

## LA VISTA CITY COUNCIL MEETING AGENDA

April 18, 2023

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**
- **Proclamation: Earth Day**

*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 April 4, 2023 City Council Meeting
3. Monthly Financial Report – February 2023
4. 2023 Annual TIF Report
5. Request for Payment – HDR Engineering – Professional Services – Project Management for Public Improvements – \$1,161.57
6. Request for Payment – Design Workshop, Inc – Professional Services – 84<sup>th</sup> Street Bridge – \$2,575.00
7. Request for Payment – Schemmer – Professional Services – Applewood Creek H&H review – \$4,925.00
8. Request for Payment – Olsson, Inc – Professional Services – City Park Pavilion Testing – \$5,603.25
9. Request for Payment – JE Dunn Construction Co – Construction Services – Central Park Pavilion and Site Improvements – \$803,328.00
10. Resolution – Approve Appointments of Safety Steering Committee Members
11. Approval of Claims

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

**B. PUD Site Plan Amendment – Lots 1-3 & Outlot A – Southport West Replat 8**

1. Public Hearing
2. Resolution

**C. Ordinance – Amend Firefighters Retirement Plan and Trust**

**D. Ordinance – Amend Firefighters Retirement Plan and Trust – Freeze and Terminate**

**E. Resolution – Authorize Purchase – Network Core Switch**

**F. Resolution – Approve Agreement with Sarpy County – Resolve Certain Matters Regarding Allocation of Payment in Lieu of Taxes, Including Potential Claims**

**G. Resolution – Nebraska Multi-Sport Complex Application for Payment – Disbursement of EDP Award Funds**

**H. Position Description – Assistant Finance Director**

- **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.

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# MINUTE RECORD

No. 729 — REDFIELD DIRECT E2106195KV

## LA VISTA CITY COUNCIL MEETING April 4, 2023

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 April 4, 2023. Present were Councilmembers: Frederick, Ronan, Sheehan, Quick, Sell, Hale, and Wetuski. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Director of Administrative Services Pokorny, City Engineer Dowse, Human Resources Director Lowery, Finance Director Harris, Director of Public Works Soucie, Police Captain Barcal and Assistant Recreation Director Karlson.

A notice of the meeting was given in advance thereof by publication in the Sarpy County Times on March 22, 2023. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

### **SWEAR IN POLICE OFFICERS – CAMERON TENEYCK AND SETH HOWARD**

Mayor Kindig swore in Cameron TenEyck and Seth Howard as Police Officers for the City of La Vista.

### **PROCLAMATION – APPRECIATION OF SERVICE – FIRE CHIEF BILL BOWES**

Mayor Kindig presented Chief Bill Bowes with a proclamation thanking him for his years of service to the City of La Vista as the Fire Chief. Mayor Kindig presented Chief Bill Bowes with the Firefighter Axe.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE MARCH 21, 2023 CITY COUNCIL  
MEETING**
- 3. REQUEST FOR PAYMENT – MACKIE CONSTRUCTION – CONSTRUCTION  
SERVICES – CENTRAL PARK ACCESS ROAD – PARK VIEW BLVD –  
\$106,471.09**
- 4. REQUEST FOR PAYMENT – BENESCH – PROFESSIONAL SERVICES –  
TERRY DR, LILLIAN AVE & S. 78<sup>TH</sup> ST PAVEMENT REHABILITATION –  
\$5,662.00**
- 5. REQUEST FOR PAYMENT – THOMPSON, DREESSEN & DORNER, INC. –  
PROFESSIONAL SERVICES – 120<sup>TH</sup> AND GILES ACCESS IMPROVEMENTS –  
DRAINAGE – \$1,720.00**
- 6. REQUEST FOR PAYMENT – RDG PLANNING & DESIGN – PROFESSIONAL  
SERVICES – PLACEMAKING PHASE 1 – \$3,660.00**
- 7. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – LA  
VISTA CITY CENTRE PARKING STRUCTURE 2 – \$45,316.03**
- 8. REQUEST FOR PAYMENT – DLR GROUP – PROFESSIONAL SERVICES – LA  
VISTA CITY CENTRE PARKING STRUCTURE 2 – \$5,972.33**
- 9. REQUEST FOR PAYMENT – SAMPSON CONSTRUCTION – CONSTRUCTION  
SERVICES – OFFSTREET PARKING DISTRICT NO. 2, STRUCTURE NO. 2 –  
\$345,925.00**
- 10. RESOLUTION NO. 23-043 – AWARD OF CONTRACT – EASTERN  
NEBRASKA OFFICE ON AGING**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM.

WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of

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the Eastern Nebraska Office on Aging (ENOA); and

WHEREAS, the Mayor and City Council believe it is desirable to continue to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program.

## 11. APPROVAL OF CLAIMS

1000 BULBS, bld&grnds	3,959.82
ACTION BATTERIES, maint.	49.95
ACTIVE NETWORK LLC, services	203.93
AMAZON, supplies	1,595.28
ANDERSON, P., travel	227.67
ASPEN EQUIPMENT CO, maint.	643.65
AT&T MOBILITY LLC, phones	98.32
BADGER BODY & TRUCK EQUIP, maint.	58.00
BERGANKDV LLC, services	23,800.00
BIBLIONIX LLC, services	3,818.00
BIG RED LOCKSMITHS, bld&grnds	65.00
BIZCO INC, services	13,202.41
BOBCAT OF OMAHA, services	1,764.13
BOWERS, S., travel	164.00
BRODERSEN, C., travel	164.00
BSN SPORTS LLC, supplies	270.00
BUETHE, P., travel	2,107.92
CARL, R., travel	164.00
CENTER POINT INC, books	430.86
CENTURY LINK/LUMEN, phones	867.05
CINTAS CORP, services	1,466.77
CITY CENTRE MUSIC VENUE LLC, grant	360,000.00
CITY OF PAPILLION, services	254,528.72
COX COMMUNICATIONS INC, services	3.38
DAIGLE LAW GROUP LLC, services	600.00
DANIELSON TECH SUPPLY INC, services	105.20
DATASHIELD CORP, services	20.00
DELL MARKETING L.P., services	66.59
DEMCO INC, supplies	405.43
DESIGN WORKSHOP INC, services	2,113.75
DHHS REG/LIC-POOL PERMIT, services	40.00
DIAMOND VOGEL PAINTS, bld&grnds	269.39
DLR GROUP, services	25,235.95
DOUGLAS COUNTY SHERIFF'S OFC, services	225.00
ESSENTIAL SCREENS, services	142.80
FASTENAL CO, supplies	126.94
FERGUSON ENTERPRISES, supplies	119.00
FUN EXPRESS LLC, services	575.95
GALE, books	133.45
GRAINGER, supplies	83.96
GREAT PLAINS UNIFORMS, apparel	1,244.00
GREATAMERICA FINANCIAL, services	1,464.15
GUMDROP BOOKS, books	2,923.20
GUNN, B., travel	66.29
H & H CHEVROLET LLC, maint.	3.81
HOODMASTERS INC, bld&grnds	515.30
HOTSY EQUIPMENT CO, maint.	88.49
HY-VEE INC, services	165.00
HY-VEE SHADOW LAKE, services	1,060.00

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INDUSTRIAL SALES CO, supplies	7.91
INGRAM LIBRARY SERVICES, books	709.95
INTERNATIONAL CODE COUNCIL, services	44.00
J & J SMALL ENGINE, maint.	3.98
JE DUNN CONSTRUCTION CO, services	796,401.00
JOHNSON CONTROLS, bld&grnds	713.18
JOHNSON HARDWARE CO, bld&grnds	319.80
JOHNSTONE SUPPLY CO, maint.	15.63
JUSTIN KOFOED LLC, services	350.00
KASEYA US LLC, services	2,755.20
KIDWELL INC, services	1,834.00
KIESLER POLICE SUPPLY, services	2,270.00
KIMBALL MIDWEST, bld&grnds	556.97
KINDIG, D., reimbursement	54.09
LOWERY, W., travel	16.25
MACQUEEN EQUIPMENT LLC, supplies	70.57
MARCO INC, services	222.87
MEISTER, K., travel	164.00
MENARDS-RALSTON, bld&grnds	705.19
MUD, utilities	2,735.23
MICHAEL TODD & CO, maint.	138.32
MID-AMERICAN BENEFITS INC. services	10,633.17
MID-IOWA SOLID WASTE EQUIP, services	755.00
MIDWEST TAPE, media	79.98
MIRACLE RECREATION EQUIP, services	2,358.45
MNJ TECHNOLOGIES DIRECT INC, services	1,655.00
MOTOROLA SOLUTIONS INC, services	300.00
NE DEPT OF REVENUE, sales tax	66.13
NEBRASKALAND TIRE INC, maint.	203.49
NORM'S DOOR SERVICE, bld&grnds	1,291.77
ODEYS INC, supplies	4,241.81
OFFICE DEPOT INC, supplies	287.46
OPPD, utilities	40,256.48
OMAHA SLINGS INC, supplies	371.91
OMAHA STORM CHASERS BASEBALL, services	1,000.00
OMAHA TACTICAL LLC, services	5,495.00
OMNI ENGINEERING, services	1,828.75
ON YOUR MARKS INC, supplies	857.86
ONE CALL CONCEPTS INC, services	88.40
PAPILLION SANITATION, services	1,728.13
PAYROLL MAXX, payroll & taxes	431,840.23
PETTY CASH, supplies	150.00
QUALITY AUTO REPAIR & TOWING, services	123.00
RDG PLANNING & DESIGN, services	1,742.50
ROBERT HALF, services	5,094.72
RTG BUILDING SERVICES INC, bld&grnds	6,765.00
SIGN IT, services	170.00
SOLBERG, C., travel	256.32
SOUTHERN UNIFORM, apparel	1,966.69
SPENCER, K., travel	164.00
SPIC & SPAN LINEN, services	92.50
STARBUCKS CORP, refund	8.26
STREICHER'S INC, supplies	1,323.83
THE COLONIAL PRESS INC, services	14,721.55
THE FILTER SHOP INC, supplies	150.84
THE SCHEMMER ASSOCIATES INC, services	612.50
THOMPSON DREESSEN & DORNER INC, services	7,422.92
TRADE WELL PALLET INC, supplies	360.00

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TY'S OUTDOOR POWER, supplies	928.73
U.S. CELLULAR, phones	1,874.06
UNITED PARCEL, services	13.34
UNITED STATES POSTAL, postage	202.00
VAL VERDE ANIMAL HOSPITAL INC, services	54.00
VALERIE NINAS, services	916.75
VERIZON CONNECT NWF INC. phones	501.89
VERIZON WIRELESS, phones	18.02
VIERREGGER ELECTRIC CO, services	4,021.23
VINCENTINI PLUMBING INC, services	8,160.00
WALMART, supplies	510.39
WOODHOUSE FORD-BLAIR, maint.	116.56

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

## **REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS**

Assistant Recreation Director Karlson reported on Pickleball and the Easter Egg Hunt.

Police Captain Kinsey provided the Quarterly Code Enforcement Report.

Director of Public Works Soucie reported on the installation of playground equipment at Jaycee Park, the open house for the East La Vista Sewer Project and the Pavement Rehabilitation Projects.

## **B. RESOLUTION – AUDITED COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING SEPTEMBER 30, 2022**

Tim Lens, with Bergan KDV presented the audit reports and was available to answer any questions.

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-044 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING THE AUDITED ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE TWELVE MONTHS ENDED SEPTEMBER 30, 2022, THE FINANCIAL REPORT FOR THE ECONOMIC DEVELOPMENT FUND AND THE INDEPENDENT AUDIT ON EXPENDITURES OF FEDERAL FUNDS AS PREPARED BY THE AUDITING FIRM OF BERGAN KDV, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of Bergan KDV, LLP, Omaha, Nebraska, to complete an audit of the City's municipal operations for the twelve months ended September 30, 2022; and

WHEREAS, Bergan KDV, LLP has completed said audit and provided copies of their findings.

WHEREAS, Bergan KDV, LLP has also completed the financial report for the Economic Development Fund and the independent audit report on Expenditures of Federal Awards

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the audited annual comprehensive financial report for the twelve months ended September 30, 2022, the financial report for the economic development fund and the independent audit on expenditures of federal funds is hereby accepted.

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

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## **C. RESOLUTION – AWARD CONTRACT – CONCESSION STAND OPERATIONS**

Councilmember Frederick introduced and moved for the adoption of Resolution No. 23-045 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A ONE-YEAR CONTRACT WITH A.L. VENDING AND CONCESSIONS, LLC., OMAHA, NEBRASKA FOR THE OPERATION OF CONCESSIONS AT THE SOFTBALL COMPLEX, SOCCER COMPLEX, CITY PARK, AND COMMUNITY CENTER.

WHEREAS, the City has determined that it is desirable to contract for the operation of concession stands at various recreation sites in the City; and

WHEREAS, A.L. Vending and Concessions, LLC. was awarded a contract in April of 2022 to operate the City's concession stands at various recreation sites in the City; and

WHEREAS, A.L. Vending and Concessions, LLC has performed satisfactorily over the last year and is agreeable to extending the current contract for an additional year; and

WHEREAS, the Recreation Youth and Adult Sports Program Manager recommends awarding the contract extension to A.L Vending and Concessions, LLC for one year; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the Mayor to sign a one-year contract extension with A.L Vending and Concessions, LLC., Omaha, Nebraska for the operation of the concessions at the Softball Complex, Soccer Complex, City Park, and La Vista Community Center.

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

## **D. RESOLUTION – AUTHORIZE AMENDMENT NO. 1 – PROFESSIONAL SERVICES AGREEMENT – TERRY DR, LILLIAN AVE AND 78<sup>TH</sup> STREET PAVEMENT REHABILITATION**

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-046 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ALFRED BENESCH AND COMPANY, OMAHA, NEBRASKA FOR CONSTRUCTION PHASE SERVICES ASSOCIATED WITH PAVEMENT REHABILITATION OF TERRY DR., LILLIAN AVE., AND S.78TH ST IN AN AMOUNT NOT TO EXCEED \$251,038.00.

WHEREAS, the Mayor and City Council have determined that professional services for the construction phase of Terry Dr., Lillian Ave., and S.78<sup>th</sup> St are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget provides funding for this project;

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, do hereby approve amendment No. 1 to the professional services agreement with Alfred Benesch and Company for construction phase services associated with pavement rehabilitation of Terry Dr., Lillian Ave., and S.78<sup>th</sup> St in an amount not to exceed \$251,038.00.

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

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## E. RESOLUTION – APPROVE AMENDMENT NO. 3 – PROFESSIONAL SERVICES AGREEMENT – EAST LA VISTA SEWER AND PAVEMENT REHABILITATION PROJECT

Councilmember Quick introduced and moved for the adoption of Resolution No. 23-047 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF AMENDMENT NO. 3 TO THE PROFESSIONAL SERVICES AGREEMENT WITH HGM ASSOCIATES, INC., OMAHA, NEBRASKA FOR CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE EAST LA VISTA SEWER AND PAVEMENT REHABILITATION PROJECT IN AN ADDITIONAL AMOUNT NOT TO EXCEED \$774,431.00.

WHEREAS, the Mayor and City Council have determined that professional services for the construction phase services associated with the East La Vista Sewer and Pavement Rehabilitation Project are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget includes 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 purchases over \$5,000;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve amendment No. 3 to the professional services agreement with HGM Associates, Inc. to provide construction phase services associated with the East La Vista Sewer and Pavement Rehabilitation Project in an additional amount not to exceed \$774,431.00.

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

## F. RESOLUTION – APPROVE AMENDMENT NO. 10 – PROFESSIONAL SERVICES AGREEMENT – PARKING STRUCTURE NO. 2

Councilmember Hale introduced and moved for the adoption of Resolution No. 23-048 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AMENDMENT NUMBER TEN TO THE PROFESSIONAL SERVICES AGREEMENT WITH DLR GROUP FOR ADDITIONAL CONSTRUCTION PHASE SERVICES FOR PARKING STRUCTURE NO. 2 IN AN INCREASED AMOUNT NOT TO EXCEED \$53,655.00.

WHEREAS, the Mayor and City Council of the City of La Vista Nebraska have determined additional construction phase services for Parking Structure No. 2 are necessary; and

WHEREAS, the City Council on behalf of the City of La Vista desires to approve amendment number ten to the professional services agreement with DLR Group to provide additional construction phase services; and

WHEREAS, The FY23/FY24 Biennial Budget provides funding for this project;

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve amendment number ten to the professional services agreement with DLR Group for additional construction phase services for Parking Structure No. 2 in an increased amount not to exceed \$53,655.00.

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

## **G. RESOLUTION – AUTHORIZE CONSULTANT SELECTION – MASTER PLANNING & CONCEPTUAL DESIGN**

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-049 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE SELECTION OF RDG PLANNING & DESIGN AND THE NEGOTIATION OF A CONTRACT FOR MASTER PLANNING AND CONCEPTUAL DESIGN SERVICES RELATED TO THE LA VISTA MUNICIPAL CAMPUS IN AN AMOUNT NOT TO EXCEED \$150,000.00.

WHEREAS, the City Council of the City of La Vista has determined that master planning and conceptual design services related to the La Vista Municipal Campus are necessary; and

WHEREAS, the FY23/FY24 Biennial Budget contains funding for this project; and

WHEREAS, City staff have interviewed and recommended the selection of RDG Planning & Design; 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 the selection of RDG Planning & Design and the negotiation of a contract for master planning and conceptual design services subject to any modifications the City Administrator or her designee determines necessary.

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

## **H. RESOLUTION – AUTHORIZE PURCHASE – POLICE RADIO EQUIPMENT UPGRADES**

Councilmember Sell introduced and moved for the adoption of Resolution No. 23-050 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF POLICE RADIO EQUIPMENT UPGRADES FROM MOTOROLA SOLUTIONS, CHICAGO, IL IN AN AMOUNT NOT TO EXCEED \$38,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of police radio equipment upgrades for Motorola radios is necessary, and

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

WHEREAS, Motorola Solutions is a sole source vendor and will extend that price to the City of La Vista, and

WHEREAS, Motorola Solutions is a highly qualified specialty public safety communications provider, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, authorize the purchase of police radio equipment upgrades

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from Motorola Solutions, Chicago, IL, in an amount not to exceed \$38,000.00.

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

## I. RESOLUTION – AUTHORIZE PURCHASE – PUBLIC WORKS VEHICLES

Councilmember Wetuski introduced and moved for the adoption of Resolution No. 23-051 entitled: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF TWO (2) SILVERADO 1500 CREW CAB SHORT BOX TRUCKS IN AN AMOUNT NOT TO EXCEED \$80,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of two (2) 1500 Crew Cab Short Box Trucks are necessary; and

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

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal code requires that the City Administrator secure council approval prior to authorizing any 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) Silverado 1500 Crew Cab Short Box Trucks in an amount not to exceed \$80,000.00.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Frederick requested an update on the progress of the restaurants in City Centre.

Mayor Kindig reported on legislative bills.

At 6:57 p.m. Councilmember Frederick made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Quick, Sell, Hale, and Wetuski. Nays: None. Abstain: None. Absent: Thomas. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023.

CITY OF LA VISTA

\_\_\_\_\_  
Kim J. Thomas, Acting Mayor

ATTEST:

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

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

A-3

**Total All Funds**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
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**OPERATING REVENUES**

General Fund	\$ 24,324,606	\$ 1,702,186	\$ 5,667,037	\$(18,657,569)	23%
Sewer Fund	4,908,972	337,318	1,914,617	(2,994,355)	39%
Debt Service Fund	18,862,129	376,173	1,192,702	(17,669,427)	6%
Capital Improvement Fund	352,305	3,107	13,302	(339,003)	4%
Lottery Fund	1,227,368	93,608	489,235	(738,133)	40%
Economic Development Program Fund	145,747	1,374	62,054	(83,693)	43%
Off Street Parking Fund	1,010	5,286	34,059	33,049	3372%
Redevelopment Fund	2,507,774	298,108	937,010	(1,570,764)	37%
Police Academy	214,640	34	185,458	(29,182)	86%
TIF 1A	389,569	—	—	(389,569)	—%
TIF 1B	491,954	—	—	(491,954)	—%
Sewer Reserve Fund	6,910	116	615	(6,295)	9%
Qualified Sinking Fund	2,740	577	2,416	(324)	88%
TIF 1C	48,302	—	—	(48,302)	—%
TIF 1D	21,672	—	—	(21,672)	—%
<b>Total Operating Revenues</b>	<b>53,505,699</b>	<b>2,817,888</b>	<b>10,498,507</b>	<b>(43,007,192)</b>	<b>20%</b>

**OPERATING EXPENDITURES**

General Fund	23,417,380	1,688,002	7,818,773	(15,598,607)	33%
Sewer Fund	4,532,332	78,584	1,338,694	(3,193,638)	30%
Debt Service Fund	3,060,191	18,330	2,286,132	(774,058)	75%
Capital Improvement Fund	—	—	—	—	—%
Lottery Fund	834,174	50,374	244,679	(589,495)	29%
Economic Development Program Fund	1,149,636	—	1,101,154	(48,482)	96%
Off Street Parking Fund	1,986,079	16,222	686,610	(1,299,469)	35%
Redevelopment Fund	2,966,664	1,432	222,811	(2,743,853)	8%
Police Academy	202,265	15,261	81,485	(120,779)	40%
TIF 1A	389,569	—	—	(389,569)	—%
TIF 1B	491,954	—	—	(491,954)	—%
Sewer Reserve Fund	—	—	—	—	—%
Qualified Sinking Fund	—	—	—	—	—%
TIF 1C	48,302	—	—	(48,302)	—%
TIF 1D	21,672	—	—	(21,672)	—%
<b>Total Operating Expenditures</b>	<b>39,100,216</b>	<b>1,868,205</b>	<b>13,780,338</b>	<b>(25,319,878)</b>	<b>35%</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

**Total All Funds**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
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**OPERATING REVENUES NET  
OF EXPENDITURES**

General Fund	907,226	14,184	(2,151,736)	(3,058,962)	
Sewer Fund	376,640	258,735	575,923	199,283	
Debt Service Fund	15,801,938	357,843	(1,093,430)	(16,895,368)	
Capital Improvement Fund	352,305	3,107	13,302	(339,003)	
Lottery Fund	393,195	43,234	244,557	(148,638)	
Economic Development Program Fund	(1,003,889)	1,374	(1,039,100)	(35,211)	
Off Street Parking Fund	(1,985,069)	(10,936)	(652,551)	1,332,519	
Redevelopment Fund	(458,890)	296,676	714,199	1,173,088	
Police Academy	12,375	(15,227)	103,973	91,597	
TIF 1A	—	—	—	—	
TIF 1B	—	—	—	—	
Sewer Reserve Fund	6,910	116	615	(6,295)	
Qualified Sinking Fund	2,740	577	2,416	(324)	
TIF 1C	—	—	—	—	
TIF 1D	—	—	—	—	
<b>Operating Revenues Net of Expenditures</b>	<b>14,405,482</b>	<b>949,682</b>	<b>(3,281,832)</b>	<b>(17,687,314)</b>	

**OTHER FINANCING SOURCES & USES**

**TRANSFERS IN**

General Fund	523,100	—	298,669	(224,431)	57%
Sewer Fund	700	—	—	(700)	—%
Debt Service Fund	300,000	—	300,000	—	100%
Capital Improvement Fund	6,850,000	—	—	(6,850,000)	—%
Lottery Fund	—	—	—	—	—
Economic Development Program Fund	1,034,681	—	—	(1,034,681)	—
Off Street Parking Fund	2,682,624	—	—	(2,682,624)	—%
Redevelopment Fund	—	—	—	—	—
Police Academy	—	—	—	—	—
TIF 1A	—	—	—	—	—
TIF 1B	—	—	—	—	—
Sewer Reserve Fund	220,633	—	220,633	—	—
Qualified Sinking Fund	250,000	—	—	(250,000)	—%

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
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TIF 1C	—	—	—	—
TIF 1D	—	—	—	—
<b>Total Transfers In</b>	<b>11,861,738</b>	<b>—</b>	<b>819,302</b>	<b>(11,042,436)</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

**Total All Funds**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
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**TRANSFERS OUT**

General Fund	(2,330,536)	—	(300,000)	2,030,536	13%
Sewer Fund	(220,633)	—	(220,633)	—	—%
Debt Service Fund	(8,286,769)	—	—	8,286,769	—%
Capital Improvement Fund	—	—	—	—	—
Lottery Fund	(723,800)	—	—	723,800	—%
Economic Development Program Fund	—	—	—	—	—
Off Street Parking Fund	(300,000)	—	(298,669)	1,331	—
Redevelopment Fund	—	—	—	—	—
Police Academy	—	—	—	—	—
TIF 1A	—	—	—	—	—
TIF 1B	—	—	—	—	—
Sewer Reserve Fund	—	—	—	—	—
Qualified Sinking Fund	—	—	—	—	—
TIF 1C	—	—	—	—	—
TIF 1D	—	—	—	—	—
<b>Total Transfers Out</b>	<b>(11,861,738)</b>	<b>—</b>	<b>(819,302)</b>	<b>11,042,436</b>	<b>7%</b>

