moved for the adoption of Resolution No. 20-085 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR THE FISCAL YEAR 2020-2021.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the Governing Body of the City of La Vista passes by a majority vote a resolution setting the tax request; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

NOW THEREFORE, the Governing Body of the City of La Vista, resolves that:

1. The 2020 – 2021 property tax request be set at \$9,653,091.00.
2. The total assessed value of property differs from last year's total assessed value by 6%.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$.517507 per \$100 of assessed value.
4. The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$.55 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will be less than last year's by 20%.
6. A copy of this resolution be certified and forwarded to the Sarpy County Clerk on or before October 13, 2020.

NOW, THEREFORE BE IT FURTHER RESOLVED, by the Mayor and City council of the City of La Vista Nebraska that the property tax to be distributed as follows:

General Fund - \$8,775,537.00 (\$0.50 mill levy)

Bond Fund - \$877,554.00 (\$0.05 mill levy); and

A copy of this resolution and other required documents be certified and forwarded to the County Clerk and filed with the Auditor of Public Accounts in accordance with applicable law.

NOW, THEREFORE BE IT FURTHER RESOLVED that the City Clerk is hereby directed to record below the record vote of the Governing Body in passing this Resolution, which record vote shall be incorporated into this Resolution by reference.

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

5. MASTER FEE ORDINANCE

Councilmember Sell introduced Ordinance No. 1397 entitled: AN ORDINANCE TO AMEND ORDINANCE NO.1375, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Frederick moved that the statutory rule requiring reading on three different days be suspended. Councilmember Thomas seconded the motion to

MINUTE RECORD

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No. 729 — REEDIE & COMPANY, INC. OMAHA E1310556LD

suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. 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 Frederick moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1397 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.

D. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO AND PHONE ALLOWANCE

1. ORDINANCE – AMENDING THE COMPENSATION ORDINANCE

Councilmember Frederick introduced Ordinance No. 1398 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITHE; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Sell moved that the statutory rule requiring reading on three different days be suspended. Councilmember Hale seconded the motion to suspend the rules and roll call vote on the motion. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. 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 Sell moved for final passage of the ordinance which motion was seconded by Councilmember Thomas. The Mayor then stated the question, "Shall Ordinance No. 1398 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.

2. RESOLUTION – SETTING RATES OF AUTO AND PHONE ALLOWANCE

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-086 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY21 and FY22 municipal budgets establish funds for vehicle and mobile phone allowances for various officers, employees and volunteers of the City and are recommended by the Director of Administrative Services and City Administrator.

MINUTE RECORD

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No. 729 — REEDIE & COMPANY, INC. OMAHA E1310556LD

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and cellular phone allowances:

Monthly Vehicle <u>Tier</u>	<u>Allowance</u>	Monthly Phone <u>Tier</u>	<u>Allowance</u>
Tier 1	\$30	Tier 1	\$30
Tier 2	\$50	Tier 2	\$60
Tier 3	\$100	Tier 3	\$90
Tier 4	\$150		
Tier 5	\$300		

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

E. RESOLUTION – ANNEXATION – ORIENTAL TRADING COMPANY BUSINESS PARK

Councilmember Frederick introduced and moved for the adoption of Resolution No. 20-087 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA STATING THAT THE CITY OF LA VISTA IS CONSIDERING THE ANNEXATION OF LOTS 1 THRU 3, ALONG WITH OUTLOTS B AND C, ORIENTAL TRADING COMPANY BUSINESS PARK, AS SURVEYED, PLATTED, AND RECORDED IN SARPY COUNTY, NE; DESCRIBING BOUNDARIES OF THE LAND PROPOSED FOR ANNEXATION; APPROVING AND ADOPTING A PLAN FOR EXTENDING CITY SERVICES TO THE LAND PROPOSED FOR ANNEXATION, AND MAKING THE PLAN AVAILABLE FOR INSPECTION; PROVIDING FOR A PUBLIC HEARING DATE, TIME AND LOCATION ON THE PROPOSED ANNEXATION; PROVIDING FOR PUBLICATION OF NOTICE OF SUCH HEARING AND OF THE MAP DRAWN TO SCALE DELINEATING THE LAND PROPOSED FOR ANNEXATION; AND PROVIDING FOR NOTICE TO UTILITY COMPANIES, SID CLERKS, FIRE DISTRICTS, AND LANDOWNERS OF THE PROPERTY WITHIN THE PROPOSED AREA, AND PROVIDING FOR THE DELIVERY OF A COPY OF THIS RESOLUTION TO ANY SCHOOL DISTRICT WITHIN THE AREA PROPOSED TO BE ANNEXED, AND TO THE PLANNING COMMISSION FOR RECOMMENDATION.

WHEREAS, the City of La Vista desires to annex certain land, and

WHEREAS, the Nebraska Revised Statutes, Section 16-117 requires the City Council to adopt a resolution stating that the City is considering the annexation of land and a plan for extension of City services to said land.

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

1. The City of La Vista is considering the annexation of Oriental Trading Company Business Park; more particularly described as follows:

LOTS 1, 2 AND 3 AND OUTLOTS B AND C, ORIENTAL TRADING COMPANY BUSINESS PARK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS, BEGINNING AT THE NW CORNER OF SAID LOT 2, SAID CORNER BEING ON THE EAST LINE OF 114TH STREET;

THENCE S84°44'30"E (ASSUMED BEARING) 1918.19 FEET ON THE NORTH LINE OF SAID LOT 2 AND SAID OUTLOTS B AND C;

THENCE SOUTHEASTERLY ON THE NORTH LINES OF SAID OUTLOTS B AND C ON A 2241.50 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S79°10'42"E, CHORD DISTANCE 434.61 FEET, AN ARC DISTANCE OF 435.29 FEET;

THENCE S73°37'02"E 158.22 FEET ON THE NORTH LINE OF SAID OUTLOT B;

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No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

THENCE S54°07'02"E 94.50 FEET ON THE NORTH LINE OF SAID OUTLOT B TO THE NE CORNER THEREOF;

THENCE S00°24'53"E 2232.04 FEET ON THE EAST LINES OF SAID LOTS 1 AND 3 AND OUTLOTS B AND C TO THE SE CORNER OF SAID LOT 3;

THENCE S89°42'31"W 1438.14 FEET ON THE SOUTH LINE OF SAID LOT 3;

THENCE N00°02'09"E 412.07 FEET ON THE SOUTH LINE OF SAID LOT 3;

THENCE S89°42'07"W 1030.54 FEET ON THE SOUTH LINE OF SAID LOT 3;

THENCE S00°00'33"W 33.94 FEET ON THE SOUTH LINE OF SAID LOT 3;

THENCE S89°42'26"W 138.70 FEET ON THE SOUTH LINE OF SAID LOT 3 TO THE SW CORNER THEREOF;

THENCE N00°00'33"E 1719.00 FEET ON THE WEST LINES OF SAID LOTS 2 AND 3;

THENCE N05°04'17"E 238.00 FEET ON THE WEST LINE OF SAID LOT 2;

THENCE N00°00'33"E 226.00 FEET ON THE WEST LINE OF SAID LOT 2;

THENCE N05°39'53"E 42.79 FEET ON THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING.

2. That the plan of the City for the extension of City services to the above land proposed for annexation, as presented at this meeting, and incorporated herein by this reference, be and the same hereby is, adopted and approved, subject to any changes by the City Council after public hearings on the proposed annexation and recommendations from the Planning Commission, and is available for inspection during regular business hours in the office of the City Clerk, located at 8116 Park View Boulevard, La Vista, Nebraska.
3. That a public hearing on the proposed annexation at which the City Council shall receive testimony from any interested persons shall be held on the 20th day of October, 2020, at the hour of 6:00 p.m. in the Council Chambers of the City of La Vista located at 8116 Park View Boulevard, La Vista, Nebraska.
4. That a copy of this Resolution and a map drawn to scale and delineating the area proposed to be annexed shall be published in the official newspaper of the City at least once not less than ten (10) days preceding the date of the public hearing.
5. That a copy of this Resolution be mailed by first class mail following its passage to the school board of any school district in the land proposed for annexation.
6. That required notices will be provided to utility companies, SID Clerks, fire districts, school districts, and owners of the property as required by applicable statutes.
7. That a copy of this Resolution be forwarded to the Planning Commission for recommendation following its passage.

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

MINUTE RECORD

September 15, 2020

No. 729 — REDFIELD & COMPANY, INC. OMAHA E1310556LD

F. RESOLUTION – ADVERTISEMENT FOR BIDS – 96TH STREET AND 108TH STREET PAVEMENT RECONSTRUCTION & PAVEMENT REHABILITATION

Councilmember Hale introduced and moved for the adoption of Resolution No. 20-088 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT FOR BIDS FOR CONCRETE PAVEMENT RECONSTRUCTION AND PAVEMENT REHABILITATION ON 96TH STREET AND 108TH STREET.

WHEREAS, the Mayor and Council have determined that concrete pavement reconstruction and pavement rehabilitation on 96th Street and 108th Street is necessary; and

WHEREAS, the FY21/FY22 Biennial Budget provides funding for the proposed project; and

WHEREAS, the schedule for awarding this contract is as follows:

Publish Notice to Contractors	September 23, 2020 & September 30, 2020
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Open Bids	October 9, 2020 at 10:00 am at City Hall
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City Council Award Contract	October 20, 2020
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NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska hereby authorize the advertisement for bids for Concrete Pavement Reconstruction and Pavement Rehabilitation on 96th Street and 108th Street.

Seconded by Councilmember Thomas. 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

Mayor Kindig commented that Rachel Carl is the new sponsor for the Youth Council and that the United Cities of Sarpy are starting to work on their legislative agenda for the next session.

At 7:05 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



Pat Dowse
City Engineer
City of La Vista
9900 Portal Road
La Vista, NE 68128

September 9, 2020
Project No: 00120661.00
Invoice No: 165702

96th & 108th St Pavement Rehabilitation

Professional Services from August 3, 2020 to August 30, 2020

Task 00001 Project Management

Professional Personnel

	Hours	Rate	Amount
E1a Professional Engineer/Project Mgr			
O'Bryan, Timothy	1.00	181.00	181.00
Totals	1.00		181.00
Total Labor			181.00
			Total this Task
			\$181.00

Task 00003 Preliminary Design

Professional Personnel

	Hours	Rate	Amount
E1a Professional Engineer/Project Mgr			
Kastl, Patrick	3.00	181.00	543.00
O'Bryan, Timothy	11.00	181.00	1,991.00
E5 Eng Tech II, Insp II, Env Tech II			
Salisbury, Tracy	90.00	85.00	7,650.00
Totals	104.00		10,184.00
Total Labor			10,184.00
			Total this Task
			\$10,184.00

Task 00004 Final Design

Professional Personnel

	Hours	Rate	Amount
E1a Professional Engineer/Project Mgr			
Kastl, Patrick	2.00	181.00	362.00
Totals	2.00		362.00
Total Labor			362.00
			Total this Task
			\$362.00

Billing Limits	Current	Prior	To-Date
Total Billings	10,727.00	90,122.07	100,849.07
Limit			116,995.00
Remaining			16,145.93

Consult Agenda 10/6/2020 (2)

Project	00120661.00	La Vista 96th & 108th St Pavement Rehab	Invoice	165702
			Total this Invoice	<u>\$10,727.00</u>

OK TO PAY
PMD 9/11/2020
PC#008952

A-4

Design Workshop, Inc.
Landscape Architecture
Planning
Urban Design

APPROVED
RE 9/29/2020
16.71.0935.001

September 2, 2020
Invoice No: 0065191

Cindy Miserez
City of La Vista
8116 Parkview Blvd.
La Vista, NE 68128

Current Invoice Total **\$14,272.80**

Project 005806.00 84th Streetscape Plan
Professional Planning and Design Services.

Professional Services from August 1, 2020 to August 31, 2020

Task 010 Existing Context Survey & Mapping
Fee

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
	48,920.00	100.00	48,920.00	48,920.00	0.00

Total Fee **0.00**

Total this Task **0.00**

Task 020 Meetings
Fee

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
	73,130.00	100.00	73,130.00	73,130.00	0.00

Total Fee **0.00**

Total this Task **0.00**

Task 030 Conceptual Illustrative Plan
Fee

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
	63,740.00	100.00	63,740.00	63,740.00	0.00

Total Fee **0.00**

Total this Task **0.00**

Task 040 Selection of Preferred Streetscape Plan

DESIGNWORKSHOP

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Consent Agenda 10/6/2020
(20)

Project	005806.00	84th Streetscape Plan			Invoice	0065191		
Fee								
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing		
		55,245.00	100.00	55,245.00	55,245.00	0.00		
Total Fee					0.00			
Total this Task					0.00			
<hr/>								
Task Fee	041	Additional Services #1 (Phase I)						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing		
		4,999.00	100.00	4,999.00	4,999.00	0.00		
Total Fee					0.00			
Total this Task					0.00			
<hr/>								
Task Fee	043	Additional Services-Supplemental Survey						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing		
		42,235.00	90.2007	38,096.28	38,096.28	0.00		
Total Fee					0.00			
Total this Task					0.00			
<hr/>								
Task Fee	044	AS-85th Street Connectivity Realignment						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing		
		4,200.00	63.125	2,651.25	2,651.25	0.00		
Total Fee					0.00			
Total this Task					0.00			
<hr/>								
Task Fee	050	Meetings and Project Management						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing		
		34,360.00	100.00	34,360.00	34,360.00	0.00		

DESIGNWORKSHOP

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Project	005806.00	84th Streetscape Plan			Invoice	0065191
		Total Fee				0.00
		Total this Task				0.00
<hr/>						
Task Fee	060	Design Development				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		240,880.00	100.00	240,880.00	240,880.00	0.00
		Total Fee				0.00
		Total this Task				0.00
<hr/>						
Task Fee	070	Construction Documentation (Phase I)				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		118,940.00	47.00	55,901.80	41,629.00	14,272.80
		Total Fee				14,272.80
		Total this Task				\$14,272.80
<hr/>						
Task Fee	080	Bidding and Negotiation				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		22,935.00	0.00	0.00	0.00	0.00
		Total Fee				0.00
		Total this Task				0.00
<hr/>						
Task Fee	099	Reimbursable Expenses				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		33,250.00	98.1487	32,634.43	32,634.43	0.00
		Total Fee				0.00
		Total this Task				0.00
		Total this Invoice				<u>\$14,272.80</u>

DESIGNWORKSHOP

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Project	005806.00	84th Streetscape Plan	Invoice	0065191
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Please include invoice number on remittance to: 1390 Lawrence Street, Suite 100, Denver, CO 80204

DESIGNWORKSHOP

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A-5

Design Workshop, Inc.
Landscape Architecture
Planning
Urban Design

APPROVED

RF 9/17/2020
16.71.0935.001

September 16, 2020
Invoice No: 0065396

Current Invoice Total **\$68,725.67**

Cindy Miserez
City of La Vista
8116 Parkview Blvd.
La Vista, NE 68128

Project 005806.00 84th Streetscape Plan

Professional Planning and Design Services.

Professional Services from September 1, 2020 to September 30, 2020

Task 010 Existing Context Survey & Mapping
Fee

Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
48,920.00	100.00	48,920.00	48,920.00	0.00

Total Fee **0.00**

Total this Task **0.00**

Task 020 Meetings
Fee

Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
73,130.00	100.00	73,130.00	73,130.00	0.00

Total Fee **0.00**

Total this Task **0.00**

Task 030 Conceptual Illustrative Plan
Fee

Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
63,740.00	100.00	63,740.00	63,740.00	0.00

Total Fee **0.00**

Total this Task **0.00**

Task 040 Selection of Preferred Streetscape Plan

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Consent Agenda 10/6/2020 (P)

Project	005806.00	84th Streetscape Plan			Invoice	0065396
Fee						
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		55,245.00	100.00	55,245.00	55,245.00	0.00
Total Fee					0.00	
Total this Task					0.00	
Task	041	Additional Services #1 (Phase I)				
Fee		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		4,999.00	100.00	4,999.00	4,999.00	0.00
Total Fee					0.00	
Total this Task					0.00	
Task	043	Additional Services-Supplemental Survey				
Fee		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		42,235.00	100.00	42,235.00	38,096.28	4,138.72
Total Fee					4,138.72	
Total this Task					\$4,138.72	
Task	044	AS-85th Street Connectivity Realignment				
Fee		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		4,200.00	100.00	4,200.00	2,651.25	1,548.75
Total Fee					1,548.75	
Total this Task					\$1,548.75	
Task	050	Meetings and Project Management				
Fee		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		34,360.00	100.00	34,360.00	34,360.00	0.00

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Project	005806.00	84th Streetscape Plan			Invoice	0065396
		Total Fee				0.00
		Total this Task				0.00
<hr/>						
Task Fee	060	Design Development				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		240,880.00	100.00	240,880.00	240,880.00	0.00
		Total Fee				0.00
		Total this Task				0.00
<hr/>						
Task Fee	070	Construction Documentation (Phase I)				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		118,940.00	100.00	118,940.00	55,901.80	63,038.20
		Total Fee				63,038.20
		Total this Task				\$63,038.20
<hr/>						
Task Fee	080	Bidding and Negotiation				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		22,935.00	0.00	0.00	0.00	0.00
		Total Fee				0.00
		Total this Task				0.00
<hr/>						
Task Fee	099	Reimbursable Expenses				
		Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
		33,250.00	98.1487	32,634.43	32,634.43	0.00
		Total Fee				0.00
		Total this Task				0.00
		Total this Invoice				<u>\$68,725.67</u>

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Project	005806.00	84th Streetscape Plan	Invoice	0065396
Outstanding Invoices				
Number		Date	Balance	
0065191		9/2/2020	14,272.80	
Total			14,272.80	
			Total Now Due	\$82,998.47

Please include invoice number on remittance to: 1390 Lawrence Street, Suite 100, Denver, CO 80204

DESIGNWORKSHOP
 Aspen • Austin • Chicago • Denver • Houston • Lake Tahoe • Los Angeles • Shanghai
 1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303.623.5186 • 303.623.2260 (fax)

A-6

Invoice

 DLR Group

listen.DESIGN.deliver
6457 Frances Street, Suite 200
Omaha, NE 68106
402-393-4100 Fax 402-393-8747

Pat Dowse
Director Public Works
City of La Vista
Email Inv: pdowse@cityoflavista.org
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128-2198

September 10, 2020

Project No: 10-17105-40
Invoice No: 0180907

Project 10-17105-40 La Vista City Cntr Parking Structure 2
PO 20-008373

Billing Period: August 1, 2020 to August 31, 2020

Fee

Billing Phase	Fee	Percent Complete	Earned	Previous Fee Billing	Current Fee Billing
Schematic Design	109,400.00	100.00	109,400.00	109,400.00	0.00
Design Development	164,100.00	100.00	164,100.00	164,100.00	0.00
Construction Documents	218,800.00	95.00	207,860.00	192,544.00	15,316.00
Bid Negotiation	54,700.00	0.00	0.00	0.00	0.00
Total Fee	547,000.00		481,360.00	466,044.00	15,316.00
		Total Fee			15,316.00

Reimbursable Expenses

Printing & Copy	102.40
Travel Expenses-Mileage	6.33
Total Reimbursables	108.73

Billing Limits	Current	Prior	To-Date
Expenses	108.73	1,466.42	1,575.15
Limit			10,000.00
Remaining			8,424.85
Total this Invoice		\$15,424.73	

Billings to Date

	Current	Prior	Total
Fee	15,316.00	466,044.00	481,360.00
Expense	108.73	1,466.42	1,575.15
Totals	15,424.73	467,510.42	482,935.15

We appreciate your confidence in us and thank you in advance for your payment.
Being environmentally friendly, we encourage payments via Wire Transfer.
Routing number: 121000248 Account Number: 4945435436

Matthew Gulsvig, AIA, LEED AP

Payment due and interest charged per contract terms. Remit to address at the top of this invoice.

Consent Agenda 10/6/2020 

OK TO PAY
PMD 9/17/2020
PO# 20-008373

A-7



Invoice

Reference Invoice Number with Payment

HDR Engineering Inc.
Omaha, NE 68106-2973
Phone: (402) 399-1000

HDR Invoice No. 1200291524
 Invoice Date 07-SEP-2020
 Invoice Amount Due \$309.42
 Payment Terms 30 NET
 Remit To PO Box 74008202
 City of La Vista Chicago, IL 60674-8202
 Rita Ramirez Bank of America ML US
 8116 Park View Blvd ABA# 081000032
 La Vista, NE 68128 Account# 355004076604

City of La Vista
Rita Ramirez
8116 Park View Blvd
La Vista, NE 68128

Project Management for Services for Public Improvements and Other Works.

Purchase Order : 20-008348

Professional Services
 From: 02-AUG-2020 To: 29-AUG-2020

Professional Services Summarization	Hours	Billing Rate	Amount
Communications Coordinator	2.50		234.90
Graphic Designer	0.75		74.52
	3.25		\$309.42
Total Professional Services			\$309.42

Amount Due This Invoice (USD)	\$309.42
-------------------------------	----------

Fee Amount	\$670,695.00
Fee Invoiced to Date	\$500,542.47
Fee Remaining	\$170,152.53

HDR Internal Reference Only	
Client Number	41331
Cost Center	10134
Project Number	10053040

R. Ramirez
 9-16-20

Consent Agenda 10/6/2020
 (K)

Invoice

HDR Invoice No. 1200291524
Invoice Date 07-SEP-2020

Professional Services and Expense Detail

Project Number:	10053040	Project Description:	LaVista-Project Mgmt Svcs
Task Number:	3.0	Task Description:	Public Outreach
Professional Services			
Communications Coordinator	Veldhouse, Kristen Lynn	Hours	Billing Rate
Graphic Designer	Rodriguez, Christina Anne		
	Rolfs	2.50	93.96
		0.75	99.36
		3.25	\$309.42
		Total Professional Services	\$309.42
		Total Task	\$309.42

A-8

**LAMP
RYNEARSON**

PLEASE REMIT PAYMENT TO:

Lamp Rynearson
14710 W Dodge Rd, Ste 100
Omaha, NE 68154
[P] 402 496 2498

**9001 State Line Rd., Ste. 200
Kansas City, MO 64114
[P] 816.361.0440
[F] 816.361.0045
LampRynearson.com**

September 1, 2020
Invoice No: 0320015.01 - 0000004

Jeff Calentine
Deputy Director of Public Works
City of La Vista, NE
8116 Park View Boulevard
La Vista, NE 68128

Project 0320015.01 La Vista, NE - 2020 Asset Management

Professional Services through August 15, 2020

Task 100 Design Services

Professional Personnel

	Hours	Rate	Amount
Senior Group Leader II Miller, Daniel	1.00	223.00	223.00
Senior Project Engineer I Van Patten, Greg	2.50	116.00	290.00
Totals	3.50		513.00
Total Labor			513.00

Consultants

Other Contracted Services	23,385.00
Total Consultants	23,385.00
	23,385.00

Billing Limits

	Current	Prior	To-Date
Total Billings	23,898.00	8,372.90	32,270.90
Limit			69,065.95
Remaining			36,795.05
Total this Task			\$23,898.00

Total this Invoice **\$23,898.00**

ok to pay
9/17/20 P.O. # 20-003643
05.71.0919 - 5TAT 20003
J.C.