**NET TRANSFERS**

General Fund	(1,807,436)	—	(1,331)	1,806,105	—%
Sewer Fund	(219,933)	—	(220,633)	(700)	100%
Debt Service Fund	(7,986,769)	—	300,000	8,286,769	—
Capital Improvement Fund	6,850,000	—	—	(6,850,000)	—%
Lottery Fund	(723,800)	—	—	723,800	—%
Economic Development Program Fund	1,034,681	—	—	(1,034,681)	—
Off Street Parking Fund	2,382,624	—	(298,669)	(2,681,293)	—
Redevelopment Fund	—	—	—	—	—
Police Academy	—	—	—	—	—
TIF 1A	—	—	—	—	—
TIF 1B	—	—	—	—	—
Sewer Reserve Fund	220,633	—	220,633	—	100%
Qualified Sinking Fund	250,000	—	—	(250,000)	—%
TIF 1C	—	—	—	—	—
TIF 1D	—	—	—	—	—
<b>Total Net Transfers</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

	<b>Total All Funds</b>				
	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>OTHER REVENUE: BOND PROCEEDS</b>					
Sewer Fund	—	—	—	—	—
Capital Improvement Fund	—	—	—	—	—
Economic Development	—	—	—	—	—
Program Fund	—	—	—	—	—
Off Street Parking Fund	—	—	—	—	—
Redevelopment Fund	—	—	—	—	—
<b>Total Bond Proceeds</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>

**OTHER EXPENDITURES: CIP**

Sewer Fund	2,720,000	29	1,529	(2,718,471)	—%
Capital Improvement Fund	7,874,305	—	405,771	(7,468,534)	5%
Off Street Parking Fund	9,354,000	663,865	4,405,845	(4,948,155)	47%
Redevelopment Fund	17,786,142	99,864	5,374,145	(12,411,997)	30%
<b>Total Capital Improvement</b>	<b>37,734,447</b>	<b>763,758</b>	<b>10,187,290</b>	<b>(27,547,157)</b>	<b>27%</b>

**OTHER EXPENDITURES: GRANTS**

Economic Development	5,500,000	230,271	1,579,031	(3,920,969)	29%
<b>Program Fund</b>	<b>5,500,000</b>	<b>230,271</b>	<b>1,579,031</b>	<b>(3,920,969)</b>	<b>29%</b>
<b>Total Grants</b>	<b>5,500,000</b>	<b>230,271</b>	<b>1,579,031</b>	<b>(3,920,969)</b>	<b>29%</b>

**NET FUND ACTIVITY**

General Fund	(900,210)	14,184	(2,153,067)	(1,252,857)
Sewer Fund	(2,563,293)	258,706	353,761	2,917,054
Debt Service Fund	7,815,169	357,843	(793,430)	(8,608,599)
Capital Improvement Fund	(672,000)	3,107	(392,469)	279,531
Lottery Fund	(330,605)	43,234	244,557	575,162
Economic Development	(5,469,208)	(228,897)	(2,618,131)	2,851,077
Program Fund	(8,956,445)	(674,801)	(5,357,065)	3,599,381
Off Street Parking Fund	(18,245,032)	196,812	(4,659,947)	13,585,085
Redevelopment Fund	12,375	(15,227)	103,973	91,597
TIF 1A	—	—	—	—
TIF 1B	—	—	—	—
Sewer Reserve Fund	227,543	116	221,248	(6,295)
Qualified Sinking Fund	252,740	577	2,416	(250,324)
TIF 1C	—	—	—	—

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

TIF 1D									
	<b>Net Activity</b>	<hr/> <b>(28,828,965)</b>	<hr/> <b>(44,347)</b>	<hr/> <b>(15,048,152)</b>	<hr/> <b>13,780,812</b>	<hr/>	<hr/>	<hr/>	<hr/>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

**Total All Funds**

	<b>Ending Fund Balance As of</b>		
	<b>9/30/2023</b>	<b>2/28/2023</b>	<b>Variance</b>
<b>FUND BALANCE</b>			
General Fund	14,796,731	14,220,430	(576,301)
Sewer Fund	1,050,539	3,904,020	2,853,481
Debt Service Fund	11,273,864	2,997,293	(8,276,571)
Capital Improvement Fund	2,166,423	2,650,383	483,960
Lottery Fund	4,607,532	4,916,317	308,785
Economic Development Program Fund	—	2,371,994	2,371,994
Off Street Parking Fund	583,255	3,586,344	3,003,089
Redevelopment Fund	3,907,240	18,019,035	14,111,795
Police Academy	142,152	237,661	95,509
TIF 1A	—	—	—
TIF 1B	—	—	—
Sewer Reserve Fund	2,195,066	2,188,779	(6,287)
Qualified Sinking Fund	781,626	531,474	(250,152)
TIF 1C	—	—	—
TIF 1D	\$ —	—	—
<b>Net Fund Balance</b>	<b>\$ 41,504,428</b>	<b>\$ —</b>	<b>\$ 55,623,730</b>
			<b>\$ 14,119,302</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**General Fund**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Property taxes	\$ 11,152,784	\$ 585,804	\$ 1,208,269	\$ (9,944,515)	11%
Sales and use taxes	4,917,452	569,627	1,740,533	(3,176,919)	35%
Motor vehicle taxes	516,364	34,079	192,999	(323,365)	37%
Payments in Lieu of taxes	202,989	—	—	(202,989)	—%
State revenue	2,103,008	156,336	878,992	(1,224,016)	42%
Occupation and franchise taxes	4,032,382	298,218	1,237,775	(2,794,607)	31%
Licenses and permits	524,122	22,924	163,936	(360,186)	31%
Interest income	26,300	6,969	37,181	10,881	141%
Recreation Revenue	190,450	10,803	63,779	(126,671)	33%
Grant Income	245,910	2,974	45,654	(200,256)	19%
Other	312,128	14,453	97,919	(214,209)	31%
Garage fees	100,717	—	—	(100,717)	—%
<b>Total Revenues</b>	<b>24,324,606</b>	<b>1,702,186</b>	<b>5,667,037</b>	<b>(18,657,569)</b>	<b>23%</b>
<b>EXPENDITURES</b>					
Administrative Services	611,240	46,218	240,693	(370,547)	39%
Mayor and Council	234,488	13,172	78,449	(156,038)	33%
Boards & Commissions	7,154	340	1,607	(5,547)	22%
Building Maintenance	793,780	31,016	188,670	(605,110)	24%
Administration	745,600	45,159	268,393	(477,208)	36%
Police and Animal Control	6,460,467	495,178	2,332,356	(4,128,110)	36%
Fire	2,821,318	225,186	1,127,647	(1,693,671)	40%
Community Development	769,345	49,937	260,426	(508,919)	34%
Public Works	4,712,703	292,966	1,493,777	(3,218,926)	32%
Recreation	1,023,745	53,139	267,109	(756,636)	26%
Library	1,125,468	70,028	400,314	(725,154)	36%
Information Technology	549,126	100,714	235,425	(313,701)	43%
Human Resources	1,108,281	71,887	384,281	(724,000)	35%
Public Transportation	128,328	8,732	36,459	(91,869)	28%
Finance	647,835	81,260	266,613	(381,222)	41%
Communication	309,992	27,996	124,609	(185,383)	40%
Capital outlay	1,368,510	75,075	111,946	(1,256,564)	8%
<b>Total Expenditures</b>	<b>23,417,380</b>	<b>1,688,002</b>	<b>7,818,773</b>	<b>(15,598,607)</b>	<b>33%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>907,226</b>	<b>14,184</b>	<b>(2,151,736)</b>	<b>(3,058,962)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**General Fund**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (Lottery)	523,100	—	298,669	(224,431)	57%
Operating transfers out (DSF, OSP, CIP)	(2,330,536)	—	(300,000)	2,030,536	13%
<b>Total other Financing Sources (Uses)</b>	<b>(1,807,436)</b>	<b>—</b>	<b>(1,331)</b>	<b>1,806,105</b>	<b>—%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (900,210)</b>	<b>\$ 14,184</b>	<b>\$ (2,153,067)</b>	<b>\$ (1,252,857)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Sewer Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
User fees	\$ 4,780,971	\$ 333,299	\$ 1,893,575	\$ (2,887,396)	40%
Service charge and hook-up fees	125,110	1,309	9,869	(115,241)	8%
Miscellaneous	21	2	9	(12)	41%
<b>Total Revenues</b>	<b>4,906,102</b>	<b>334,610</b>	<b>1,903,453</b>	<b>(3,002,649)</b>	<b>39%</b>
<b>EXPENDITURES</b>					
Personnel Services	678,116	48,268	244,107	(434,009)	36%
Commodities	36,064	1,948	11,662	(24,403)	32%
Contract Services	3,427,689	14,423	812,985	(2,614,704)	24%
Maintenance	71,466	13,317	19,388	(52,078)	27%
Other	15,593	27	(1,133)	(16,726)	(7)%
Storm Water	59,926	600	1,800	(58,126)	3%
Capital Outlay	243,478	—	249,885	6,407	103%
Debt service					
Principal	—	—	—	—	—%
Interest	—	—	—	—	—%
<b>Total Expenditures</b>	<b>4,532,332</b>	<b>78,584</b>	<b>1,338,694</b>	<b>(3,193,638)</b>	<b>30%</b>
<b>OPERATING INCOME (LOSS)</b>	<b>373,770</b>	<b>256,027</b>	<b>564,759</b>	<b>190,989</b>	
<b>NON-OPERATING REVENUE</b>					
Interest income	2,870	2,708	11,164	8,294	389%
<b>INCOME (LOSS) BEFORE TRANSFERS</b>	<b>2,870</b>	<b>2,708</b>	<b>11,164</b>	<b>8,294</b>	<b>389%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	700	—	—	(700)	—%
Operating transfers out	(220,633)	—	(220,633)	—	100%
Bond proceeds	—	—	—	—	—%
Capital Improvement	(2,720,000)	(29)	(1,529)	2,718,471	—%
<b>Total other Financing Sources (Uses)</b>	<b>(2,939,933)</b>	<b>(29)</b>	<b>(222,162)</b>	<b>2,717,771</b>	<b>8%</b>
<b>NET INCOME (LOSS)</b>	<b>\$ (2,563,293)</b>	<b>\$ 258,706</b>	<b>\$ 353,761</b>	<b>\$ 2,917,054</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Debt Service Fund**

	<b>Budget</b> (12 month)	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Taxes	\$ 898,223	\$ 47,645	\$ 100,708	\$ (797,515)	11%
Sales and use taxes	2,430,603	284,814	870,267	(1,560,337)	36%
Motor vehicle taxes	3,636	—	566	(3,070)	16%
Payments in Lieu of taxes	20,298	—	—	(20,298)	—%
Other (Assessments/Fire Reimbursement)	504,338	42,028	210,140	(294,198)	42%
Interest income	5,030	1,687	11,021	5,991	219%
Bond Proceeds	15,000,000	—	—	(15,000,000)	—%
<b>Total Revenues</b>	<b>18,862,129</b>	<b>376,173</b>	<b>1,192,702</b>	<b>(17,669,427)</b>	<b>6%</b>
<b>EXPENDITURES</b>					
Administration	69,507	305	815	(68,692)	1%
Fire Contract Bond	218,051	18,025	90,125	(127,926)	41%
Debt service					
Principal	2,100,000	—	2,006,500	(93,500)	96%
Interest	672,633	—	188,693	(483,940)	28%
<b>Total Expenditures</b>	<b>3,060,191</b>	<b>18,330</b>	<b>2,286,132</b>	<b>(774,058)</b>	<b>75%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>15,801,938</b>	<b>357,843</b>	<b>(1,093,430)</b>	<b>(16,895,368)</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF Hwy Alloc)	300,000	—	300,000	—	100%
Operating transfers out (CIP, OSP)	(8,286,769)	—	—	8,286,769	—%
<b>Total other Financing Sources (Uses)</b>	<b>(7,986,769)</b>	<b>—</b>	<b>300,000</b>	<b>8,286,769</b>	
<b>NET FUND ACTIVITY</b>	<b>\$ 7,815,169</b>	<b>\$ 357,843</b>	<b>\$ (793,430)</b>	<b>\$ (8,608,599)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Capital Improvement Program Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Interest income	\$ 22,305	\$ 3,107	\$ 13,302	\$ (9,003)	60%
Grant income	330,000	—	—	(330,000)	—%
Special assessment	—	—	—	—	—%
Other income	—	—	—	—	—%
<b>Total Revenues</b>	<b>352,305</b>	<b>3,107</b>	<b>13,302</b>	<b>(339,003)</b>	<b>4%</b>
<b>EXPENDITURES</b>					
Administration	—	—	—	—	—%
Other	—	—	—	—	—%
<b>Total Expenditures</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>352,305</b>	<b>3,107</b>	<b>13,302</b>	<b>(339,003)</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF, DSF, LF)	6,850,000	—	—	(6,850,000)	—%
Operating transfers out (DSF)	—	—	—	—	—%
Bond proceeds	—	—	—	—	—%
Capital outlay	(7,874,305)	—	(405,771)	7,468,534	5%
<b>Total other Financing Sources (Uses)</b>	<b>(1,024,305)</b>	<b>—</b>	<b>(405,771)</b>	<b>618,534</b>	<b>40%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (672,000)</b>	<b>\$ 3,107</b>	<b>\$ (392,469)</b>	<b>\$ 279,531</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Lottery Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Lottery Rev/Community Betterment	\$ 900,000	\$ 66,619	\$ 357,560	\$ (542,440)	40%
Lottery Tax Form 51	313,043	26,647	130,483	(182,561)	42%
Interest income	14,325	342	1,192	(13,133)	8%
Miscellaneous / Other	—	—	—	—	—%
<b>Total Revenues</b>	<b>1,227,368</b>	<b>93,608</b>	<b>489,235</b>	<b>(738,133)</b>	<b>40%</b>
<b>EXPENDITURES</b>					
Professional Services	109,580	2,480	27,280	(82,300)	25%
Salute to Summer	—	—	—	—	—%
Community Events	361,550	20,246	85,915	(275,635)	24%
Events - Marketing	50,000	—	—	(50,000)	—%
Recreation Events	—	—	—	—	—%
Concert & Movie Nights	—	—	—	—	—%
State Taxes	313,043	27,647	131,483	(181,561)	42%
<b>Total Expenditures</b>	<b>834,174</b>	<b>50,374</b>	<b>244,679</b>	<b>(589,495)</b>	<b>29%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>393,195</b>	<b>43,234</b>	<b>244,557</b>	<b>(148,638)</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—
Operating transfers out (GF, SF, DSF, CIP)	(723,800)	—	—	723,800	—%
<b>Total other Financing Sources (Uses)</b>	<b>(723,800)</b>	<b>—</b>	<b>—</b>	<b>723,800</b>	<b>—%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (330,605)</b>	<b>\$ 43,234</b>	<b>\$ 244,557</b>	<b>\$ 575,162</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Economic Development Program Fund**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Other Income (Grant Payments)	\$ 145,747	\$ —	\$ 54,175	\$ (91,572)	37%
Interest income	—	1,374	7,879	7,879	—%
<b>Total Revenues</b>	<b>145,747</b>	<b>1,374</b>	<b>62,054</b>	<b>(83,693)</b>	<b>43%</b>
<b>EXPENDITURES</b>					
Professional Services	—	—	—	—	—%
Financial / Legal Fees	500	—	400	(100)	80%
Debt service: (Warrants)					
Principal	1,050,000	—	1,050,000	—	100%
Interest	99,136	—	50,754	(48,382)	51%
<b>Total Expenditures</b>	<b>1,149,636</b>	<b>—</b>	<b>1,101,154</b>	<b>(48,482)</b>	<b>96%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(1,003,889)</b>	<b>1,374</b>	<b>(1,039,100)</b>	<b>(35,211)</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF, DSF)	1,034,681	—	—	(1,034,681)	—%
Operating transfers out	—	—	—	—	—%
Bond proceeds	—	—	—	—	—%
Community Development - Grant	(5,500,000)	(230,271)	(1,579,031)	3,920,969	29%
<b>Total other Financing Sources (Uses)</b>	<b>(4,465,319)</b>	<b>(230,271)</b>	<b>(1,579,031)</b>	<b>2,886,288</b>	<b>35%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (5,469,208)</b>	<b>\$ (228,897)</b>	<b>\$ (2,618,131)</b>	<b>\$ 2,851,077</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Off Street Parking Fund**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Garage fees	\$ —	\$ 482	\$ 7,973	\$ 7,973	—%
Interest income	1,010	4,804	26,086	25,076	2583%
<b>Total Revenues</b>	<b>1,010</b>	<b>5,286</b>	<b>34,059</b>	<b>33,049</b>	<b>3372%</b>
<b>EXPENDITURES</b>					
General & Administrative	1,480	—	100	(1,380)	7%
Professional Services	170,465	16,222	87,382	(83,083)	51%
Maintenance	16,155	—	88	(16,067)	1%
Commodities	11,210	—	—	(11,210)	—%
Debt service:					
Principal	1,210,000	—	578,500	(631,500)	48%
Interest	576,769	—	20,540	(556,229)	4%
<b>Total Expenditures</b>	<b>1,986,079</b>	<b>16,222</b>	<b>686,610</b>	<b>(1,299,469)</b>	<b>35%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(1,985,069)</b>	<b>(10,936)</b>	<b>(652,551)</b>	<b>1,332,519</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF, DSF, RDF)	2,682,624	—	—	(2,682,624)	—%
Operating transfers out	(300,000)	—	(298,669)	1,331	100%
Bond proceeds	—	—	—	—	—%
Capital Improvement	(9,354,000)	(663,865)	(4,405,845)	4,948,155	47%
<b>Total other Financing Sources (Uses)</b>	<b>(6,971,376)</b>	<b>(663,865)</b>	<b>(4,704,514)</b>	<b>2,266,862</b>	<b>67%</b>
<b>NET FUND ACTIVITY</b>	<b>\$ (8,956,445)</b>	<b>\$ (674,801)</b>	<b>\$ (5,357,065)</b>	<b>\$ 3,599,381</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the Fifth Month Ending February 28, 2023**  
**42% of the Fiscal Year 2023**

**Redevelopment Fund**

	<b>Budget</b> (12 month)	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Sales and use taxes	\$ 2,430,603	\$ 284,814	\$ 870,267	(1,560,337)	36%
Occupation and franchise taxes	57,586	18	118	(57,468)	—%
Interest income	19,585	13,276	66,626	47,041	340%
<b>Total Revenues</b>	<b>2,507,774</b>	<b>298,108</b>	<b>937,010</b>	<b>(1,570,764)</b>	<b>37%</b>
<b>EXPENDITURES</b>					
Professional Services	285,000	1,432	30,730	(254,270)	11%
Financial / Legal Fees	1,750	—	450	(1,300)	26%
Debt service: (Warrants)				—	—%
Principal	1,350,000	—	—	(1,350,000)	—%
Interest	1,329,914	—	191,632	(1,138,282)	14%
<b>Total Expenditures</b>	<b>2,966,664</b>	<b>1,432</b>	<b>222,811</b>	<b>(2,743,853)</b>	<b>8%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>(458,890)</b>	<b>296,676</b>	<b>714,199</b>	<b>1,173,088</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out (OSP)	—	—	—	—	—%
Bond proceeds	—	—	—	—	—%
Capital Improvement	(17,786,142)	(99,864)	(5,374,145)	12,411,997	30%
<b>Total other Financing Sources (Uses)</b>	<b>(17,786,142)</b>	<b>(99,864)</b>	<b>(5,374,145)</b>	<b>12,411,997</b>	
<b>NET FUND ACTIVITY</b>	<b>\$(18,245,032)</b>	<b>\$ 196,812</b>	<b>\$ (4,659,947)</b>	<b>\$ 13,585,085</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Police Academy Fund**

	<b>Budget (12 month)</b>	<b>Fifth MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of budget Used</b>
<b>REVENUES</b>					
Academy income	\$ 214,500	\$ —	\$ 185,074	\$ (29,426)	86%
Interest income	140	34	385	245	275%
Other income	—	—	—	—	—%
<b>Total Revenues</b>	<b>214,640</b>	<b>34</b>	<b>185,458</b>	<b>(29,182)</b>	<b>86%</b>
<b>EXPENDITURES</b>					
Personnel Services	184,165	14,044	71,440	(112,724)	39%
Commodities	2,150	—	1,281	(869)	60%
Contract Services	10,450	630	3,447	(7,003)	33%
Other Charges	5,500	587	5,317	(183)	97%
<b>Total Expenditures</b>	<b>202,265</b>	<b>15,261</b>	<b>81,485</b>	<b>(120,779)</b>	<b>40%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>12,375</b>	<b>(15,227)</b>	<b>103,973</b>	<b>91,597</b>	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (GF)	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	
<b>NET FUND ACTIVITY</b>	<b>\$ 12,375</b>	<b>\$ (15,227)</b>	<b>\$ 103,973</b>	<b>\$ 91,597</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**TIF 1A Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Tax	\$ 389,569	\$ —	\$ —	(389,569)	—%
<b>Total Revenues</b>	<b>389,569</b>	<b>—</b>	<b>—</b>	<b>(389,569)</b>	<b>—%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	385,673	—	—	(385,673)	—%
Contract Services	3,896	—	—	(3,896)	—%
<b>Total Expenditures</b>	<b>389,569</b>	<b>—</b>	<b>—</b>	<b>(389,569)</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>—</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**TIF 1B Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Tax	\$ 491,954	\$ —	\$ —	(491,954)	—%
<b>Total Revenues</b>	<b>491,954</b>	<b>—</b>	<b>—</b>	<b>(491,954)</b>	<b>—%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	487,034	—	—	(487,034)	—%
Contract Services	4,920	—	—	(4,920)	—%
<b>Total Expenditures</b>	<b>491,954</b>	<b>—</b>	<b>—</b>	<b>(491,954)</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>—</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Sewer Reserve Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Interest income	\$ 6,910	\$ 116	\$ 615	(6,295)	9%
<b>Total Revenues</b>	<b>6,910</b>	<b>116</b>	<b>615</b>	<b>(6,295)</b>	<b>9%</b>
<b>EXPENDITURES</b>					
Other	—	—	—	—	—%
<b>Total Expenditures</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	6,910	116	615	(6,295)	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	220,633	—	220,633	—	100%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>220,633</b>	<b>—</b>	<b>220,633</b>	<b>—</b>	
<b>NET FUND ACTIVITY</b>					
	<b>\$ 227,543</b>	<b>\$ 116</b>	<b>\$ 221,248</b>	<b>\$ (6,295)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**Qualified Sinking Fund**

	<b>Budget</b> <b>(12 month)</b>	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Interest income	\$ 2,740	\$ 577	\$ 2,416	(324)	88%
<b>Total Revenues</b>	<b>2,740</b>	<b>577</b>	<b>2,416</b>	<b>(324)</b>	<b>88%</b>
<b>EXPENDITURES</b>					
Other	—	—	—	—	—%
<b>Total Expenditures</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	2,740	577	2,416	(324)	
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	250,000	—	—	(250,000)	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>250,000</b>	<b>—</b>	<b>—</b>	<b>(250,000)</b>	
<b>NET FUND ACTIVITY</b>					
	<b>\$ 252,740</b>	<b>\$ 577</b>	<b>\$ 2,416</b>	<b>\$ (250,324)</b>	

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

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**42% of the Fiscal Year 2023**

**TIF 1C Fund**

	<b>Budget</b> (12 month)	<b>Fifth MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of Budget</b> <b>Used</b>
<b>REVENUES</b>					
Property Tax	\$ 48,302	\$ —	\$ —	(48,302)	—%
<b>Total Revenues</b>	<b>48,302</b>	<b>—</b>	<b>—</b>	<b>(48,302)</b>	<b>—%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	47,819	—	—	(47,819)	—%
Contract Services	483	—	—	(483)	—%
<b>Total Expenditures</b>	<b>48,302</b>	<b>—</b>	<b>—</b>	<b>(48,302)</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>—</b>

**CITY OF LA VISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

**For the Fifth Month Ending February 28, 2023**

**42% of the Fiscal Year 2023**

**TIF 1D Fund**

	<b>Budget (12 month)</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	<b>% of Budget Used</b>
<b>REVENUES</b>					
Property Tax	\$ 21,672	\$ —	\$ —	(21,672)	—%
<b>Total Revenues</b>	<b>21,672</b>	<b>—</b>	<b>—</b>	<b>(21,672)</b>	<b>—%</b>
<b>EXPENDITURES</b>					
TIF Distributed Funds	21,455	—	—	(21,455)	—%
Contract Services	217	—	—	(217)	—%
<b>Total Expenditures</b>	<b>21,672</b>	<b>—</b>	<b>—</b>	<b>(21,672)</b>	<b>—%</b>
<b>REVENUES NET OF EXPENDITURES</b>					
	—	—	—	—	—
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	—	—	—	—	—%
Operating transfers out	—	—	—	—	—%
<b>Total other Financing Sources (Uses)</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>
<b>NET FUND ACTIVITY</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>\$ —</b>	<b>—</b>

**Annual TIF Report - City of La Vista**  
**Approval and Progress of Redevelopment Projects Financed by Division of Taxes**  
**Per LB 874 (2018) Nebraska Revised Statutes 18-2117.02**  
**As of January 1, 2023**

1 The total number of active redevelopment projects within the city that have been financed in whole or in part through the division of taxes as provided in section 18-2147:

4  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2 The total estimated project costs for all such redevelopment projects:

\$ 59,104,426  
 \_\_\_\_\_

**Phase 1A** - 7885 S. 84th Street, La Vista, Sarpy County, Nebraska 68128, La Vista City Centre, Lot 15 and La Vista City Centre Replat 1, Lot 2 Base Value Year 2017 Effective 2018

\$ 10,811,823  
 \_\_\_\_\_

**Phase 1B** - 7885 S. 84th Street, La Vista, Sarpy County, Nebraska 68128, Lot 14 La Vista City Centre, SW 1/4 Section 14 T14N R12E; and Lot 10, La Vista City Centre, SW 1/4 Section 14 T14N R12E Base Value Year 2018 Effective 2019

\$ 17,934,473  
 \_\_\_\_\_

**Phase 1C** - 7885 S. 84th Street, La Vista, Sarpy County, Nebraska 68128, Lots 3, 4, and 5 La Vista City Centre Replat 3, W half of NW 1/4 of the SW Quarter of Section 14 T14N R12E; Base Value Year 2020 Effective 2021

\$ 6,712,494  
 \_\_\_\_\_

**Phase 1D** - 7885 S. 84th Street, La Vista, Sarpy County, Nebraska 68128, Lot 3, La Vista City Centre Replat 4; base value year anticipated in 2023.

\$ 23,645,636  
 \_\_\_\_\_

3 A comparison between the initial projected valuation of property included in each such redevelopment project as described in the redevelopment contract or, for redevelopment projects approved using an expedited review under section 18-2155, in the redevelopment plan and the assessed value of the property included in each such redevelopment project as of January 1 of the year of the report (<https://www.sarpy.com/offices/assessor/political-sub-valuations>) :

	Base Year	1/1/2023	Net Change
<b>Phase 1A</b>	\$ 443,108	\$ 18,322,449	\$ 17,879,341
<b>Phase 1B</b>	\$ 487,729	\$ 23,066,018	\$ 22,578,289
<b>Phase 1C</b>	\$ 129,563	\$ 766,080	\$ 636,517
<b>Phase 1C</b>	\$ 590,930	\$ 667,631	\$ 76,701
<b>Phase 1C</b>	\$ 117,328	\$ 1,620,936	\$ 1,503,608
<b>Phase 1C Subtotal</b>	\$ 837,821	\$ 3,054,647	\$ 2,216,826
<b>Phase 1D</b>	\$ 532,920	\$ 1,527,536	\$ 994,616
<b>Total</b>	\$ 2,301,578	\$ 45,970,650	\$ 43,669,072

4 The number of such redevelopment projects approved by the governing body in the previous calendar year:

1  
 \_\_\_\_\_

5 Information specific to each such redevelopment project approved by the governing body in the previous calendar year, including the project area, project type, amount of financing approved, and total estimated project costs:

**Phase 1D** - 7885 S. 84th Street, La Vista, Sarpy County, Nebraska 68128, Lot 3, La Vista City Centre Replat 4; base value year anticipated in 2023.

<b>Project Type:</b>	Mixed Use
<b>Amount Financed:</b>	\$ 3,000,000
<b>Total Estimated Project Costs:</b>	\$ 23,645,636

6 The number of redevelopment projects for which financing has been paid in full during the previous calendar year and for which taxes are no longer being divided pursuant to section 18-2147:

0  
 \_\_\_\_\_

7 The percentage of the city that has been designated as blighted:

less than 1%  
 \_\_\_\_\_



## Invoice

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

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

Reference Invoice Number with Payment

HDR Invoice No.	1200511531
Invoice Date	05-APR-2023
Invoice Amount Due	\$1,161.57
Payment Terms	30 NET
Remit To	PO Box 74008202
	Chicago, IL 60674-8202
ACH/EFT Payments	Bank of America ML US
	ABA# 081000032
	Account# 355004076604

RRamirez@cityoflavista.org

Project Management for Services for Public Improvements and Other Works.

Purchase Order : 20-008348

Professional Services  
From: 26-FEB-2023 To: 01-APR-2023

Professional Services Summarization	Hours	Billing Rate	Amount
Project Controller	0.50		65.37
Project Manager	4.00		1,080.48
	4.50		\$1,145.85
<b>Total Professional Services</b>			<b>\$1,145.85</b>

Expense Summarization	Quantity	Billing Rate	Amount
Mileage Personal	24		15.72
<b>Total Expenses</b>			<b>\$15.72</b>

<b>Amount Due This Invoice (USD)</b>	<b>\$1,161.57</b>
--------------------------------------	-------------------

Fee Amount	\$670,695.00
Fee Invoiced to Date	\$541,250.87
Fee Remaining	\$129,444.13

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

  
 4/7/23  
 16.53.0303.000

# Invoice

HDR Invoice No. 1200511531  
Invoice Date 05-APR-2023

<b>Professional Services and Expense Detail</b>			
Project Number:	10053040	Project Description:	LaVista-Project Mgmt Svcs
Task Number:	1.0	Task Description:	Project Management
Professional Services		Hours	Billing Rate
Project Controller	Sayler, Jonathan James	0.50	130.74
Project Manager	Koenig, Christopher J	4.00	270.12
		<b>4.50</b>	<b>\$1,145.85</b>
		<b>Total Professional Services</b>	<b>\$1,145.85</b>
Expense		Qty	Billing Rate
Mileage Personal	Koenig, Christopher J	24.00	0.655
		<b>Total Expense</b>	<b>\$15.72</b>
		<b>Total Task</b>	<b>\$1,161.57</b>

Approved for payment  
BF 4/7/23  
16.71.0917-STR17005

**Design Workshop, Inc.**  
Landscape Architecture  
Planning  
Urban Design  
Strategic Services

April 6, 2023  
Invoice No: 0073970

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

**Current Invoice Total** **\$2,575.00**

Project 006605.00 La Vista - 84th Street Bridge

**Professional Services from March 1, 2023 to March 31, 2023**

Task 001 1.1 Preliminary Design  
Fee

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Design Workshop	18,400.00	100.00	18,400.00	18,400.00	0.00
Consultant	1,500.00	0.00	0.00	0.00	0.00
Reimbursable Expenses	2,000.00	5.45	109.00	109.00	0.00

**Total Fee** **0.00**

**Total this Task** **0.00**

Task 002 1.2 Final Design  
Fee

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Design Workshop	27,600.00	46.8841	12,940.00	10,365.00	2,575.00
Consultant	3,000.00	52.9583	1,588.75	1,588.75	0.00
Reimbursable Expenses	2,000.00	0.437	8.74	8.74	0.00

**Total Fee** **2,575.00**

**Total this Task** **\$2,575.00**

Task 003 2.0 Civil and Structural  
Fee

	Fee	Percent Complete	Earned to Date	Previous Fee Billing	Current Fee Billing
Schemmer	152,270.00	34.1384	51,982.50	51,982.50	0.00
Reimbursable Expenses	2,000.00	0.00	0.00	0.00	0.00

**Total Fee** **0.00**

**DESIGNWORKSHOP**

Aspen • Austin • Chicago • Denver • Houston • Lake Tahoe • Los Angeles • Raleigh  
1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303-623-5186

Project	006605.00	La Vista - 84th Street Bridge	Invoice	0073970
			<b>Total this Task</b>	<b>0.00</b>
			<b>Total this Invoice</b>	<b><u>\$2,575.00</u></b>

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 • Raleigh  
1390 Lawrence Street, Suite 100, Denver, Colorado 80204 • 303-823-5186



Design with Purpose. Build with Confidence.

City of La Vista Nebraska  
8116 Park View Boulevard  
La Vista, NE 68128-5509

March 28, 2023

Invoice No: 08633.001 - 2

Project 08633.001 Applewood Creek H&H Review 2022

Professional Services February 01, 2023 through February 28, 2023

**Professional Personnel**

	Hours	Rate	Amount
Senior Project Manager II			
Holle, Douglas	1.00	205.00	205.00
Senior Project Manager II			
Holle, Douglas	5.50	210.00	1,155.00
Registered Engineer II			
Roth, Alexander	23.00	155.00	3,565.00
Totals	29.50		4,925.00
<b>Total Labor</b>			<b>4,925.00</b>
<b>Billing Limits</b>	<b>Current</b>	<b>Prior</b>	<b>To-Date</b>
Labor	4,925.00	4,482.50	9,407.50
Limit			9,620.00
Total Billings	4,925.00	4,482.50	9,407.50
Limit			9,620.00
Remaining			212.50
		<b>Total this Invoice</b>	<b>\$4,925.00</b>

OK Pay  
DMD 4/12/23  
05.71.0917.000-91RT2004

## Invoice

# olsson

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

March 27, 2023

Invoice No: 451492

Pat Dowse  
 City Engineer  
 City of La Vista NE  
 8116 Park View Blvd  
 La Vista, NE 68128-2198

**Invoice Total \$5,603.25**

Olsson Project # 022-03277 La Vista City Park Pavilion Testing  
 Professional services rendered through March 11, 2023 for work completed in accordance with our Agreement dated June 1, 2022.

Phase 100 Earthwork  
**Labor**

	Hours	Rate	Amount
Technician	11.25	60.00	675.00
<b>Totals</b>	<b>11.25</b>		<b>675.00</b>
<b>Total Labor</b>			<b>675.00</b>

**Unit Billing**

Field Vehicle 1425	40.0 Miles @ 0.75	30.00
Field Vehicle 1434	11.0 Miles @ 0.75	8.25
Field Vehicle 1265	7.0 Miles @ 0.75	5.25
Field Vehicle 1380	24.0 Miles @ 0.75	18.00
Field Vehicle 1314	33.0 Miles @ 0.75	24.75
<b>P-200 Sieve Test</b>		
3/4/2023 1 Test @ \$40/Test		40.00
<b>Standard Proctor</b>		
3/4/2023 1 Test @ \$170/Test		170.00
<b>Total Units</b>		<b>296.25</b>
	<b>Total this Phase</b>	<b>\$971.25</b>

Phase 300 Concrete  
**Labor**

	Hours	Rate	Amount
Technician	28.50	60.00	1,710.00
Technician Standby	11.00	60.00	660.00
<b>Totals</b>	<b>39.50</b>		<b>2,370.00</b>
<b>Total Labor</b>			<b>2,370.00</b>

**Unit Billing**

Field Vehicle 1434	15.0 Miles @ 0.75	11.25
Field Vehicle 1380	24.0 Miles @ 0.75	18.00

Project	022-03277	La Vista City Park Pavilion Testing	Invoice	451492
---------	-----------	-------------------------------------	---------	--------

Compressive Strength - Concrete

2/10/2023	6 Tests @ \$17/Test	102.00	
3/2/2023	6 Tests @ \$17/Test	102.00	
	<b>Total Units</b>	<b>233.25</b>	
		<b>Total this Phase</b>	<b>\$2,603.25</b>

Phase 400 Project Management  
**Labor**

	Hours	Rate	Amount
Project Manager	8.25	115.00	948.75
Totals	8.25		948.75
<b>Total Labor</b>			<b>948.75</b>
		<b>Total this Phase</b>	<b>\$948.75</b>

Phase 500 SWPPP  
**Fee**

Number of internal units	1.00	
Fee Each	900.00	
Subtotal	900.00	
	<b>Subtotal</b>	<b>900.00</b>
	<b>Total this Phase</b>	<b>\$900.00</b>

Phase 540 Segmental Retaining Wall  
**Labor**

	Hours	Rate	Amount
Assistant Engineer	2.00	90.00	180.00
Totals	2.00		180.00
<b>Total Labor</b>			<b>180.00</b>
		<b>Total this Phase</b>	<b>\$180.00</b>

**AMOUNT DUE THIS INVOICE** **\$5,603.25**

Email invoices to: pdowse@cityoflavista.org.

Authorized By: Douglas Carey

OK TO PAY  
 DMD 4/12/23  
 16710917cc-FA8718C01

## APPLICATION AND CERTIFICATE FOR PAYMENT

Page: 1 of 3

TO OWNER: CITY OF LA VISTA NE  
8116 PARK VIEW BLVD  
LA VISTA, NE 68128

FROM J.E. Dunn Construction Company  
CONTRACTOR: 1001 Locust St  
Kansas City, MO 64106

PROJECT: Central Park Pavilion and Site Improvements  
8116 PARK VIEW BLVD  
LA VISTA, NE 68128

ARCHITECT: Bruce Niedermeyer  
RDG Planning & Design  
1302 Howard Street  
Omaha, NE 68102

APPLICATION NO.: 10  
PERIOD TO : 03-31-2023  
PROJECT NOS.: 21046300  
INVOICE NO.: 21046300010  
CONTRACT DATE : 05-10-2022

Distribution to:  
 OWNER  
 ARCHITECT  
 CONTRACTOR

CONTRACT FOR: Central Park Pavilion and Site Improvements

## APPLICATION AND CERTIFICATE FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation sheet is attached.

1. ORIGINAL CONTRACT SUM ..... \$ 15,955,803  
2. Net change by change orders ..... \$ 0  
3. CONTRACT SUM TO DATE ( Line1 +/- 2 ) ..... \$ 15,955,803  
4. TOTAL COMPLETED & STORED TO DATE .... \$ 9,227,870

(Column G on G703)

## 5. RETAINAGE:

(Total retainage Column I of G703) ..... \$ 804,314  
6. TOTAL EARNED LESS RETAINAGE ..... \$ 8,423,556

(Line 4 less Line 5 Total )

## 7. LESS PREVIOUS CERTIFICATES FOR PAYMENT

(Line 6 from prior Certificate) ..... \$ 7,620,228  
8. CURRENT PAYMENT DUE ..... \$ 803,328

## 9. BALANCE TO FINISH, INCLUDING RETAINAGE

(Line 3 less Line 6 ) ..... \$ 7,532,247

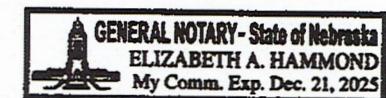
CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Order approved in previous months by Owner		0	0
APPROVED THIS MONTH			
Number	Date Approved		
Current Total:		0	0
Net Change by Change Orders		0	0

AIA DOCUMENT G702 - APPLICATION AND CERTIFICATE FOR PAYMENT THE AMERICAN  
INSTITUTE OF ARCHITECTS 1735 NEW YORK AVENUE NW WASHINGTON DC 20006

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for payment were issued and payments received from the Owner, and that current payment shown herein is now due.

WARNING: DO NOT CHANGE ESTABLISHED PAYMENT INSTRUCTIONS FOR PAYMENTS TO J.E. DUNN CONSTRUCTION COMPANY. J.E. Dunn Construction Company does not change its bank routing or account numbers. Do not accept or rely upon emails or correspondence requesting changes to J.E. Dunn Construction Company's established payment instructions. Any change to J.E. Dunn Construction Company's payment instructions can only be made by a fully executed Change Order to the Agreement between Owner and J.E. Dunn Construction Company.

Contractor: J.E. Dunn Construction Company

By: *John E. Dunn*Date: *4.5.23*State of: *Nebraska*County of: *Douglas*

Subscribed and sworn to before

me this *5<sup>th</sup>* day of *April 2023*Notary Public: *Elizabeth A. Hammond*My Commission expires: *12/21/2025*

## ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of Work is in accordance with the Contract Documents, and the Contractor is entitled to the payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$ *803,328.00*

(Attach explanation if amount certified differs from the amount applied for. Initial figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Bruce Niedermeyer

By: *Bruce Niedermeyer*Date: *04/05/2023*

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

*Ok PC PA-1  
PMN 4/12/23  
16.71-0917cc-Part 1 (600)*

J.E. Dunn Construction Company

CONTINUATION SHEET AIA DOCUMENT G703

AIA DOCUMENT G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing  
 Contractor's signed Certification is attached.  
 In tabulation below, amounts are stated to the nearest dollar.  
 Use Column I on Contracts where variable retainage for line items may apply.

Page: 2

APPLICATION NUMBER: 10

APPLICATION DATE: 04-04-2023

INVOICE NO.:

PERIOD TO: 03-31-2023

21046300010

PROJECT NO: 21046300

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE			D E WORK COMPLETED (D+E)		F MATERIAL PRESENTLY STORED	G TOTAL COMPLETED AND STORED TO DATE	H PER- CENT (G/C)	I BALANCE TO FINISH	J RETAINAGE
		ORIGINAL	CHANGE ORDERS	CURRENT	FROM PREVIOUS APPLICATION	THIS PERIOD					
01	PRECONSTRUCTION	14,300	0	14,300	14,300	0	0	14,300	100	0	0
		14,300	0	14,300	14,300	0	0	14,300	100	0	0
02	GENERAL CONDITIONS	1,045,767	-184,700	861,067	464,976	44,787	0	509,763	59	351,304	0
		1,045,767	-184,700	861,067	464,976	44,787	0	509,763	59	351,304	0
03	PERMITS, BONDS, & INSURANCE	308,977	135,668	444,645	444,645	-8,052	0	435,593	98	9,052	0
		308,977	135,668	444,645	444,645	-8,052	0	435,593	98	9,052	0
04	DIRECT COSTS										
02330	Earthwork	337,026	59,634	396,660	324,907	46,346	0	371,253	94	25,407	37,125
02455	Pipe Piles	0	156,050	156,050	156,050	0	0	156,050	100	0	15,605
02500	Site Utilities	679,094	148,425	827,519	187,552	72,539	0	260,091	31	567,428	26,009
02790	Athletic Surfacing	96,311	-65,285	31,026	0	0	0	0	0	31,026	0
02810	Lawn Sprinklers	62,140	147,680	209,820	0	0	0	0	0	209,820	0
02815	Fountain Allowance	336,300	0	335,300	0	0	0	0	0	336,300	0
02833	Retaining Wall	339,000	6,000	345,000	0	0	0	0	0	345,000	0
02900	Landscaping	135,400	75,383	210,783	0	0	0	0	0	210,783	0
03330	CIP Concrete	4,002,844	137,908	4,140,752	3,349,792	170,765	0	3,520,557	85	620,195	352,056
04210	Masonry	859,200	49,900	909,100	887,493	0	0	887,493	98	21,607	88,749
05100	Structural Steel	616,500	29,438	645,938	645,938	0	0	645,938	100	0	64,594
05700	Railings	677,665	0	677,665	0	0	0	0	0	677,665	0
06199	Rough Carpentry	159,565	0	159,565	0	0	0	0	0	159,565	0
06299	Finish Carpentry	37,037	6,798	43,835	0	0	0	0	0	43,835	0
07100	Waterproofing	74,384	203,814	278,198	158,931	10,000	0	168,931	81	109,267	16,893
07410	Roofing	181,000	203,000	384,000	132,264	118,764	0	251,028	65	132,972	25,103
074104	Metal Wall Panels	215,148	0	215,148	0	0	0	0	0	215,148	0
07450	Siding	27,096	-27,096	0	0	0	0	0	0	0	0
07900	Joint Sealants	19,051	-19,051	0	0	0	0	0	0	0	0
08110	Doors & Hardware	115,922	-10,322	105,600	59,050	0	0	59,050	56	46,550	5,905
08330	Colling Doors	25,718	-8,710	17,008	0	0	0	0	0	17,008	0
08400	Glazing	135,180	50,695	185,875	26,860	0	0	26,860	14	159,015	2,686
09250	Framing & Drywall	96,421	79,400	175,821	122,321	0	0	122,321	70	53,500	12,232
09300	Flooring	83,180	-56,869	26,311	0	0	0	0	0	26,311	0
09500	Painting	98,705	-38,774	59,931	0	0	0	0	0	59,931	0
10199	Specialties	27,636	62,762	80,398	0	0	0	0	0	90,398	0

J.E. Dunn Construction Company

CONTINUATION SHEET AIA DOCUMENT G703

AIA DOCUMENT G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing  
Contractor's signed Certification is attached.  
In tabulation below, amounts are stated to the nearest dollar.  
Use Column I on Contracts where variable retainage for line items may apply.

Page: 3

APPLICATION NUMBER: 10

APPLICATION DATE: 04-04-2023

INVOICE NO.:

PERIOD TO: 03-31-2023

21046300010

PROJECT NO: 21046300

A ITEM NO.	DESCRIPTION OF WORK	C SCHEDULED VALUE			D E WORK COMPLETED (D+E)		MATERIAL PRESENTLY STORED	TOTAL COMPLETED AND STORED TO DATE	PER- CENT (G/C)	H BALANCE TO FINISH	I RETAINAGE
		ORIGINAL	CHANGE ORDERS	CURRENT	FROM PREVIOUS APPLICATION	THIS PERIOD					
10800	Site Furnishings	447,280	-134,417	312,863	28,292	0	0	28,292	9	284,571	2,829
11600	Food Service Equipment	504,142	-89,449	414,693	0	0	0	0	0	414,693	0
12510	Boardwalk	390,947	-390,947	0	0	0	0	0	0	0	0
15400	Plumbing & HVAC	1,228,350	0	1,228,350	859,112	132,716	0	991,828	81	236,522	99,183
16000	Electrical	1,549,371	50,795	1,600,166	275,717	277,734	0	553,451	35	1,046,715	55,345
35000	Escalation Allowance	192,065	-192,065	0	0	0	0	0	0	0	0
	DIRECT COSTS Total:	13,749,678	434,698	14,184,376	7,214,279	828,864	0	8,043,143	57	6,141,232	804,314
05	CONTINGENCY	447,515	-385,666	61,849	0	0	0	0	0	61,849	0
	CONTINGENCY Total:	447,515	-385,666	61,849	0	0	0	0	0	61,849	0
06	FEE	389,566	0	389,566	203,455	21,615	0	225,070	58	164,496	0
	FEE Total:	389,566	0	389,566	203,455	21,615	0	225,070	58	164,496	0
	Total:	15,955,803	0	15,955,803	8,341,655	886,215	0	9,227,870	58	6,727,833	804,314
	Project Total:	15,955,803	0	15,955,803	8,341,655	886,215	0	9,227,870	58	6,727,833	804,314

AIA DOCUMENT G703 - APPLICATION AND CERTIFICATE FOR PAYMENT  
THE AMERICAN INSTITUTE OF ARCHITECTS 1735 NEW YORK AVENUE NW WASHINGTON DC 20006

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JEFF SINNETT CHIEF BLDG. OFFICIAL/SAFETY STEERING COMMITTEE CHAIRPERSON

**SYNOPSIS**

A resolution has been prepared in reference to the appointment of selected personnel to the La Vista Safety Steering Committee.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval

**BACKGROUND**

In accordance with the provision of state law 48-443, the Safety Steering Committee is comprised of an equal number of representatives for the Employer and the Employees. It is intended that the committee represent a diverse cross-section of city departments and employees. We have member terms expiring at the end of April 2023.

I recommend the appointment of these individuals to a 2-year term:

Jeff Sinnett	Employer Representative (Chairman)	2-year term through 4/2025
Pam Buethe	Employer Representative	2-year term through 4/2025
Don Pluta	Employee Representative	2-year term through 4/2025
Karl Meister	Employee Representative (FOP)	2-year term through 4/2025

Other members of the Safety Steering Committee include:

Todd Armbrust	Employer Representative	2-year term through 4/2024
Terry Foster	Employee Representative	2-year term through 4/2024
David Karlson	Employee Representative	2-year term through 4/2024
Wendy Lowry	Employer Representative	2-year term through 4/2024
Jean Hurst	Ex-Officio (Non-Voting)	
Jeff Jones	Ex-Officio (Non-Voting) (Fire)	

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE APPOINTMENT OF SAFETY STEERING COMMITTEE MEMBERS.