MIDWEST

Right of Way Services, Inc.

www.midwestrow.com

A-9

September 22, 2020

Pat Dowse - City Engineer
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

Invoice No.: 5617

Midwest Right of Way Services #539

Services in connection with the

City of LaVista - 120th & Giles - Total Acquisition

Total Contract	\$	-
Amount Previously Invoiced	\$	5,308.92

For the period of July 25, 2020 through September 4, 2020

Project Manager	2.50	hours at	\$95	per hour	\$	237.50
Acquisition Agent	-	hours at	\$85	per hour	\$	-
Miles	-	miles	\$0.575	per mile	\$	-

Total Amount Due for this Invoice: \$ 237.50

Total Remaining on Contract (after this invoice) \$ -

Past Due Invoices:

Total Amount for Past Due Invoices: \$ -

TOTAL AMOUNT CURRENTLY DUE: \$ 237.50

OK TO PAY
PMO 9/20/2020
05,71,0899.003

For questions regarding this invoice, please call JohnBorgmeyer at 402-955-2900.

Consent Agenda 10/6/2020
Re

A-10



PLANNING • DESIGN

August 31, 2020
Project No: R3003.066.00
Invoice No: 47712

Rita Ramirez
Assistant City Administrator
City of La Vista
8116 Parkview Blvd
La Vista, NE 68128

Project R3003.066.00 LaVista, City of - Placemaking & LA Svcs

Professional Services through August 31, 2020

Fee

Billing Phase	Fee	Billed %	Earned	Prior Fee	Current Fee	
Planning	237,167.50	80.00	189,734.00	184,990.66	4,743.34	
Schematic Design	12,482.50	0.00	0.00	0.00	0.00	
Total Fee	249,650.00		189,734.00	184,990.66	4,743.34	
Total Fee						4,743.34

Reimbursable Expenses

Printing	4.10
Total Reimbursables	4.10
	4.10

Total this Invoice **\$4,747.44**

Outstanding Invoices

Number	Date	Balance
47586	7/31/2020	2,838.35
Total		2,838.35

PO Number: 20-008351

R. Ramirez
9-16-20

Consent Agenda 10/6/2020
(10)



~~waters edge~~
AQUATIC DESIGN

11205 W. 79th St.
Lenexa, KS 66214
913-438-4338

LaVista, NE

Invoice number 10077
Date 09/11/2020

Project 18-540 LA VISTA, NE - OUTDOOR POOL
PLANNING

Services Through August 31, 2020

Description	Contract Amount	Percent Complete	Remaining Percent	Prior Billed	Total Billed	Remaining	Current Billed
Planning	44,000.00	100.00	0.00	34,562.50	44,000.00	0.00	9,437.50
Direct Expenses Allowance							
Travel Expense / Mileage	3,000.00	59.80	40.20	480.00	1,794.00	1,206.00	1,314.00
Concept Plan (prior)	4,700.00	100.00	0.00	4,700.00	4,700.00	0.00	0.00
Total	51,700.00	97.67	2.33	39,742.50	50,494.00	1,206.00	10,751.50

Invoice total 10,751.50

Terms are Net 30

Email: info@wedesignpools.com

Visit us on the web at wedesignpools.com

PO # 19-008103
Acuff Stork 9/15/2020

Consent Agenda 10/6/2020
(K)

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
PAYMENT AUTHORIZATION – MCC / LIBRARY SHUT OFF VALVES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing payment of \$10,756.98 to Metropolitan Community College (MCC) for installation of shut off valves at South Sarpy Campus.

FISCAL IMPACT

The FY19/20 biennial budget provided funding for this project. The invoice will be booked in the FY20 fiscal year.

RECOMMENDATION

Approval

BACKGROUND

In June 2019, a break occurred on a lateral water line supplying a fire hydrant located in the middle island of the east parking lot. The hydrant was relocated closer to the main line, eliminating the lateral line running under the parking lot. La Vista's share is \$14,045.60.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PAYMENT TO METROPOLITAIN COMMUNITY COLLEGE (MCC), OMAHA, NEBRASKA, FOR WATER SHUT OFF VALVES AT THE METROPOLITAN COMMUNITY COLLEGE – SARPY CENTER / LA VISTA PUBLIC LIBRARY FOR A LOCAL COST NOT TO EXCEED \$10,756.98.

WHEREAS, the Mayor and City Council have determined that the water shut off valves were necessary; and

WHEREAS, the City is responsible for 42.28% of the project costs; and

WHEREAS, the costs total \$25,442.25 with the City's portion being \$10,756.98; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the payment to Metropolitan Community College (MCC), Omaha, Nebraska, for water shut off valves in an amount not to exceed \$10,756.98.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

INVOICE

REMIT PAYMENT TO:

**METROPOLITAN COMMUNITY COLLEGE
ACCOUNTS RECEIVABLE
PO BOX 3777
OMAHA, NE 68103-0777
Ph (402) 457-2405**

**CITY OF LA VISTA
8116 PARK VIEW BLVD.
LAVISTA, NE 68128-2198**

DATE 6/29/2020

INVOICE NO. 5923128

CUSTOMER # M84 275275

EIN 47-0557228

Total expenses for installing shut off valves in main water line \$ 10,756.98

TOTAL AMOUNT DUE \$ 10,756.98

<p style="text-align: center;"> Sarpy Condo Association Expense Allocation for the instalataion of shut off valves in main water line </p>							
Date	Cost Center	Object Code	Expense Type	Vendor	Total Expense	MCC Share	LaVista Share
	Bldg Maintenance						
09/25/19	63612	5260	R&M Real Property	Install shut off valves	25,352.25	14,633.32	10,718.93
	Payroll:						
07/01/19	63612	5150	Bldg Maintenance	Install shut off valves	90.00	51.95	38.05
	Total Billable Expenses				25,352.25	14,633.32	10,718.93
	Total Billable Payroll				90.00	51.95	38.05
	Total Expenses and Payroll				25,442.25	14,685.27	10,756.98

09/16/20

Fiscal Year: 2020

Metropolitan Community College
 General Ledger Detail Trial Balance
 For Period 07/01/2019 thru 06/30/2020

Page: 1

FUNCTION: 65270 - Sarpy shutoffvalves main water

Date	Src	Ref.No	Description	Opening Balance	Debits	Credits	Closing Balance

71-6-65270-5521			Sarpy shutoffvalves main water : BUILDING/OTH STRUCT.				
Jul 16	PJ	V0909104	AMERICAN UNDERGROUND SUPPLY LLC	2,374.29			
Jul 16	PJ	V0909105	AMERICAN UNDERGROUND SUPPLY LLC	18.94			
Jul 22	PJ	V0909467	Pioneer Underground Sprinkler	431.38			
Jul 22	PJ	V0909474	R H Construction Corp	8,650.00			
Jul 24	PJ	V0909604	J & J LAWN SPRINKLER CO	81.90			
Jul 24	PJ	V0909606	Pioneer Underground Sprinkler	1,282.65			
Jul 28	JE	PCardJul19	THE HOME DEPOT #3206	22.95			
Jul 31	PJ	V0910833	AMERICAN UNDERGROUND SUPPLY LLC	1,763.37			
Aug 12	PJ	V0911412	RENNER PLUMBING	578.50			
Aug 12	PJ	V0911413	RENNER PLUMBING	623.00			
Aug 12	PJ	V0911414	RENNER PLUMBING	89.00			
Aug 12	PJ	V0911415	RENNER PLUMBING	222.50			
Aug 12	PJ	V0911416	RENNER PLUMBING	851.50			
Aug 14	PJ	V0911566	AMERICAN UNDERGROUND SUPPLY LLC	108.10			
Aug 20	PJ	V0911791	R H Construction Corp	5,013.00			
Aug 28	PJ	V0912128	Pioneer Underground Sprinkler	532.10			
Aug 28	PJ	V0912128	Pioneer Underground Sprinkler		532.10		
Aug 28	PJ	V0912130	PIONEER LOCK CO INC	532.10			
Aug 28	PJ	V0912130	PIONEER LOCK CO INC		532.10		
Aug 28	PJ	V0912130	PIONEER UNDERGROUND SPRINKLE	532.10			
Sep 04	PJ	V0912364	TODCO BARRICADE CO	116.00			
Sep 10	PJ	V0912739	Petersens Dependable Quality Land	1,069.00			
Sep 24	PJ	V0913606	RENNER PLUMBING	623.00			
Sep 24	PJ	V0913607	RENNER PLUMBING	851.50			
Sep 25	JE	J061389	RecbsWO65270 SRPshutoff valves		25,352.25		
Sep 28	JE	PCardSep19	IN AMERICAN UNDERGROUND	49.57			
Sep Totals				2,709.07		25,352.25	
Totals for 71-6-65270-5521				0.00	26,416.45	26,416.45	0.00
Totals for FUNCTION: 65270 - Sarpy shutoffvalves				0.00	26,416.45	26,416.45	0.00

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
PAYMENT AUTHORIZATION – MCC / LIBRARY WATER LINE BREAK	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing payment of \$14,045.60 to Metropolitan Community College (MCC) for water line break at South Sarpy Campus.

FISCAL IMPACT

The FY19/20 biennial budget provided funding for this project. The invoice will be booked in the FY20 fiscal year.

RECOMMENDATION

Approval

BACKGROUND

In June 2019, a break occurred on a lateral water line supplying a fire hydrant located in the middle island of the east parking lot. The hydrant was relocated closer to the main line, eliminating the lateral line running under the parking lot. La Vista's share is \$14,045.60.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PAYMENT TO METROPOLITAIN COMMUNITY COLLEGE (MCC), OMAHA, NEBRASKA, FOR WATER LINE BREAK REPAIR AT THE METROPOLITAN COMMUNITY COLLEGE – SARPY CENTER / LA VISTA PUBLIC LIBRARY FOR A LOCAL COST NOT TO EXCEED \$14,045.60.

WHEREAS, the Mayor and City Council have determined that the water line break repair was necessary; and

WHEREAS, the City is responsible for 42.28% of the project costs; and

WHEREAS, the costs total \$33,220.46 with the City's portion being \$14,045.60; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize the payment to Metropolitan Community College (MCC), Omaha, Nebraska, for water line break repair in an amount not to exceed \$14,045.60.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

INVOICE

REMIT PAYMENT TO:

**METROPOLITAN COMMUNITY COLLEGE
ACCOUNTS RECEIVABLE
PO BOX 3777
OMAHA, NE 68103-0777
Ph (402) 457-2405**

DATE 9/29/2020

**CITY OF LA VISTA
8116 PARK VIEW BLVD.
LAVISTA, NE 68128-2198**

INVOICE NO. 5928107

CUSTOMER # M84 275275

EIN 47-0557228

Total expenses for Repair of Water Line Break

\$ 14,045.60

TOTAL AMOUNT DUE

\$ 14,045.60

Sarpy Condo Association							
Expense Allocation							
Repair Water Line Break							
September 2020							
Date	Cost Center	Object Code	Expense Type	Vendor	Total Expense	MCC Share	LaVista Share
	Grounds Dept.						
08/26/20	63615	5260	R&M Real Property	Utility Equipment Co.	315.00	181.82	133.18
09/02/20	63615	5260	R&M Real Property	American Underground	3,982.46	2,298.68	1,683.78
09/14/20	63615	5260	R&M Real Property	Carlisle Construction	9,500.00	5,483.40	4,016.60
09/14/20	63615	5260	R&M Real Property	Renner Plumbing	3,372.00	1,946.32	1,425.68
09/16/20	63615	5260	R&M Real Property	Carlisle Construction	6,700.00	3,867.24	2,832.76
09/16/20	63615	5260	R&M Real Property	Petersens Dependable Quality Land	975.00	562.77	412.23
09/24/20	63615	5260	R&M Real Property	R H Construction Corp.	7,869.00	4,541.99	3,327.01
09/24/20	63615	5260	R&M Real Property	American Underground	507.00	292.64	214.36
				Total	33,220.46	19,174.86	14,045.60

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
REPAIRS TO FRONT-END LOADER	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared authorizing the repairs to the 1997 Cat 938F from NMC Cat Omaha, Nebraska for an amount not to exceed \$12,000.00.

FISCAL IMPACT

The FY 21/22 Street Operating Budget provides funding for the proposed repairs.

RECOMMENDATION

Approval

BACKGROUND

The front-end loader is used extensively in snow removal operations and general maintenance operations for Public Works. This machine is almost 24 years old but is in fairly sound condition both structurally and mechanically. Components of the hydraulic system such as lift cylinders, steering cylinders are leaking, and the radiator needs repairs. This work requires the use of high capacity overhead lifts to make the repairs and cannot be performed in-house.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING NMC CAT OMAHA, OMAHA, NEBRASKA TO REPAIR THE 1997 CAT 938F IN AN AMOUNT NOT TO EXCEED \$12,000.00.

WHEREAS, the City Council of the City of La Vista has determined that repair of the roof on the 1997 CAT 938F is necessary; and

WHEREAS, the FY21/22 Biennial Budget provides funding for the proposed repairs; 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 authorize NMC CAT Omaha, Omaha, Nebraska to repair the 1997 CAT 938F in an amount not to exceed \$12,000.00.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



11002 Sapp Bros Dr.
Omaha, NE 68138



Merlin Stewart

Service Writer
Direct 402-891-7502
Cell 402-676-9315
Fax 402-891-7731
merlinstewart@nmccat.com

Make: CAT
Model #: 938f
Serial #: 1KM01485

Customer: City of Lavista
Customer #: _____
Contact: Pat
Phone # _____
Fax # _____
E-Mail _____
Work Order: _____
Hours: _____
Date: Wednesday 9/30/20

We are pleased to submit the following estimate for your consideration.

**This estimate is made before disassembly, and includes parts and labor listed above.
A more accurate estimate can be given after disassembly.**

This estimate is good for 30 days

Purchase Order #:

Submitted by

Robert Klein

Accepted By:



**LA VISTA POLICE DEPARTMENT
INTER-DEPARTMENT MEMO**

TO: Pam Buethe, City Clerk

FROM: Chief Robert S. Lausten

DATE: September 16, 2020

RE: LOCAL BACKGROUND- MANAGER
HOOTERS

CC:

The police department reviewed the Nebraska Liquor Control Commission documents completed by the applicant and conducted a check of local records relating to the Manager Application for Troy Faulk. Faulk has no criminal record in Sarpy County.

As with all Nebraska Retail Liquor Licenses, I am asking that the applicant strictly conform to Nebraska Liquor Control Commission rules and regulations under (Sec 53-131.01) Nebraska Liquor Control Act.

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

RECEIVED

SEP 14 2020

NEBRASKA LIQUOR
CONTROL COMMISSION

MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form MUST be included with your application
- ✓ 21 years of age or older

Corporation/LLC information

Name of Corporation/LLC: HOA Restaurant Holder, LLC

Premise information

Liquor License Number: 122922 Class Type C (if new application leave blank)

Premise Trade Name/DBA: Hooters

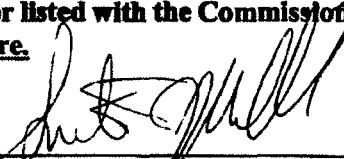
Premise Street Address: 12710 Westport Parkway

City: La Vista County: Sarpy Zip Code: 68138

Premise Phone Number: (402) 281-1300

Premise Email address: sfulton@hooters.com

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).



SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Falk First Name: Troy MI: J

Home Address: 511 Surfside Drive #133

City: Lincoln County: Lancaster Zip Code: 68528

Home Phone Number: ██████████

Driver's License Number & State: ██████████

Social Security Number: ██████████

Date Of Birth: ██████████ Place Of Birth: ██████████

Email address: Lavista@hooters.com

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

YES

NO

Spouse's information

Spouses Last Name: N/9 First Name: _____ MI: _____

Social Security Number: _____

Driver's License Number & State: _____

Date Of Birth: _____ Place Of Birth: _____

APPLICANT & SPOUSE MUST LIST RESIDENCE(S) FOR THE PAST TEN (10) YEARS
APPLICANT **SPOUSE**

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
Lincoln, NE	2010	2020			

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM TO		NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2018	2019	Heartland	Lynette Sorrentino	(402) 250-7074
2019	2019	THE GALA	Jeff Rothgeb	(402) 601-2564

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
See Attached				

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s):
Doc's Place and J. Finnegans

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

List any conviction or guilty plea for any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name.

Name of Applicant	Date of Conviction (mm/yyyy)	City & State of Conviction	Description of Charge	Disposition
Troy Falk	07/1991	Lincoln, Nebraska	Littering of Public or Private Property	Paid Fine
Troy Falk	07/1991	Lincoln, Nebraska	Failure to Appear When on Bail for a Misdemeanor	Paid Fine
Troy J. Falk	08/1995	Lincoln, Nebraska	Parks: Entered After Hours; Infraction	Guilty plea; Paid Fine
Troy J. Falk	04/1997	Lincoln, Nebraska	Violating speed limit 6-10 mph; Infraction	Guilty plea; Paid Fine
Troy J. Falk	09/2004	Lincoln, Nebraska	DUI and Improper Registration, Misdemeanor	Plea of no contest; finding is guilty. Paid Fine
Troy Falk	08/2005	Lincoln, Nebraska	Operating a food establishment without a permit	Guilty plea; Paid Fine
Troy J. Falk	08/2005	Lincoln, Nebraska	Food establishment without a permit	Guilty plea, Paid Fine
Troy J. Falk	05/2009	Hamilton County, Nebraska	Speeding 6-10 mph Interstate; Infraction	Guilty plea, Paid Fine

Name of Applicant	Date of Conviction (mm/yyyy)	City & State of Conviction	Description of Charge	Disposition
Troy J. Falk	10/2016	Lincoln, Nebraska	Violate Yield Sign; Infraction	Guilty plea; Paid Fine
Troy J. Falk	05/2018	Lincoln, Nebraska	Reckless Driving; Misdemeanor	Plea of no contest; finding is guilty. fine of \$500

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: Safe Name on Certificate: Troy Falk

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
Troy Falk		Owned and operated a bar/restaurant - Doc's Place and J. Finnegans

5. Have you enclosed form 147 regarding fingerprints?

YES NO

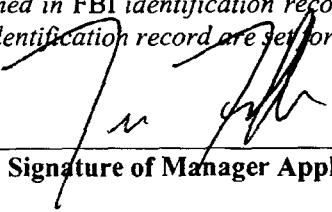
PERSONAL OATH AND CONSENT OF INVESTIGATION

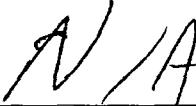
The above individual(s), being first duly sworn upon oath, deposes and states that the undersigned is the applicant and/or spouse of applicant who makes the above and foregoing application that said application has been read and that the contents thereof and all statements contained therein are true.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

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

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

***Applicant Notification and Record Challenge:** Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.*


Signature of Manager Applicant


Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Stacy The foregoing instrument was acknowledged before me this

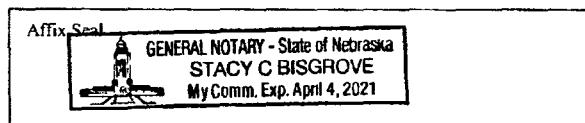
8/28/2020

date

by Troy Falk

NAME OF PERSON BEING ACKNOWLEDGED

Stacy C Bisgrove
Notary Public Signature



In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.



**LA VISTA POLICE DEPARTMENT
INTER-DEPARTMENT MEMO**

TO: Pam Buethe, City Clerk

FROM: Chief Robert S. Lausten

DATE: September 24, 2020

RE: LOCAL BACKGROUND- MANAGER
SWIZZLE STIX

CC:

The police department reviewed the Nebraska Liquor Control Commission documents completed by the applicant and conducted a check of local records relating to the Manager Application for Steven Wyldes II. Wyldes has no criminal record in Sarpy County.

As with all Nebraska Retail Liquor Licenses, I am asking that the applicant strictly conform to Nebraska Liquor Control Commission rules and regulations under (Sec 53-131.01) Nebraska Liquor Control Act.

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use	REF ID: NEC-146
SEP 24 2020	
NEBRASKA LIQUOR CONTROL COMMISSION	

MUST BE:

- ✓ Include copy of US birth certificate, naturalization paper or current US passport
- ✓ Nebraska resident. Include copy of voter registration card or print out document from Secretary of State website
- ✓ Fingerprinted. See form 147 for further information, read form carefully to avoid delays in processing, this form **MUST** be included with your application
- ✓ 21 years of age or older

Corporation/LLC Information

Name of Corporation/LLC: **SSL Operating Group LLC**

Premise Information

Liquor License Number: **117333** Class Type **I** (if new application leave blank)

Premise Trade Name/DBA: **Swizzle Stix Lounge**

Premise Street Address: **7101 S. 84th Street**

City: **La Vista** County: **Sarpy** Zip Code: **68128**

Premise Phone Number: **(402) 339-1606**

Premise Email address: **corporatefilings@ehpv.com**

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. To see authorized officers or members search your license information [here](#).

SIGNATURE REQUIRED BY CORPORATE OFFICER / MANAGING MEMBER
(Faxed signatures are acceptable)

141
Spousal
BC
Voter
Training

Manager's Information must be completed below. PLEASE PRINT CLEARLY

Last Name: Wyldes II First Name: Steven MI: M

Home Address: 7719 Greenleaf Dr.

City: La Vista County: Sarpy Zip Code: 68128

Home Phone Number: ██████████

Driver's License Number & State: ██████████

Social Security Number: ██████████

Date Of Birth: ██████████ Place Of Birth: ██████████

Email address: swyldes@lavistakeno.com

YES

NO

Spouse's Info (check)

Spouses Last Name: Wyldes First Name: Ann MI: M

Social Security Number: ██████████

Driver's License Number & State: ██████████

Date Of Birth: ██████████ Place Of Birth: ██████████

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
La Vista NE	2005	2020			

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2020	2020	Sodexo	Chris Kline	402-306-7489
2019	2020	River City Nursing	Aharon	786-564-9339

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.

Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

Has anyone who is a party to this application, or their spouse, EVER been convicted of or plead guilty to any charge. Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year and month of the conviction or plea, include traffic violations. Also list any charges pending at the time of this application. If more than one party, please list charges by each individual's name. Commission must be notified of any arrests and/or convictions that may occur after the date of signing this application.