WHEREAS, The City Council of the City of La Vista has determined that appointments to the La Vista Safety Steering Committee are necessary; and

WHEREAS, a recommendation by the City Administrator, in consultation with the staff, has been made regarding appointments; and

WHEREAS, the recommended appointments comply with N.R.S. 48-443:

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby appoint the following city employees to the La Vista Safety Steering Committee for the terms specified:

Jeff Sennett	Employer Representative (Chairman)	2-year term through 4/2025
Pam Buethe	Employer Representative	2-year term through 4/2025
Don Pluta	Employee Representative	2-year term through 4/2025
Karl Meister	Employee Representative (FOP)	2-year term through 4/2025

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
2464(E)	03/31/2023	ACTIVE NETWORK LLC	187.54	N
2465(E)	03/31/2023	AMERICAN HERITAGE LIFE INSURANCE CO	1,314.86	N
2466(E)	03/31/2023	DEARBORN NATIONAL LIFE INSURANCE CO	1,457.00	N
2467(E)	03/31/2023	DEARBORN NATIONAL LIFE INSURANCE CO	6,682.92	N
2468(E)	03/31/2023	GREATAMERICA FINANCIAL SERVICES	105.00	N
2469(E)	03/31/2023	LINCOLN NATIONAL LIFE INS CO	6,725.58	N
2470(E)	03/31/2023	MEDICA INSURANCE COMPANY	123,873.63	N
2471(E)	03/31/2023	METLIFE	1,081.80	N
2472(E)	03/31/2023	MID-AMERICAN BENEFITS INC	830.18	N
2473(E)	03/31/2023	MID-AMERICAN BENEFITS INC	10,305.87	N
2453(A)	04/04/2023	ABM INDUSTRIES, INC	14,741.48	N
2454(A)	04/04/2023	CITY OF OMAHA	275,675.34	N
2455(A)	04/04/2023	SHI INTERNATIONAL CORP.	124.37	N
139281	04/05/2023	ALFRED BENESCH & COMPANY	5,662.00	N
139282	04/05/2023	DLR GROUP	51,288.36	N
139283	04/05/2023	MACKIE CONSTRUCTION	106,471.09	N
139284	04/05/2023	RDG PLANNING & DESIGN	3,660.00	N
139285	04/05/2023	SAMPSON CONSTRUCTION CO., INC	345,925.00	N
139286	04/05/2023	THOMPSON DREESSEN & DORNER, INC.	1,720.00	N
2456(E)	04/07/2023	US BANK NATIONAL ASSOCIATION	24,556.39	N
2474(E)	04/14/2023	ACTIVE NETWORK LLC	81.35	N
2475(E)	04/14/2023	BLACK HILLS ENERGY	10,638.23	N
2476(E)	04/14/2023	CENTURY LINK/LUMEN	80.58	N
2477(E)	04/14/2023	GREAT PLAINS COMMUNICATION	777.60	N
2478(E)	04/14/2023	MID-AMERICAN BENEFITS INC	12,686.97	N
2479(E)	04/14/2023	PAYROLL MAXX	426,984.52	N
2480(E)	04/14/2023	PITNEY BOWES-EFT POSTAGE	1,355.00	N
2481(E)	04/14/2023	ROBERT HALF	8,349.68	N
2482(A)	04/18/2023	CITY OF PAPILLION - MFO	240,674.00	N
2483(A)	04/18/2023	QUESTICA LTD.	22,500.00	N
2484(A)	04/18/2023	SHI INTERNATIONAL CORP.	330.93	N
139287	04/18/2023	ACTION BATTERIES UNLTD INC	4.95	N
139288	04/18/2023	AED ZONE	320.00	N
139289	04/18/2023	AKRS EQUIPMENT SOLUTIONS, INC.	199.14	N
139290	04/18/2023	ALUMINUM ATHLETIC EQUIPMENT CO	161.62	N
139291	04/18/2023	AMAZON CAPITAL SERVICES, INC.	914.28	N
139292	04/18/2023	APWA-AMER PUBLIC WORKS ASSN	955.00	N
139293	04/18/2023	ARNOLD MOTOR SUPPLY	1,145.68	N
139294	04/18/2023	ASP ENTERPRISES INC	893.32	N
139295	04/18/2023	BACON LETTUCE CREATIVE	2,920.00	N
139296	04/18/2023	BERGANKDV LLC	59,300.00	N
139297	04/18/2023	BISHOP BUSINESS EQUIPMENT	1,348.22	N
139298	04/18/2023	BRIAN HENNING	215.00	N
139299	04/18/2023	BRODERSEN, CALE	993.03	N
139300	04/18/2023	BSN SPORTS LLC	954.95	N
139301	04/18/2023	CINTAS CORPORATION NO. 2	8,266.65	N
139302	04/18/2023	CITY OF PAPILLION	13,614.99	N

User: mgustafson

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
139303	04/18/2023	CLARK EQUIPMENT COMPANY	61,957.30	N
139304	04/18/2023	COMP CHOICE INC	2,016.96	N
139305	04/18/2023	COX COMMUNICATIONS, INC.	467.15	N
139306	04/18/2023	CROWNE PLAZA	1,214.55	N
139307	04/18/2023	CULLIGAN OF OMAHA	12.50	N
139308	04/18/2023	CUMMINS CENTRAL POWER LLC	790.85	N
139309	04/18/2023	D & K PRODUCTS	300.00	N
139310	04/18/2023	DATASHIELD CORPORATION	120.00	N
139311	04/18/2023	DIAMOND VOGEL PAINTS	758.46	N
139312	04/18/2023	DULTMEIER SALES LLC	699.40	N
139313	04/18/2023	ECHO GROUP INCORPORATED	20.43	N
139314	04/18/2023	EDGEWEAR SCREEN PRINTING	4,033.50	N
139315	04/18/2023	EYMAN PLUMBING INC	474.60	N
139316	04/18/2023	FASTENAL COMPANY	90.85	N
139317	04/18/2023	FEDEX	37.98	N
139318	04/18/2023	FITZGERALD SCHORR BARMETTLER	31,732.00	N
139319	04/18/2023	FORVIS, LLP	638.25	N
139320	04/18/2023	FRANK FONG	4,000.00	N
139321	04/18/2023	GENUINE PARTS COMPANY-OMAHA	130.83	N
139322	04/18/2023	GRAINGER	156.02	N
139323	04/18/2023	GREAT PLAINS UNIFORMS	85.00	N
139324	04/18/2023	GUITARS FOR VETS	500.00	N
139325	04/18/2023	HARM'S CONCRETE INC	361.63	N
139326	04/18/2023	HARRIS, MARGARET	241.50	N
139327	04/18/2023	HOLOSUN TECHNOLOGIES INC	1,814.90	N
139328	04/18/2023	HOODMASTERS INC	515.30	N
139329	04/18/2023	INGRAM LIBRARY SERVICES	68.01	N
139330	04/18/2023	JENSEN TIRE AND AUTO #11	92.15	N
139331	04/18/2023	JOHNSTONE SUPPLY CO	58.98	N
139332	04/18/2023	K ELECTRIC	1,514.00	N
139333	04/18/2023	LABRIE, DONALD P	225.00	N
139334	04/18/2023	LANG DIESEL, INC	21.60	N
139335	04/18/2023	LEAD INNOVATIONS	2,400.00	N
139336	04/18/2023	LOGAN CONTRACTORS SUPPLY	282.82	N
139337	04/18/2023	LOU'S SPORTING GOODS	1,029.00	N
139338	04/18/2023	LOWE'S CREDIT SERVICES	18.04	N
139339	04/18/2023	MATHESON TRI-GAS INC	381.42	N
139340	04/18/2023	MAX I WALKER UNIFORM & APPAREL	8.50	N
139341	04/18/2023	MCCARTER, LLOYD	1,800.00	N
139342	04/18/2023	MENARDS-BELLEVUE	418.93	N
139343	04/18/2023	MENARDS-RALSTON	1,099.61	N
139345	04/18/2023	METROPOLITAN COMMUNITY COLLEGE	12,472.36	N
139346	04/18/2023	MIDWEST TURF & IRRIGATION	667.75	N
139347	04/18/2023	MNJ TECHNOLOGIES DIRECT INC	10,582.00	N
139348	04/18/2023	MR. K'S CLUBHOUSE	250.00	N
139349	04/18/2023	MSC INDUSTRIAL SUPPLY CO	37.04	N
139350	04/18/2023	NEBRASKALAND TIRE, INC.	3,390.21	N

User: mgustafson

DB: La Vista

## COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
139351	04/18/2023	O'REILLY AUTO PARTS	1,561.78	N
139352	04/18/2023	OFFICE DEPOT INC	217.67	N
139353	04/18/2023	OMAHA WINNELSON SUPPLY	139.82	N
139354	04/18/2023	ONE CALL CONCEPTS INC	213.12	N
139355	04/18/2023	PAPILLION LA VISTA COMMUNITY SCHOOL	500.00	N
139356	04/18/2023	PAPILLION RECREATION ORGANIZATION	2,301.30	N
139357	04/18/2023	PAPILLION SANITATION	2,006.69	N
139358	04/18/2023	PARTNERS FOR LIVABLE OMAHA	5,500.00	N
139359	04/18/2023	PORT-A-JOHNS	90.00	N
139360	04/18/2023	POSITIVE CONCEPTS/ATPI	466.00	N
139361	04/18/2023	REF'S SPORTS BAR & GRILL	7,750.00	N
139362	04/18/2023	RTG BUILDING SERVICES INC	6,765.00	N
139363	04/18/2023	SARPY COUNTY COURTHOUSE	4,496.00	N
139364	04/18/2023	SCHOOL OF ROCK OMAHA	500.00	N
139365	04/18/2023	SIGN IT	297.00	N
139366	04/18/2023	SOUTHERN UNIFORM AND TACTICAL, INC.	3,445.71	N
139367	04/18/2023	SPIRIT FOOTBALL	900.00	N
139368	04/18/2023	SUBSURFACE SOLUTIONS	240.00	N
139369	04/18/2023	SWANK MOTION PICTURES INC	1,965.00	N
139370	04/18/2023	TED'S MOWER SALES & SERVICE INC	457.84	N
139371	04/18/2023	THE COLONIAL PRESS, INC	1,208.96	N
139372	04/18/2023	THEATRICAL MEDIA SERVICES INC	10,552.65	N
139373	04/18/2023	THIN BLUE LINE OF LEADERSHIP LLC	6,300.00	N
139374	04/18/2023	TRANS UNION RISK AND ALT. DATA SOL.	75.00	N
139375	04/18/2023	TY'S OUTDOOR POWER & SERVICE	1,910.31	N
139376	04/18/2023	UNITE PRIVATE NETWORKS LLC	4,400.00	N
139377	04/18/2023	UNITED PARCEL SERVICE	18.87	N
139378	04/18/2023	UNITED RENT-ALL	2,508.17	N
139379	04/18/2023	VERIZON CONNECT NWF, INC.	501.89	N
139380	04/18/2023	VERIZON WIRELESS	365.57	N
139381	04/18/2023	VOIANCE LANGUAGE SERVICES, LLC	50.00	N
139382	04/18/2023	VR GAME TRUCK NEBRASKA	2,014.00	N
139383	04/18/2023	WATKINS CONCRETE BLOCK CO INC	99.00	N
139384	04/18/2023	WESTLAKE HARDWARE INC NE-022	1,135.21	N
139385	04/18/2023	WHIPKEY, MATTHEW	2,400.00	N
139386	04/18/2023	WHITE CAP LP	49.96	N

130 CHECKS PRINTED

TOTAL CLAIM AMOUNT:

\$2,022,444.00

0

User: mgustafson

DB: La Vista

COUNCIL REVIEWED

Check #	Check Date	Vendor Name	Amount	Voided
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APPROVED BY COUNCIL MEMBERS ON: 04/18/2023

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COUNCIL MEMBER

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PUD SITE PLAN AMENDMENT LOTS 1-3 & OUTLOT A SOUTHPORT WEST REPLAT 8	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and resolution prepared to approve a PUD Site Plan Amendment to allow a stand-alone fast food restaurant and to add drive through services for a financial institution within the existing Southport Parkway Shops development.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval, subject to completion of all requirements and conditions specified in the staff report included with this agenda item.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Summit Development for a PUD Site Plan Amendment to allow for the construction of a stand-alone fast food restaurant and to add drive through services for a financial institution within the existing Southport Parkway Shops development. The development is located on approximately 3.29 acres platted as Lots 1-3 and Outlot A Southport West Replat Eight. The site is located northwest of the intersection of Giles Road and Southport Parkway, south of the Embassy Suites hotel.

The original PUD Site Plan for this property was approved on December 21, 2004, with the latest amendment approved on December 7, 2021. The property lies within the Gateway Corridor Overlay District as well as within the Southport West PUD and is subject to the building design review process. Design review must be completed prior to the issuance of a building permit, along with completion of other specified requirements and conditions.

A detailed staff report is attached.

The Planning Commission held a public hearing on March 16, 2023, and voted unanimously to recommend approval of the PUD Site Plan Amendment for a commercial development contingent on the satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) SITE PLAN AMENDMENT FOR LOTS 1-3 AND OUTLOT A SOUTHPORT WEST REPLAT EIGHT, LOCATED IN THE SW 1/4 OF SECTION 18, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above-described property have applied for approval of a PUD Site Plan Amendment for Lots 1-3 and Outlot A Southport West Replat Eight; and

WHEREAS, the Deputy Community Development Director and the City Engineer have reviewed the PUD Site Plan Amendment; and

WHEREAS, the La Vista Planning Commission held a public hearing on March 16, 2023, and voted unanimously to recommend approval of the PUD Site Plan Amendment; and

WHEREAS, the PUD Site Plan Amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the PUD Site Plan Amendment presented at this meeting for Lot 19 Southport West, and Lots 1-3 and Outlot A Southport West Replat Eight, located in the Southwest 1/4 of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located north of Southport Parkway between Giles Road and S. 125th Street, be, and hereby is, approved, subject to completion of all requirements and conditions specified in the Planning Division Recommendation Report included with this agenda item to the satisfaction of the City Administrator, City Engineer, or her or his designee.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023.

CITY OF LA VISTA

ATTEST:

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Kim J. Thomas, Acting Mayor

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Pamela A. Buethe, MMC  
City Clerk



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

CASE NUMBERS: PPUD23-0001;

FOR HEARING ON: APRIL 18, 2023  
REPORT PREPARED ON: MARCH 22, 2023

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Southport Parkway, LLC  
21008 Cumberland Drive, Ste 106  
Elkhorn, NE 68022

**B. PROPERTY OWNER:**

Southport Parkway, LLC  
21008 Cumberland Drive, Ste 106  
Elkhorn, NE 68022

**C. LOCATION:** Northwest of the intersection of Giles Road and Southport Parkway.

**D. LEGAL DESCRIPTION:** Lots 1-3 and Outlot A of Southport West Replat Eight.

**E. REQUESTED ACTION(S):** PUD Site Plan amendment to allow for commercial development with shared parking.

**F. EXISTING ZONING AND LAND USE:** C-3 Highway Commercial/Office Park District, Gateway Corridor District (Overlay District), and Southport West PUD District (Overlay District); a coffee shop is located on Lot 1, with a strip commercial structure under construction on Lot 2.

**G. PURPOSE OF REQUEST:** Authorize a PUD Site Plan with allowances for setbacks and shared parking to allow for commercial development. Specifically, the development of a fast food establishment on Lot 3 Southport West Replat Eight and the addition of a drive through to the west end of the commercial strip mall on Lot 2 Southport West Replat Eight for use by a financial institution.

**H. SIZE OF SITE:** Approximately 2.47 acres.

## II. BACKGROUND INFORMATION

A. **EXISTING CONDITION OF SITE:** A majority of the existing site is under construction, with a coffee shop opening on Lot 1 and a commercial strip center nearly complete on Lot 2. The property slopes gradually downward to the southeast;

### 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	Regional Commercial	C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District);	Embassy Suites
East	Regional Commercial	C-3 PUD Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District);	Pinnacle Bank
South	Regional Commercial	C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District);	Vacant
West	Regional Commercial	C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District);	Cabela's

### C. **RELEVANT CASE HISTORY:**

1. The PUD Plan and Ordinance for Southport West was originally approved on December 21, 2004.
2. The PUD Ordinance for Southport West was last amended on February 16, 2016.
3. Southport West Replat Seven was approved on December 10, 2019.
4. A PUD Site Plan amendment for the properties involved was approved by City Council on October 15, 2019. Changes to the overall layout and interest of prospective commercial tenants warranted this application to amend the plan.

5. Another PUD Site Plan amendment for the properties involved was approved by City Council on December 7, 2021, resulting in the current configuration of the development.

**D. APPLICABLE REGULATIONS:**

1. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial / Office Park District.
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development District (Overlay District).
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District).

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan designates the area for Regional Commercial uses.

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

**C. TRAFFIC AND ACCESS:**

1. Access to the property will be provided from a right-in/right-out off of Southport Parkway as well as connections through the access drive adjacent to the Embassy Suites parking lot.
2. Applicant has provided an updated traffic impact study in relation to the proposed changes to the development of this project. The study, dated November 2021, finds that traffic is generally anticipated to operate with acceptable delay. However, several turning movements at the intersection of Southport Parkway and Giles Road are anticipated to approach or exceed capacity in short-term future conditions, with or without this project. These are aspects that were included in the previous traffic impact study at the time of the existing PUD approval in December 2021.
3. Applicant should install all access and signage improvements as recommended in the Traffic Impact Study.

**D. UTILITIES:**

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

**E. PARKING REQUIREMENTS:**

1. The PUD ordinance for Southport West requires a ratio of 4.5 stalls per 1,000 square feet of leasable gross floor area. The gross floor area proposed within the development requires 103 stalls. The parking count depicted within the PUD Site Plan set is 140 stalls, exceeding the minimum requirement by 37 stalls.

**F. LANDSCAPING:**

1. The landscaping for any developments on this site will need to comply with the requirements of the Zoning Ordinance and of the Southport West Design Guidelines. The design review process for the PUD Site Plan map set needs to be completed prior to the issuance of a building permit.

**IV. REVIEW COMMENTS:**

- A. The design of the buildings and the overall site will be reviewed through the City's Architectural Design Review process, and must be substantially complete prior issuance of any building permits.
- B. All primary structures in the PUD Site Plan are depicted to meet the setbacks of the underlying C-3 Highway Commercial / Office Park Zoning District. However, due to site constraints, the dumpster enclosure in the northwest corner of Lot 2 lies closer to the side lot line (8.24') than the 15-foot setback allowed within the C-3 District.
- C. Applicant has been made aware that developments on this property will require FAA approval prior to the issuance of a building permit due to proximity of the Millard Airport.
- D. The development will be required to meet the requirements for a Post Construction Storm Water Management Plan as per City regulations.

**V. STAFF RECOMMENDATION – PLANNED UNIT DEVELOPMENT SITE PLAN AMENDMENT:**

Approval of the PUD Site Plan for a commercial development on Lots 1-3 and Outlot A Southport West Replat 8, as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – PLANNED UNIT DEVELOPMENT SITE PLAN AMENDMENT:**

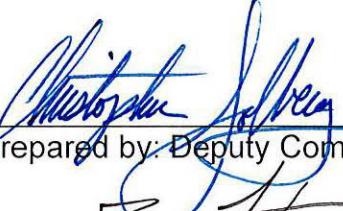
The Planning Commission met on March 16, 2023 and voted unanimously to recommend approval of the PUD Site Plan for a commercial development on Lots 1-3 and Outlot A Southport West Replat 8 as the PUD Site Plan request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VII. ATTACHMENTS TO REPORT:**

- A. Vicinity Map
- B. Review Letters
- C. Draft PUD Site Plan map set
- D. Preliminary Building Elevations
- E. Updated Traffic Impact Study

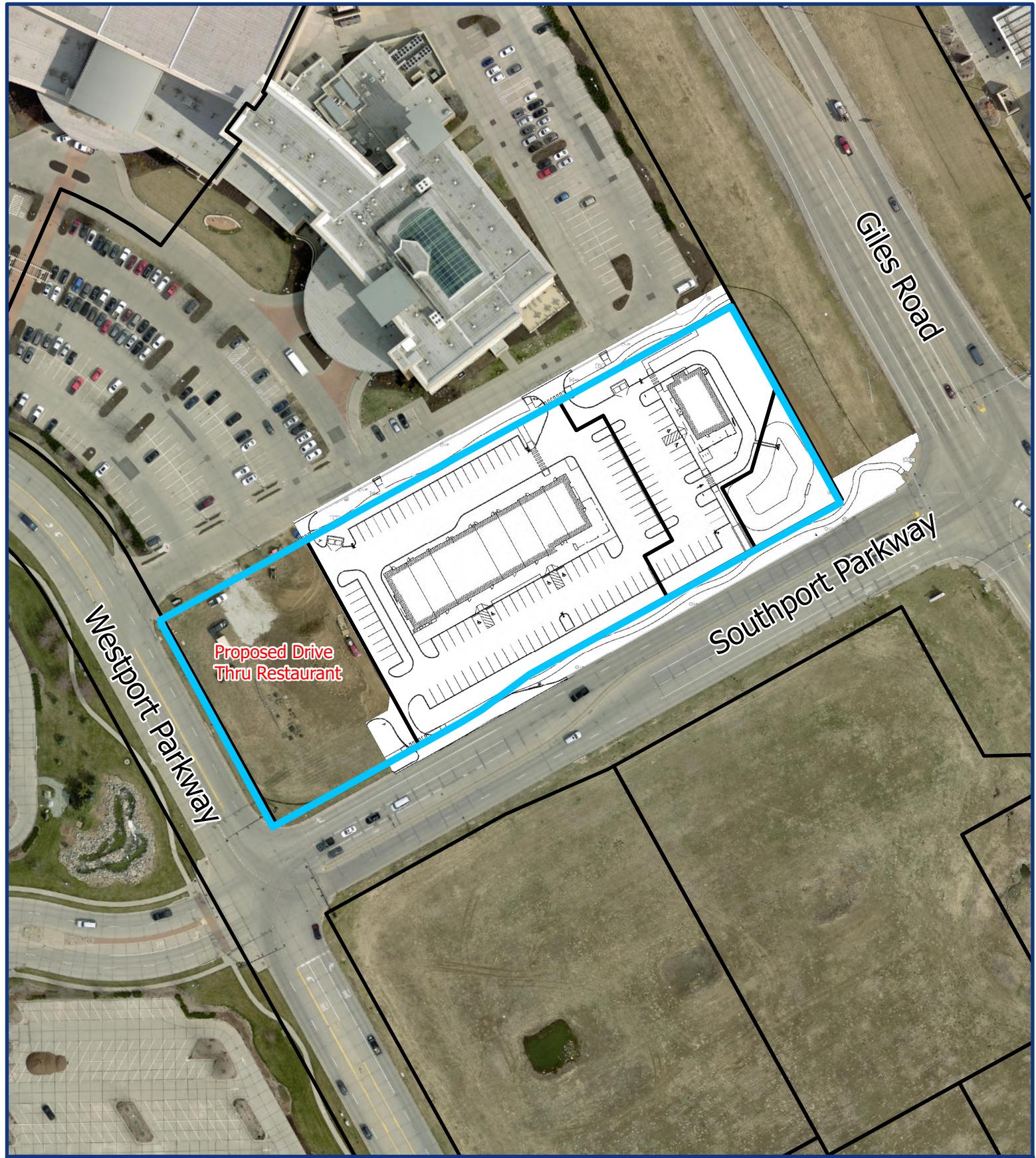
VIII. **COPIES OF REPORT SENT TO:**

- A. Jeff Lake, Summit Development
- B. Kyle Hasse, E & A Consulting
- C. Kyle Vohl, E & A Consulting
- D. Public Upon Request

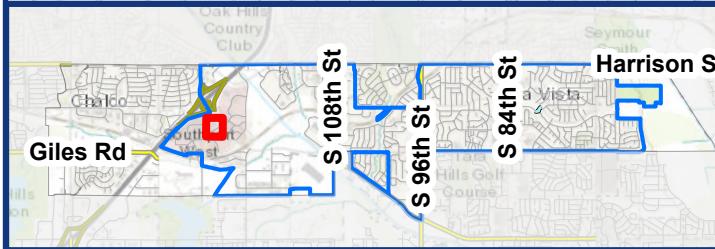
  
Prepared by: Deputy Community Development Director

  
Community Development Director

3/29/23  
Date



**Vicinity Map - Shops at Southport PUD Amendment**



### Legend

- Property Lines
- PUD Amendment Area





February 14, 2023

Kyle Vohl  
E & A Consulting  
10909 Mill Valley Road, Suite 100  
Omaha, NE 68154

RE: Planned Unit Development Amendment – Initial Review Letter  
Lots 1, 2, 3, and Outlot A Southport West Replat 8

Mr. Vohl,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. Please submit an updated schedule of construction, per the requirements of Section 5.15.04.01.
2. In relation to Section 5.15.04.03, please submit all applicable easements and covenants with neighboring property owners, if not done so already.
3. Per Section 5.15.04.06, we need you to provide evidence of meeting and coordination with the adjacent hotel property owner.
4. Developer will need to obtain approval by the FAA for this development prior to issuance of building permits due to the proximity of this development to the Millard Airport.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 **P**  
402.331.4375 **F**

**Community Development**  
8116 Park View Blvd.  
402.593.6400 **P**  
402.593.6445 **F**

**Library**  
9110 Giles Rd.  
402.537.3900 **P**  
402.537.3902 **F**

**Police**  
7701 S. 96th St.  
402.331.1582 **P**  
402.331.7210 **F**

**Public Works**  
9900 Portal Rd.  
402.331.8927 **P**  
402.331.1051 **F**

**Recreation**  
8116 Park View Blvd.  
402.331.3455 **P**  
402.331.0299 **F**

5. As per Section 5.15.04.05, the application to amend the PUD needs to be signed by at least 51% of the initial PUD property owners. Provision of signed letters of support would be acceptable.
6. In relation to Section 5.15.05.04, the proposed number and location of storm inlets appear to be inadequate. Please provide further detail on how the parking lot will drain, and whether the Lot 3 drainage will be tied to the existing site drainage infrastructure.

Please show the point of connection and other pertinent design information for the sanitary sewer.

Please show the point of connection and other pertinent design information to the public stormwater infrastructure. If the project is connecting into the existing PCSMP, please provide documentation/calculations supporting this.

A post construction stormwater management plan, and/or modification of the existing plan, inclusive of a drainage study will be required at the time of building permit application.

Please confirm if the existing NPDES grading permit is to be modified, or if the lot disturbance in and of itself is anticipated to be greater than 1 acre in size.

7. As per Section 5.15.05.02 (5), widths of existing right-of-ways need to be displayed.
8. Per Section 5.15.05.05 a legal description needs to be provided on the PUD Site Plan. One is provided but it needs to read; "Southport West Replat Eight, Lots 1, 2, 3, & Outlot A."
9. As per Section 5.15.05.06 a vicinity map needs to be included in the PUD Site Plan that meets the requirements of the aforementioned section of the Zoning Ordinance.
10. The design for the proposed fast casual restaurant building with the drive-through must be approved through the City's design review process, prior to application for building permits.

#### Traffic and Access

1. Per Section 5.15.04.04, please confirm the finding of the traffic impact study in regards to the amended PUD, to ensure that it remains consistent with the traffic impact study of the previously approved PUD for Lots 1, 2, and 3.

2. Per Section 5.15.04.16, please show how internal pedestrian circulation is made between Lot 2 and Lot 3.

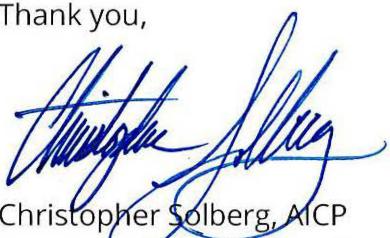
Landscaping Sheet

1. The original PUD plan set calls for berthing along Southport Parkway and Westport Parkway. However, that berthing has not been carried over to the current PUD plan set. Please return the required berthing back to the landscaping and grading plans to a height of 2-1/2 feet above the curb line as per Section 8(B)(i)(c) of the Southport West PUD Ordinance.
2. The landscaping plan is currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the initial review has been completed.

Please submit 2 full size revised copies of the PUD plans and related documents (along with electronic copies) to the City for further review. A timeline for review by the Planning Commission and City Council will be determined based on the timing of the resubmittal and the extent to which the issues noted this review have been sufficiently addressed.

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

Thank you,



Christopher Solberg, AICP  
Deputy Community Development Director  
City of La Vista  
[csolberg@cityoflavista.org](mailto:csolberg@cityoflavista.org)  
(402) 593-6402

cc:

Jeff Lake, Southport Parkway, LLC  
Kyle Haase, E & A Consulting  
Bruce Fountain, Community Development Director – City of La Vista  
Cale Brodersen, Associate Planner – City of La Vista  
Pat Dowse, City Engineer – City of La Vista  
Garrett Delgado, Engineer Assistant – City of La Vista



E & A CONSULTING GROUP, INC.

**Engineering Answers**

10909 Mill Valley Road, Suite 100 • Omaha, NE 68154-3950  
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[www.eacg.com](http://www.eacg.com)

February 20, 2023

Christopher Solberg - City of La Vista Planning Department  
8116 Park View Blvd.  
La Vista, NE 68128

RE: Southport West –PUD Amendment Re-Submittal  
E&A File: P2000.030.167

Mr. Solberg,

On behalf of our client, Southport Parkway, LLC., we hereby re-submit an application for the above referenced project. The subject property is located South of Interstate 80 and Giles Road. Based on the initial review letter dated February 14, 2023, we have some conditions of approval to address. Each of your comments are listed, with our response following it shown in *italics*.

**General Comments:**

1. Please Submit an updated schedule of construction. *Response: Lot 2 canopy construction: June 1, 2023 thru August 1, 2023. Lot 3 Construction: Estimated August 1, 2023 thru March 1, 2024.*
2. Please Submit all applicable easements and covenants with neighboring property owners.  
*Response: Mr. Lake has submitted easements and covenants to City of La Vista.*
3. Provide evidence of meeting and coordination with adjacent hotel property owner.  
*Response: Mr. Lake has provided documentation to City of La Vista.*
4. Developer will need to obtain approval by the FAA for this development prior to issuance of building permits due to the proximity of this development to the Millard Airport.  
*Response: Understood. The approval will be provided at time of building permit.*
5. The application to amend the PUD needs to be signed by at least 51% of the initial PUD property owners.  
*Response: Mr. Lake has provided the signed letters to City of La Vista.*
6. Provide information on number and location of storm inlets and further detail on how the parking lot will drain and whether Lot 3 will be tied to the existing site drainage infrastructure.  
*Response: The current Civil Design Utility Plan is provided in this re-submittal with future connection shown in red. Sanitary & storm connections will be detailed and shown on Civil Permit plan set.*

Show point of connection and other pertinent design information for the sanitary sewer.

*Response: The current Civil Design Utility Plan is provided in this re-submittal with future connection shown in red. Sanitary & storm connections will be detailed and shown on Civil Permit plan set.*

Show point of connection and other pertinent design information to the public stormwater infrastructure. Please provide documentation/calculations if the project is connecting into the existing PCSMP.

*Response: The current Civil Design Utility Plan is provided in this re-submittal with future connection shown in red. Sanitary & storm connections will be detailed and shown on Civil Permit plan set. Calculations will be supplied at time of building permit.*

A PCSMP and/or modification of the existing plan, inclusive of the drainage study will be required at the time of building permit. *Response: Understood. This will be provided at the time of building permit.*

Please confirm if the existing NPDES grading permit is to be modified, or if the lot disturbance in and of itself is anticipated to be greater than 1 acre in size.

*Response: Client has an existing permit on all 3 lots. Lot 3 itself is under 1 acre.*

7. Widths of existing right-of-ways need to be displayed.

*Response: These dimensions have been added to the PUD Site Plan.*

8. Legal description needs to read; "Southport West Replat Eight, Lots 1, 2, 3 & Outlot A."

*Response: The description has been added to the PUD Site Plan.*

9. Vicinity map needs to be included in the PUD Site Plan.

*Response: The map has been added to the PUD Site Plan.*

10. The design for proposed fast casual restaurant building with the drive-through must be approved through the City's design review process prior to application for building permits.

*Response: Understood. This will be done prior to building permit.*

#### Traffic and Access:

1. Please confirm the finding of the TIS in regards to the amended PUD, to ensure that it remains consistent with the TIS of the previously approved PUD for Lots 1, 2 & 3.

*Response: E&A has reviewed the original traffic study dated 8-28-19 and traffic impact study update dated 9-2-21, both by Olsson. The methodology and sources of data are consistent and common engineering practices. The assumed Trip Generation in the studies and actual now constructed use on Lot 3 is the same. The Fast Food with Drive Thru Window use contemplated in the study update to be on Lot 2 is now located on Lot 3. The High Turnover Sit Down Restaurant use contemplated in the study update to be on Lot 3 is now an end cap Bank which would generate fewer daily trips and AM/PM Peak hour trips. E&A believes the proposed site plan is a reduction in trips from the traffic impact study update and therefore is conservatively acceptable for the proposed uses. The TIS information is included in this submittal.*

2. Please show how an internal pedestrian circulation is made between Lot 3 and 3.

*Response: The internal connection has been added to the PUD Site Plan.*

#### Landscaping Sheet:

1. The original PUD plan set calls for berthing along Southport Parkway and Westport Parkway. Please return the required berthing into the Landscape & Grading Plans to a height of 2 1/2 feet above the curb line.

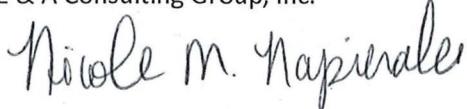
*Response: The berthing & landscaping has been added to the Landscape Plan & Grading Plan.*

2. The Landscape Plan is currently under review by the City's Design Review Architect. A separate design review letter will be forwarded once the initial review has been completed. *Response: Understood.*

All documents included are listed on the attached transmittal. If you have any questions regarding this application, please contact me at 402-895-4700 or by email at [nnapierala@eacg.com](mailto:nnapierala@eacg.com).

Sincerely,

E & A Consulting Group, Inc.



Nickie Napierala  
Planning Services Specialist



March 1, 2023

Kyle Vohl  
E & A Consulting  
10909 Mill Valley Road, Suite 100  
Omaha, NE 68154

RE: Planned Unit Development Amendment – Second Review Letter  
Lots 1, 2, 3, and Outlot A Southport West Replat 8

Mr. Vohl,

We have reviewed the documents provided as part of the second submission for the above-referenced application. Based on the elements for consideration set forth in the applicable sections of the Zoning Ordinance, the City has the following comments:

General Comments

1. As per Section 5.15.05.06 a vicinity map needs to be included in the PUD Site Plan that meets the requirements of the aforementioned section of the Zoning Ordinance. Although a vicinity map has been provided on the latest submittal, the location it depicts is wrong.

Traffic and Access

1. Please clarify the statement “E&A believes the proposed site plan is a reduction in from the traffic impact study update” by showing the changes in trip generation table, Table 1 of the 9/2/21 Traffic Impact Study update, to include the AM Peak and PM Peak trips generated.

**City Hall**  
8116 Park View Blvd.  
La Vista, NE 68128-2198  
402.331.4343 **P**  
402.331.4375 **F**

**Community Development**  
8116 Park View Blvd.  
402.593.6400 **P**  
402.593.6445 **F**

**Library**  
9110 Giles Rd.  
402.537.3900 **P**  
402.537.3902 **F**

**Police**  
7701 S. 96th St.  
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402.331.7210 **F**

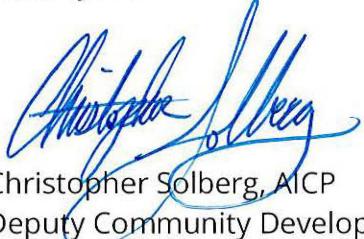
**Public Works**  
9900 Portal Rd.  
402.331.8927 **P**  
402.331.1051 **F**

**Recreation**  
8116 Park View Blvd.  
402.331.3455 **P**  
402.331.0299 **F**

Please submit 2 full size revised copies of the PUD plans and related documents (along with electronic copies) to the City for preparation of Planning Commission packets. This application is currently on the agenda for the March 16<sup>th</sup> Planning Commission meeting. However, to remain on the agenda, revisions discussed in this letter need to be made in a manner acceptable to City staff and provided as outlined above by noon, Monday, March 6<sup>th</sup>.

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

Thank you,



Christopher Solberg, AICP  
Deputy Community Development Director  
City of La Vista  
[csolberg@cityoflavista.org](mailto:csolberg@cityoflavista.org)  
(402) 593-6402

cc:

Jeff Lake, Southport Parkway, LLC  
Kyle Haase, E & A Consulting  
Bruce Fountain, Community Development Director – City of La Vista  
Cale Brodersen, Associate Planner – City of La Vista  
Pat Dowse, City Engineer – City of La Vista  
Garrett Delgado, Engineer Assistant – City of La Vista



E & A CONSULTING GROUP, INC.

*Engineering Answers*

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[www.eacg.com](http://www.eacg.com)

March 6, 2023

Christopher Solberg  
City of La Vista Planning Department  
8116 Park View Blvd.  
La Vista, NE 68128

RE: Southport West –PUD Amendment Re-Submittal  
E&A File: P2000.030.167

Mr. Solberg,

On behalf of our client, Southport Parkway, LLC., we hereby re-submit an application for the above referenced project. The subject property is located South of Interstate 80 and Giles Road. Based on the initial review letter dated February 28, 2023 provided by Dan Kerns with Schemmer Associates, and a review letter provided by yourself on March 1st we have some conditions of approval to address. Each of comments are listed, with our response following it shown in *italics*.

Comments from Dan Kerns:

General Comments:

1. The following drawings were submitted:
  - a. Site Plan
  - b. Emergency Vehicle Plan
  - c. Landscape Plan
  - d. Grading & PCSMP Plan

*Response: Noted.*
2. Additional reviews regarding landscaping will take place at the time of Design Review Submission for each building within this PUD with regard to specific requirements regarding the softening of areas around dumpster enclosures, screening of utilities, screening of mechanical equipment, etc.

*Response: Noted.*

Drawing Comments:

1. Landscaping
  - i. Plants with type marks B, C & E on the planting schedule are not included in the approved plant list in appendix C.

*Response: This revision has been completed.*
  - ii. Deciduous shade trees are required to have a 3" caliper. Trees proposed in Planting Schedule is shown as a 2" caliper, revise as required.

*Response: This revision has been completed.*

- iii. Deciduous shrubs are required to be 5 gallons. Shrubs proposed in Plant Schedule is shown as a 3 gallon, revise as required.  
*Response: This revision has been completed.*
- iv. 6.I.C requires a' bermed, landscaped, sodded and irrigated green space along secondary (Southport Parkway & Westport Parkway) street frontages. The grading plan does not indicate any bermming along these frontages.  
*Response: This revision has been completed.*

Comments from Chris Solberg:

General Comments:

1. As per Section 5.15.5.06 a vicinity maps needs to be included in the PUD Site Plan that meets the requirements of the aforementioned section of the Zoning Ordinance. Although a vicinity map has been provided on the latest submittal, the location it depicts is wrong.

*Response: The Vicinity Map has been revised as noted.*

Traffic and Access:

1. Please clarify the statement "E&A believes the proposed site plan is a reduction in trips from the traffic impact study update" by showing the changes in the trip generation table, Table 1 of the 9/2/21 Traffic Impact Study update, to include the Am Peak and PM Peak trips generated.

*Response: Below is the comparison of the Trip Generation Tables.*

*Table 1 Extracted from Olsson 9-2-2021 Traffic Study Update (ITE 10<sup>th</sup> Edition)*

Lot No.	ITE Code	Land Use			Daily	AM Peak Hour			PM Peak Hour		
		Description	Size	Units		Total	Enter	Exit	Total	Enter	Exit
1	937	Coffee/donut Shop w/ Drive Thru Window	2,314	SF	1,898	206	105	101	100	50	50
2	934	Fast Food Restaurant w/ Drive Thru Window	3,000	SF	1,413	121	61	59	98	51	47
2	822	Shopping Center	9,018	SF	340	8	5	3	34	16	18
3	934	High Turnover (Sit Down) Restaurant	4,264	SF	478	42	23	19	43	26	16
Total Trips					4,129	377	194	182	275	143	131

Table 1 With Proposed Use Changes for current PUD Amendment (ITE 11<sup>th</sup> Edition)

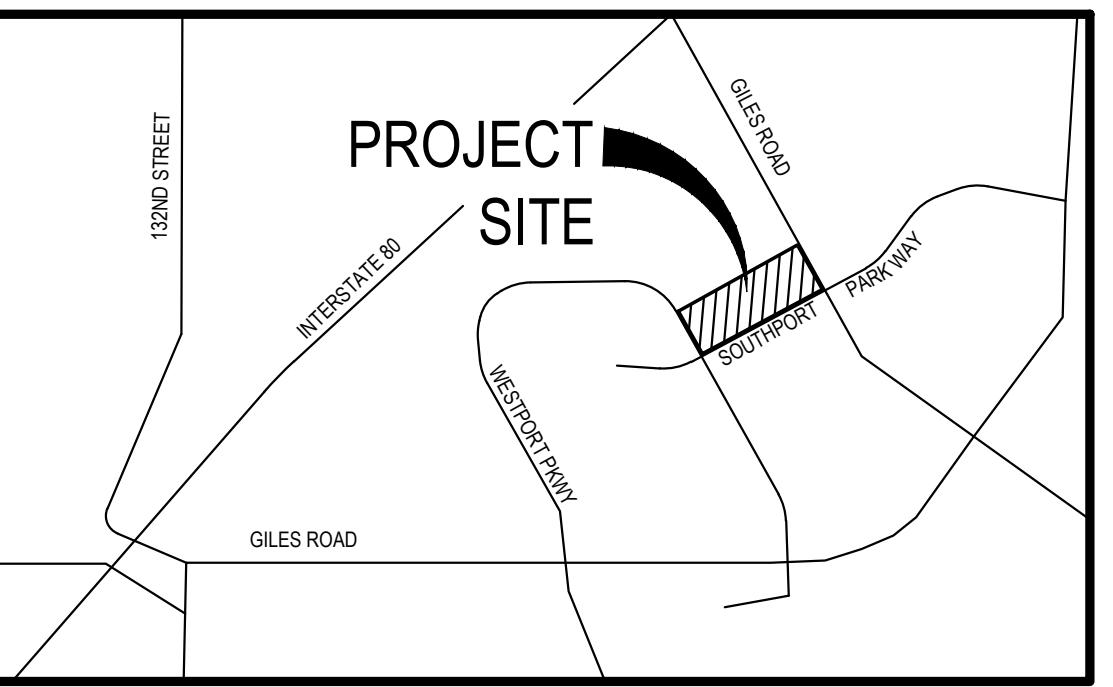
Lot No.	ITE Code	Land Use			Daily	AM Peak Hour			PM Peak Hour		
		Description	Size	Units		Total	Enter	Exit	Total	Enter	Exit
1	937	Coffee/donut Shop w/ Drive Thru Window	2,310	SF	1,233	198	101	97	90	45	45
2	912	Drive In Bank	3,000	SF	301	30	17	13	63	32	31
2	822	Strip Retail Plaza (<40K)	9,020	SF	610	21	13	8	72	36	36
3	934	Fast Food Restaurant w/ Drive Thru Window	2,670	SF	1,248	119	61	58	88	46	42
Total Trips					3,392	368	192	176	313	159	154

All documents included are listed on the attached transmittal. If you have any questions regarding this application, please contact Nickie Napierala or myself at 402-895-4700 or by email at [nnapierala@eacg.com](mailto:nnapierala@eacg.com) or [jstoll@eacg.com](mailto:jstoll@eacg.com).

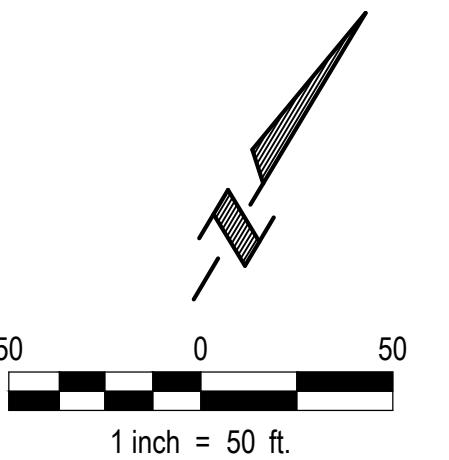
Sincerely,  
E & A Consulting Group, Inc.