YES NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
See Attachment A				

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

YES NO

IF YES, list the name of the premise(s): Walgreens (spouse was licensed as manager)

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

YES NO

Attachment A

Question 1. regarding any convictions/violations

Form 103

REV July 2018

Page 4 of 6

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
Steven Wyldes II	04/14/2017	Papillion NE	Violate Stop Sign/Traffic Signal	1 point
Steven Wyldes II		NE	Failure to Comply- 7/19/2017 Withdrawn*	Reinstated 4/30/2018
Steven Wyldes II		NE	Failure to Comply- 5/20/2010 Withdrawn*	Reinstated 3/25/2011

Unless indicated otherwise, the traffic violations shown date back as far as an online search of Nebraska Department of Motor Vehicles allows. This search was conducted at

<https://www.nebraska.gov/dmv/dlrcc/index.cgi>, which is an official Nebraska government website and available to the public. Each individual named on the application may have additional traffic violations predating the time period of the online search, or registered in jurisdictions other than Nebraska.

*These entries were warning tickets for nonmoving violations. Applicant subsequently proved compliance and the warnings were withdrawn.

4. List the alcohol related training and/or experience (when and where) of the person making application.

*NLCC Training Certificate Issued: 06/2018 Name on Certificate: Steven Wyldes

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Steven Wyldes	06/2018	ServSafe Alcohol Certificate

*For list of NLCC Certified Training Programs see training

Experience:

Applicant Name / Job Title	Date of Employment:	Name & Location of Business:
NONE		

5. Have you enclosed form 147 regarding fingerprints?

YES NO

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

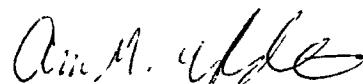
The undersigned applicant hereby consents to an investigation of his/her background including all records of every kind and description including police records, tax records (State and Federal), and bank or lending institution records, and said applicant and spouse waive any rights or causes of action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

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

Applicant Notification and Record Challenge: Your fingerprints will be used to check the criminal history records of the FBI. You have the opportunity to complete or challenge the accuracy of the information contained in FBI identification record. The procedures for obtaining a change, correction, or updating an FBI identification record are set forth in Title 28, CFR, 16.34.



Signature of Manager Applicant



Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska

County of Douglas The foregoing instrument was acknowledged before me this

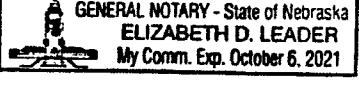
September 10, 2020

date

by Steven M. Wykes II

NAME OF PERSON BEING ACKNOWLEDGED

Elizabeth D. Leader
Notary Public signature

Affix Seal	
GENERAL NOTARY - State of Nebraska ELIZABETH D. LEADER My Comm. Exp. October 6, 2021	

In compliance with the ADA, this application is available in other formats for persons with disabilities. A ten day advance period is required in writing to produce the alternate format.

Congratulations!

You have successfully completed the ServSafe® Training and Certificate Program. This is your official ServSafe Alcohol Certificate Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.



ServSafe.com.

ServiceCenter@restaurant.org
800.765.2122, ext. 6703



224 South Wacker Drive
Suite 2000
Chicago, IL 60606-3382
1.877.SERVSAFE
(312) 735-1010 in the Chicago area
ServSafe.com

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design are trademarks of the National Restaurant Association.
17FR0801 1/17



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
INSURANCE RENEWAL - PROPERTY, LIABILITY AND WORKERS COMPENSATION	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

A renewal has been negotiated for the property, liability and workers' compensation insurance program offered by Travelers at an annual premium cost of \$440,248.

FISCAL IMPACT

The FY21/FY22 General Fund Budget provides funding for property, liability and workers' compensation insurance premiums.

RECOMMENDATION

N/A

BACKGROUND

The City has had its property, liability and workers compensation insurance coverage with Traveler's since 2014. Each year our broker, currently the Harry A. Koch Co., works with us at renewal time to review coverage limits, deductibles, rates, etc. Over the years we have received very reasonable rate increases without significant changes in the plan from Travelers and consequently have continued our relationship with them.

This year we were informed by our broker that Traveler's was making significant changes in property deductibles for wind/hail damage. They advised us to explore other options. This advice came at the end of August and our policy renewal date is October 1st. Koch also informed us that other viable carriers that might quote on this coverage do not offer their own worker's compensation coverage so we would have to split the coverage program if we chose another carrier. We agreed to have our broker market the coverage.

Ultimately, two proposals were submitted, one from Travelers and another from One Beacon/BITCO. Travelers did make some adjustments to their wind/hail deductibles, however the One Beacon/BITCO premium quote was \$42,000. less overall.

Upon review of each of the line items associated with our coverage, it was discovered that One Beacon could not offer the Municipal Sales Tax Revenue coverage the City has with Travelers. This coverage would replace sales tax revenues up to \$1.9 million in the event a natural disaster left any of the businesses in Southport inoperable for a period of time. It was determined this revenue protection coverage is an important component of our insurance package that needed to be maintained. A decision was made to renew with Travelers.

Due to the fact that the coverage was marketed, and a lower quote was received this year, we wanted to make Council aware of the process and the reason for continuing our relationship with Travelers. We have received excellent service from Travelers over the years and have good working relationships with their representatives. Coverages will continue to be reviewed with our broker each year to ensure the best coverage possible for the City at the best premiums.

K:\APPS\City Hall\CNCLRPT (Blue Letters)\20file\20 ADM Insurance Renewal FY21 10 06 20 Docx

Check #	Check Date	Vendor Name	Amount	Voided
133200	09/16/2020	4 SEASONS AWARDS	10.00	N
133201	09/16/2020	A-1 FLAGS, POLES, AND REPAIR LLC	256.00	N
133202	09/16/2020	ACTION BATTERIES UNLTD INC	395.92	N
133203	09/16/2020	AKRS EQUIPMENT SOLUTIONS, INC.	180.18	N
133204	09/16/2020	ALL MAKES OFFICE EQUIPMENT CO	615.00	N
133205	09/16/2020	AMAZON CAPITAL SERVICES, INC.	587.52	N
133206	09/16/2020	AT&T MOBILITY LLC	93.82	N
133207	09/16/2020	BENNETT REFRIGERATION INC	705.83	N
133208	09/16/2020	BJORKLUND COMPENSATION CONSUL	1,700.00	N
133209	09/16/2020	BUETHE, PAM	50.00	N
133210	09/16/2020	CENTURY LINK BUSN SVCS	343.73	N
133211	09/16/2020	CINTAS CORPOTATION	157.15	N
133212	09/16/2020	CITY OF OMAHA	222,394.65	N
133213	09/16/2020	COMMERCIAL SEEDING CONTRACTOR	2,299.10	N
133214	09/16/2020	CONSOLIDATED MANAGEMENT CO	238.78	N
133215	09/16/2020	CONVERGE ONE INC	3,302.77	N
133216	09/16/2020	COX COMMUNICATIONS, INC.	147.03	N
133217	09/16/2020	D & K PRODUCTS	2,374.00	N
133218	09/16/2020	EDGEWEAR SCREEN PRINTING	792.60	N
133219	09/16/2020	ENVISIO SOLUTIONS INC	6,510.00	N
133220	09/16/2020	FASTENAL COMPANY	15.52	N
133221	09/16/2020	FERGUSON ENTERPRISES INC #226	2,980.68	N
133222	09/16/2020	FIKES COMMERCIAL HYGIENE LLC	12.00	N
133223	09/16/2020	G I CLEANERS & TAILORS	291.00	N
133224	09/16/2020	GRAINGER	23.42	N
133225	09/16/2020	GRAYBAR ELECTRIC COMPANY INC	580.51	N
133226	09/16/2020	HOTSY EQUIPMENT COMPANY	563.31	N
133227	09/16/2020	INDUSTRIAL SALES COMPANY INC	110.60	N
133228	09/16/2020	INGRAM LIBRARY SERVICES	105.97	N
133229	09/16/2020	INTERNATIONAL CODE COUNCIL	470.00	N
133230	09/16/2020	J & J SMALL ENGINE SERVICE	37.77	N
133231	09/16/2020	KIESLER POLICE SUPPLY	302.50	N
133232	09/16/2020	LOGAN CONTRACTORS SUPPLY	139.90	N
133233	09/16/2020	MALLOY ELECTRIC	139.38	N
133234	09/16/2020	MARK A KLINKER	200.00	N
133235	09/16/2020	MECHANICAL SALES INC	520.00	N
133236	09/16/2020	MENARDS-RALSTON	418.33	N
133237	09/16/2020	METAL DOORS AND HARDWARE CO	145.00	N
133238	09/16/2020	METROPOLITAN COMMUNITY COLLEG	32,549.49	N
133239	09/16/2020	METROPOLITAN UTILITIES DISTRICT	8,836.37	N
133241	09/16/2020	MIDLANDS LIGHTING & ELECTRIC SUP	766.29	N
133242	09/16/2020	MIDWEST RIGHT OF WAY SVCS INC	95.00	N
133243	09/16/2020	MIDWEST TURF & IRRIGATION	172.32	N
133244	09/16/2020	MSC INDUSTRIAL SUPPLY CO	228.60	N
133245	09/16/2020	NEBRASKA ENVIRONMENTAL PRODUC	335.36	N
133246	09/16/2020	NEBRASKA IOWA INDL FASTENERS INC	5.17	N
133247	09/16/2020	ODEYS INCORPORATED	47.90	N
133248	09/16/2020	OFFICE DEPOT INC	66.78	N
133249	09/16/2020	OLSSON, INC.	2,723.50	N
133250	09/16/2020	OMNI ENGINEERING	664.30	N
133251	09/16/2020	PER MAR SECURITY SERVICES	129.78	N
133252	09/16/2020	RED WING BUSINESS ADVANTAGE ACC	150.00	N
133253	09/16/2020	SAPP BROS, INC.	350.83	N
133254	09/16/2020	SOUTHERN UNIFORM & EQUIPMENT	148.99	N
133255	09/16/2020	STAPLES, INC.	39.57	N
133256	09/16/2020	TED'S MOWER SALES & SERVICE INC	13.87	N
133257	09/16/2020	TELEVIC US CORP.	1,250.00	N
133258	09/16/2020	THOMPSON DREESSEN & DORNER, IN	6,903.50	N
133259	09/16/2020	UNITED STATES POSTAL SERVICE	1,367.29	N
133260	09/16/2020	VIERREGGER ELECTRIC COMPANY	413.64	N

User: mgustafson

DB: La Vista

Check #

Check #	Check Date	Vendor Name	Amount	Voided
133261	09/16/2020	WHITE CAP CONSTR SUPPLY/HDS	76.28	N
133262	09/16/2020	WOODHOUSE CBP	53.95	N
133263	09/16/2020	WOODHOUSE PARTS DIRECT, INC	72.53	N
133264	09/17/2020	NE DEPT OF LABOR-WORKFORCE DEV	1,288.00	N
133265	09/23/2020	JMN CONSTRUCTION	25,500.00	N
133266	09/23/2020	MIDWEST FENCE - GUARDRAIL SYSTEM	12,750.00	N
133267	09/30/2020	BEN VILLOSIS	24.00	N
133268	09/30/2020	KILEY STEHMAN	9.99	N
133269	09/30/2020	LILLY JOHNSON	40.00	N
133270	09/30/2020	DAVID SPARKS	55.00	N
133271	09/30/2020	UNITED STATES POSTAL SERVICE	1,372.18	N
133272	10/06/2020	911 CUSTOM LLC	2,815.25	N
133273	10/06/2020	ABM INDUSTRIES, INC	10,825.16	N
133274	10/06/2020	ACTION BATTERIES UNLTD INC	19.95	N
133275	10/06/2020	AED ZONE	507.00	N
133276	10/06/2020	AMAZON CAPITAL SERVICES, INC.	6,282.39	N
133277	10/06/2020	AT&T MOBILITY LLC	97.32	N
133278	10/06/2020	B & H PHOTO VIDEO	1,540.78	N
133279	10/06/2020	BAUER BUILT INC	170.77	N
133280	10/06/2020	BLACK HILLS ENERGY	58.18	N
133281	10/06/2020	BUETHE, PAM	74.00	N
133282	10/06/2020	CENTER POINT, INC.	408.66	N
133283	10/06/2020	CENTURY LINK	430.18	N
133284	10/06/2020	CENTURY LINK BUSN SVCS	96.54	N
133285	10/06/2020	CINTAS CORPORTATION NO. 2	554.65	N
133286	10/06/2020	CITY OF OMAHA	254,048.25	N
133287	10/06/2020	CITY OF PAPILLION	7,871.31	N
133288	10/06/2020	CITY OF PAPILLION	208,707.00	N
133289	10/06/2020	COMP CHOICE INC	77.50	N
133290	10/06/2020	CORNHUSKER INTL TRUCKS INC	77.14	N
133291	10/06/2020	CORNHUSKER STATE INDUSTRIES	303.00	N
133292	10/06/2020	COX COMMUNICATIONS, INC.	177.03	N
133293	10/06/2020	CUMMINS CENTRAL POWER LLC	592.02	N
133294	10/06/2020	D & K PRODUCTS	1,263.50	N
133295	10/06/2020	DATASHIELD CORPORATION	100.00	N
133296	10/06/2020	DEBORAH CLARY	98.47	N
133297	10/06/2020	DELL MARKETING L.P.	986.71	N
133298	10/06/2020	DEMCO INCORPORATED	666.57	N
133299	10/06/2020	DONALD B EIKMEIER	813.25	N
133300	10/06/2020	EBSCO INFORMATION SERVICES	757.28	N
133301	10/06/2020	EDGEWEAR SCREEN PRINTING	41.25	N
133302	10/06/2020	FAC PRINT & PROMO COMPANY	1,088.90	N
133303	10/06/2020	FASTENAL COMPANY	3.51	N
133304	10/06/2020	FBG SERVICE CORPORATION	6,029.80	N
133305	10/06/2020	FEDEX	24.36	N
133306	10/06/2020	FERGUSON ENTERPRISES INC #226	462.15	N
133307	10/06/2020	FIKES COMMERCIAL HYGIENE LLC	60.00	N
133308	10/06/2020	G I CLEANERS & TAILORS	61.50	N
133309	10/06/2020	GALE	124.45	N
133310	10/06/2020	GENERAL FIRE & SAFETY EQUIP CO	893.80	N
133311	10/06/2020	GILMORE & BELL PC	37,500.00	N
133312	10/06/2020	GRAINGER	484.84	N
133313	10/06/2020	GREAT PLAINS UNIFORMS	2,960.00	N
133314	10/06/2020	HARM'S CONCRETE INC	389.00	N
133315	10/06/2020	HAYES MECHANICAL LLC	3,839.22	N
133316	10/06/2020	HELGET SAFETY SUPPLY INC	210.00	N
133317	10/06/2020	HERRICK, ANGELA DAWN	55.00	N
133318	10/06/2020	HOBBY LOBBY STORES INC	28.06	N
133319	10/06/2020	INDUSTRIAL SALES COMPANY INC	10.00	N
133320	10/06/2020	INGRAM LIBRARY SERVICES	5,241.35	N

User: mgustafson

DB: La Vista

Check #	Check Date	Vendor Name	Amount	Voided
133323	10/06/2020	K ELECTRIC	885.11	N
133324	10/06/2020	KANOPLY, INC.	144.00	N
133325	10/06/2020	KELLER, RON	300.00	N
133326	10/06/2020	KEYMASTERS LOCKSMITH	179.50	N
133327	10/06/2020	KRIHA FLUID POWER CO INC	60.28	N
133328	10/06/2020	LA VISTA COMMUNITY FOUNDATION	30.00	N
133329	10/06/2020	LEAGUE OF NEBRASKA MUNICIPALITIE	490.00	N
133330	10/06/2020	LIBRA INDUSTRIES INC	38.40	N
133331	10/06/2020	LIBRARY IDEAS LLC	1,048.20	N
133332	10/06/2020	LILY JOHNSON	40.00	N
133333	10/06/2020	LOGAN CONTRACTORS SUPPLY	10,575.47	N
133334	10/06/2020	MARCO INCORPORATED	121.25	N
133335	10/06/2020	MENARDS-RALSTON	666.26	N
133336	10/06/2020	METRO AREA TRANSIT	911.00	N
133337	10/06/2020	METROPOLITAN COMMUNITY COLLEG	12,658.44	N
133338	10/06/2020	METROPOLITAN UTILITIES DISTRICT	19,211.41	N
133341	10/06/2020	MIDWEST TAPE	94.00	N
133342	10/06/2020	MIDWEST TURF & IRRIGATION	453.70	N
133343	10/06/2020	MSC INDUSTRIAL SUPPLY CO	266.60	N
133344	10/06/2020	NE DEPT OF MOTOR VEHICLE-94789	6.60	N
133345	10/06/2020	NEBRASKA LAW ENFORCEMENT	225.00	N
133346	10/06/2020	NOLL, MARGARET M	150.00	N
133347	10/06/2020	NORM'S DOOR SERVICE	230.00	N
133348	10/06/2020	O'KEEFE ELEVATOR COMPANY INC	681.00	N
133349	10/06/2020	OCLC INC	322.42	N
133350	10/06/2020	OFFICE DEPOT INC	388.43	N
133351	10/06/2020	OMAHA PUBLIC POWER DISTRICT	14,709.76	N
133352	10/06/2020	OMAHA WINNELSON SUPPLY	21.50	N
133353	10/06/2020	P.Q.L., INC.	288.56	N
133354	10/06/2020	PETTY CASH-PAM BUETHE	260.98	N
133355	10/06/2020	PRAETORIAN GROUP, INC.	3,064.50	N
133356	10/06/2020	RALSTON AREA BASEBALL ASSOCIATIO	835.00	N
133357	10/06/2020	RDG PLANNING & DESIGN	604.48	N
133358	10/06/2020	READY MIXED CONCRETE COMPANY	1,353.67	N
133359	10/06/2020	SECURITY EQUIPMENT INC.	1,344.00	N
133360	10/06/2020	SIGN IT	117.00	N
133361	10/06/2020	SIRCHIE ACQUISITION COMPANY, LLC	120.33	N
133362	10/06/2020	SOUTHERN UNIFORM & EQUIPMENT	2,451.62	N
133364	10/06/2020	THE COLONIAL PRESS, INC	1,973.20	N
133365	10/06/2020	THE SCHEMMER ASSOCIATES INC	195.12	N
133366	10/06/2020	TORNADO WASH LLC	945.00	N
133367	10/06/2020	TURFWERKS	7.31	N
133368	10/06/2020	UNITED PARCEL SERVICE	84.51	N
133369	10/06/2020	VAL VERDE ANIMAL HOSPITAL INC	579.68	N
133370	10/06/2020	VERIZON CONNECT NWF, INC.	631.41	N
133371	10/06/2020	VERMEER HIGH PLAINS	1,856.13	N
133372	10/06/2020	WALMART COMMUNITY BRC	597.80	N
133373	10/06/2020	WATCHGUARD, INC.	8,249.50	N
133374	10/06/2020	WATKINS CONCRETE BLOCK CO INC	474.15	N
133375	10/06/2020	WOODHOUSE CBP	125.12	N
133376	10/06/2020	WOODHOUSE FORD-BLAIR	31.36	N
133377	10/06/2020	ZIMCO SUPPLY COMPANY	480.00	N

TOTAL: 1,000,216.26

User: mgustafson

DB: La Vista

Check #

Check Date	Vendor Name	Amount	Voided
COUNCIL MEMBER	COUNCIL MEMBER		
COUNCIL MEMBER	COUNCIL MEMBER		
COUNCIL MEMBER			

LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE

To: Mayor and City Council

Dt: September 17, 2020

Fr: City Advisory Review Committee

Re: Economic Development Program Review

The Citizen Advisory Review committee is required to report to the Mayor and City Council at least once every six months regarding the Economic Development Program. The following is provided for the Committee's information and generally covers activity for FY20 (the period from October 1, 2019 to September 30, 2020).

The Economic Development Program has received two applications for assistance to date. The first application was from John Q. Hammons to construct a full service Embassy Suites Hotel and conference center facility. This project was closed out in 2018. The second application was for a \$3 million grant to City Ventures to help with the construction of a state-of-the-art music venue in City Centre, located in the redevelopment area along 84th Street. The application was approved by the Committee and the City Council in February of 2020 and has not yet been paid out to the developer.

1. The City's assessed valuation for FY2020 was \$1,651,417,826, and the new assessed valuation for FY2021 is \$1,755,107,309. This is an increase of 6.3%. Over the past several years, the growth in the City's valuation has averaged approximately 5.6% annually.

FY2018 Valuation - \$1,496,821,908 (up 6.11%)

FY2019 Valuation - \$1,542,141,658 (up 3.02%)

FY2020 Valuation - \$1,651,417,826 (up 7.08%)

FY2021 Valuation - \$1,651,417,826 (up 6.27%)

2. Earned sales and use tax revenue has continued to increase over the last several years, with the exception of FY19, which was down from the previous year. We look at what the City has "earned" in sales tax prior to any state incentive refunds being deducted in order to determine what businesses are actually generating. While we might actually receive less sales tax in a given year over the previous year, when the incentive refund is added back in our businesses have most times actually generated more money. The City has built a sales and use tax reserve for potential future rebates.

FY2017 Sales and Use Tax - \$7,550,882 (actually received - \$1.7 million rebate to SON; earned total up 12.3% over FY16)

FY2018 Sales and Use Tax - \$8,033,943 (actually received - \$2.4 million rebate to SON; earned total up 12.8% over FY17)

FY2019 Sales and Use Tax - \$9,509,936 (actually received - \$500,000 rebate to SON; earned total down 4.2% over FY18)

FY2020 Sales and Use Tax - \$8,144,396 (through August) – (actually received - \$1.2 million rebate to SON)

3. Building permit valuations are reported in calendar year, not fiscal year. The past several years have remained fairly consistent—up and down somewhat based on various construction projects.

2017 - \$43,036,890

2018 - \$45,980,935

2019 - \$36,332,465

2020 - \$21,455,137 (Through July)

Total building permit valuations since 1997 are over \$1.24 billion.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT – GIANDINOTO, LLC – LOT 16A3B PARK VIEW HEIGHTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

SYNOPSIS

A public hearing has been scheduled and resolution prepared for Council to consider an application for a Conditional Use Permit by Giandinoto, LLC to operate a private car wash on Lot 16A3B Park View Heights, generally located east of S 85th Street between Park View Blvd and Maple Court.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and resolution prepared to consider an application submitted by Giandinoto, LLC for a Conditional Use Permit to operate a private car wash on Lot 16A3B Park View Heights, located at 7301 S. 85th Street. The car wash will be used to wash cars owned by the applicant to prepare them to be sold at a dealership off-site.

Conditions in the Conditional Use Permit ensure that no activities related to the sale of vehicles can occur on Lot 16A3B, as to not expand the legally non-conforming auto sales use on adjacent Lot 16A3A also owned by the applicant. A detailed staff report is attached.