Jeff Stoll  
Platting Services Assistant Manager



## VICINITY MAP



## LEGEND

- - - - - BOUNDARY LINE
- — — — — RIGHT OF WAY LINE
- — — — — LOT LINE
- - - - - EASEMENT
- — — — — SETBACK / BUFFERYARD

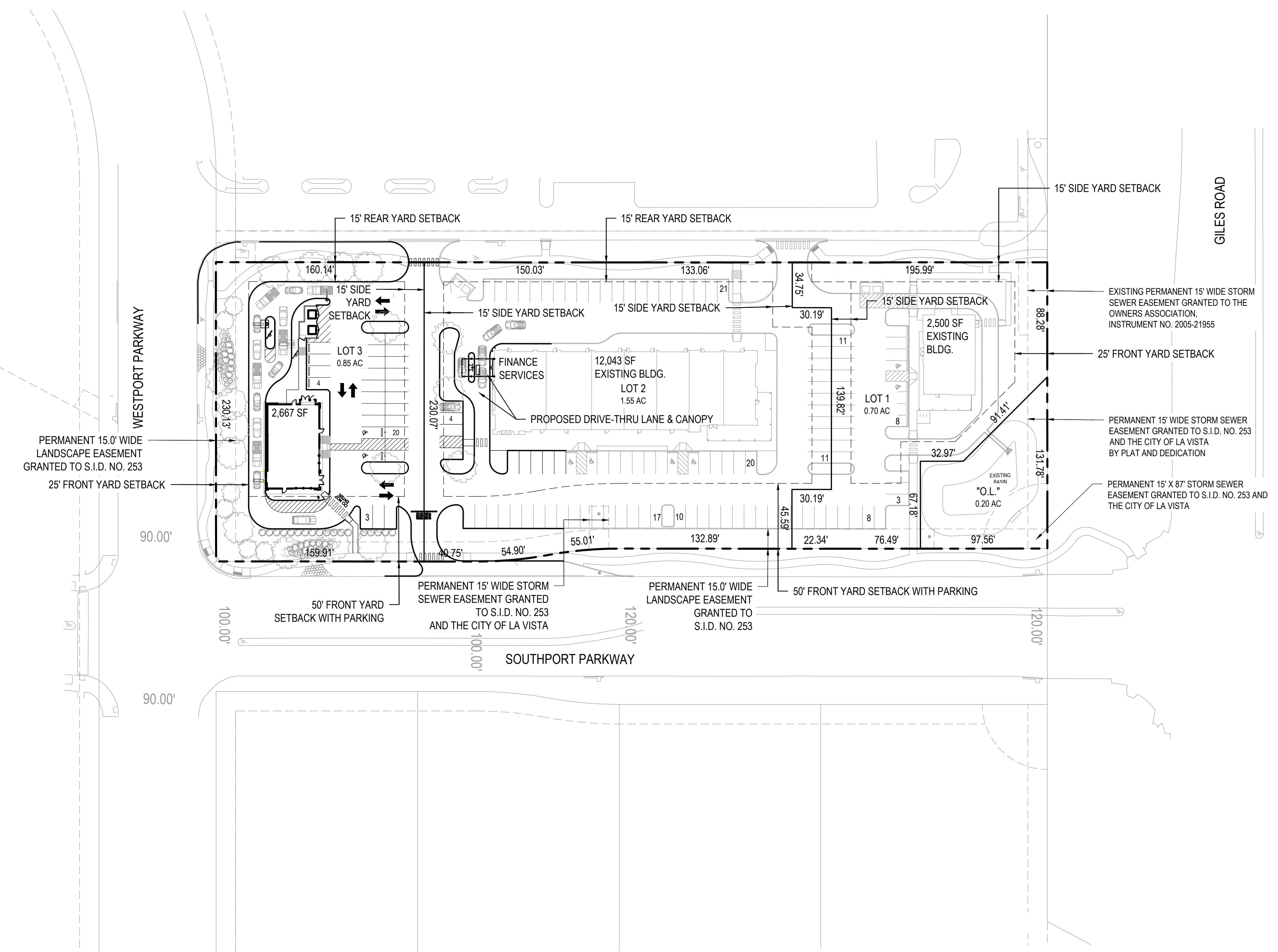
## **NING:**

- HIGHWAY COMMERCIAL / OFFICE PARK

## 2.06 HEIGHT AND LOT REQUIREMENTS:

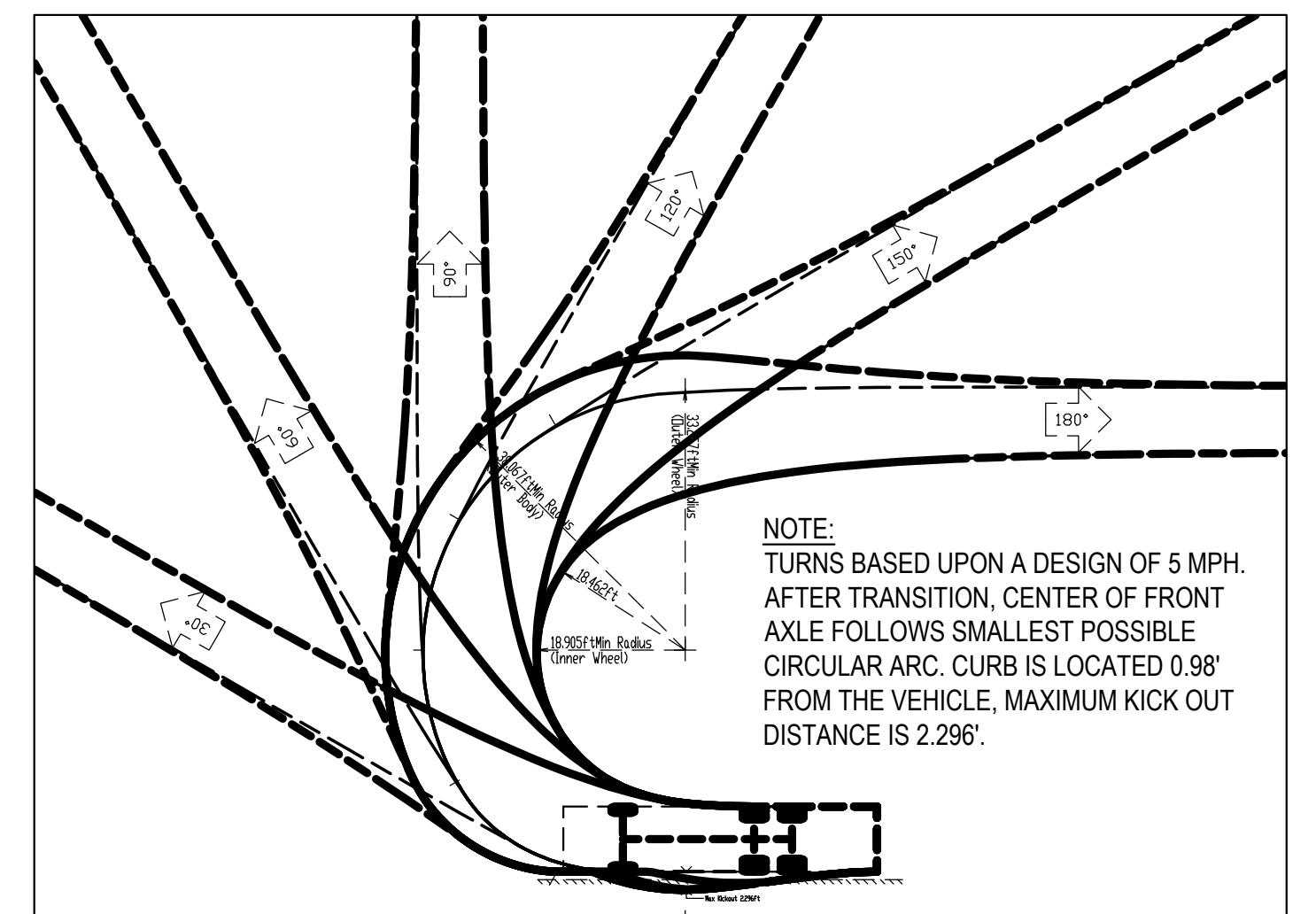
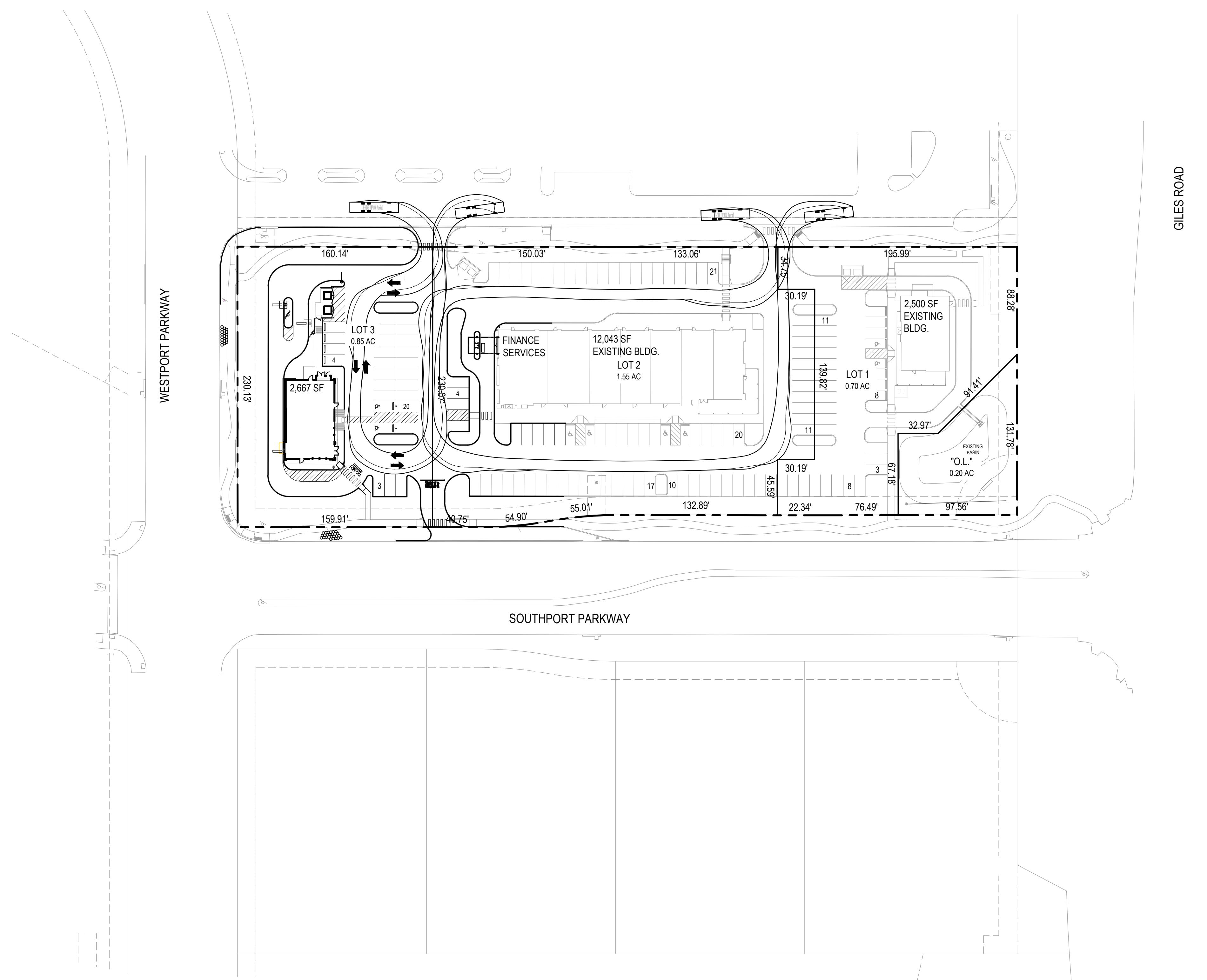
LDING SETBACKS:  
ONT YARD.....25.00'  
E YARD.....15.00'  
AR YARD.....15.00'  
XIMUM HEIGHT 45'  
XIMUM LOT COVERAGE 60%

25' FRONT YARD SETBACK REQUIRED ONLY WHEN NO PARKING IS PRESENT IN THE FRONT YARD. IF PARKING IS LOCATED IN THE FRONT YARD THEN FRONT YARD SETBACK IS A MINIMUM OF FIFTY (50) FEET.  
ANY BUILDING WITHIN 100 FEET OF A RESIDENTIALLY ZONED DISTRICT SHALL NOT EXCEED 45 FEET IN HEIGHT. (ORDINANCE NO. 1082, 11-18-08)



## SITE STATISTICS TABLE

SITE STATISTICS TABLE	
LEGAL DESCRIPTION:	SOUTHPORT WEST REPLAT EIGHT LOTS 1, 2, 3, & OUTLOT A
EXISTING ZONING:	C-3 PUD WITH A GATEWAY CORRIDOR OVERLAY
PROPOSED ZONING:	C-3 PUD WITH A GATEWAY CORRIDOR OVERLAY
SETBACKS:	
FRONT YARD:	25'-0"
FRONT YARD: (PARKING PRESENT IN FRONT YARD)	50'-0"
SIDE YARD:	15'-0"
REAR YARD:	15'-0"
MAXIMUM LOT COVERAGE:	60%
MAX BUILDING HEIGHT	45'
PARKING REQUIREMENTS:	
REQUIRED: (LOT 1)	26 STALLS (1.0 PER 150 SF; 2,314 SF BUILDING REQUIRES 17 STALLS)
PROVIDED: (LOT 1)	ON-SITE PARKING: 30 STALLS (1.8 CARS PER 150 SF)
REQUIRED: (LOT 2)	43 STALLS (4.5 PER 1,000 SF; 9,586 SF BUILDING REQUIRES 43 STALLS)
REQUIRED: (LOT 2-DRIVE THRU)	16 STALLS (1.0 PER 150 SF; 2,434 SF BUILDING REQUIRES 16 STALLS)
PROVIDED: (LOT 2-COMBINED)	ON-SITE PARKING: 83 STALLS (6.9 CARS PER 1,000 SF)
REQUIRED: (LOT 3)	18 STALLS (1.0 PER 150 SF; 2,667 SF BUILDING REQUIRES 18 STALLS)
PROVIDED: (LOT 3)	ON-SITE PARKING: 27 STALLS (10.1 CARS PER 1,000 SF)
TOTAL REQUIRED:	103 STALLS
TOTAL PROVIDED:	140 STALLS
ACCESSIBLE PARKING:	
REQUIRED:	4
PROVIDED:	8



# **AUTOTRACK DETAIL**

**NOT TO SCALE**

OTE:  
URNS BASED UPON A DESIGN OF 5 MPH.  
AFTER TRANSITION, CENTER OF FRONT  
AXLE FOLLOWS SMALLEST POSSIBLE  
CIRCULAR ARC. CURB IS LOCATED 0.98'  
FROM THE VEHICLE, MAXIMUM KICK OUT  
DISTANCE IS 2.296'.

**E & A CONSULTING GROUP, INC.**

Engineering • Planning • Environmental & Field Services

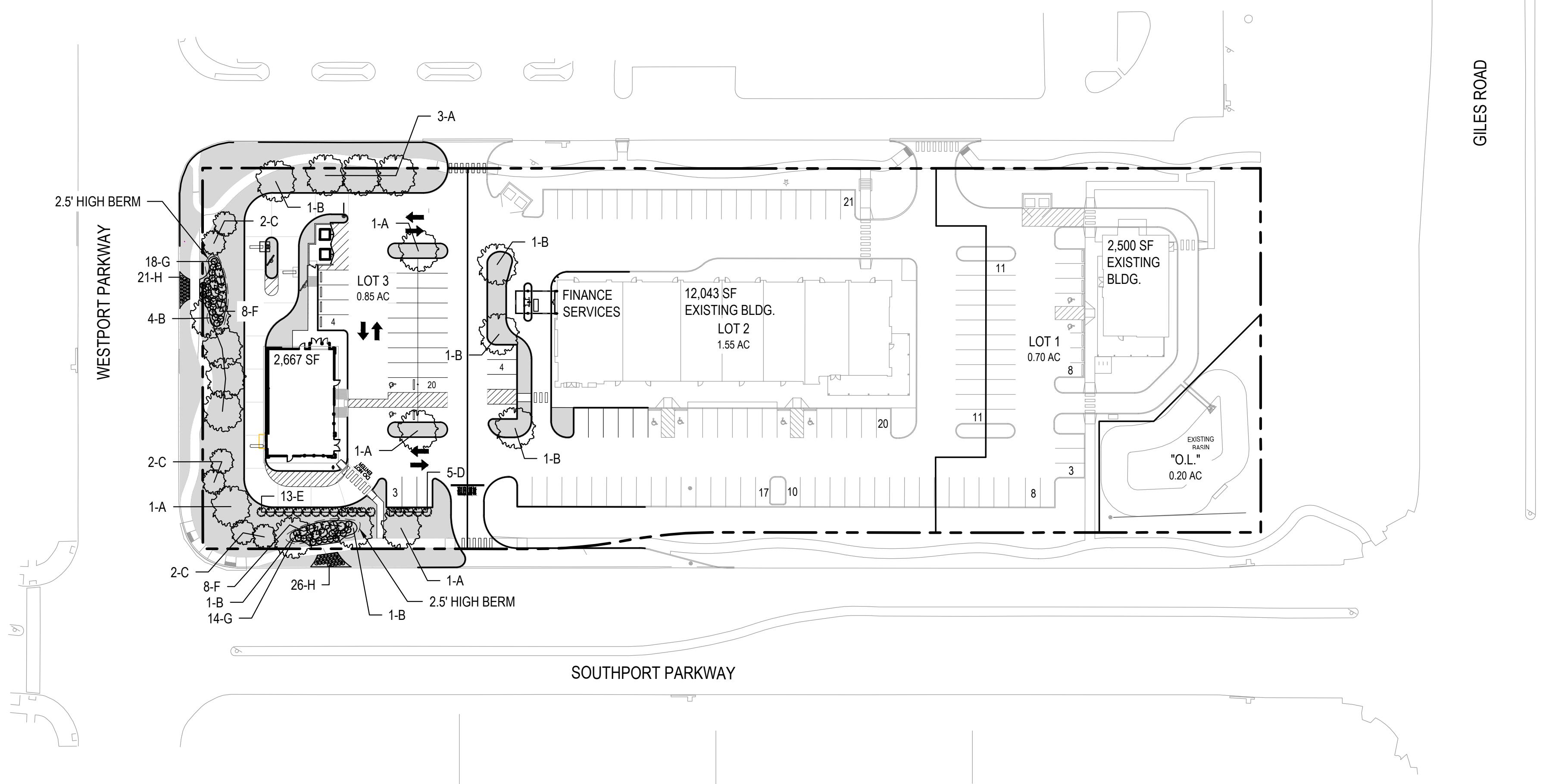
10909 Mill Valley Road, Suite 100 • Omaha, NE 68154  
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[www.eacg.com](http://www.eacg.com)

State of NE Certificate of Authorization #CA0008

*Engineering Answers*

**SOUTHPORT WEST REPLAT 8**  
**LA VISTA, NEBRASKA**

# PLANNED UNIT DEVELOPMENT EMERGENCY VEHICLE PLAN



LANDSCAPE NOTES:

- Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
- All plant material shall be of good quality and sizes shall meet required size specifications.
- All plants are to be watered immediately after planting and then watered once a week for a period of two months from time of planting.
- All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
- Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
- The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
- Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3 inch minimum depth unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
- All trees are to be staked for a period of not less than one year from time of planting.
- Contractor to coordinate work with other amenities contractors.

IRRIGATION NOTES:

- Irrigation bid to include meter pit and city utility fees.
- Irrigate all sodded areas.
- Irrigation controller to be mounted in a steel utility box with hasp for pad lock.
- Irrigation system to be guaranteed for 1 year. Written guarantee to be supplied prior to final payment.
- Irrigation contractor responsible to winterize system one time.
- Irrigation contractor to furnish as built drawing of the system and catalogue cuts of the installed equipment prior to final payment.
- Irrigation contractor to provide owner and engineer an irrigation plan shop drawing and equipment catalog cuts for approval prior to installation.
- Contractor to coordinate work with other amenities contractors.

SEEDING NOTES:

- Seeding shall be Superlif II no rye (sod grower) lateral spread tall fescue kentucky bluegrass mixture from United Seeds, Inc. Planting method and seeding rate shall be 10 lbs per 1,000 sq ft. Seeding dates: March-June, dormant seeding: December-March.
- Matting shall be installed over all seeding areas (S75 - NAG Single Net Straw Matting OR EQUIVALENT).
- Contractor to coordinate work with other amenities contractors.

SODDING NOTES:

- The contractor shall notify the architect at least forty-eight hours in advance of the time he intends to begin sodding and shall not proceed with such work until permission to do so have been granted. No frozen sod shall be placed. No sodding shall be done on frozen earth.
- Care shall be exercised at all times to retain the native soil on the roots of the sod during the process of transplanting. Dumping from vehicles will not be permitted. The sod shall be planted within eighteen (18) hours from the time it is harvested unless it is tightly rolled or stored roots-to-roots in a satisfactory manner. All sod in stacks shall be kept moist and shall be protected from exposure to the sun and from freezing. No storage longer than three (3) days will be permitted. Sod which becomes dried out or does not meet the specifications will be rejected.
- There shall be a minimum of six inches, after tamping, of topsoil under all sod. Excavations or trenching shall be made to a sufficient depth below the finished grade of the sod to accommodate the depth of topsoil as specified and the thickness of sod as specified. Fertilizer shall be applied at a rate to provide 100 pounds of nitrogen per acre unless fertilizer has been applied under another item in this contract to the topsoil in the sod bed. Fertilizer applied under this item shall be incorporated with the topsoil to a depth of at least two inches before the sod is laid, unless otherwise specified or approved. Incorporation shall be accomplished by disking, harrowing, drilling, raking or other approved means.
- The soil on which the sod is laid shall be reasonably moist and shall be watered, if so directed. The sod shall be laid smoothly, edge to edge, and all openings shall be plugged with sod. Immediately after the sod is laid, it shall be pressed firmly into contact with the sod bed by tamping, rolling, or by other approved methods so as to eliminate all air pockets, provide true and even surfaces, insure knitting and protect all exposed sod edges but without displacement of the sod or deformation of the surface of the sodded areas and watered at the rate of five gallons per square yard of sodded area unless otherwise directed.
- The contractor shall take care of the sodded areas until all work on the entire contract has been completed, and sod has been mowed twice and then accepted. Such care shall consist of providing protection against traffic by approved warning signs or barricades and the mowing of grass to the height of two inches when the growth attains a maximum height of four inches.
- Sod shall also be watered. When the sod is watered, sufficient water shall be applied to wet the sod at least two inches deep in the sod bed. Watering shall be done in a manner which will not cause erosion or other damage to the finished surfaces. Any surfaces which become gullied or otherwise damaged shall be repaired to reestablish the grade and conditions of the soil prior to sodding and shall then be re-fertilized and re-sodded as specified under this item.
- In drainage-ways or slopes, the sod shall be laid with their longest dimensions parallel to the contours. Such sodding shall begin at the base of slopes and grades and the sodding progress in continuous parallel rows working upward. Vertical joints between such sodding shall be staggered. All sod shall be laid to the grades specified and the grades formed with special care at the junction of drainage-ways.
- Sod shall be held in place by stakes in all drainage-ways, on all slopes steeper than 4:1 and elsewhere where specified or as directed. Pegging shall be done immediately after tamping. At least one stake shall be driven through each sod to be staked, and the stakes shall not be more than two feet apart. Stakes shall have their flat sides against the slope and be driven flush. Stakes for pegging sod shall be of wood, approximately one inch by two inches and of sufficient length to penetrate the sod, the topsoil and to a minimum depth of two inches of subsoil.
- The contractor shall keep all sodded areas thoroughly watered for a period of thirty (30) calendar days after the initial laying and as often as required thereafter until sod has been fully established (two mowings) and accepted by the engineer and owner. Contractor to use temporary irrigation for the watering of the sod. Contractor to supply all necessary hoses, fittings and sprinklers for all watering needs.
- All sod must be fully established (two mowings) and growing at the time of inspection and acceptance.

**PLANT SCHEDULE**

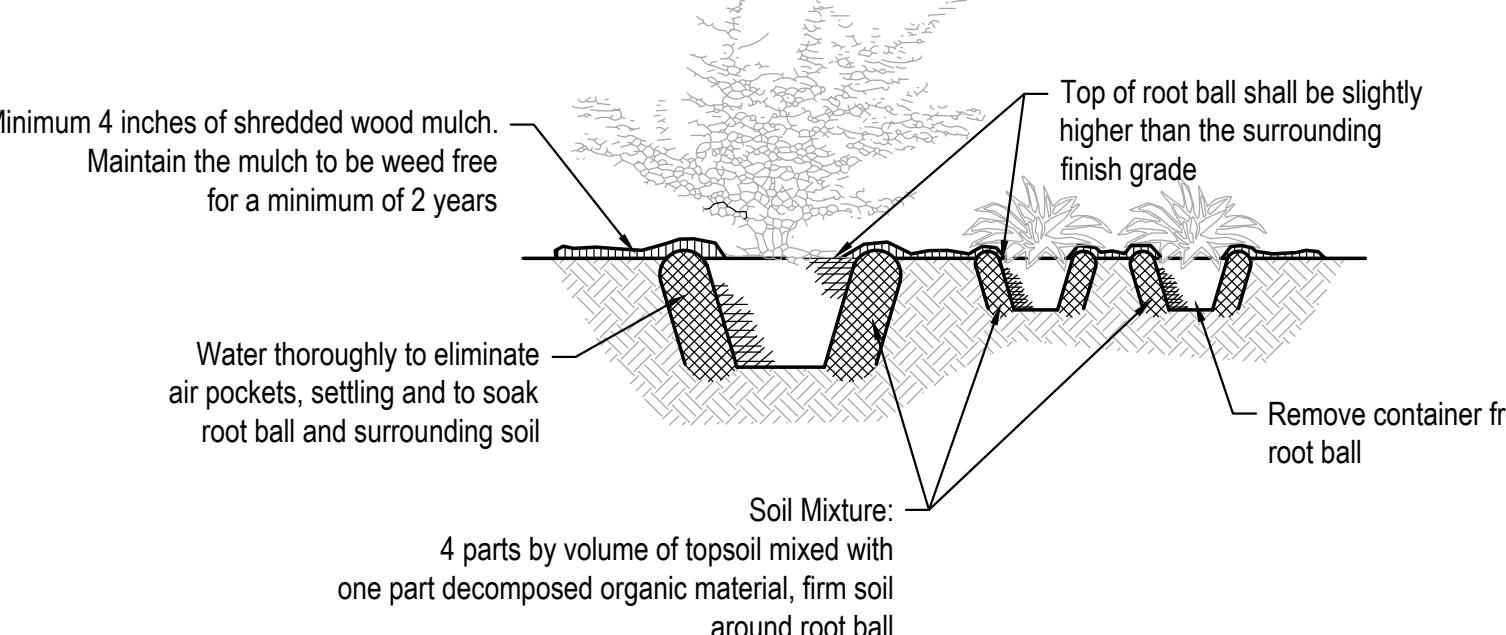
SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
A	7	Gleditsia triacanthos 'Shademaster'	Shademaster Honeylocust	3"	B&B
B	10	Acer rubrum 'Red Sunset'	Red Sunset Maple	3"	B&B
C	6	Malus 'Spring Snow'	Spring Snow Crabapple	3"	B&B
D	5	Juniperus chinensis 'Sea Green'	Sea Green Juniper	5 Gal.	Cont.
E	13	Rosa 'Knockout'	Knockout Rose	5 Gal.	Cont.
F	16	Taxus x media 'Densiformis'	Dense Yew	5 Gal.	Cont.
G	32	Spirea japonica 'Magic Carpet'	Magic Carpet Spirea	5 Gal.	Cont.
H	47	Hemerocallis 'Eenie Weenie'	Eenie Weenie Daylily	2 Gal.	Cont.

TREE NOTES:

- Landscape contractor must coordinate with all utilities and general contractor to field verify all utility locations that may conflict with all proposed tree planting locations on the project site.

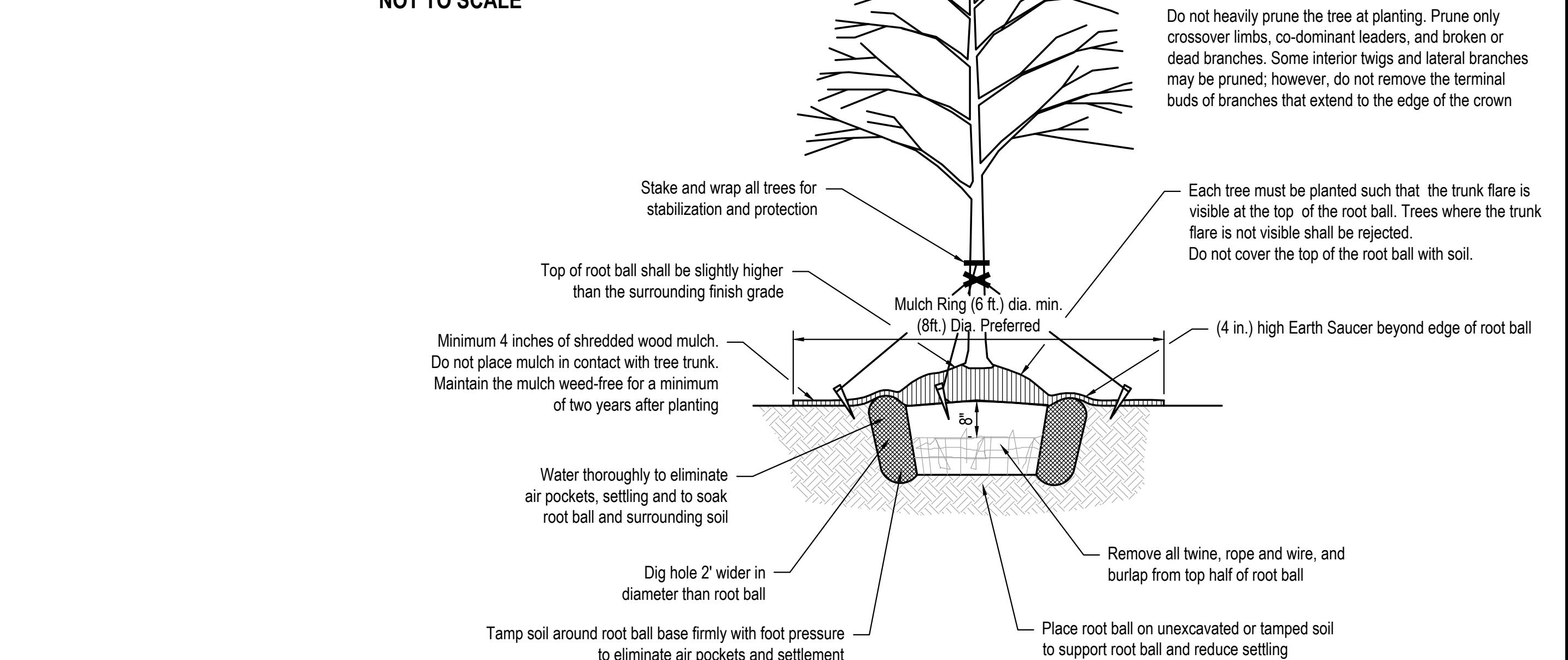
LEGEND:

- Areas to be installed with sod & irrigation OR seed & matting. See this sheet for details.



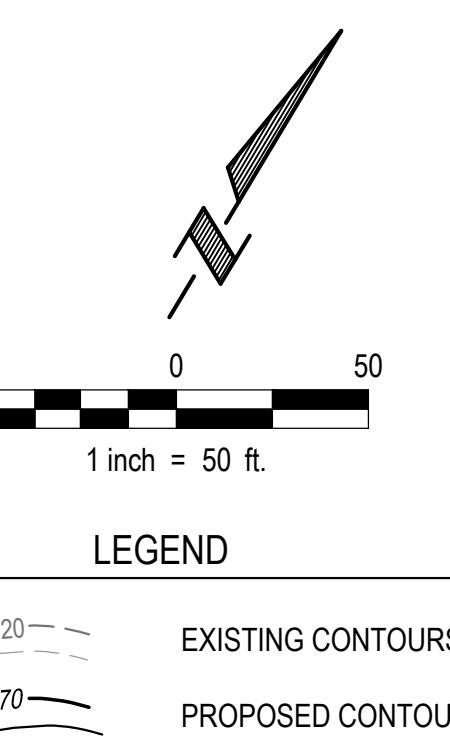
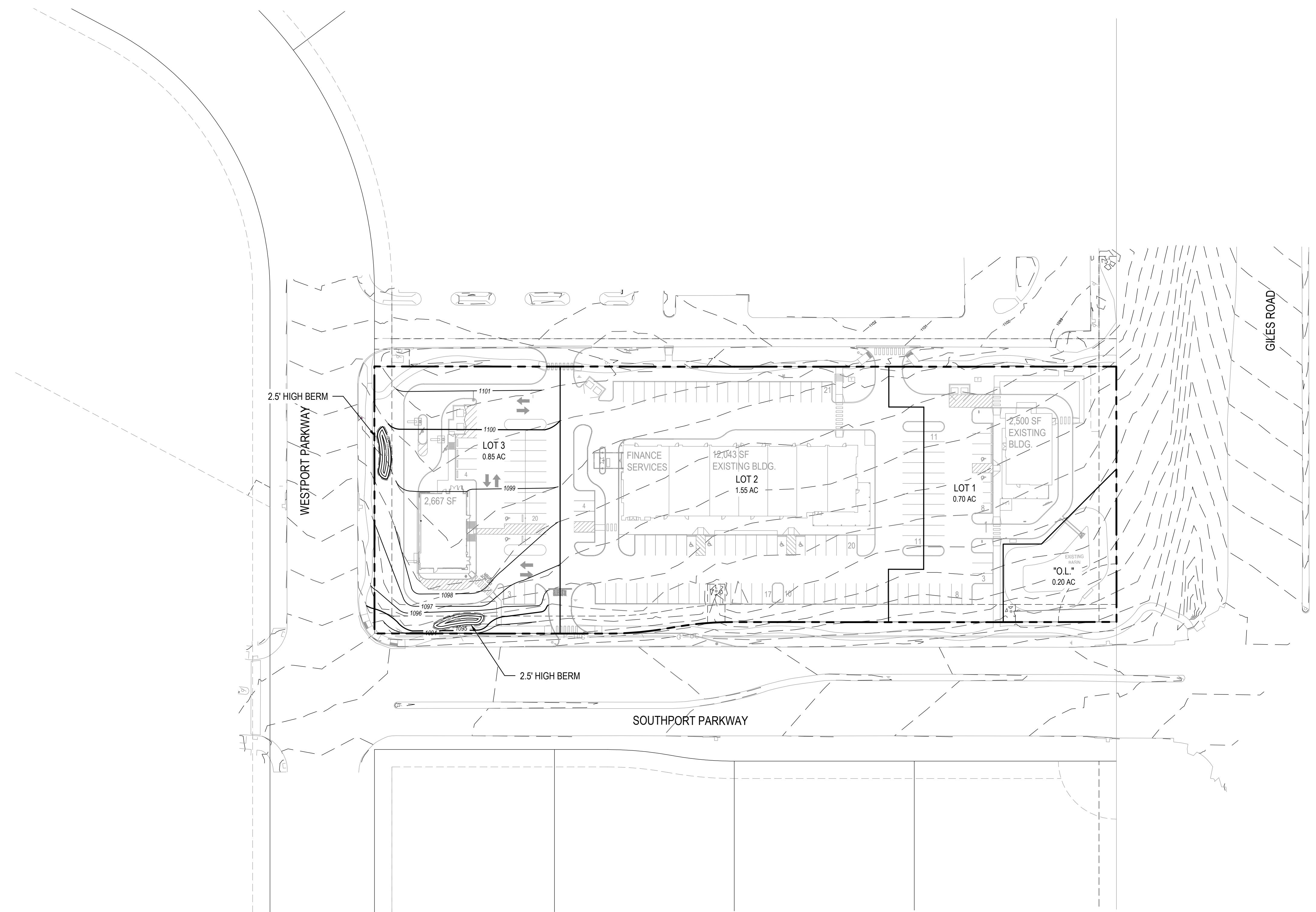
**SHRUB & PERENNIAL PLANTING DETAIL**

NOT TO SCALE



**TREE PLANTING DETAIL - B & B TREE**

NOT TO SCALE



**E & A CONSULTING GROUP, INC.**  
Engineering • Planning • Environmental & Field Services



E & A CONSULTING GROUP, INC.

Engineering Answers

SOUTHPORT WEST PLAT 8  
LA VISTA, NEBRASKA

PLANNED UNIT DEVELOPMENT  
GRADING & PCSMP PLAN

Proj No:	P2001030167	Revisions:	
Date:	03/27/2023	Date:	
Designed By:	KJH	Description:	
Drawn By:	ALV/MMN		
Scale:	1:50		
Sheet:	4 of 4		

Note: Natura 3072023 12:56 PM K:\Projects\2001030167\Planning & Platting\Planning\PLUD000.dwg

10309 Mill Valley Road, Suite 100 • Omaha, NE 68154  
Phone: 402.885.4700 • Fax: 402.885.3599  
www.eacg.com  
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PANDA EXPRESS, INC.  
1683 Walnut Grove Ave.  
Rosemead, California  
91770  
Telephone: 626.799.9898  
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REVISIONS:

ISSUE DATE:

DRAWN BY: CR

PANDA PROJECT #: S8-23-D24023

PANDA STORE #: -

ARCH PROJECT #: 22044.037

PANDA EXPRESS  
PANDA HOME 2600  
12448 SOUTHPORT PKWY  
LA VISTA, NE 68128

A-200

EXTERIOR  
ELEVATIONS

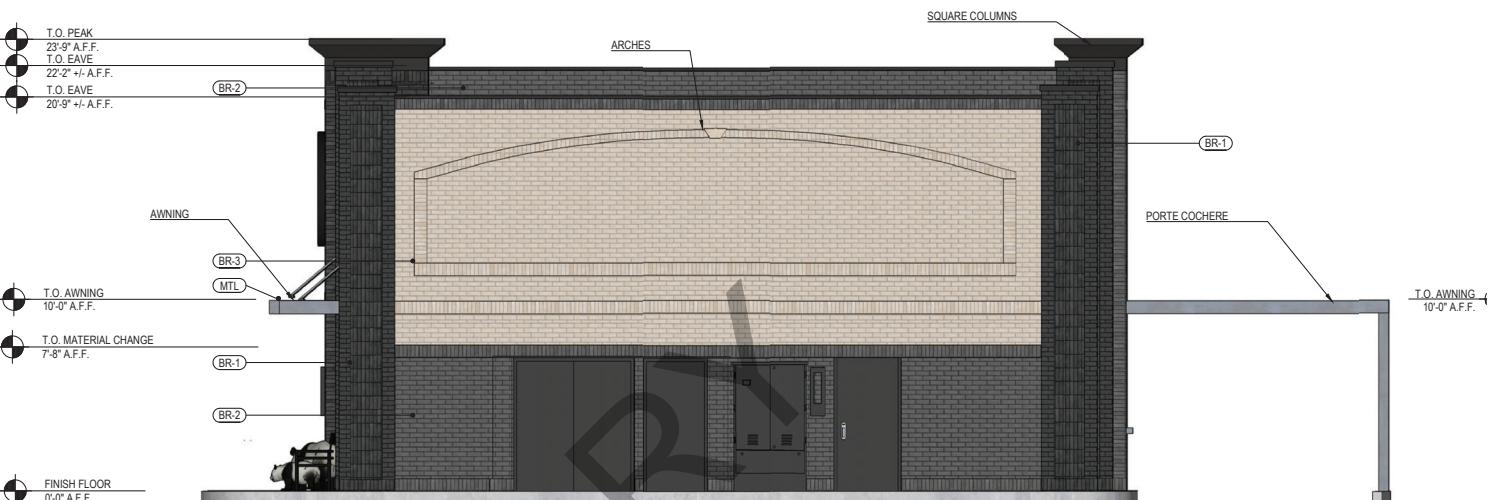
PANDA HOME 2600 R4

EXTERIOR FINISH SCHEDULE		
TAG	MATERIAL	NOTES
(BR-1)	BRICK - CALICHE	BUILDING BODY
(BR-2)	BRICK - HEMATITE	BUILDING BODY
(BR-3)	BRICK - BASALT	BUILDING BODY
(MTL)	METAL	AWNINGS



DESIGN ELEMENTS

1. ARCHES
2. SQUARE COLUMNS
3. AWNINGS (METAL TO MATCH ADJACENT BUILDINGS)
4. PORTE COCHERE OVER DT WINDOW
5. OUTDOOR ART (PANDA SCULPTURES)
6. OUTDOOR SEATING
7. THREE BUILDING MATERIALS



NORTH ELEVATION 2  
Scale= 1/4" = 1'-0" A-200



SOUTH ELEVATION 1  
Scale= 1/4" = 1'-0" A-200



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REVISIONS:

ISSUE DATE:

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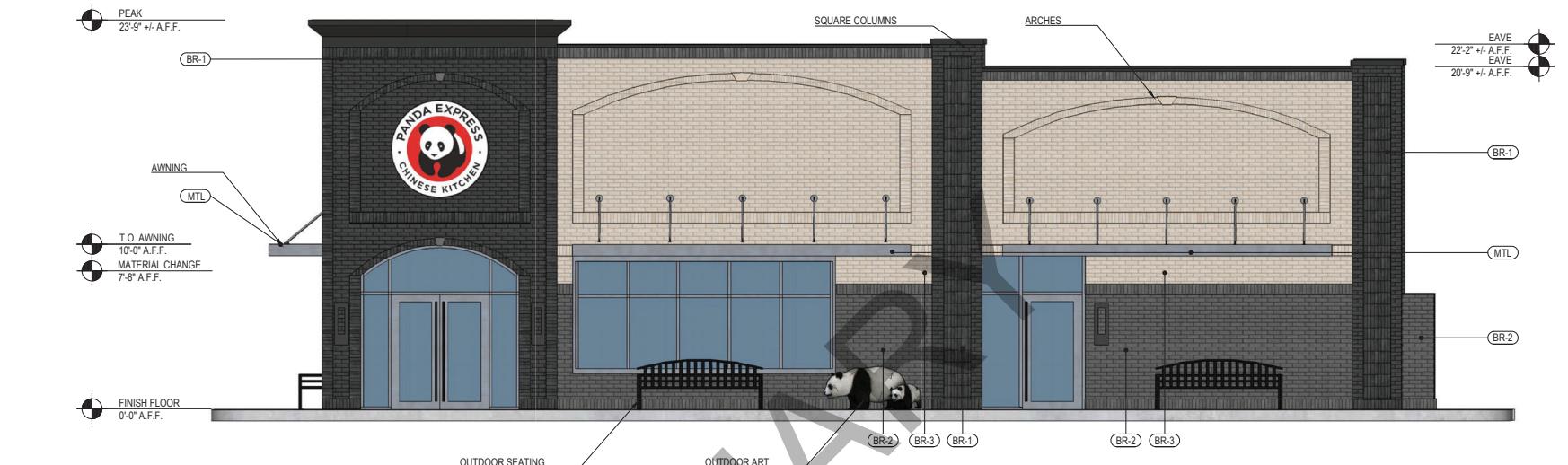
PANDA PROJECT #: S8-23-D24023  
PANDA STORE #: -  
ARCH PROJECT #: 22044.037

PANDA EXPRESS  
PANDA HOME 2600  
12448 SOUTHPORT PKWY  
LA VISTA, NE 68128

A-201

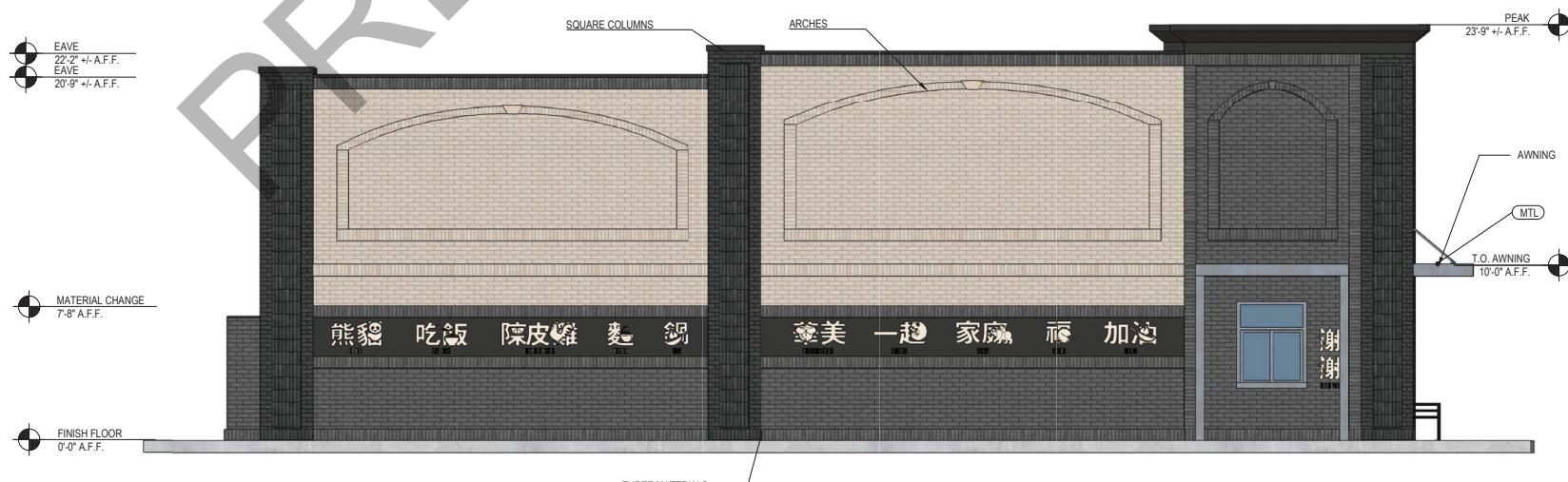
EXTERIOR  
ELEVATIONS

WEST ELEVATION | 1  
Scale= 1/4" = 1'-0"  
A-201



\*SEE SHEET A-200 FOR EXTERIOR FINISH SCHEDULE

EAST ELEVATION | 2  
Scale= 1/4" = 1'-0"  
A-201



PANDA HOME 2600 R4

# Technical Memorandum

---

Date: September 2, 2021  
To: Pat Dowse, PE  
From: Dan Bellizzi, PE, PTOE  
RE: Southport North Lots – Traffic Study Update  
Project #: 021-02442

---



## INTRODUCTION and OBJECTIVE

This memorandum documents the traffic impacts of a site plan update located in the northeast quadrant of Southport Parkway and Westport Parkway in La Vista, Nebraska. This memorandum is intended to provide an update to the analysis of the roadway network based on the updated site plan for this property. The proposed site plan is shown in **Figure 1**. All figures are included at the end of the memorandum.

A previous traffic study was completed by Olsson in August 2019 (Olsson 2019) for the proposed area of development (previously Brixmor North development). This memorandum will utilize traffic volumes and recommendations from the Olsson 2019 study as a baseline. The Olsson 2019 study is included in the **Appendix** at the end of this memorandum. An analysis of the updated 2022 plus site conditions in the morning peak hour (AM) and evening peak hour (PM) was completed in this memorandum. In addition, site traffic circulation was examined for the proposed site layout to determine the viability of the proposed site, including proposed access points. Specific recommendations are included at the end of the report to help mitigate traffic impacts.

## UPDATED ANALYSIS

The trip generation and opening day capacity analysis were reevaluated based on the updated site plan provided by the client. The number of anticipated site trips and results of the capacity analysis using new site trips were compared to the evaluations performed in the Olsson 2019 study. In addition, the intersection of Westport Parkway and Embassy Suites Drive was added to the evaluation per discussions with the City of La Vista.

## Trip Generation and Distribution

Trip generation is generally determined using rates found in the Institute of Transportation Engineers (ITE) *Trip Generation Manual (10th Edition)*. Common Land Use Codes (LUC) are published with rates that can be applied to values related to the size of the proposed site to estimate the anticipated entering and exiting trips.

Based on the updated site plan, the same land uses – with revised building footprints – that were evaluated in the Olsson 2019 study are expected to be developed. Proposed site trips were determined based on ITE trip generation rates used in the Olsson 2019 study. The updated trip generation is shown in **Table 1**. The updated site plan is anticipated to have a decrease of 437 daily (10 percent), 25 AM peak hour (6 percent), and 27 PM peak hour (9 percent) site trips compared to the trip generation in the Olsson 2019 study.

**Table 1. Updated trip generation for Southport North Lots**

ITE 10th Ed Code/Page	Land Use	Size	Daily Trip Generation							
			Trip Gen. Avg. Rate/Eq.	Daily Trips	Trip Distribution Enter	Trip Distribution Exit	Total Daily Trips Enter	Total Daily Trips Exit		
934/201	Fast-Food Restaurant with Drive-Through Window	3,000	SF	470.95	1,413	50%	50%	706	706	
932/96	High-Turnover (Sit-Down) Restaurant	4,264	SF	112.18	478	50%	50%	239	239	
820/138	Shopping Center	9,018	SF	37.75	340	50%	50%	170	170	
937/231	Coffee/Donut Shop with Drive-Through Window	2,314	SF	820.38	1,898	50%	50%	949	949	
Total				4,130				2,065	2,065	
AM Peak Hour Trips										
ITE 10th Ed Code/Page	Land Use	Size	AM Peak Hour Trips						Primary Trips Enter	
			Trip Gen. Avg. Rate/Eq.	AM Peak Trips	Trip Distribution Enter	Trip Distribution Exit	Total AM Trips Enter	Total AM Trips Exit		
934/202	Fast-Food Restaurant with Drive-Through Window	3,000	SF	40.19	121	51%	49%	61	59	49%
820/139	High-Turnover (Sit-Down) Restaurant	4,264	SF	9.94	42	55%	45%	23	19	0%
820/139	Shopping Center	9,018	SF	0.94	8	62%	38%	5	3	0%
937/232	Coffee/Donut Shop with Drive-Through Window	2,314	SF	88.99	206	51%	49%	105	101	0%
Total				377				195	182	30
PM Peak Hour Trips										
ITE 10th Ed Code/Page	Land Use	Size	PM Peak Hour Trips						Primary Trips Enter	
			Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Trip Distribution Enter	Trip Distribution Exit	Total PM Trips Enter	Total PM Trips Exit		
934/203	Fast-Food Restaurant with Drive-Through Window	3,000	SF	32.67	98	52%	48%	51	47	50%
820/140	High-Turnover (Sit-Down) Restaurant	4,264	SF	9.97	43	62%	38%	26	16	43%
820/140	Shopping Center	9,018	SF	3.81	34	48%	52%	16	18	34%
937/233	Coffee/Donut Shop with Drive-Through Window	2,314	SF	43.38	100	50%	50%	50	50	0%
Total				275				144	131	39
Pass-by Trips										
ITE 10th Ed Code/Page	Land Use	Size	Pass-by Trips						Primary Trips Enter	
			Pass-by Reduction Enter	Pass-by Trips Enter	Pass-by Reduction Exit	Pass-by Trips Exit	Total Pass-by Trips Enter	Total Pass-by Trips Exit		
934/202	Fast-Food Restaurant with Drive-Through Window	3,000		30	30	30	32	32	30	
820/139	High-Turnover (Sit-Down) Restaurant	4,264		0	0	0	23	23	19	
820/139	Shopping Center	9,018		0	0	0	5	5	3	
937/232	Coffee/Donut Shop with Drive-Through Window	2,314		0	0	0	105	105	101	
Total				30	30	30	166	166	153	

Based on conversations with the City of La Vista, the intersection of Westport Parkway and Embassy Suites Drive was included in the intersection analysis. To populate traffic volumes at this drive, hotel traffic volumes were generated based on information in a Southport Development traffic study completed by Schemmmer Associates that was provided by the City of La Vista (Schemmmer 2006). The Schemmmer 2006 study does not provide AM peak hour trips for this use. A separate trip generation was performed for the hotel use and site trips were applied to the turning movements at Embassy Suites Drive. Through volumes along Westport Parkway were balanced. **Table 2** shows the trips for the hotel land use. Note that a 15% mixed-use reduction was used to match the trip generation from the Schemmmer 2006 study.

**Table 2. Hotel Land Use Trip Generation**

Daily Trip Generation										
ITE 10th Ed Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	Daily Trips	Mixed-Use Reduction	Net Daily Trips	Trip Distribution Enter	Trip Distribution Exit	Total Daily Enter	Total Daily Exit
310 / 2	Hotel	470 Rooms	8.36	3,929	15%	3,340	50%	50%	1,670	1,670
	Total			3,929		3,340			1,670	1,670
AM Peak Hour Trips										
ITE 10th Ed Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	AM Peak Trips	Mixed-Use Reduction	Net AM Peak Trips	Trip Distribution Enter	Trip Distribution Exit	Total AM Enter	Total AM Exit
310 / 3	Hotel	470 Rooms	0.47	221	15%	188	59%	41%	111	77
	Total			221		188			111	77
PM Peak Hour Trips										
ITE 10th Ed Code/Page	Land Use	Size	Trip Gen. Avg. Rate/Eq.	PM Peak Trips	Mixed-Use Reduction	Net PM Peak Trips	Trip Distribution Enter	Trip Distribution Exit	Total PM Enter	Total PM Exit
310 / 4	Hotel	470 Rooms	0.60	282	15%	240	51%	49%	122	117
				282		240			122	117

The primary and pass-by trip distributions used in the Olsson 2019 study are shown in **Figure 2** and **Figure 3**, respectively. The updated primary, pass-by, and combined trips are shown in **Figure 4-6**. The updated site trips were applied to 2022 background volumes using the trip distribution from the Olsson 2019 study to develop the 2022 plus site volume scenario. It should be noted that there are no westbound u-turning movements at the intersection of Westport Parkway and Southport Parkway due to an existing northbound overlap phase with the westbound left-turning movement. In the Olsson 2019 study, the installation of a “No U-Turn” sign (MUTCD R3-4) at the intersection of Westport Parkway and Southport Parkway to restrict westbound u-turning movements is recommended. This study maintains this recommendation. The updated 2022 plus site traffic volumes are shown in **Figure 7**.