The Planning Commission held a public hearing on September 3, 2020, and unanimously voted to recommend approval of the Conditional Use Permit, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

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 GIANDINOTO, LLC TO OPERATE A PRIVATE CAR WASH ON LOT 16A3B PARK VIEW HEIGHTS.

WHEREAS, Giandinoto, LLC has applied for approval of a conditional use permit for a private car wash on Lot 16A3B Park View Heights, generally located east of S. 85th Street between Park View Blvd and Maple Ct.; and

WHEREAS, the La Vista Planning Commission reviewed the application on September 3, 2020 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, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for Giandinoto, LLC to allow for a private car wash on Lot 16A3B Park View Heights.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP20-0005;

FOR HEARING OF: OCTOBER 6, 2020
REPORT PREPARED ON: SEPTEMBER 15, 2020

I. GENERAL INFORMATION

A. APPLICANT:

Jeff Giandinoto
Giandinoto, LLC
7301 S 85th Street
La Vista, NE 68128

B. PROPERTY OWNER:

Giandinoto, LLC
4242 S 167th Avenue
Omaha, NE 68135

C. LOCATION: 7301 S 85th Street; Generally located east of S 85th Street between Park View Blvd and Maple Ct.

D. LEGAL DESCRIPTION: Lot 16A3B Park View Heights.

E. REQUESTED ACTION(S): Approval of a Conditional Use Permit to operate a private car wash.

F. EXISTING ZONING AND LAND USE: C-2 General Commercial District and Gateway Corridor District (Overlay District).

G. PURPOSE OF REQUEST: Allow for the operation of a private car wash to prepare vehicles to be sold at a dealership off-site.

H. SIZE OF SITE: Approximately 0.29 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes gradually downward to the north and to the east; the building on the site previously housed McCann Plumbing and is being renovated for the private car wash use.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	La Vista Auto Plex
East	Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	84 th Street & Shell Station (previously Dual Stop)
South	Commercial	C-2 General Commercial District and Gateway Corridor District (Overlay District)	Bright Stars Child Care
West	Medium-Density Residential	R-1 Single-Family Residential	Park View Heights Neighborhood

C. RELEVANT CASE HISTORY:

1. N/A

D. APPLICABLE REGULATIONS:

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. This proposal is consistent with the Future Land Use Map of the Comprehensive Plan, which designates Lot 16A3B Park View Heights for commercial development.

B. OTHER PLANS:

1. The Vision 84 Plan (La Vista's long-range plan for the 84th Street Corridor adopted in April of 2010) calls out this area for residential uses.

C. TRAFFIC AND ACCESS:

1. The property has a driveway connection to S 85th Street.

D. UTILITIES:

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.

E. PARKING REQUIREMENTS:

1. The principle building meets the minimum parking requirements of the Zoning Ordinance.
2. Exhibit A of the attached draft Conditional Use Permit designates the area on the lot for which cars waiting to be washed may be parked.
3. A condition included in the draft CUP limits the number of vehicles able to be parked on the lot to 12. Specifically, 4 stalls for employees working on-site and 8 stalls for cars waiting to be washed.

F. LANDSCAPING:

1. N/A

IV. REVIEW COMMENTS:

- A. As a car wash land use, the only activities that will be permitted on the lot are the washing of vehicles and accessory uses like detailing. Activities prohibited by the Zoning Ordinance and the Conditional Use Permit include but are not limited to vehicle body work, repair and maintenance, storage and display of vehicles for sale, and activities related to the sale of vehicles.
- B. As to not expand the legally non-conforming auto sales use on the adjacent lot (Lot 16A3A Park View Heights), advertising of vehicles for sale including pricing and dealership information will be prohibited.
- C. Since the proposed car wash will be for private use only and not open to members of the general public, signage will not be necessary and will be prohibited through the Conditional Use Permit.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit for Lot 16A3B Park View Heights, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission held a public hearing on September 3, 2020 and voted unanimously to recommend approval of the Conditional Use Permit for Lot 16A3B Park View Heights, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review Letters
- C. Draft Conditional Use Permit & Exhibits

VIII. **COPIES OF REPORT SENT TO:**

- A. Jeff Giandinoto, Giandinoto, LLC
- B. Public Upon Request

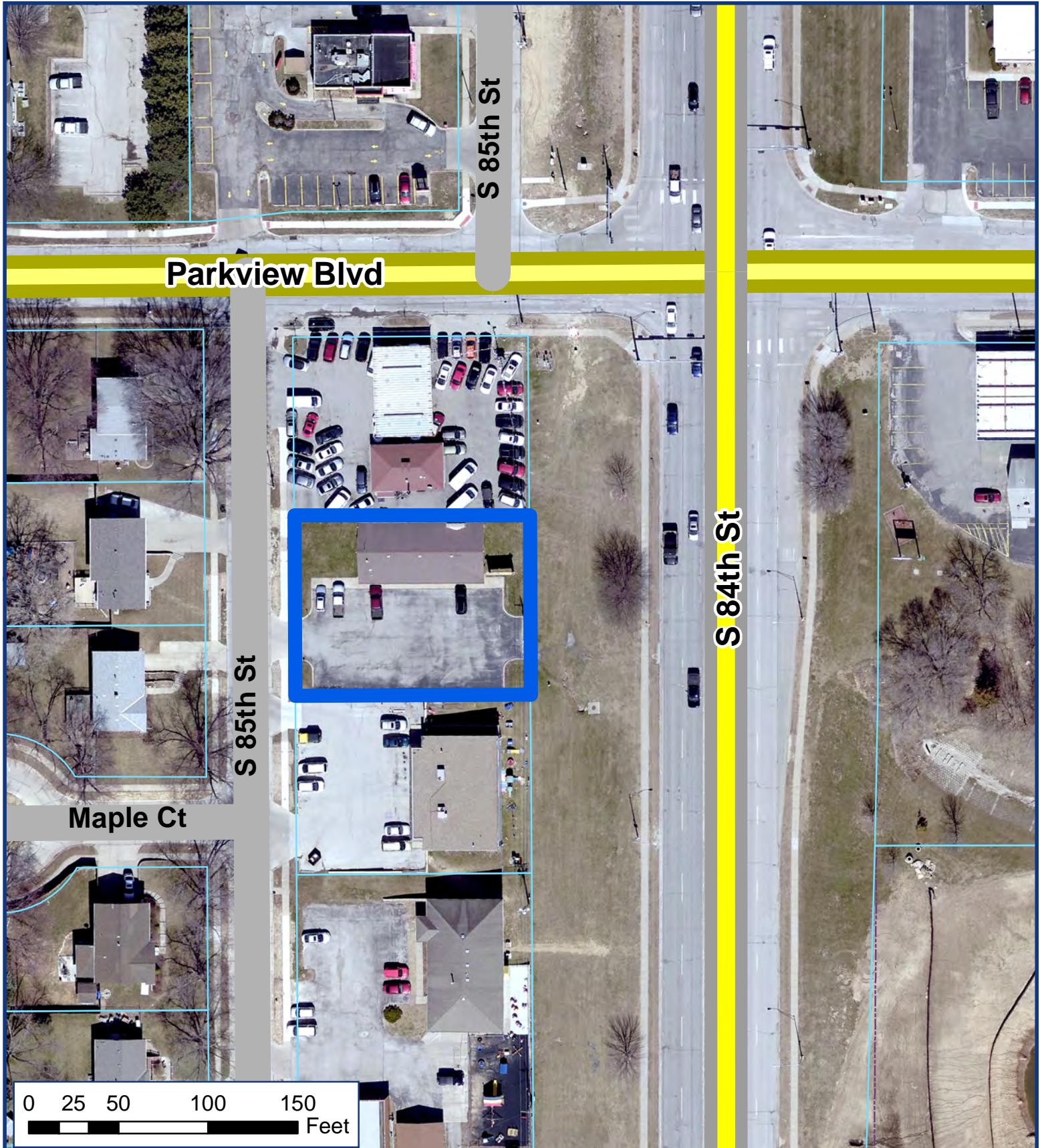
Cale Broderson

Prepared by: Assistant Planner

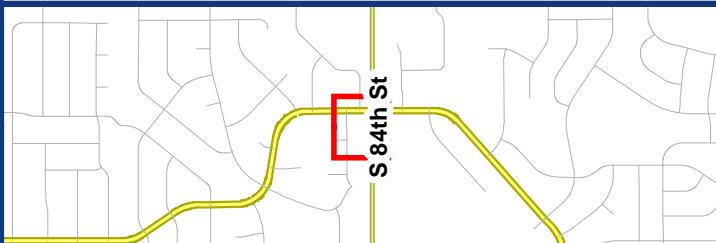
Jeffrey J. Foley
Deputy Community Development Director

9/28/2020

Date



Conditional Use Permit Vicinity Map



Giandinoto, LLC Private Car Wash
7303 S. 85th Street

7/21/2020 CB





August 4, 2020

Jeff Giandinoto
Giandinoto LLC
4242 S 167th Avenue
Omaha, NE 68135

RE: Car Wash Conditional Use Permit – Initial Review

Mr. Giandinoto,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) application. Staff have reviewed the initial submittal and have provided the following initial comments:

1. Please confirm that all operations shall be contained within the building, and that no noise related to the operations are anticipated to carry outside the property.
2. Please confirm that any chemicals and/or processes of the operation will not give off any vapors, odors, or particulates outside of the building, or if any filtration system will be necessary to mitigate such items.
3. Please confirm that the ADA parking stall requirements will be met per Section 7.08 of the Zoning Ordinance.
4. A draft Conditional Use Permit will be provided to you next week for your review.

Please submit a response to the items above by August 11, 2020. Upon satisfactory review of this resubmittal, the CUP application will be reviewed by the Planning Commission at the September 3, 2020 meeting at 6:30pm in the La Vista Community Center Gym. We would like for you to be in attendance to answer any questions that the Planning Commission might have. If you have any questions regarding these comments, please feel free to contact me at any time.

Sincerely,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6400

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

From: [Jeff Giandinoto](#)
To: [Cale Brodersen](#)
Subject: [EXT]Re: Initial Review Letter - Car Wash CUP
Date: Wednesday, August 5, 2020 3:27:59 PM

Mr Broderson,

I have reviewed your conditional use permit initial review.

1. All of our operations will be contained inside the building.
2. No chemical vapors or particles will be dispersed outside the building.
3. On completion of the project we will be having the parking lot resurfaced and a ADA parking stall will be added.

Thank you for your questions, hopefully these answers are satisfactory. I look forward to hearing from you on the next step.

Jeff Giandinoto
402.651.0859

City of La Vista Conditional Use Permit

Conditional Use Permit for Car Wash

This Conditional Use Permit issued this ____ day of _____, 2020, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska (“City”) to, Giandinoto, LLC (“Owner”), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to operate a private, fully enclosed car wash (“Car Wash”) upon the following described tract of land within the City:

Lot 16A3B Park View Heights, La Vista, Nebraska (“Property”).

WHEREAS, Owner owns the Property and has applied for a conditional use permit for the purpose of operating the Car Wash; and

WHEREAS, Owner also owns Lot 16A3A Park View Heights, immediately north of the Property, and uses such lot and the improvements on such lot for the sale of motor vehicles, which use is nonconforming and shall not be enlarged, expanded, or extended (“Car Lot”); and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit to Owner for the Car Wash on the Property, subject to the terms and conditions as provided in this Permit.

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the Owner to use the area of the Property designated on Exhibit “A” hereto for a Car Wash, 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. This conditional use permit and the right to operate a car wash that comes with it shall expire and terminate with any change of ownership or control of the business, Owner, or Property designated on Exhibit “A”, or of the business, owner, or property on or comprising Lot 16A3A Park View Heights. In addition, any deviation from or breach of any terms hereof shall automatically cause permit to expire and terminate.
2. In respect to the proposed Permitted Use:
 - a. The Property only shall be used for a private, fully enclosed Car Wash. The Car Wash only will be used for washing motor vehicles of Owner that are for sale or lease on the Car Lot. For purposes of this Permit, “wash” shall mean cleaning, washing, polishing, or waxing of motor vehicles, and related vacuuming of motor vehicle carpet and upholstery as an accessory use, as ordinarily provided by car washes in the City. The Property or Car Wash will not be directly or indirectly used for any other purpose.
 - b. Operations on the Property will be limited to and be carried out in accordance with the Operational Statement/Project Narrative attached as Exhibit “B” and incorporated into

this permit by reference. If there is any conflict between or among provisions of Exhibit "B" and this permit, the more restrictive provisions shall apply and govern.

- c. There shall be no storage, placement or display of motor vehicles, goods, supplies or any other materials, substances, containers or receptacles outside of the car wash building, except as approved in writing by the City.
- d. No advertising shall be allowed on vehicles on the Property.
- e. Vehicle parking on the Property is limited to 4 stalls for employees working at the Car Wash and 8 stalls for vehicles waiting to be washed.
- f. Parking of vehicles waiting to be washed shall be limited to the area outlined in red in the attached site plan (Exhibit "A"). No additional paving of unpaved areas shall be permitted after the date this CUP is executed.
- g. The amount of time that any one vehicle may be parked on the lot waiting to be washed shall be limited to 3 days.
- h. Any additional site lighting shall be reviewed and approved by the Community Development Department prior to installation to ensure that it does not have a significant negative impact on neighboring properties.
- i. The existing sign for McCann Plumbing (including the entire structure) shall be removed within 6 months of the commencement of this use. Since the car wash is not open for use by the general public, signage shall be prohibited.
- j. The Property and Car Wash shall be limited to the use as provided in this Permit, subject to the specified terms and conditions of this Permit. The Property or Car Wash will not be directly or indirectly used for any other purpose. Not in limitation of the foregoing sentence, the following activities shall be prohibited:
 - i. Sale, acquisition, transfer, lease, or financing of motor vehicles, or any other activities in support or connection with the Car Lot or motor vehicle purchases, sales, leasing, transfers, or financing;
 - ii. Storage, showing, demonstration, or display of motor vehicles. Display of motor vehicles shall include without limitation vehicle pricing, vehicle information, or dealership information and is prohibited on the Property;
 - iii. Repairs, maintenance, replacement or installation of equipment, parts or components of, on, or in motor vehicles;
 - iv. Body work, painting, or touch-up of motor vehicles; and
 - v. Administration, advertising, financing, closing, processing, managing, or support of motor vehicle purchases, sales, or leasing.
- k. This car wash shall be used only by the Owner for vehicles owned by the Owner, and shall not be open to, or used by, the general public.
- l. Owner shall obtain all required permits, including without limitation all required permits of the City of La Vista, and shall comply with any additional requirements as determined by the La Vista Planning Department or other applicable authorities.
- m. 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 laws, rules, or regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- n. 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, or any agents, employees, assigns, suppliers or invitees of Owner, 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.

- o. Any exhibit attached to or referenced in this permit, together with the recitals at the beginning of this permit, are hereby incorporated by reference.
- p. This Permit shall not add to, subtract from, or modify any rights, obligations, or limitations under the City's Zoning Ordinance, or otherwise have any effect, with respect to the Car Lot.

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, in the event of any authorized administrative extensions for good cause shown, shall in all cases 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 and accessory facilities and any remaining environmental or safety hazard shall be abated and/or removed at owner's expense within the time required by applicable law or regulations, and in all cases no later than twelve (12) months of cessation of the Permitted 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 Conditional 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 failure to correct such breach within ten (10) days of City's giving notice thereof.
- e. Transfer of ownership of the property or business entity.

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 the permitted structures 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 irrevocably grants to City permission to assess, impose and file with the Sarpy County Register of Deeds against the property a lien for any such costs that are not paid within 30 days. Owner hereby irrevocably grants the City, its agents and employees an easement and 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 in writing 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: Jeff Giandinoto
Giandinoto LLC
4242 S 167th Avenue
Omaha, NE 68135

Effective Date:

This Permit shall take effect upon the filing hereof with the City Clerk a signed original hereof. This Permit shall be filed with the Sarpy County Register of Deeds, shall constitute covenants running with the land, and shall be binding on the Owner and all successors and assigns of the Owner.

THE CITY OF LA VISTA

By: _____
Douglas Kindig, Mayor

Attest:

Pam Buethe, CMC
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 _____, 2020, 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 _____, 2020, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Jeff Giandinoto personally known by me to be the owner of all membership interests of Giandinoto 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



Giandinoto, LLC Private Car Wash CUP Site Plan

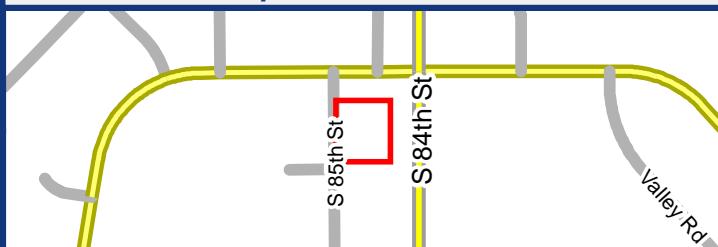


Exhibit A

7303 S. 85th Street

8/5/2020 CB

July 20, 2020

City of La Vista
8116 Park View Blvd
La Vista, NE 68128

RE: Private Car Wash Operating Statement

We are requesting a Conditional Use Permit to operate a private car wash that will wash cars to prepare them to be sold off-site. This will include the washing of vehicles and the accessory uses of vacuuming and light detailing. We anticipate washing approximately four vehicles per day. These activities will occur indoors in the renovated building located at 7303 S 85th Street in La Vista, which provide for a cleaner and more professional business environment. This car washing service is for private use only and will not be open to the general public as a retail establishment. Staff include myself and three employees, and operating hours shall be as follows:

- Monday: 9:00am – 7:00pm
- Tuesday: 9:00am – 7:00pm
- Wednesday: 9:00am – 6:00pm
- Thursday: 9:00am – 7:00pm
- Friday: 9:00am – 6:00pm
- Saturday: 9:00am – 5:00pm
- Sunday: Closed

Parking on-site will include 4 stalls for employees and up to 8 stalls for cars waiting to be washed and detailed.

Sincerely,



Jeff Giandinoto
Giandinoto, LLC
7303 S 85th St
La Vista, NE 68128

Exhibit B

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT AMENDMENT – THE WALDINGER CORPORATION – 8802 S. 121 ST STREET	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CALE BRODERSEN ASSISTANT PLANNER

SYNOPSIS

A public hearing has been scheduled and resolution prepared for Council to consider an application for an amendment to an existing Conditional Use Permit by The Waldinger Corporation for outdoor storage on Lot 2 Papio Valley 2 Business Park Replat 1.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and resolution prepared to consider an application submitted by The Waldinger Corporation for a Conditional Use Permit Amendment to permit additional outdoor storage on Lot 2 Papio Valley 2 Business Park Replat 1.

Waldinger's current Conditional Use Permit was approved by Council on January 20, 2015. Waldinger has since experienced a need for additional outdoor storage space. On routine CUP inspections, City staff noticed that there was outdoor storage being kept outside of the permitted storage area, and a CUP violation letter was sent to the applicant. This request for a CUP Amendment is one part of the applicant's plan to come into compliance. The amendment identifies additional area on the lot for which outdoor storage would be permitted, which would increase the area on the lot designated for outdoor storage by approximately 24%. The applicant worked with City staff to identify some additional screening measures to reduce visibility of the storage area from the street and adjacent properties. These measures include a new screened fence along the east edge of the property and additional evergreen trees.

A detailed staff report is attached.

The Planning Commission held a public hearing on September 3, 2020, and unanimously voted to recommend approval of the Conditional Use Permit Amendment, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR THE WALDINGER CORPORATION FOR OUTDOOR STORAGE ON LOT 2 PAPIO VALLEY 2 BUSINESS PARK REPLAT 1.

WHEREAS, The Waldinger Corporation has applied for approval of a Conditional Use Permit Amendment for outdoor storage on Lot 2 Papio Valley 2 Business Park Replat 1, generally located west of S. 121st Street between Portal Road and Centennial Road; and

WHEREAS, the La Vista Planning Commission reviewed the application on September 3, 2020 and recommends approval; and

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the amendment of the 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 Amendment in form and content submitted at this meeting, with such modifications that the City Administrator or City Attorney may determine necessary or advisable, for The Waldinger Corporation to allow for outdoor storage on Lot 2 Papio Valley 2 Business Park Replat 1.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk



**CITY OF LA VISTA
PLANNING DIVISION
RECOMMENDATION REPORT**

CASE NUMBERS: PCUP20-0004;

FOR HEARING OF: OCTOBER 6, 2020
REPORT PREPARED ON: SEPTEMBER 15, 2020

I. GENERAL INFORMATION

A. APPLICANT:

The Waldinger Corporation
Attn: Chad Westphalen
8802 S 121st Street
La Vista, NE 68128

B. PROPERTY OWNER:

BAP 2018 LLC
2601 Bell Avenue
Des Moines, IA 50321

C. LOCATION: 8802 S. 121st Street; Generally located west of S. 121st Street between Portal Road and Centennial Road.

D. LEGAL DESCRIPTION: Lot 2 Papio Valley 2 Business Park Replat 1.

E. REQUESTED ACTION(S): Approval of an amendment to an existing Conditional Use Permit for outdoor storage.

F. EXISTING ZONING AND LAND USE: I-2 Heavy Industrial Zoning District; Flood Plain District (Overlay District) on the western edge of the property.

G. PURPOSE OF REQUEST: Amend the Site Plan in the existing Conditional Use Permit to expand the area for which outdoor storage is permitted on the site.

H. SIZE OF SITE: Approximately 9.76 acres.

II. BACKGROUND INFORMATION

A. EXISTING CONDITION OF SITE: The property slopes gradually downward to the west toward Westmont Creek; the site has been developed and houses The Waldinger Corporation.

B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:

<u>Direction From Subject Property</u>	<u>Future Land Use Designation</u>	<u>Current Zoning Designation</u>	<u>Surrounding Development</u>
North	Industrial	I-2 Heavy Industrial District; Flood Plain District (Overlay District)	The Weitz Company
East	Industrial	I-2 Heavy Industrial District	MH Equipment & ADI Global Distribution
South	Industrial	I-2 Heavy Industrial District; Flood Plain District (Overlay District)	Nebraska Atlantic Transportation, Inc.
West	Industrial	I-1 Light Industrial District; Flood Plain District (Overlay District)	Westmont Creek; GILES Warehouse

C. RELEVANT CASE HISTORY:

1. The applicant applied for and was granted a Conditional Use Permit for outdoor storage by the City Council of the City of La Vista on June 16, 2009. However, the use did not commence within the required time period and the permit lapsed.
2. The applicant reapplied for the Conditional Use Permit in 2014 and it was granted by the City Council on January 20, 2015. The necessary site improvements were constructed, and the use was commenced.
3. A CUP Violation letter was sent to the applicant on February 8, 2019 notifying the applicant that materials were being stored outside of the permitted area per the existing CUP.
4. A meeting was held between the applicant and the Community Development Department in February of 2019 to discuss the concerns and a plan was created to bring the applicant back into compliance with the CUP. The plan included removal of stored materials, the construction of additional screened fencing, and an application for an amendment to the CUP to partially expand the area where storage is permitted.
5. The issue was partially corrected, and a follow-up letter was sent to the applicant on December 13, 2019 inquiring on the status of the plan to bring Waldinger back into compliance.
6. The applicant confirmed their intention to move forward with the plan to come into compliance and submitted an application for this Conditional Use Permit amendment on 2/25/2020. The applicant worked with City Staff to refine their submittal and received the final documents on 8/3/2020.

D. APPLICABLE REGULATIONS:

1. Section 5.14 of the Zoning Regulations – I-2 Heavy Industrial
2. Section 5.18 of the Zoning Regulations – FF/FW Flood Plain Districts (Overlay District)
3. Article 6 of the Zoning Regulations – Conditional Use Permits

III. ANALYSIS

A. COMPREHENSIVE PLAN:

1. This proposal is consistent with the Future Land Use Map of the Comprehensive Plan, which designates Lot 2 Papio Valley 2 Business Park Replat 1 for industrial development.

B. OTHER PLANS: N/A.

C. TRAFFIC AND ACCESS:

1. The property has two driveway connections to S 121st Street, a public street that connects to 120th Street through Centennial Road and Portal Road.

D. UTILITIES:

1. The property has access to sanitary sewer, water, gas, power, and communication utilities.

E. PARKING REQUIREMENTS:

1. The principle building meets the minimum parking requirements of the Zoning Ordinance. The expansion of the outdoor storage will not displace any of the existing striped parking stalls.

F. LANDSCAPING:

1. The landscaping that was installed with the construction of the building exceeded the landscaping requirements for industrial properties per Section 7.17 of the Zoning Ordinance. Landscaping was utilized to aid in the visual screening of the originally planned outdoor storage.
2. Additional evergreen trees will be installed to improve the visual screening for the expanded outdoor storage, and are called out in Exhibit "A" (Site Plan) of the attached draft Conditional Use Permit.

IV. REVIEW COMMENTS:

A. If approved, this request would increase the area for which outdoor storage is permitted on this lot by approximately 24%. Of the total 59,200 square feet, approximately 14,000 square feet would be the newly permitted outdoor storage area.

- B. Screened fencing will be installed south of the building along the east edge of the property (as displayed in Exhibit "A" of the attached draft CUP) in order to reduce visibility of the outdoor storage from the street. Additional evergreen trees will be planted along the south edge of the property to serve the same purpose. The 6' tall fencing and the additional trees will be installed/planted this fall.
- C. The gate that will provide access to the south parking lot and outdoor storage through the screened fencing will be kept open during the day for ease of access by employees and trucks, but will be closed and locked at night for security.
- D. The applicant confirmed that staff perform daily walk-throughs at the end of each workday to ensure a clean and secure site.

V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:

Staff recommends approval of the Conditional Use Permit Amendment for Lot 2 Papio Valley 2 Business Park Replat 1, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:

The Planning Commission held a public hearing on September 3, 2020 and voted unanimously to recommend approval of the Conditional Use Permit Amendment for Lot 2 Papio Valley 2 Business Park Replat 1, as the request is consistent with La Vista's Comprehensive Plan and Zoning Ordinance.

VII. ATTACHMENTS TO REPORT:

- A. Vicinity Map
- B. Review Letters
- C. Draft Conditional Use Permit
- D. CUP Violation Letters

VIII. COPIES OF REPORT SENT TO:

- A. Chad Westphalen, The Waldinger Corporation
- B. Public Upon Request



Prepared by: Assistant Planner

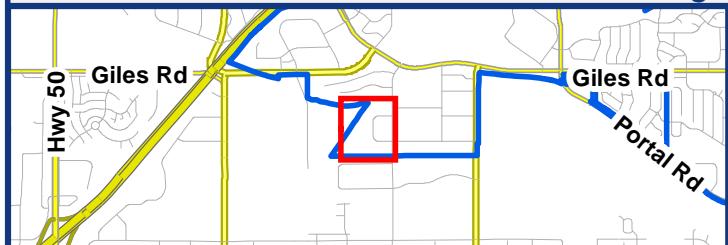


Matthew A. Johnson
Deputy Community Development Director

9/28/2020
Date



Conditional Use Permit Vicinity Map



Waldinger Outdoor Storage
8802 S 121st Street

8/10/2020 CB





March 24, 2020

The Waldinger Corporation
Attn: Chad Westphalen
8802 S. 121st Street
La Vista, NE 68128

RE: Conditional Use Permit Amendment – Initial Review
Waldinger

Mr. Westphalen,

Thank you for your submittal of the above referenced Conditional Use Permit (CUP) amendment application. Staff have reviewed the initial submittal and has provided the following initial comments:

1. Please submit an operations plan/statement that addresses the following concerns:
 - a. Will the parking lot within the gated area continue to be used by employees?
 - b. How will Waldinger meet the required parking spaces if these are to be used for storage?
 - c. Please state if the increase in stored materials will cause an impact to traffic and or delivery staging offsite within the local roadway network. Operations plans should address any traffic related issues as to not adversely impact traffic in the general vicinity of the site.
 - d. Will the gate close between deliveries to ensure that it is effective at screening or will it need to be open during all operating hours to allow for employee parking and truck traffic?
 - e. Please explain any housekeeping measures that will be taken to ensure that materials and debris are kept on-site, and that they will not impact neighboring properties or the general public.
2. The updated site plan does not sufficiently depict the entire property and the area proposed as the new outdoor storage area (see attached original site plan for contrast). Please submit an updated site plan that clearly outlines the following:

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

- a. Proposed outdoor storage area.
- b. If you intend to include the entire south parking area within the proposed outdoor storage area, fencing needs to continue along the south side of the intended area to assist in the screening and limitation of materials blowing onto adjacent properties.
- c. Location of additional parking spaces (if necessary due to any potentially displaced spaces).

3. Part of the outdoor storage is currently on unimproved areas on the west-side of the property without a paved or rock base or a fence to keep materials out of the adjoining creek area. These materials must be removed, and no other materials shall be permitted in this area.
4. The types of materials and/or quantities of materials may have an impact to the stormwater runoff anticipated onsite. You may need to install BMPs and/or other provisions to ensure there are no concerns with the qualitative properties of the stormwater runoff.
5. Any gate that will be locked that is necessary for fire department access must have a lock with a key readily available to the fire department in a Knox box or have a Knox box brand lock if the gate is solely for fire department access.
6. The proposed gate appears to interfere with existing plantings that are intended to screen the proposed outdoor storage area. Will these plantings be impacted?

Please submit any revised documents and responses for further review by the City. If you have any questions regarding these comments, please feel free to contact me at any time.

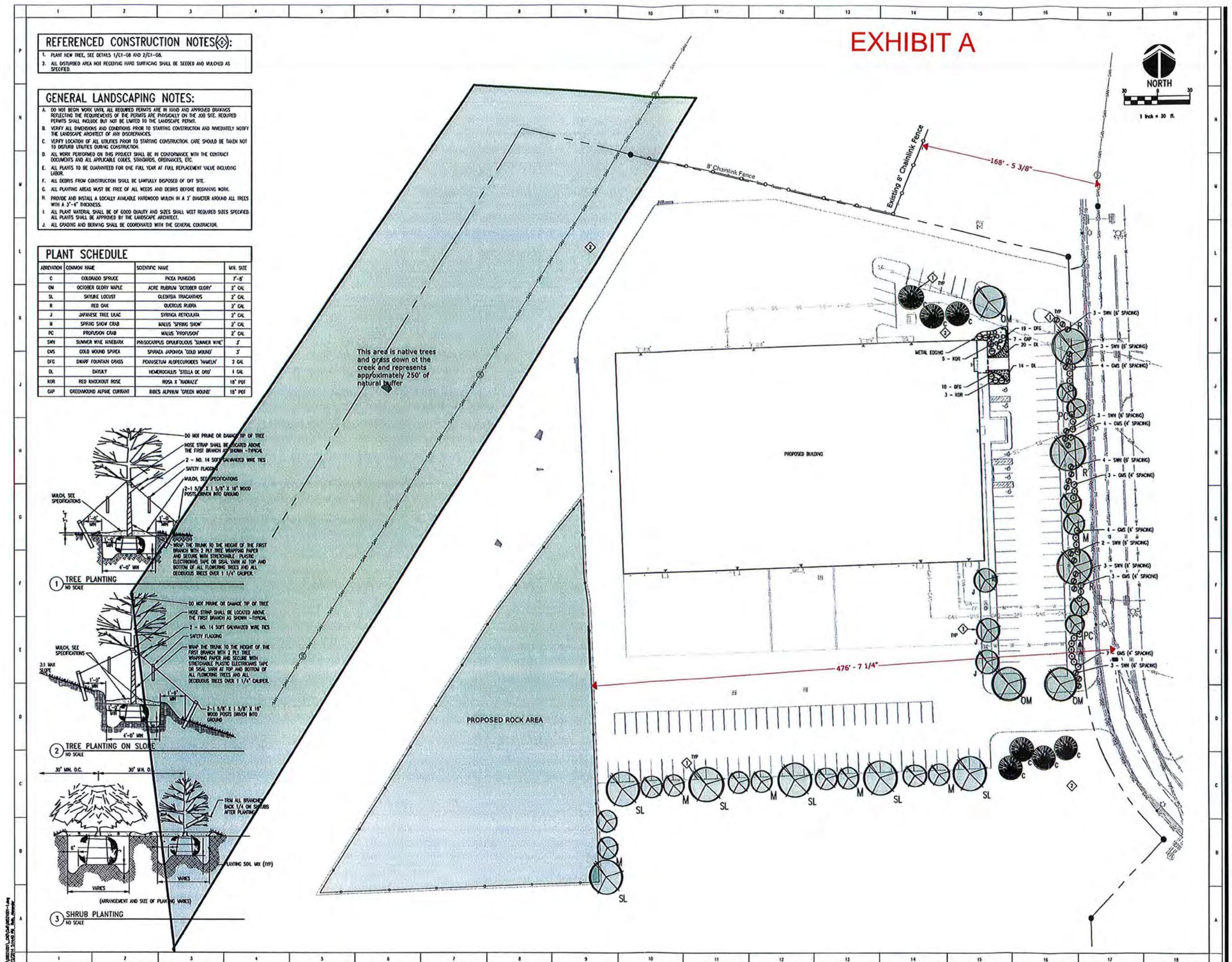
Sincerely,



Cale Brodersen
Assistant Planner
City of La Vista
cbrodersen@cityoflavista.org
(402) 593-6400

Attachment

EXHIBIT A



May 8th, 2020

City of LaVista
8116 Park View Blvd.
LaVista, NE 68128-2198

 **E-MAILED**
5/8/20

Attention: Cale Brodersen
Reference: Conditional Use Permit Amendment – Initial Review
Subject: Waldinger Response

Cale-

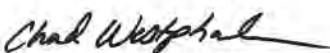
I appreciate the initial review on our plan for the amendment application. Below are itemized responses to your questions.

1. Plan responses below.
 - a) The current parking lot will be continually used for parking and the marked stalls will not be altered.
 - b) The required parking spaces will not be altered.
 - c) The stored materials will not increase and not cause an impact to the local roadway network.
 - d) The gate will need to be open to allow for continuous employee traffic and general truck traffic.
 - e) We currently have our staff do site walks at the end of their work day to aid in housekeeping measures. Our outdoor storage consists of prefabricated piping and sheet metal duct work that is awaiting transport to construction projects. Typically, these items are not blown around and do not create excess trash.
2. Exhibit A has been updated with the requested layout.
 - a) Storage will occur in the highlighted hatched areas.
 - b) We are not including the entire south parking lot as storage.
 - c) N/A – parking will not be altered.
3. The items in question have been removed.
4. We do not currently see an impact to the stormwater runoff.
5. Understood.
6. Our current proposed layout of the fence and gate have taken in account the current plantings and we do not foresee an impact.

Again, I appreciate your willingness to work with us on a solution that we both agree upon.

If there are any questions or additional information is required feel free to contact me.

Sincerely,



Chad Westphalen
The Waldinger Corporation

EXHIBIT A

REFERENCED CONSTRUCTION NOTES (X)

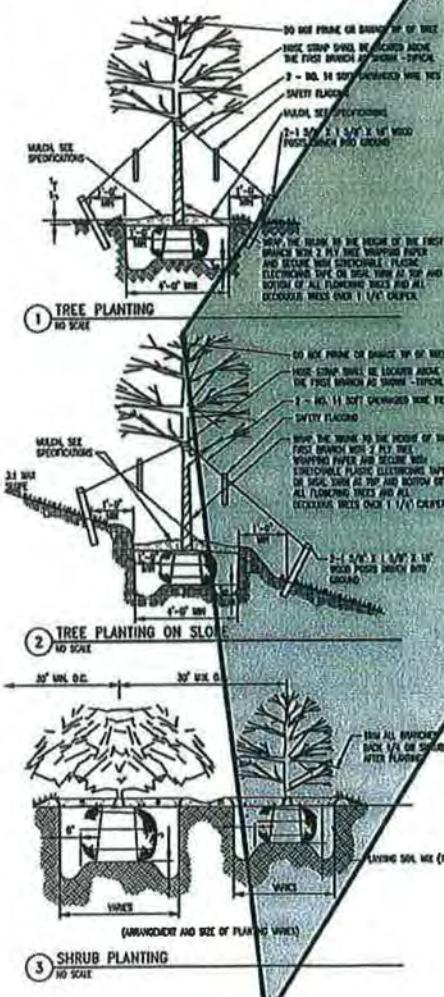
1. PLANT NEW TREES, SEE DETAILS 1/C1-C8 AND 2/C1-C8.
2. ALL DISTURBED AREA NOT RECEIVING HARDO SURFACING SHALL BE SEEDED AND MAINTAINED AS PASTURE.

GENERAL LANDSCAPING NOTES

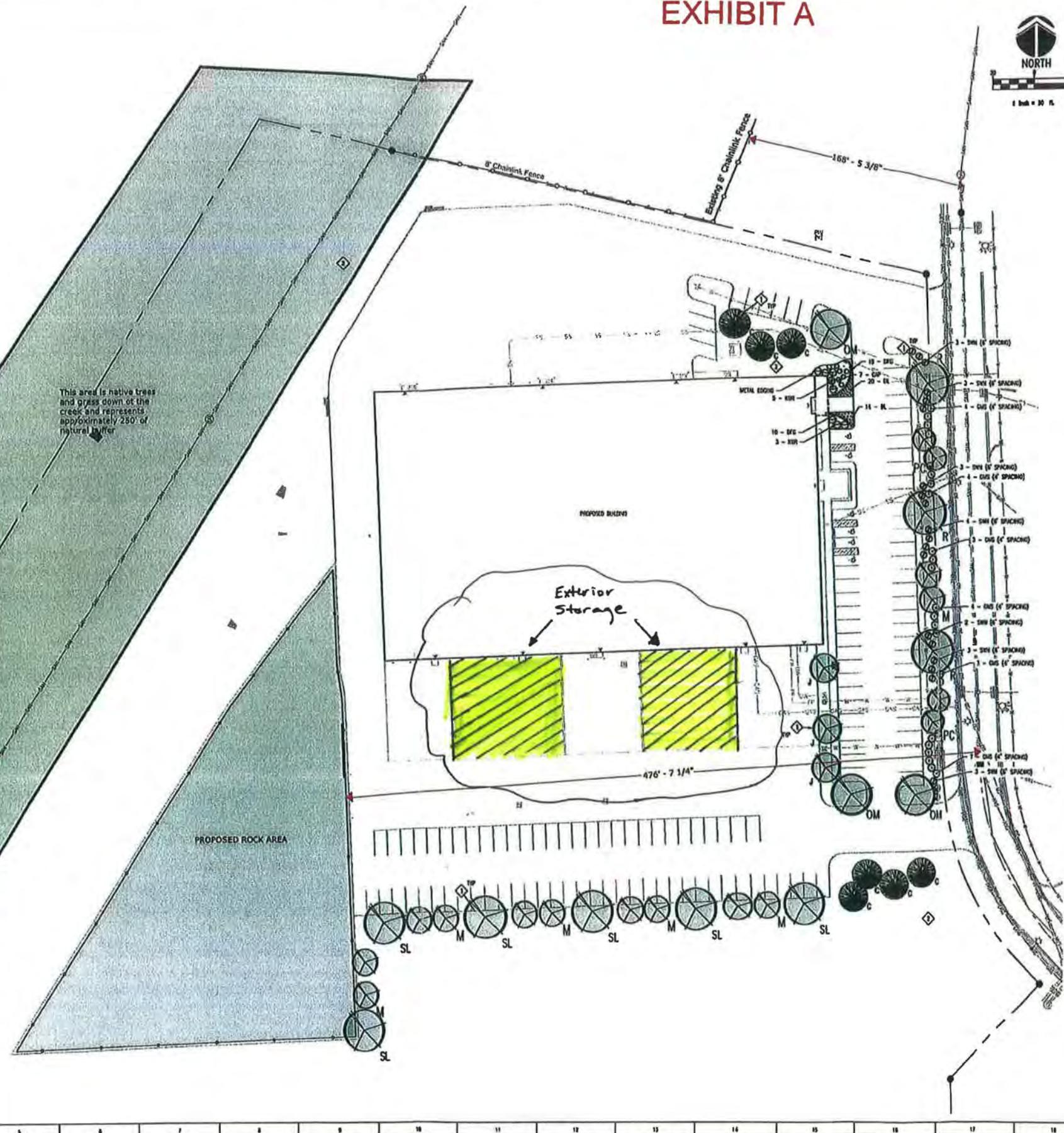
- A. DO NOT REMOVE THE SITE. ALL RECORDED REPORTS ARE IN BUDO AND APPROVED BY BUDCO. THE REPORTS ARE THE PROPERTY OF THE FIRM AND ARE TO BE KEPT ON THE JOB SITE. RECORDED PLANS SHALL NOT INCLUDE, BUT NOT BE LIMITED TO THE LANDSCAPE PLANS.
- B. VERIFY ALL DIMENSIONS AND CONDITIONS PRIOR TO STARTING CONSTRUCTION AND IMMEDIATELY NOTIFY THE LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
- C. VERIFY LOCATION OF ALL UTILITIES PRIOR TO STARTING CONSTRUCTION. CARE SHOULD BE TAKEN NOT TO DESTROY UTILITIES DURING CONSTRUCTION.
- D. ALL WORK PERFORMED ON THIS PROJECT SHALL BE IN CONFORMANCE WITH THE CONTRACT DOCUMENTS AND ALL APPLICABLE CODES, STANDARDS, ORDINANCES, ETC.
- E. ALL PLANTS TO BE GUARANTEED FOR ONE FULL YEAR AT FULL REPLACEMENT VALUE INCLUDING LABOR.
- F. ALL DERRAPS FROM CONSTRUCTION SHALL BE LABORIALLY REMOVED OR SET ASIDE.
- G. ALL PLANTING AREAS MUST BE FREE OF ALL WEEDS AND DERRAPS BEFORE BEGGINING WORK.
- H. PROVIDE AND DISPLAY A LOCALITY AVAILABLE HAYWOOD MATCH IN A 2" DIAMETER AROUND ALL PLANTS WITH A 3"-5" DIAMETER.
- I. ALL PLANT MATERIAL SHALL BE OF GOOD QUALITY AND SIZE SHALL MEET REQUIRED SIZE SPECIFIED. ALL PLANTS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- J. ALL CRASHING AND REMOVING SHALL BE CONDUCTED WITH THE GENERAL CONTRACTOR.

PLANT SCHEDULE

ABBRV	COMMON NAME	SCIENTIFIC NAME	ICE DNR
C	COLORADO SPRUCE	PIPSA PICEA	7"-8"
OM	OCTOBER GOLD MAPLE	ACER SACCHARUM "OCTOBER GOLD"	2"-3" CAL
SL	SKYLINE LOCUST	CELESTIA PRIMACRIBOS	3"-4" CAL
R	RED GUM	EGERTONIA RUJANA	2"-3" CAL
J	JAPANESE FINE LEAF	ZINNIA REPLICATA	2"-3" CAL
S	SPRING SHOW CRAB	MALUS "SPRING SHOW"	2"-3" CAL
PC	PROFOUND CRAB	MALUS "PROFOUND"	2"-3" CAL
BNH	BUNNIE THE NARWHAL	PHAEOSPONGIA GRANULIFERA "BUNNIE WHO"	3"
CWS	COLD WOOD SWAMP	SWAMPIA JAPONICA "COLD WOOD"	3"
DWS	DISMAY FOREST SPURS	PERENNIANTES ALBESCENSIS "DISMAY"	2 CAL
SL	DOTTY	HEUCHERA "DOTTY DE ONE"	1 CAL
RRW	RED ROCKWOOD ROSE	ROSA "RED ROCKWOOD"	18" POR
CAP	GREENWOOD AURIE CURRENT	BEGONIA AURICULATA "GREENWOOD"	10" POR



This area is native tree and grass down of the creek and represents approximately 250' of



SCHEM
E
D

JAN 7 2015

21-21 CENTRAL RD
OFFICE & SHOP
8802 S. 121ST STREET
LAVISTA, NEBRASKA

PROJECT NO: D6521.001

C1-08

City of La Vista Conditional Use Permit

Conditional Use Permit for Outdoor Storage for Waldinger Corporation

This Conditional Use Permit issued this ____ day of _____, 2020, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to The Waldinger Corporation (Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an outdoor storage area upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 2, Papio Valley 2 Business Park Replat 1 located in the NE ¼ Section 19, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8802 S. 121st Street.

WHEREAS, Owner has applied for a conditional use permit for the purpose of storing materials and finished product outdoors; 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 outdoor storage, 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 Permitted Use:
 - a. A Site Landscaping Plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit A".
 - b. A security fence with a minimum height of six feet has been constructed around the graveled surface to reduce the chance of gravel dust going airborne due to vehicles driving or parking on the graveled area. The fence shall be maintained in good repair by the property owner or business owner.
 - c. Screened fencing and a gate shall be installed on the west end of the south parking lot, as designated on the site plan attached as "Exhibit A". The fence type shall be approved by the Community Development Department of the City of La Vista.
 - d. Additional evergreen trees shall be planted in the locations depicted in the site plan attached as "Exhibit A" to provide for additional screening of the proposed outdoor storage.
 - e. There will be no parking of vehicles, motorized machinery, or trailers within the designated area.
 - f. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the designated exterior storage area and the rock area for the Permitted Use, except trash receptacles and those approved in writing by the City.

- g. Landscaping requirements from Section 7.17.03 and 7.17.04 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner. Attached to the permit as "Exhibit A" is the Site Landscaping Plan for the property.
- h. Owner is required to control weed growth in the storage area as per City Code Section 92.15.
- i. 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.
- j. 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.
- k. 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 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: Chad Westphalen
The Waldfinger Corporation
8802 S 121st Street
La Vista, NE 68128

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 _____, 2020, 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

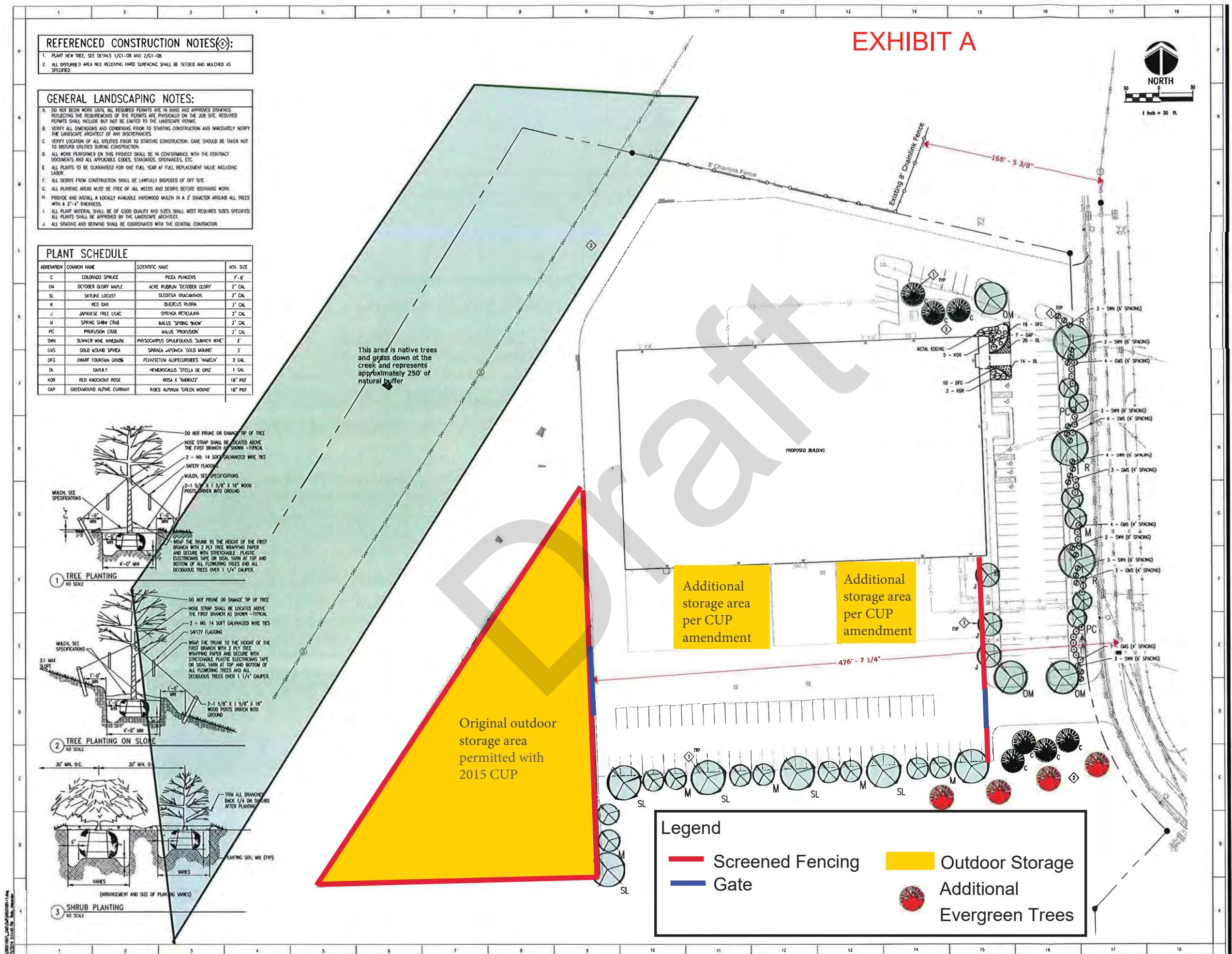
ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2020, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Chad Westphalen personally known by me to be the Waldinger Division President of The Waldinger Corporation, 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

EXHIBIT A



February 8, 2019



Blaine Wilcoxson
Bell Avenue Properties, Inc.
2601 Bell Avenue
Des Moines, IA 50321

RE: Violation of Conditional Use Permit – **1st NOTICE**

To Whom It May Concern:

On January 31, 2019, an annual site review was conducted as required by the Conditional Use Permit (CUP) issued by the City to Bell Avenue Properties, Inc. dba The Waldinger Corporation on January 20, 2015 for the address of 8802 S 121st St. These annual reviews are required to ensure that the business remains in compliance with the terms and conditions of the permit.

There was one condition of the permit noted as non-compliant: **the requirement to keep all outdoor storage within the designated area.** According to Condition 2d of the Conditional Use Permit, “there shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the designated area for the Permitted Use, except trash receptacles and those approved in writing by the City”. The approved Conditional Use Permit has been attached for reference.

During the initial inspection on January 31, items that could be considered outdoor storage were located on the south, west, and northwest areas of the property outside of the designated outdoor storage area. Staff returned to the property on February 4, 5, and 6 and determined that these items had not moved and are considered outdoor storage. Photos of these violations are attached.

Failure to comply with these regulations shall be subject to the enforcement remedies provided by the La Vista Zoning Ordinance and by state law.

If you have any questions, please call me at (402) 593-6400.

Respectfully,

Christopher Solberg, AICP
City Planner

Enclosure:

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



December 13, 2019

Blaine Wilcoxson
Bell Avenue Properties, Inc.
2601 Bell Avenue
Des Moines, IA 50321

RE: Violation of Conditional Use Permit – 2nd NOTICE

To Whom It May Concern:

On February 8th, 2019 a letter was sent to the address listed above to serve as a notification that the Conditional Use Permit (CUP) issued by the City of La Vista to Bell Avenue Properties, Inc. dba The Waldinger Corporation was in non-compliance due to the existence of outdoor storage not contained to the area designated in the CUP (see attached 1st Notice Violation letter).

Through subsequent conversations we had the understanding that you were going to work to clean up the site and propose some changes to your fenced-in outdoor storage area to bring your Conditional Use Permit into compliance. Through site inspections on 11/7/2019 and 12/13/2019, we have noted that you still have storage outside of the approved area. Could you please update us on the status of your work and plan to come into compliance?

Failure to comply with these regulations shall be subject to the enforcement remedies provided by the La Vista Zoning Ordinance and by state law. Let me know if you have any questions.

Respectfully,

Cale Brodersen
Assistant Planner
cbrodersen@cityoflavista.org
(402) 593-6400

Enclosure:
Violation of Conditional Use Permit – 1st Notice Letter

CC: Bruce Fountain, Community Development Director
Chris Solberg, Senior Planner
Colin Ruppert, Code Enforcement Officer

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

Community Development
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p: 402-331-4343
f: 402-331-4375

Fire
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f: 402-331-0410

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f: 402-537-3902

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f: 402-331-4375

Public Works
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p: 402-331-8927
f: 402-331-1051

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

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
AMEND – KENO OPERATOR AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY, DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared to amend the Keno Operator Agreement and authorize the Mayor to execute said amended agreement.

FISCAL IMPACT

As of last financial report, the Progressive Jackpot account holds \$73,617.67. The funds would be transferred from the progressive account to the City's community betterment account.

RECOMMENDATION

Approval.

BACKGROUND

The proposed amended agreement includes modifications from the previous agreement with EHPV Management Operating Group LLC, according to direction from the Mayor and Council. In the amended agreement the City discontinues the Progressive Jackpot and replaces it with a \$100,000 top prize ("\$100,000 Top Prize") set forth in attached Exhibit "D"; and the City discontinues the Super 5 and Super 6 progressive jackpot games. Super 5 and Super 6 will be replaced by daily specials in the pay tables set forth in attached Exhibit "G". The agreement will become effective on November 1, 2020, for the remainder of the current term ending September 30, 2023.

Funds set aside for the Progressive Jackpot will be transferred from the progressive fund account to the City's community betterment fund account. The approximate \$73,700 will transfer into the community betterment fund account to be directed for park improvements.

These changes are subject to the Nebraska State Department of Revenue, Gaming Division approval.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE LOTTERY OPERATOR AGREEMENT.

WHEREAS, the Contractor recommends amending certain Keno pay tables and games of the Lottery Operator Agreement; and

WHEREAS, a proposed FOURTH AMENDMENT to the Lottery Operator Agreement has been prepared for this purpose as presented at this meeting or on file with the City Clerk;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the FOURTH AMENDMENT to the Lottery Operator Agreement as presented at this meeting or on file with the City Clerk, and incorporated into this Resolution by reference, is hereby approved and the Mayor and City Clerk are hereby authorized to execute said amendment on behalf of the City of La Vista, subject to review and any modifications the City Administrator determines necessary or appropriate.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

LA VISTA LOTTERY OPERATOR AGREEMENT
FOURTH AMENDMENT

THIS FOURTH AMENDMENT TO LOTTERY OPERATOR AGREEMENT ("Amendment") is made and entered into by and among the City of La Vista, Sarpy County, Nebraska, a municipal corporation ("City"), LVK Holdings LLC, a Nebraska limited liability company, ("Contractor"), and EHPV Lottery Services LLC, a Nebraska limited liability company and owner of a controlling interest of the membership interests of Contractor ("Holding Company"), effective as of the later of October 19, 2020 or the date that the City receives Nebraska Department of Revenue approval, or such other date as agreed in writing by the City Administrator and LVK (the "Effective Date").

WHEREAS, a majority of the vote by the registered voters of the City of La Vista in 1989 was cast in favor of authorizing the establishment of a municipal lottery; and

WHEREAS, the Mayor and City Council established a keno-type lottery ("La Vista Keno") and awarded successive contracts to operate said lottery, the current of which is the Lottery Operator Agreement between City and Contractor, as assignee effective May 1, 2016 pursuant to the Assignment and Assumption of the Lottery Operator Agreement between City and La Vista Keno, Inc. dated August 8, 2008, as amended by Amendment Nos. 1 through 3, ("Lottery Operator Agreement" or "Agreement"); and

WHEREAS, EHPV Management Group Inc, EHPV Operating Group LLC, and EHPV Real Estate Group LLC and their respective subsidiaries are under common ownership and control with Contractor and Holding Company and together own, manage, operate, and control the Real Estate and other property, assets, rights, and activities connected with La Vista Keno and food, beverage and other operations conducted in conjunction with La Vista Keno or otherwise by Contractor and Holding Company; and

WHEREAS, the Contractor recommends, and the Mayor and City Council of the City of La Vista and Contractor desire, to amend said Lottery Operator Agreement to modify certain Keno pay tables and games by replacing the Progressive Jackpot, funded from daily Gross Proceeds of the City's keno game, ("Progressive Jackpot") with a \$100,000 top prize as provided in attached Exhibit D, and by replacing the Super 5 Jackpot progressive game ("Super 5") and Super 6 Jackpot progressive game ("Super 6") (each of which Super 5 and Super 6 games is funded from setting aside a specified percentage of the proceeds of the Super 5 or Super 6 keno game) with daily Keno Specials as provided in attached Exhibit G. The Progressive Jackpot, Super 5 and Super 6 games together are referred to in this Amendment as "Progressive Keno Games".

WHEREAS, the City, after notice which included posting notice in a visible location at each keno site, conducted a public hearing on proposed discontinuation of Progressive Keno Games and discussed its intentions for using any accumulated progressive jackpot funds of the Progressive Keno Games.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties hereby acknowledge and agree, the parties hereto agree as follows:

I. The City discontinues the Progressive Jackpot and replaces it with a \$100,000 top prize ("\$100,000 Top Prize"). Section 9.c.(3) of the Lottery Operator Agreement, titled Progressive Jackpot Set Aside, is hereby deleted, and remaining numbering and text of the Lottery Operator Agreement shall be deemed modified to reflect the discontinuation of the Progressive Jackpot, deletion of Section 9.c.(3), and addition of the \$100,000 Top Prize. The pay tables set forth in Exhibit "D" of the Lottery Operator Agreement are hereby deleted and replaced by the pay tables set forth in attached Exhibit "D". Exhibit "D" of the Lottery Operator Agreement is hereby deleted and replaced by attached Exhibit "D".

II. The City discontinues the Super 5 and Super 6 progressive jackpot games. Super 5 and Super 6 pay tables set forth in Exhibit "G" of the Lottery Operator Agreement are hereby deleted and replaced by the pay tables set forth in attached Exhibit "G". Exhibit "G" of the Lottery Operator Agreement is hereby deleted and replaced by attached Exhibit "G". Section 9.c.(4)(a)iv of the Lottery Operator Agreement, titled Third Alternate Payout Schedule ("Super 5" and "Super 6"), is hereby deleted and replaced with the following:

"iv. Third Alternate Payout Schedule ("Keno Specials"), a copy of which is attached hereto as Exhibit "G", will to the best of Contractor's knowledge and belief, result in an overall average prize payout of eighty and six-tenths percent (80.6%) or less. The Contractor shall offer games per the Third Alternate Payout Schedule in addition to and simultaneous with the other approved payout schedules until such time as City determines to discontinue or modify City's Approved Prize Payout Schedule."

Remaining text of the Lottery Operator Agreement shall be deemed modified to reflect the discontinuation of the Super 5 and Super 6 progressive jackpot games and addition of Keno Specials.

III. All terms and conditions of the Lottery Operator Agreement shall be deemed modified to be consistent with the changes made by this Amendment.

IV. All accumulated progressive jackpot funds of the City upon discontinuance of the Progressive Keno Games shall be retained and used by the City for such Community Betterment purposes as the City Council from time to time determines.

V. Terms used in this Amendment shall have the meanings provided in the Lottery Operator Agreement, unless otherwise expressly defined in this Amendment.

VI. Except as expressly modified by this Amendment, the Lottery Operator Agreement shall continue and remain in full force and effect in accordance with the terms and conditions set forth therein.

VII. Notwithstanding anything in this Amendment to the contrary, actions taken and approved in this Amendment shall be subject to such further approvals or actions as the City Administrator determines necessary or advisable, including without limitation authorization of the Nebraska Department of Revenue to discontinue the Progressive Keno Games, which authorization, together with any other action or approval as required or appropriate, the City Administrator shall be authorized to request, obtain, take, and provide on behalf of the City.

VIII. Recitals at the beginning of this Amendment are incorporated into this Amendment by this reference.

IN WITNESS WHEREOF, the Contractor, City, and Holding Company have executed this Fourth Amendment effective as of the date first written above.

ATTEST:

LVK Holdings LLC, a Nebraska limited liability company

Witness

By: _____

Its: _____

DATE: _____

DATE: _____

ATTEST:

City of La Vista, Nebraska, a Nebraska municipal corporation

City Clerk

By: _____
Mayor

DATE: _____

DATE: _____

EHPV Lottery Services LLC, a Nebraska limited liability company

ATTEST:

Witness

By: _____

Its: _____

DATE: _____

DATE: _____

Affiliated Entities Agreement

By signing below, (i) the undersigned each hereby represents and warrants that he or she is authorized to execute this Affiliated Entities Agreement on behalf of EHPV Management Group Inc, EHPV Operating Group LLC, or EHPV Real Estate Group LLC, as the case may be (each referred to as "company"), and (ii) the undersigned on behalf of said company hereby agrees to take any actions, including without limitation voting any membership or other interests of the company in any subsidiary, as necessary or appropriate to carry out the terms and conditions of the Lottery Operator Agreement, as amended by the Fourth Amendment, with respect to any real property or other assets, operations, activities, interests, or matters now or hereafter under the ownership, direction, or control of said company or any subsidiary of company that are connected with La Vista Keno operations or food, beverage or other operations conducted in conjunction with La Vista Keno or at or from the same premises.

EHPV Management Group Inc, a Colorado corporation authorized to do business in Nebraska

ATTEST:

Witness

By:_____

Its:_____

DATE:_____

DATE:_____

EHPV Operating Group LLC, a Nebraska limited liability company

ATTEST:

Witness

By:_____

Its:_____

DATE:_____

DATE:_____

EHPV Real Estate Group LLC, a Nebraska limited liability company

ATTEST:

Witness

By:_____

Its:_____

DATE:_____

DATE:_____

REGULAR PAY TABLE

EXHIBIT “D”

Exhibit D
Page 1 of 3



NOW PAYING \$100,000

	\$1 BET	\$2 BET	\$5 BET
HIT 1	WIN \$3	WIN \$6	WIN \$15
HIT 2	\$14	\$28	\$70
HIT 3	\$55	\$110	\$275
2	.50	1	2.50
HIT 4	\$200	\$400	\$1,000
3	2	4	10
2	.50	1	2.50
HIT 5	\$750	\$1,500	\$3,750
4	15	30	75
3	1	2	5
HIT 6	\$2,000	\$4,000	\$10,000
5	75	150	375
4	4	8	20
3	1	2	5
HIT 7	\$8,000	\$16,000	\$40,000
6	400	800	2,000
5	20	40	100
4	1	2	5

2

	\$1 BET	\$2 BET	\$5 BET
HIT 8	WIN \$25,000	WIN \$50,000	WIN \$100,000
7	2,000	4,000	10,000
6	100	200	500
5	4	8	20
HIT 9	WIN \$30,000	WIN \$60,000	WIN \$100,000
8	4,000	8,000	20,000
7	300	600	1,500
6	50	100	250
5	4	8	20
HIT 10	WIN \$35,000	WIN \$70,000	WIN \$100,000
9	10,000	20,000	50,000
8	1,000	2,000	5,000
7	150	300	750
6	20	40	100
5	1	2	5
HIT 11	WIN \$75,000	WIN \$100,000	WIN \$100,000
10	15,000	30,000	75,000
9	2,250	4,500	11,250
8	450	900	2,250
7	80	160	400
6	9	18	45
HIT 12	WIN \$90,000	WIN \$100,000	WIN \$100,000
11	25,000	50,000	100,000
10	5,000	10,000	25,000
9	1,000	2,000	5,000
8	250	500	1,250
7	25	50	125
6	5	10	25

3

Exhibit D
Page 2 of 3

	\$1 BET	\$2 BET	\$5 BET
	WIN	WIN	WIN
HIT 13	\$100,000	\$100,000	\$100,000
12	25,000	50,000	100,000
11	10,000	20,000	50,000
10	2,500	5,000	12,500
9	800	1,600	4,000
8	80	160	400
7	12	24	60
6	3	6	15
HIT 14	\$100,000	\$100,000	\$100,000
13	40,000	80,000	100,000
12	12,000	24,000	60,000
11	3,000	6,000	15,000
10	1,000	2,000	5,000
9	325	650	1,625
8	45	90	225
7	8	16	40
6	2	4	10
HIT 15	\$100,000	\$100,000	\$100,000
14	100,000	100,000	100,000
13	50,000	100,000	100,000
12	25,000	50,000	100,000
11	2,500	5,000	12,500
10	550	1,100	2,750
9	125	250	625
8	25	50	125
7	5	10	25
6	1	2	5

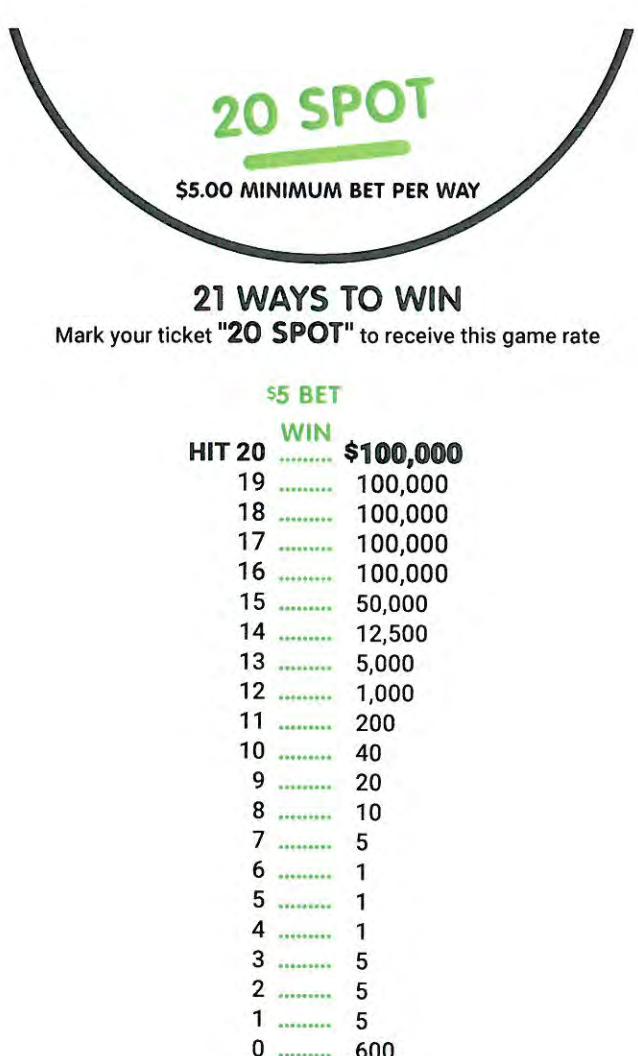


Exhibit D

Page 3 of 3

**TOP ↑ ↓ BOTTOM
LEFT ← → RIGHT**

\$5.00 MINIMUM BET PER WAY

Hit 11+ numbers on TOP | BOTTOM or LEFT | RIGHT to win

TOP BOTTOM	& LEFT RIGHT	\$5 BET WIN \$10	\$25 BET WIN \$50	\$100 BET WIN \$200
-----------------------	-----------------------------	--	---	---

TOP

LAVISTA keno									
NUMBER OF GAMES		PRICE PER GAME		TOTAL PRICE					
1				\$5.00					
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
ALL DOUBLE GAME TICKETS MUST BE CHOSEN IN Pairs TO WIN ANY OF THE DOUBLE GAMES									
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

BOTTOM

LAVISTA keno									
NUMBER OF GAMES		PRICE PER GAME		TOTAL PRICE					
1				\$5.00					
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
ALL DOUBLE GAME TICKETS MUST BE CHOSEN IN Pairs TO WIN ANY OF THE DOUBLE GAMES									
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

LEFT

LAVISTA keno									
NUMBER OF GAMES		PRICE PER GAME		TOTAL PRICE					
1				\$5.00					
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
ALL DOUBLE GAME TICKETS MUST BE CHOSEN IN Pairs TO WIN ANY OF THE DOUBLE GAMES									
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

RIGHT

LAVISTA keno									
NUMBER OF GAMES		PRICE PER GAME		TOTAL PRICE					
1				\$5.00					
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
ALL DOUBLE GAME TICKETS MUST BE CHOSEN IN Pairs TO WIN ANY OF THE DOUBLE GAMES									
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

THE SPLIT

\$5.00 MINIMUM BET PER WAY

Bet on a tie between Top | Bottom or Left | Right.
(10 numbers on Top, 10 numbers on Bottom; OR 10 numbers on Left, 10 numbers on Right).

SPLIT	\$5 BET WIN \$15	\$25 BET WIN \$75	\$100 BET WIN \$300
--------------	--	---	---

TB SPLIT

LAVISTA keno									
NUMBER OF GAMES		PRICE PER GAME		TOTAL PRICE					
1				\$5.00					
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
ALL DOUBLE GAME TICKETS MUST BE CHOSEN IN Pairs TO WIN ANY OF THE DOUBLE GAMES									
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

LR SPLIT

LAVISTA keno									
NUMBER OF GAMES		PRICE PER GAME		TOTAL PRICE					
1				\$5.00					
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
ALL DOUBLE GAME TICKETS MUST BE CHOSEN IN Pairs TO WIN ANY OF THE DOUBLE GAMES									
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	76	77	78	79	80

13

14

THIRD ALTERNATE PAY TABLE

EXHIBIT “G”

KENO SPECIALS

A NEW WAY TO PLAY!

MONDAY 8 SPOT

Mark your ticket "M8" to receive this special rate

Minimum Bet Per Way **\$0.01** Minimum Ticket **\$1.00**

HIT 8
WIN \$1,499

TUESDAY 7 SPOT

Mark your ticket "T7" to receive this special rate

Minimum Bet Per Way **\$0.05** Minimum Ticket **\$1.00**

HIT 7
WIN \$1,350

WEDNESDAY 6 SPOT

Mark your ticket “**W6**” to receive this special rate

Minimum Bet Per Way **\$0.10** Minimum Ticket **\$1.00**

HIT 6
WIN \$600

THURSDAY 5 SPOT

Mark your ticket “**TH5**” to receive this special rate

Minimum Bet Per Way **\$0.20** Minimum Ticket **\$1.00**

HIT 5
WIN \$250

FRIDAY 4 SPOT

Mark your ticket “**F4**” to receive this special rate

Minimum Bet Per Way **\$0.25** Minimum Ticket **\$1.00**

HIT 4
WIN \$65

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
PAVEMENT ASSESSMENT REPORT	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

Lamp Rynearson & Associates has completed the City's pavement assessment and will be presenting the report to the City Council.

FISCAL IMPACT

N/A.

RECOMMENDATION

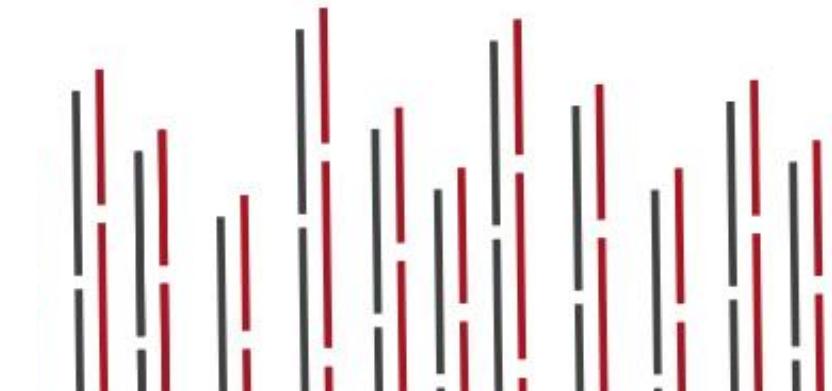
Approval.

BACKGROUND

In the spring of 2020, a data collection van drove all of the City's streets to collect data on the overall condition of the City's public street infrastructure which is reported as a pavement condition index or (PCI). This data was analyzed by Lamp Rynearson and delivered to the City in the attached pavement condition index report. Representatives from Lamp Rynearson will make a short presentation regarding their findings and will be available to answer any relevant questions related to the process of developing the report.



9001 State Line Rd., Ste. 200
Kansas City, MO 64114
[P] 816.361.0440
[F] 816.361.0045
LampRynearson.com



Pavement Condition Index Report



Prepared for:
City of La Vista, Nebraska

Project No. 0320015.01
June 2020

Leaving a Legacy of
Enduring Improvements to
Our Communities
Lamp Rynearson Purpose Statement



City of La Vista, Nebraska

Pavement Condition Index Report

Lamp Rynearson PN 0320015.01

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Acronyms

1. PCI	Pavement Condition Index
2. ASTM	American Society for Testing and Materials
3. HMA	Hot Mix Asphalt
4. PCC	Portland Cement Concrete
5. ASR	Alkali Silica Reaction
6. UBAS	Ultra-Thin Bonded Asphalt Surface
7. PAVER	Pavement Management Software
8. RT3000	Road Tester 3000
9. GPS	Global Positioning System
10. APWA	American Public Works Association

City of La Vista, Nebraska

Pavement Condition Index Report

Executive Summary

The City of La Vista is interested in the condition of the street infrastructure in their city. The City is planning to increase their maintenance effort, but they first require information about the street conditions to assess potential repair methods and costs.

The City of La Vista hired Lamp Rynearson, partnering with Stantec, to provide a pavement condition index (PCI) of all the streets in La Vista, Nebraska. Stantec utilizes a pavement inspection van called the Road Tester 3000 (RT3000), a leading-edge data collection vehicle which incorporates the latest in mobile laser, GPS and crack recognition technology. The RT3000 is a fully mobile solution, developed to collect pavement condition data accurately and efficiently. The RT3000 drastically reduces the time required to collect pavement inspection data compared to an individual walking the streets and recording data.

Lamp Rynearson input Stantec's PCI data into a pavement management software (PAVER). PAVER is a pavement management system developed by the United States Department of Defense for managing maintenance and rehabilitation of its vast inventory of pavements. It uses inspection data rating from zero (failed) to 100 (excellent) for consistently describing a pavement's PCI and predicting maintenance and rehabilitation needs for future years. Lamp Rynearson operates PAVER 7.06 software from the American Public Works Association (APWA).

Using the data gathered, and input into PAVER, La Vista has 243 lane miles (1,713,429 Square Yards) of pavement to maintain. This includes SIDs Portal Ridge, Cimarron Woods and the Wiltham Place area. Approximately 205 lane miles (84%) of the system appears to be full depth concrete paving and presents a maintenance challenge described in the next paragraph. The lane miles are derived by length input into PAVER from Stantec multiplied by the approximate width in that segment divided by 5,280 feet and divided by 12-foot lanes. The width of the segment was generally determined from a lane mile report provided by the City. There were several segments that did not match or were missing from the lane mile report and in those cases either the 30' width originally received from Stantec was entered or a width most matching streets in a similar location was entered.

Full depth asphaltic concrete paving can have various surface treatments applied, and major maintenance can include mill and overlays, often in the two-inch range. This is not a recommended technique with concrete residential street pavements that are only 7 inches thick. Removing that much concrete weakens the base, potentially increasing the cracks coming to the surface, can conflict with any reinforcing present, and deteriorates the construction joints. Considering all options, we are recommending that the City consider testing out Ultra-thin Bonded Asphalt Surfacing (UBAS), after repairing base failures and possibly addressing joint issues, for the pavement maintenance.



Image 1: Stantec's Road Tester 3000

Study Objectives

The city of La Vista retained Lamp Rynearson to perform an assessment of their streets. Objectives of the study are as follows:

- Build a pavement database in PAVER including system development and integrate PCI GIS base mapping
- Populate street segments with current PCI data (2020)
- Populate additional right-of-way assets
- Coordinate with the subconsultant Stantec to provide:
 - Field survey
 - RT3000 pavement condition collection
 - RT3000 image collection
 - Data processing
 - Formatting to PAVER

Street Condition Inspection

Methodology

The city street pavements were inspected with the RT3000 which uses the process standardized by ASTM D 6433-07 to categorize and quantify all surface defects in the pavement and estimate the condition of the pavement on a 0 – 100 point scale. The general sections on this scale are shown:



Figure 1—Pavement Condition Index Values

The RT3000 finds any of the 20 categories of surface defects seen in asphaltic concrete pavement, and 19 categories of surface defects seen in concrete pavement and analyzes to a severity following ASTM D 6433-07. PAVER weights the surface defects in each category and severity to generate a PCI in each segment of pavement.

Street Assessment

The city of La Vista has 205 lane miles of concrete streets and 38 lane miles of asphalt streets to maintain. The network was split up into 708 segments of concrete and 163 segments of asphalt. A segment generally is from one intersection to another, or to the end of a street, or to the city limits. The weighted average PCI for the asphalt streets is 59, falling in the Fair range. The weighted average PCI for the concrete streets is 81, falling in the satisfactory range.

Note that the Road Tester van picked up rutting along section 4720 of S 84th Street and dropped the PCI value into the Satisfactory rating. This street had just received maintenance the previous year and on-site inspection showed that what appeared to be rutting was, related to the recent overlay and was not load related rutting. The PCI was recalculated without the rutting distress and the score jumped back up to a rating of 92, in the Good category. It is possible that the PCI value in section 4720 will see a steeper fall than what is modeled in typical deterioration curves with similar inspections over time. This example highlights the importance of visually verifying some amount of the PCI inspections, especially where they may seem incongruous with recent maintenance activities or seem dramatically different than similar sections.

Table 1: Current La Vista Street Conditions

MEASUREMENT	FAILED	SERIOUS	VERY POOR	POOR	FAIR	SATISFACTORY	GOOD
Lane Miles	0.1	4	9	20	24	93	93
Square Feet	5,976	242,385	584,656	1,275,907	1,525,956	5,912,914	5,873,547
Square Yards	664	26,932	64,962	141,767	169,551	656,990	652,616
%	0.04%	1.57%	3.79%	8.27%	9.90%	38.34%	38.09%

Table 1 lists La Vista's current street conditions as of April 21, 2020. Its noteworthy that 14% of La Vista's streets are less than fair condition. A street with a PCI less than fair is generally viewed as requiring more than typical street maintenance. Base repairs or full reconstruction may be necessary, with significant additional costs. Typically, a street in a minimum of fair condition can be upheld with routine maintenance.

Table 2: Lane Miles of La Vista Streets

Year	FAILED	SERIOUS	VERY POOR	POOR	FAIR	SATISFACTORY	GOOD
2020	0.1 (0%)	4 (2%)	9 (4%)	20 (8%)	24 (10%)	93 (38%)	93 (38%)
2021	0.2 (0%)	5 (2%)	10 (4%)	19 (8%)	25 (10%)	91 (37%)	93 (38%)
2022	1 (0%)	6 (2%)	11 (5%)	18 (7%)	27 (11%)	98 (40%)	82 (34%)
2023	1 (0%)	7 (3%)	11 (5%)	18 (7%)	31 (13%)	92 (38%)	82 (34%)
2024	2 (1%)	7 (3%)	12 (5%)	18 (7%)	32 (13%)	102 (42%)	70 (29%)

As seen in table 2, one of the features of the PAVER program is to predict pavement deterioration, assuming no maintenance is performed, and what the condition of the streets will look like within the next 5 years. The bulk of La Vista's streets are in good or satisfactory condition. While 5 years without maintenance will not see a large uptick below satisfactory, this chart still illustrates the decrease in pavement condition over time. It is important to keep up with maintenance to keep costs as manageable as possible for future projects.

Table 3: Area Weighted PCI Average

Year	2020	2021	2022	2023	2024
Average Weighted PCI	77.33	76.50	75.66	74.82	73.99

Table 3 provides a PCI weighted by street area for all the streets in La Vista and predicts the future average PCI.

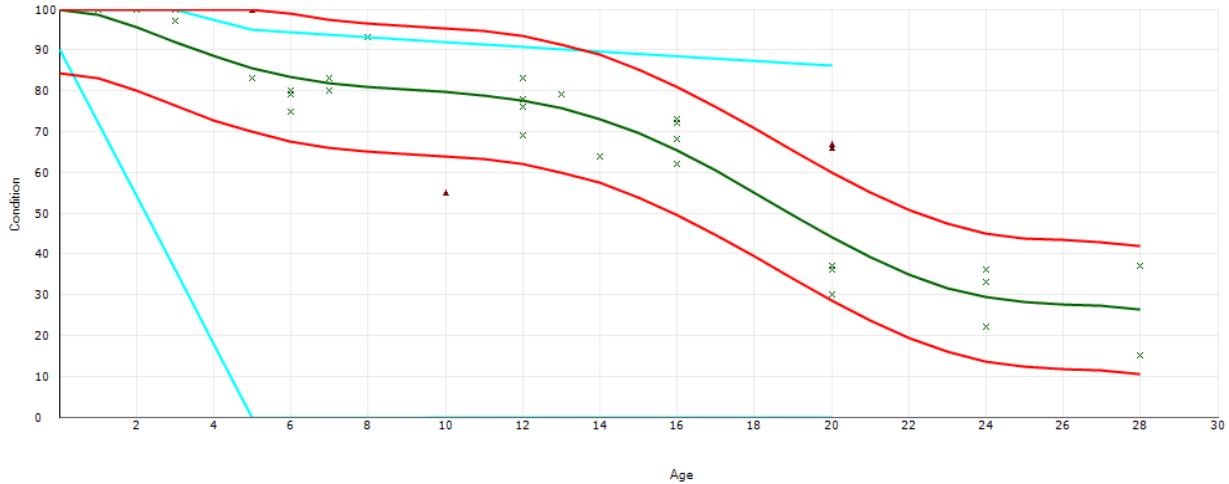


Figure 2: Typical Street PCI Deterioration Curve

This is a curve that the PAVER program uses to predict pavement deterioration. The rate at which a street deteriorates is determined by loading, pavement quality and climate. The deterioration rate above is not specific to any street in La Vista but is gathered by nationwide data to give the best representation. Achieving an accurate representation of the rate at which La Vista streets deteriorate will require continuing inspections on a regular basis.

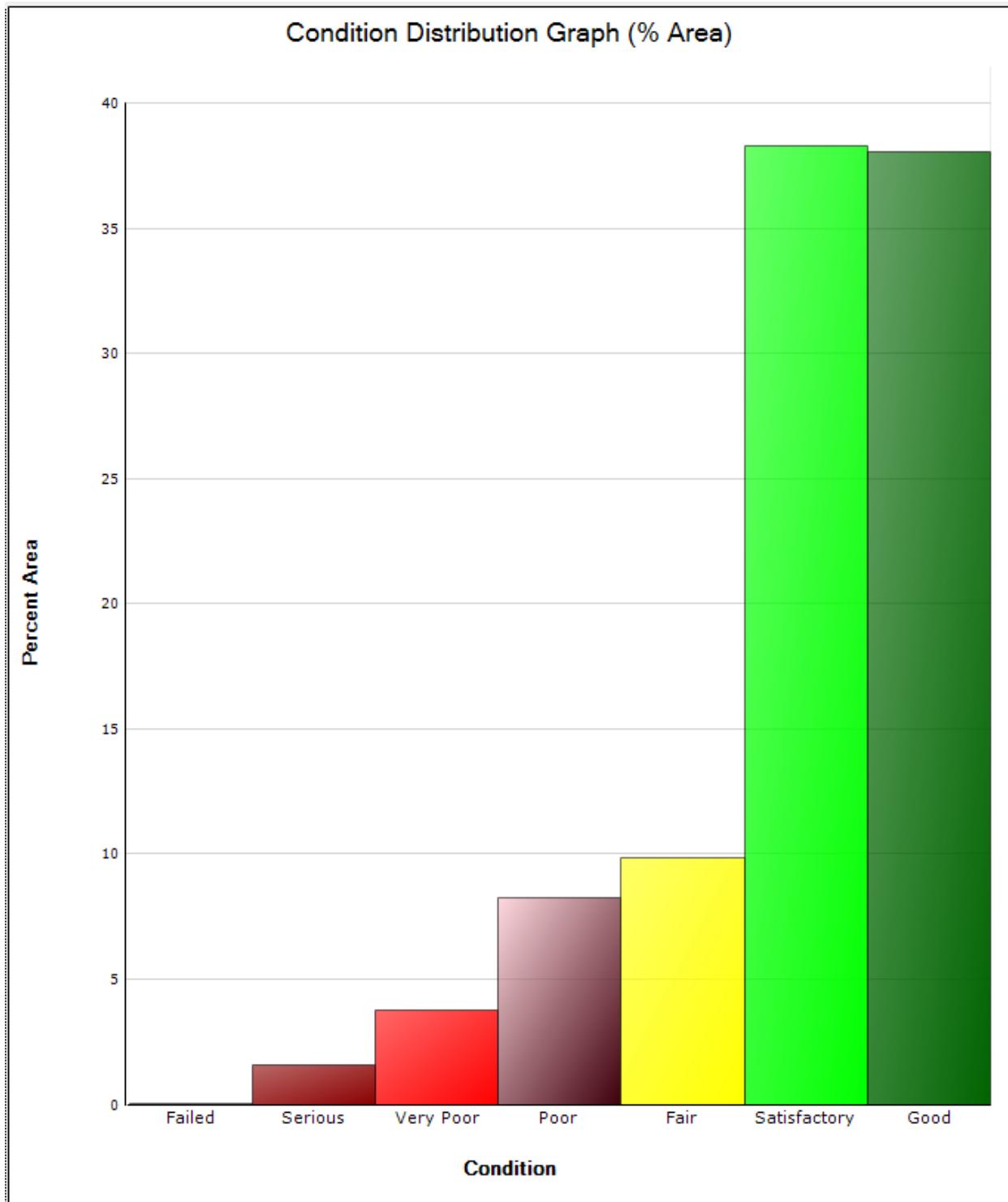


Figure 3: La Vista Street Condition by Area

Figure 3 is a graphical representation for the data in table 1.

Recommended Repairs

La Vista desires to develop a maintenance plan to keep their streets serviceable. Overall, the concrete streets are in better condition than the asphalt streets, but without maintaining those streets the damage and costs will accelerate. When water finds its way into concrete cracks and goes through a freeze-thaw cycle it will deteriorate the aggregate in the concrete. The water will wear on the durability of the concrete and begin to crack in the aggregate at the base of the concrete and works its way to the surface. This is known as D-cracking. The best way to prevent D-cracking, and other failure modes, is to seal up the surface and prevent the water from getting into the concrete.

Our recommendation on concrete streets in need of maintenance is for the City to continue to regularly maintain the pavement by crack sealing and panel replacements, as applicable. Preventing water intrusion in the pavement and subgrade by crack sealing is the best method for conserving the life of pavement at a low cost.

When the entire street is in need of maintenance our recommendation is a relatively new process called Ultra-Thin Bonded Asphalt Surface (UBAS). The City of Papillion, NE has a similar distribution of pavement type and will experience a trial of UBAS on a select group of their streets this year. Prior to the UBAS we recommend application of a joint sealer to all the concrete joints in the streets and allow a period of time to let that cure. Next, a milling machine macrotextures the street about one half inch to create a rough surface. Then a spray paver is used to place a heavy layer of polymer modified asphalt emulsion and UBAS in a single pass. The gap graded modified hot mix asphalt (HMA) layer placed on the polymer emulsion is a method primarily used on asphalt pavements to correct surface distresses or restore surface characteristics like friction and smoothness. This is also a less damaging solution compared to mill and overlay to perform on concrete streets in need of maintenance because it only requires a half inch of milling. This maintains the base thickness of the street and avoids damaging the street, as opposed to removing two inches for a conventional mill and overlay. Public acceptance of this method is high as often it drives smoother than a mill and overlay, is long lasting, and less expensive than a mill and overlay. However, UBAS is not considered a structural repair and is categorized as a surface treatment. Streets with base failures require patching or panel replacement prior to installing UBAS.



Image 2: UBAS Operation

The best options for maintenance to the asphalt streets in La Vista are Crack Sealing, a Mill and Overlay, UBAS and Chip Seal, depending on structural characteristics and condition of each street. The advantages and disadvantages are as follows:

Crack Seal/Panel Replacement/Base Patching:

- Advantages
 - Conserves the life of the street at the cheapest cost
 - Necessary prior to all other maintenance activities
 - Easily done with a Maintenance Crew
- Disadvantages
 - Looks less appealing than a brand-new street
- Approximate Costs
 - Crack Seal: \$0.10/SY
 - Aggressive crack seal \$2,500/lane mile (4+ passes per lm)
 - 7" Concrete Panel Replacement: \$60/SY
 - Aggressive panel replacement \$42,000/lane mile (10% replacement)
 - 4" Asphalt Patch: \$55/SY
 - Aggressive asphalt patching \$39,000/lane mile

Mill and Overlay:

- Advantages
 - Most appealing visually to residents
- Disadvantages:
 - Most expensive option because of the quantity of material used.
 - Most damage to existing street base materials because of construction equipment weight, and depth of pavement removed for overlay.
 - Requires either a UBAS or chip seal in 10-15 years.
 - Requires crack seal approximately 3 years after placement

- Approximate Costs: \$84,000/lane mile

Ultrathin Bonded Asphalt Surface (UBAS)

- Advantages
 - Looks substantially like a conventional mill and overlay, visually appealing.
 - Less expensive than mill and overlay.
 - Minimal milling depth, and fewer material trucks, puts less strain on existing street base materials.
 - Probably longest lasting without repeated crack seal maintenance.
- Disadvantages
 - More expensive than chip seal.
 - Still requires crack seal approximately 2-4 years after placement, however, it is expected that crack seal of UBAS is less than what is required for a mill and overlay.
- Approximate Costs: \$56,000/lane mile

Chip Seal

- Advantages
 - Lowest cost.
 - Best performance for the funds expended.
 - Least amount of strain on existing street base materials, no milling.
- Disadvantages
 - Leftover aggregate requires sweeping and is messy.
 - Street looks like a gravel surface and is rough.
 - Potential for asphalt emulsion to bleed through aggregate.
- Approximate Costs: \$21,000/lane mile

Budgeting

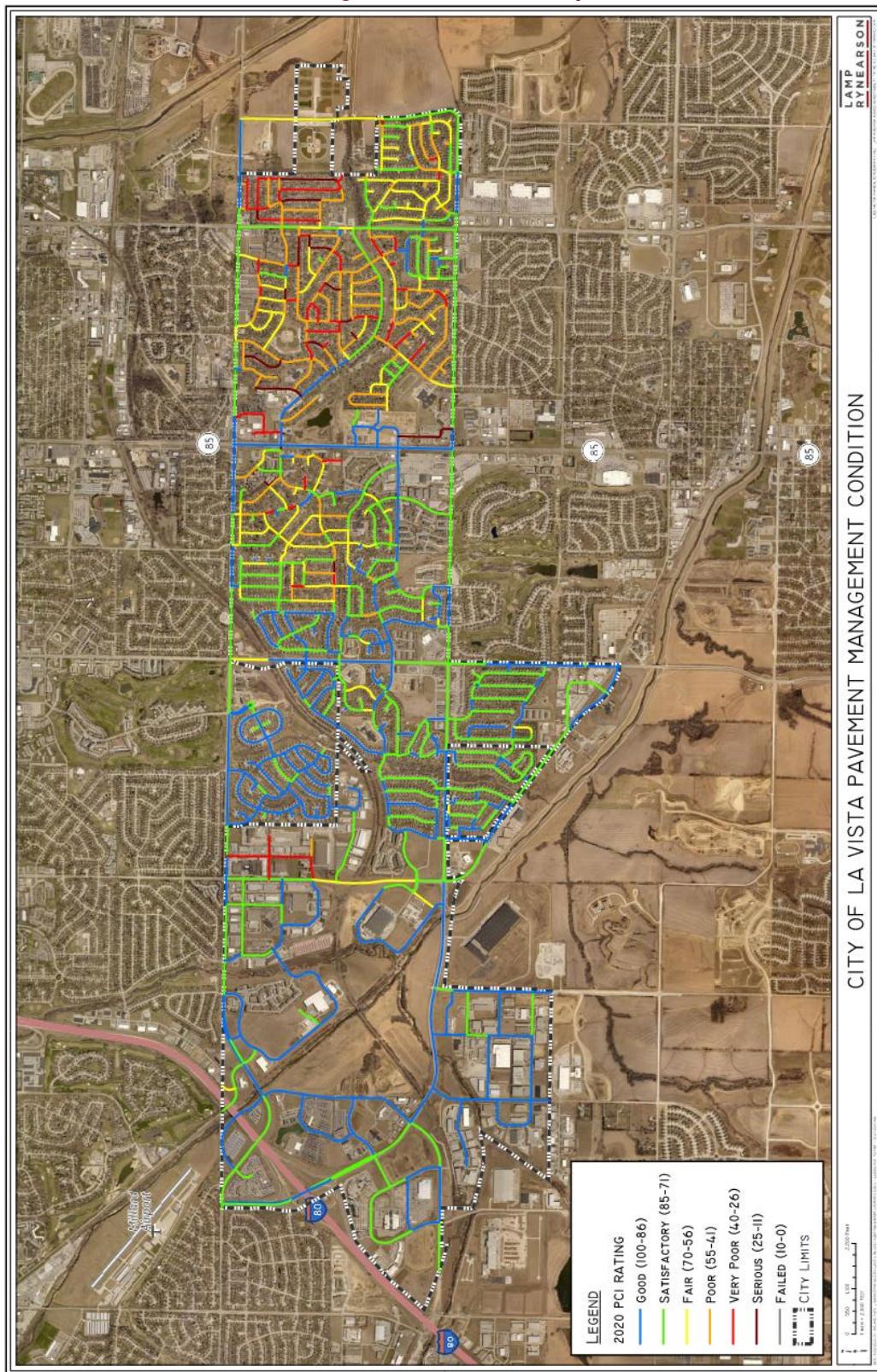
A good plan to follow is to budget systematically to perform regular crack sealing, and a surface treatment (with prior panel repairs) on a street segment every eight years. Some maintenance operations last longer but the worse shape the street is in the more frequent it will require maintenance. To perform maintenance every eight years would mean averaging about 12% of the city's lane miles each year. La Vista has 243 lane miles so 29 lane miles a year would be a good place to start.

The pavement areas used in this report are not meant to be used for project estimating. We have assumed 12-foot lane widths and did not pick up all turn lanes in our estimates. For an annual maintenance program, the pavement widths should be evaluated in the field to ensure an accurate quantity is calculated.

Appendix A

PCI Map

Image 3: La Vista PCI Map



CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
ADOPT MUNICIPAL CODE SECTION 30.16 EMERGENCY AUTHORITY	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT

SYNOPSIS

Proposed La Vista Municipal Code Section 30.16 would authorize temporary suspension or modification of regulatory requirements in an emergency.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval

BACKGROUND

Flexibility to suspend or modify regulatory requirements sometimes may be necessary in an emergency. The proposed ordinance would allow the Mayor to temporarily suspend or modify regulatory requirements such as transportation, traffic, or zoning regulations in response to an emergency. Any such action would be subject to notification and further review or action of the City Council.

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT SECTION 30.16 OF THE MUNICIPAL CODE REGARDING REGULATORY REQUIREMENTS, AND TO REPEAL CONFLICTING PROVISIONS, AND PROVIDE FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

I. Section 30.16 of the La Vista Municipal Code is hereby adopted and approved as follows:

“§30.16 EMERGENCY AUTHORITY

A. Findings. The Mayor and City Council hereby find and determine as follows:

1. The City is authorized to adopt such Ordinances and take such actions as necessary or appropriate for public health, comfort, safety, welfare, and interests, including without limitation such authorization as set forth in Neb. Rev. Stat. Sections 16-238, 16-240, 16-246, 16-314, 16-405, the Emergency Management Act, and the City's emergency operations plan, as any from time to time may be adopted or amended; and
2. Pursuant to such authority, the City Council adopts this Section 30.16 of the La Vista Municipal Code authorizing the Mayor in the event of an emergency to temporarily suspend or modify certain regulatory requirements within the City or its extraterritorial jurisdiction.

B. Authority. If a state of emergency is declared by the Governor or Mayor with respect to areas within the City or its extraterritorial jurisdiction pursuant to the Emergency Management Act or other applicable laws, rules, or regulations, the Mayor shall be authorized to temporarily suspend or modify any regulatory laws, rules, regulations, policies, or procedures of the City, including without limitation any transportation, traffic, or zoning laws, rules, regulations, policies, or procedures, or enforcement thereof, for a period of up to sixty days, subject to renewal for one or more additional periods, as the Mayor determines necessary or appropriate to address or respond to the emergency or to reduce, eliminate, or limit the impact or effects of, or factors or circumstances causing, comprising, or contributing to, the emergency or its spread, severity, or duration. The Mayor promptly after taking action pursuant to this Section, and no later than the next City Council meeting, shall advise the City Council of the action taken. The City Council at any time at any regular, special, or emergency meeting shall be authorized to terminate, add to, subtract from, or modify any action of the Mayor pursuant to this Section.”

II. Repeal of Conflicting Provisions. Any and all Ordinances or portions thereof, which are in conflict herewith are hereby repealed.

III. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

IV. Publication and Effective Date. This Ordinance shall be published and in force and effect in accordance with applicable law.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST

Pamela A. Buethe, CMC
City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
REPLACE AUTOMATIC DOOR OPENERS AT PUBLIC WORKS FACILITY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF CALENTINE DEPUTY DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared to accept the quote submitted by Omaha Door & Window 4665 G St. Omaha, NE in an amount not to exceed \$14,644.00.

FISCAL IMPACT

The FY 21/22 Budget contains funding for this project.

RECOMMENDATION

Approval

BACKGROUND

The automatic overhead door openers at the Public Works facility are original to the building and need to be replaced. The chain drives, bearings and motors on the openers are worn out and several have failed over the past year. This will upgrade all of the openers to the same unit so that any of the trucks can open the overhead doors during winter operations.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF AUTOMATIC OVERHEAD DOOR OPENERS AT THE PUBLIC WORKS FACILITY FROM OMAHA DOOR & WINDOW, OMAHA, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$14,644.00.

WHEREAS, the City Council of the City of La Vista has determined that the replacement of automatic overhead door openers at the public works facility is necessary; and

WHEREAS, the FY 21/22 biennial budget provides funding for this project; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of automatic overhead door openers at the public works facility from Omaha Door & Window, Omaha, Nebraska, in an amount not to exceed \$14,644.00.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

PROPOSAL BY



Omaha Door & Window Co., Inc.

4665 "G" Street Omaha, Nebraska 68117-1489
Phone (402) 733-6440 • Fax (402) 733-8152
E-mail: frontdesk@omahadoor.com • www.omahadoor.com

Date 7/29/2020

To : City of LaVista Attention Aaron Davis
Address : Telephone W C H
City : State : Zip : Location Public Works -9900 Portal Rd

Please sign ONE COPY of this proposal and return. Non Stock or Odd Size Doors WILL NOT be ordered WITHOUT A SIGNED COPY
IMPORTANT unless specifically stated in the below proposal, the below price does not include preparing of openings, painting or wiring

(10) LINK/LIFT-MASTER Jackshaft operator, Model J-501-L5, 1/2 h.p., 110 volt, 1 phase.
High starting torque, continuous duty industrial motor & overload protection.
Includes (1) 3 button station. OPEN/CLOSE/STOP - MOMENTARY-CONTACT-TO-CLOSE. FLUSH MOUNT
Adjustable friction clutch and disconnect for emergency operation.
Security+ 2.0 Radio Receiver included in control circuit. Transmitters priced separately.
Logic 5.0 with MyQ Technology control circuit. Allows for optional monitor & control of door from a smartphone.
Spreader bar is included to keep chain tension on door sprockets.
Remove and haul away old operator.
Includes Photo eye to reverse.

TOTAL INSTALLED PRICE-NO TAX...	\$	11,240.00	TOTAL
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ACCESSORIES:

Add for each single button remote control...	24.00 EA
Add for (1) 828 LM Internet Gateway to operate all doors from Smart Pt	28.00
Add for each fail-safe electric edge in lieu of photo-eyes...	414.00 EA
Add for ball bearings in lieu of steel bushings in drive system...	182.00 EA

(2) LINK/LIFT-MASTER Jackshaft operator, Model J-501-L5, 1/2 h.p., 110 volt, 1 phase.
High starting torque, continuous duty industrial motor & overload protection.
Includes (1) 3 button station. OPEN/CLOSE/STOP - MOMENTARY-CONTACT-TO-CLOSE.
Adjustable friction clutch and disconnect for emergency operation.
Security+ 2.0 Radio Receiver included in control circuit. Transmitters priced separately.
Logic 5.0 with MyQ Technology control circuit. Allows for optional monitor & control of door from a smartphone.
Spreader bar is included to keep chain tension on door sprockets.

INCLUDES NEMA-4 DAMP ENVIRONMENT MODIFICATION.

Remove and haul away old operator.
Includes Photo eye to reverse.

TOTAL INSTALLED PRICE-NO TAX...	\$	3,404.00	TOTAL
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TOTAL OF ALL ABOVE OPERATORS...	\$14,644.00	TOTAL
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ADD FOR ANY AND ALL ACCESSORIES.

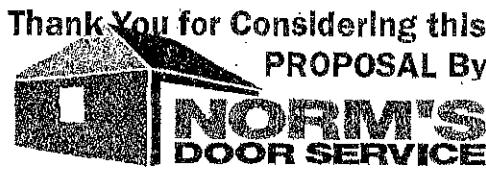
This bid includes comprehensive insurance coverage considered normal and customary.
Extra charges will apply for coverage above our standard coverage unless noted

Accepted _____
Quote Valid 30 Days

Tim Jondle 402-740-4810

OMAHA DOOR & WINDOW CO., INC.

OTHER PRODUCTS - CECO HOLLOW METAL WALK THRU DOORS - PATIO DOORS - ELECTRIC OPERATORS - STORM DOORS & WINDOWS
GARAGE DOORS - STEEL ROLLING SHUTTERS - LOADING DOCK EQUIPMENT - RESIDENTIAL & COMMERCIAL WINDOWS - SIDING - ATTIC INSULATION



NORM'S DOOR SERVICE

8920 Washington Circle, Omaha, NE 68127

Tel: 402-331-8920 Fax: 402-597-3080

www.normsdoor.com E-Mail: info@normsdoor.com

Company:

Telephone:

Fax:

Address:

City:

Zip

Date:

Contact Name & Title:

JOB SITE & WORK SPECIFICATIONS

Furnish and Install the Following:

10-GCL-H & 2-GCL-H Nema 4

STANDARD-DUTY HOIST OPERATOR

The GCL-H is designed for high or full-lift sectional and rolling doors that have a 30-cycle/hour or less duty requirement. Advanced features and robust mechanical design combine to provide a standard-duty operator that sets a new standard for productivity.

Standard Features

- EZ Limit® electro-mechanical limits.
- MultiVolt® voltage simplification.
- Max run timer automatically adjusts to up and down run time.
- TensiBelt® primary reduction.
- Delay on reverse.
- 16-character LCD display.
- UL325-2010 approved.
- Advanced radio receiver displays and stores activation by transmitter ID number on the LCD screen.
- 3-button control station.
- 2-year/20,000-cycle warranty.
- Programmable mid-stop.
- Emergency hoist for manual operation; available in right or left hand.
- 22-GIDFX3.5 Transmitters

Total: \$16,678.60

Terms & Conditions:

All Electrical Wiring By Others

Payments for products and services are due in full 30 days from date of work completion.

Contact John Salnicky with questions:

Office: 402-331-8920

Cell: 402-960-6813

Proposal Approved By: _____



Precision Door Service, Inc.
4924 South 135th Street
Omaha, Ne 68137
(402) 331-4424 (402) 291-3120 FAX

Proposal	9/9/2020
Agreement	
Final Rev	
Invoice	

Omaha - Lincoln

Option B

Customer: City of La Vista
Contact: Aaron Davis
Address: 9900 Portal Rd
Phone: (402)
Mobile: (402) 917-0593
e-mail: adavis@cityoflavista.org

Project Address:
9900 Portal Rd
La Vista, NE 68128
Estimated Install Date: 4-6 Weeks ARO
Depending on Covid 19 Delays
Completion Date:

Units	Mount	Product	Style	Description	Unit Price	Ext Total
10		Liftmaster	Jackshaft	J7531L5 3/4HP Commercial Opener with Selenoid Brake Rated for Continuous Duty 3 Button Wall Station, CPS-U Safety Eyes, Chain Tensioner Single Phase 115V or 230V option to add remotes.		Included
2		Liftmaster	Jackshaft	J7531L5 (M102) 3/4HP Commercial Opener w/ Selenoid Brake Rated for Continuous Duty, Added Car Wash Modification NEMA 4 - 3 Button Station (02-403P) NEMA4 Safety Eyes (CPS-OPEN4) Chain Tensioner Single Phase 115V or 230V, option to add remotes. option to add remotes.		Included
				Package Price		\$20,585.00
				Add \$30 per remote		
				Includes. Door inspection, adjust springs as req'd and lubricate door.		
				Tax Exempt		
				Other Options are available such as safety bump edge		
All Labor, Materials, Freight, Fuel and Taxes are Included in Total				Electrical connection done by others or outlet/shut off located within 3'		
				Manufacturers Warranty - 10 Years on Hardware M1000		
				Current Service Call & Labor Apply After 1st Year.		
IDA Member				Fuel Surcharge & Disposal Fee		Included
Amarr Platinum Dealer				Total		\$20,585.00
BBB A+ Rated				Deposit		\$10,292.50
				Due Upon Completion		\$10,292.50

Precision Door Service, Inc.

x _____
Randall J. Ross, President
(402) 203-3000 cell
Dated: 9/9/2020

Dated:

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
AUTHORIZATION TO PURCHASE AND INSTALL TWO P2Pe CERTIFIED CARD READERS FOR PARKING GARAGE 1	◆ RESOLUTION ORDINANCE RECEIVE/FILE	KEVIN POKORNY DIRECTOR OF ADMINISTRATIVE SERVICES

SYNOPSIS

A resolution has been prepared to authorize the purchase and installation of two P2Pe certified credit card readers from Fisher Parking & Security in an amount not to exceed \$11,950.00.

FISCAL IMPACT

The FY21 Off Street Parking Fund has funds available.

RECOMMENDATION

Approval.

BACKGROUND

The specifications for the control systems in Parking Garage #1 called for credit card readers that provided encryption capabilities. TIBA Parking Systems equipment (which includes more than just the credit card readers component) was also specified and Control Masters was the local subcontractor and a TIBA representative. They provided and installed the equipment.

Once the installation was complete and the credit card readers were being registered and used, the City became aware of the fact that there are two levels of encryption. The installed readers provide standard end-to-end encryption (E2Ee). This level is less secure and requires the City to meet significantly more Payment Card Industry Data Security Standards (PCI DSS) requirements to be PCI compliant. The City must be PCI compliant in order to process credit card transactions. The other level is point-to-point encryption (P2Pe), which we are now aware is the preferred level. This solution encrypts the account data and equipment from the point at which we (the merchant) accept the payment through the entire lifecycle of the transaction, which makes it the most secure. With a P2Pe system, data cannot be decrypted if it is compromised (stolen). The current readers open the City up to significant liability if there is a security breach.

This is the City's first experience with being the owner of credit card reader equipment and we were unaware of the intricate details of encryption that are required of owner/operators. Credit card readers used in other areas of the City are owned by an outside company and that company is liable for the PCI compliance and has the liability for any issues, not the City.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) P2PE CERTIFIED CARD READERS FOR PARKING GARAGE 1 FROM FISHER PARKING & SECURITY, KEARNEY, MISSOURI IN AN AMOUNT NOT TO EXCEED \$11,950.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of two (2) P2Pe Certified Card Readers is necessary; and

WHEREAS, the FY 19/20 Biennial Budget provides funding for this purchase; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska authorize the purchase of two (2) P2Pe Certified Card Readers from Fisher Parking & Security, Kearney, Missouri in an amount not to exceed \$11,950.00.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Since 1985



PARKING + SECURITY

15014 NE 116th Street, Kearney, MO 64117
EM: accounting@parking-security.com

(816) 630-2730
accounting@parking-security.com
http://www.parking-security.com

Proposal

ADDRESS

City of La Vista
8116 Park View Blvd
La Vista, NE 68128
United States

SHIP TO

City of La Vista
8116 Park View Blvd
La Vista, NE 68128
United States

PROPOSAL # 5810

DATE 07/30/2020

SHIP VIA

GND

CUSTOMER P.O.

Wincave EMV

DATE	ACTIVITY	QTY	UNIT PRICE	EXTENDED PRICE
	T-IM-0206-1046 [EMV] SCR200E-MDB-RM-M4 EMV Contact Reader for MP-30/VPS-30-ENT Station, including Lan 300 Driver.	2	2,700.00	5,400.00T
	T-SB-0806-1094 Credit card gateway site setup fee - Payment Express	1	3,750.00	3,750.00T
	91-1212 Fisher Parking & Security, Inc. Installation [note, new data drop, clearing house and firewall programming not included]	1	2,760.00	2,760.00

TERMS Terms of sale, unless stated elsewhere shall be strictly followed in accordance with these terms. Terms are as such: Projects under \$25K require 20% down payment, net 20. Projects over \$25K require a 50% down payment. In the event terms are extended and Seller is not paid when due, all overdue payments shall bear interest until paid at eighteen (18%) percent or at the highest rate permitted by applicable law from date payment is due. Review all T&C here:
<https://bit.ly/2ZL3MSz>

SUBTOTAL	11,910.00
TAX (0%)	0.00
SHIPPING	40.00
TOTAL	\$11,950.00

Accepted By

Accepted Date

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 6, 2020 AGENDA

Subject:	Type:	Submitted By:
COUNCIL POLICY STATEMENT - ISSUANCE OF MILITARY LIBRARY CARDS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ROSE BARCAL LIBRARY DIRECTOR

SYNOPSIS

The Library Advisory Board has made a recommendation to offer library memberships to military personnel who live outside of our jurisdiction at no charge. A resolution has been prepared approving a Council Policy Statement to that effect.

FISCAL IMPACT

Unknown/minimal. The Library currently has 134 non-resident paid memberships. Because we do not collect data regarding military status on our membership applications, it is unknown how a free military membership might impact our revenues.

RECOMMENDATION

Library Board – Approval for all active duty, retired or honorably discharged military personnel.
 Staff Recommendation - If Council desires to offer military memberships, they be limited to active duty military members and their dependents only. (See background information below)

BACKGROUND

An active duty military member who resides in the City of Papillion contacted our Library asking for consideration of military library memberships. The person made reference to the fact that Omaha and Bellevue offer such memberships.

Staff researched what other Libraries/Cities are doing in this regard. See below.

Bellevue	Free memberships for active duty and dependents
Gretna	Free memberships for active duty, veterans, and retirees
Omaha	Free memberships for active duty
Ralston	Free memberships for active duty
Papillion	No military memberships
Springfield	Free membership for military with children in the school district

The La Vista Public Library is one of two public libraries in the county that do not offer a military membership of any kind. The Library Board indicated in their discussion they felt offering a military membership would align with the City's multiple initiatives to support the military community.

At the January 2020 Library Board meeting, the board voted unanimously to recommend to the City Council the offering of a military membership to active, retired, and honorably discharged members of military.

As all current residents of the City (military or not), receive free library membership, this would only apply to those who live outside of La Vista city limits. Over the years the Library has had multiple requests, particularly from people who live in the City's ETJ (Cimarron Woods, Portal Ridge, etc.) for free memberships as they feel as though they are part of the City. These requests have been denied. As such, staff recommends limiting the proposal to active duty military and their dependents.

A draft Council Policy Statement is attached for discussion. The highlighted areas are the proposed change. The remaining language is already included in an existing internal Library Policy. Based on the two differing recommendations (one from the Library Advisory Board and one from staff) Council would need to make a choice as to which language to add, assuming they want to create this new Council Policy Statement.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, the issuance of library cards to military personnel residing outside the city limits is being recommended; and

WHEREAS, a Council Policy Statement entitled "Public Library User Privileges" has been created and reviewed by the Library Advisory Board;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve a Council Policy Statement entitled "Public Library User Privileges" and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

PASSED AND APPROVED THIS 6TH DAY OF OCTOBER, 2020.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Issued: DATE
Resolution No. 20-XXX

Administration

The administration and daily operation of the La Vista Public Library shall be the responsibility of the Library Director and is guided by established policies and procedures.

Fees shall be reviewed annually by the Library Advisory Board and approved by the Mayor and City Council.

Public Library User Privileges

Within the library, the use of all materials is open to the public. Service will not be denied or abridged because of religious, racial, social, economic, political, or age status. The use of the library or its services may be denied for due cause including, but not limited to, failure to return books or pay fees, destruction of library property, or failure to abide by stated library policies.

Any person who resides within the city limits or through business ownership pays property taxes to the City of La Vista, may apply for a library card at no charge. New patrons requesting a library card will be required to show identification with proof of address at the time of request. Library cards can be issued to all who are 15 years of age and older and to minor children ages 5-14 with parental consent.

Employees of the City of La Vista, members of the La Vista/Papillion Fire Department, teachers in a La Vista Public School, or current students, faculty members or staff members of the Metropolitan Community College, may also apply for a library card at no charge.

Military personnel (active, retired, or honorably discharged) residing outside the city limits may apply for a card at no charge. Military ID must be presented.

Military personnel (active duty and dependents only) residing outside the city limits may apply for a card at no charge. Military ID must be presented.

Non-residents (those living outside the city limits) may obtain a card by paying a fee as set forth in the City's Master Fee Ordinance.