## 2022 Plus Site Capacity Analysis

Capacity analyses were performed at the study intersections in 2022 plus Site conditions. Analyses were conducted using Synchro, Version 11.0 which is based on the Highway Capacity Manual (HCM), 6<sup>th</sup> Edition delay methodologies. For simplicity, the amount of control delay is equated to a grade or Level of Service (LOS) based on thresholds of driver acceptance. The amount of delay is assigned a letter grade A through F, LOS A representing little or no delay and LOS F representing very high delay. **Table 3** shows the delays associated with each LOS grade for signalized and unsignalized intersections.

**Table 3. Intersection LOS Criteria**

Level-of-Service	Average Control Delay (seconds)	
	Signalized	Unsignalized
<b>A</b>	$\leq 10$	$\leq 10$
<b>B</b>	> 10-20	> 10-15
<b>C</b>	> 20-35	> 15-25
<b>D</b>	> 35-55	> 25-35
<b>E</b>	> 55-80	> 35-50
<b>F</b>	> 80	> 50
Highway Capacity Manual (HCM, 6 <sup>th</sup> Edition)		

Results of the capacity analysis indicate all turning movements are anticipated to operate at similar levels of service reported in the Olsson 2019 study. In addition, individual turning movements at the Embassy Suites Drive intersection are anticipated to operate at LOS B or better in both peak hours. The 95<sup>th</sup> percentile queue lengths for individual turning movements at study intersections are anticipated to be contained within existing turn bay lengths.

The 2022 plus Site capacity analysis summary is illustrated in **Figure 8**. Detailed results can be found in the **Appendix**.

## **Site Access and Circulation**

Site access and circulation of site traffic was re-analyzed to determine potential impacts on the roadway network.

### **Proposed Site Access**

The proposed site drive along Southport Parkway aligns with the east drive aisle in the site and is located approximately 300 feet west of the Giles Road west curb line. Consistent with guidance from the City of La Vista and the Olsson 2019 study, a westbound right-turn lane at the drive location was considered for analysis purposes.

Based on the proposed location of the site drive along Southport Parkway, there are concerns that traffic may use this drive for access to the adjacent hotel property. In addition, there are concerns delivery trucks using this access may need to wait for exiting vehicles to have adequate space to make a wide turn into the site, potentially stacking vehicles onto Southport Parkway. Consistent with the Olsson 2019 study, signage should be provided directing hotel traffic and delivery trucks to use the access along Westport Parkway.

### **Alternative Site Access**

To increase on site storage for the proposed coffee shop, an alternative access location was considered. Access could be designed to align with the site's west drive aisle (approximately 175 feet east of the Westport Parkway east curb line). At this location, the access would be located within the existing storage lanes for the dual westbound left-turn lanes on Southport Parkway. Vehicles exiting the site would have to cross multiple westbound lanes to access the westbound left-turn lanes at the intersection of Westport Parkway and Southport Parkway. However, restricting the access to right-in only at this location would alleviate concerns of exiting vehicles conflicting with Southport Parkway traffic. Do Not Enter (MUTCD sign R5-1) signs would be recommended to be installed at the throat of this drive.

An access at this location would be within the functional area of the intersection of Westport Parkway and Southport Parkway. The functional area represents the influence of storage and vehicular queuing at an intersection. With a site drive at this location, a westbound right-turn lane would be recommended to reduce conflicts with through movements along Southport Parkway because of the short spacing to the Westport Parkway intersection.

### **On-site Circulation**

The updated site plan proposes two land uses that include drive-throughs. The available stacking for the proposed coffee shop on the east side of the property within the dedicated drive through lane is 12 vehicles. Storage for an additional 6 vehicles is provided within the parking lot drive aisles for a total of 18 vehicles before entering the public right-of-way. Additional storage is available for queued vehicles in the drive aisle adjacent to the west side of the building.

If the site access from Southport Parkway were to be moved to align with the west drive aisle, there would be enough on-site stacking for approximately 30 vehicles. However, entering coffee shop traffic will flow through the Lot 2 parking lot drive aisle to get to the drive through lane, introducing additional on-site conflicts.

The available stacking for the fast-food restaurant (center building) shown in the site plan is eight vehicles in a dedicated storage lane. The 24-foot drive aisle on the north side of the building should be one-way westbound to avoid conflicts with circulation and drive-through access. Do Not Enter (MUTCD sign R5-1) signs and pavement marking arrow symbols should be installed to guide site traffic. **Figure 9** shows a concept of these signage and pavement marking improvements.

## SUMMARY

This study documents the comparison of site-generated traffic and capacity analysis for the updated land uses for the development located on the northeast quadrant of Southport Parkway and Westport Parkway in La Vista, Nebraska. In addition, site circulation was explored to determine impacts on the roadway network.

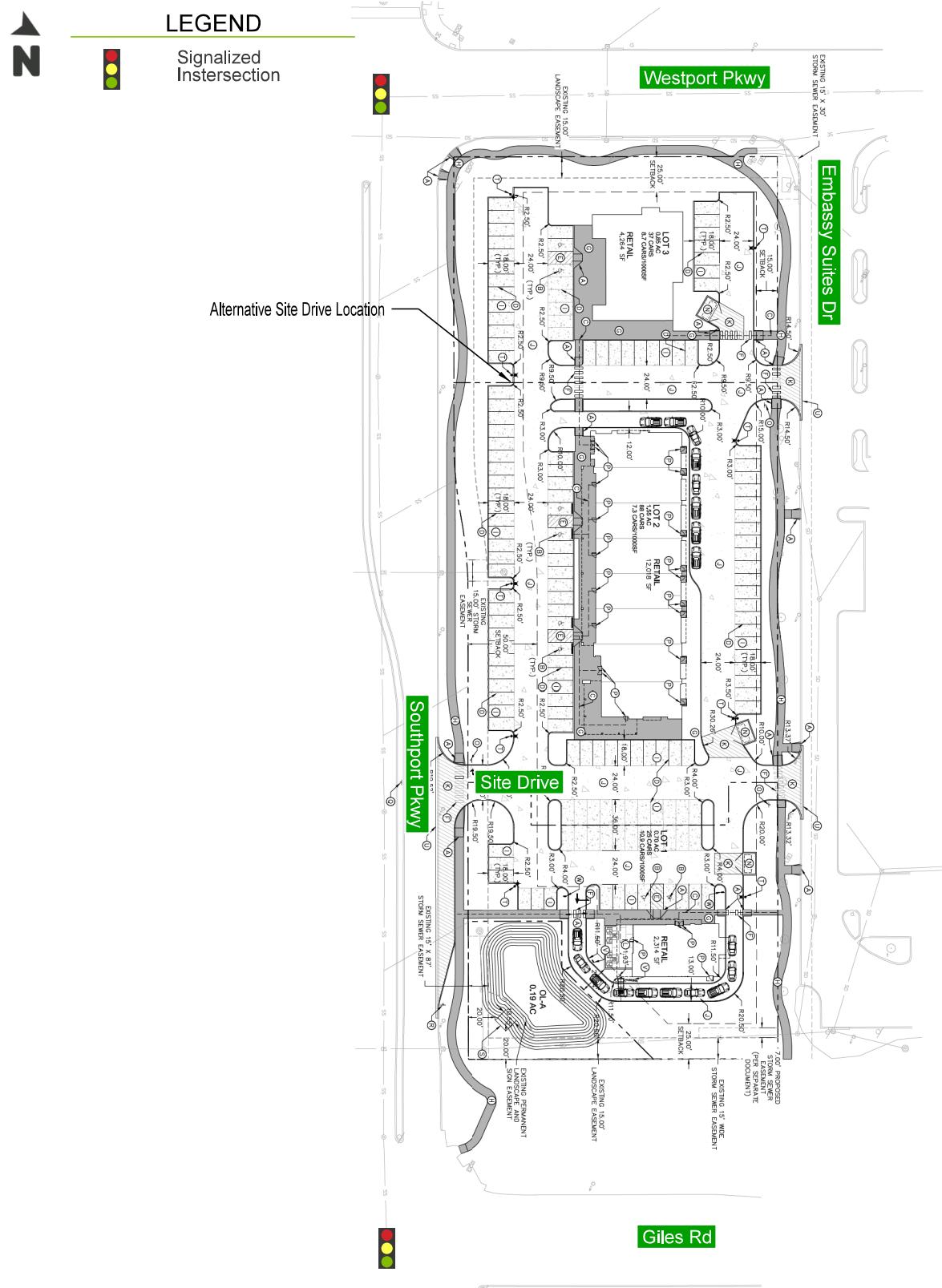
Based on the updated site plan, there is anticipated to be a 5 to 10 percent decrease in daily and peak hour site trips compared to the trips analyzed in the Olsson 2019 traffic study. The effects of the difference in site-generated trips are anticipated to be minimal at study intersections, with minor decreases in delay and queuing compared to those reported in the Olsson 2019 study.

Based on the current site plan, the drive aisle on the north side of the central building should be one-way westbound to avoid conflicts with circulation and drive-through access. Do Not Enter (MUTCD sign R5-1) signs and arrow pavement markings should be installed to guide site traffic.

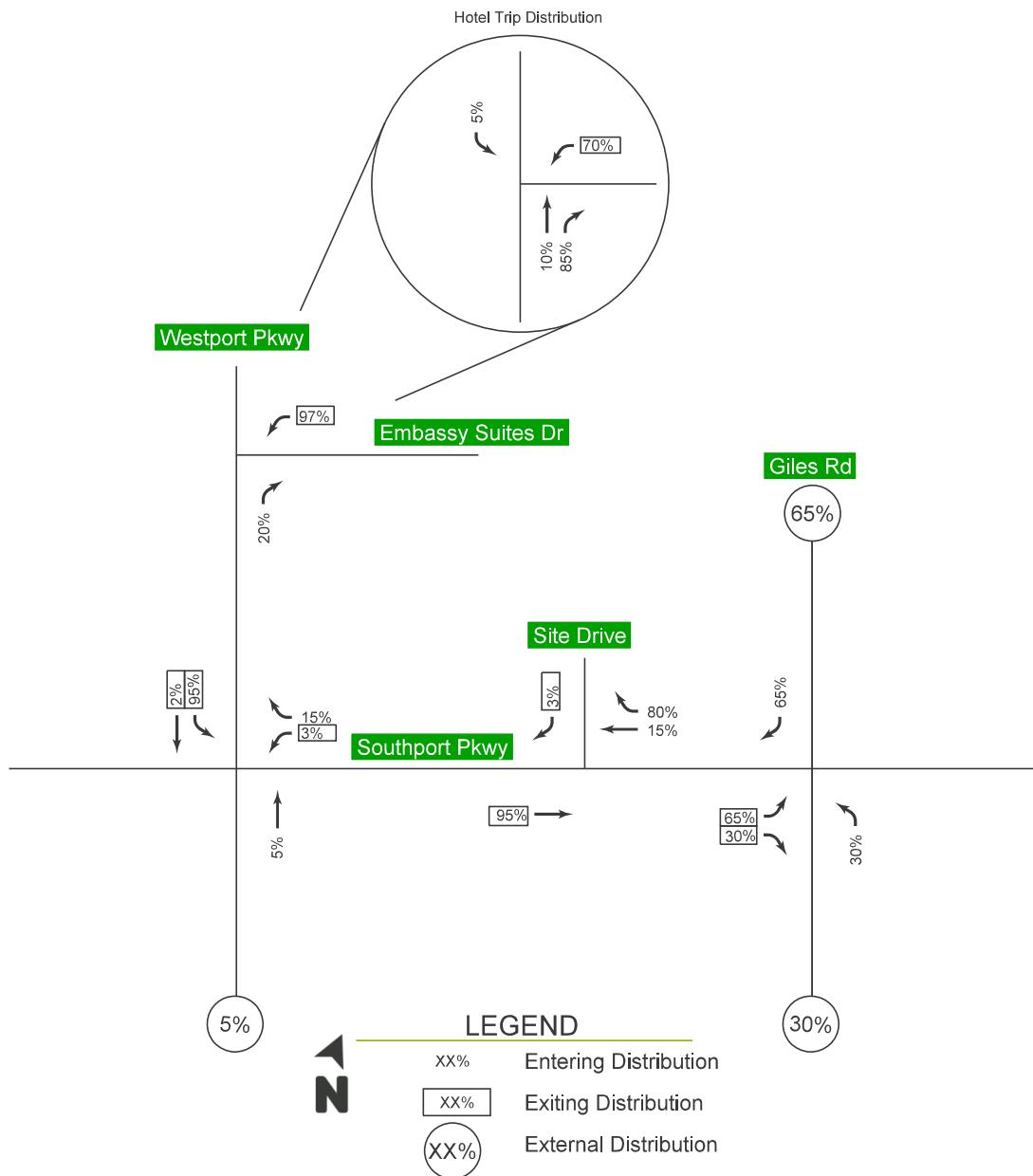
In addition, this study maintains the recommendations in the Olsson 2019 study, including:

- As traffic volumes increase along Giles Road and developments in the area build out, signal timings in the area should be considered for modification to improve traffic operations through the Giles Road corridor. There are no recommended signal timing modifications at study intersections currently.
- Providing a “One Way” sign (MUTCD R6-1) in the median along Southport Parkway with the construction of the Southport Parkway site drive.
- Install “No U-Turn” sign (MUTCD R3-4) on west leg median at intersection of Westport Parkway and Southport Parkway.
- Install westbound right-turn lane at the location of the proposed site drive on Southport Parkway.
- Install signage prior to the site drive directing hotel and delivery traffic to use Westport Parkway to reduce potential congestion at the Southport Parkway site drive.

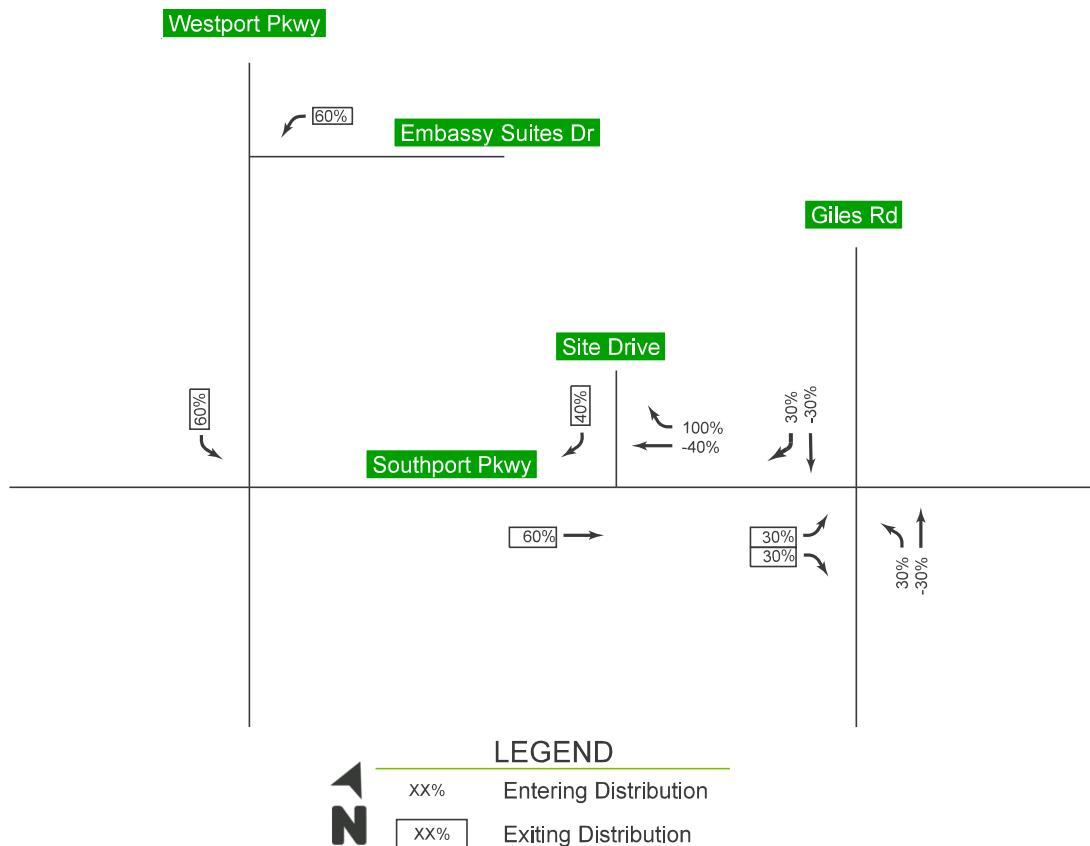




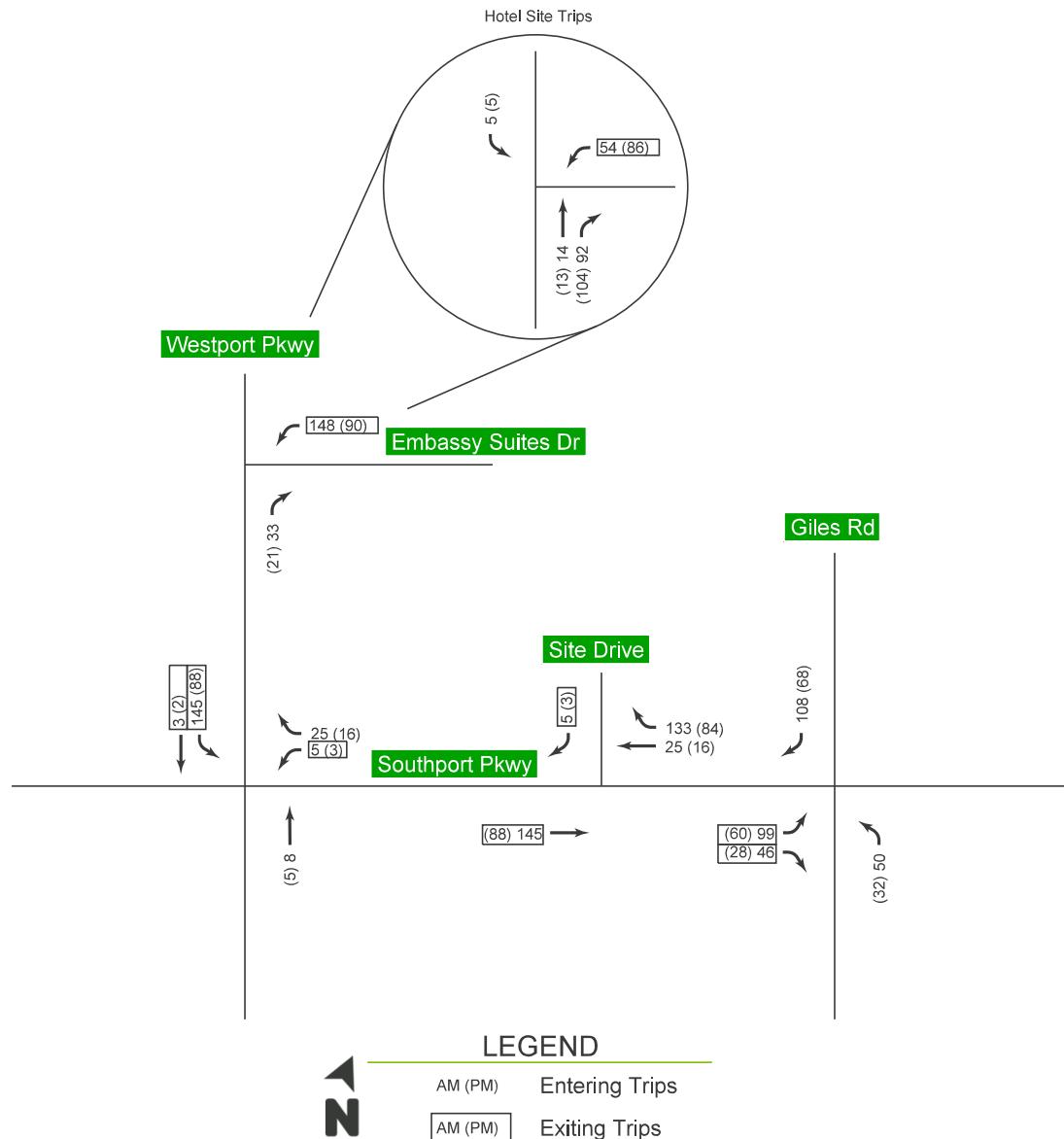
**Figure 1. Proposed site plan for Southport North Lots**



**Figure 2. Primary trip distribution**



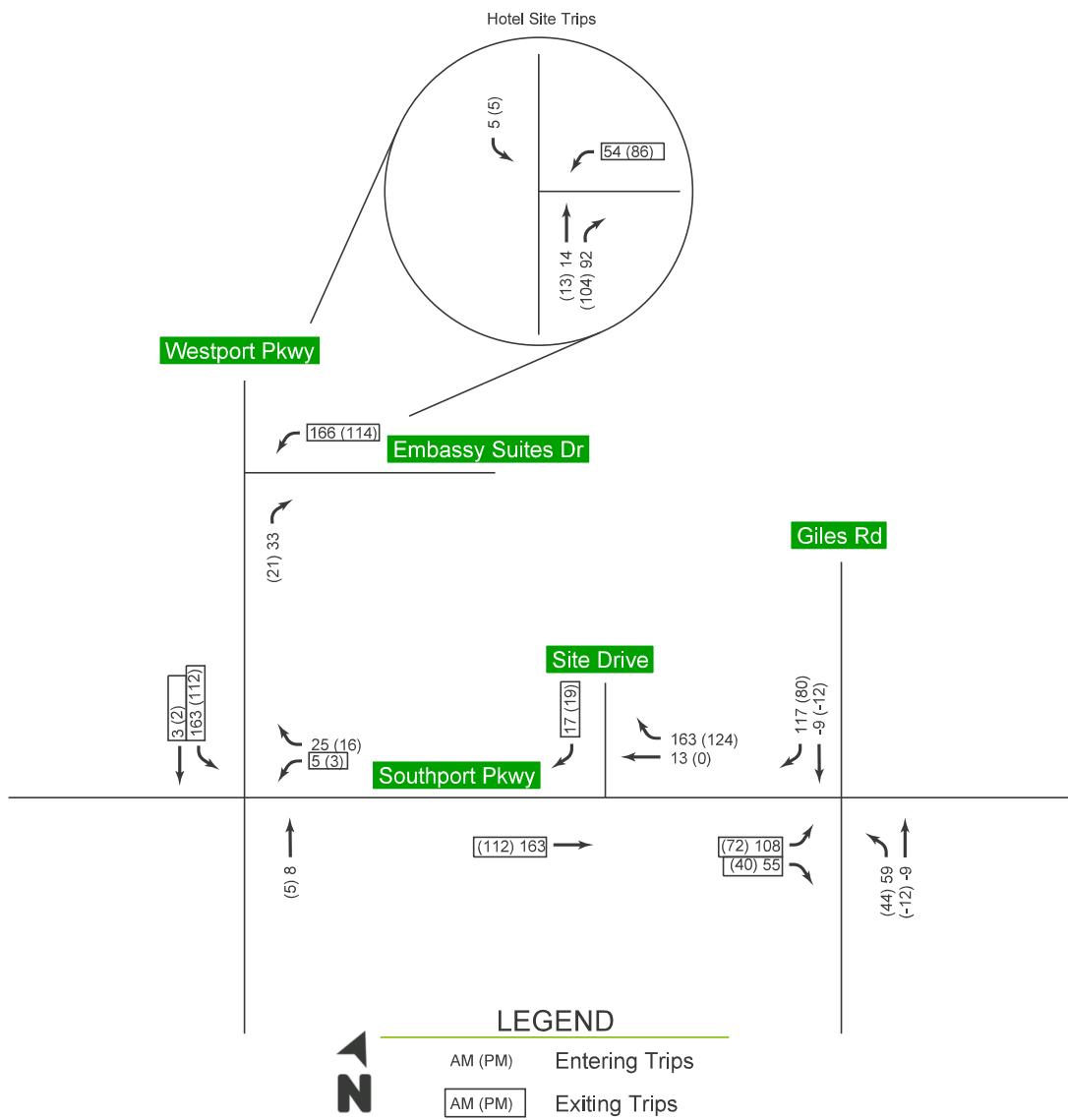
**Figure 3. Pass-by trip distribution**



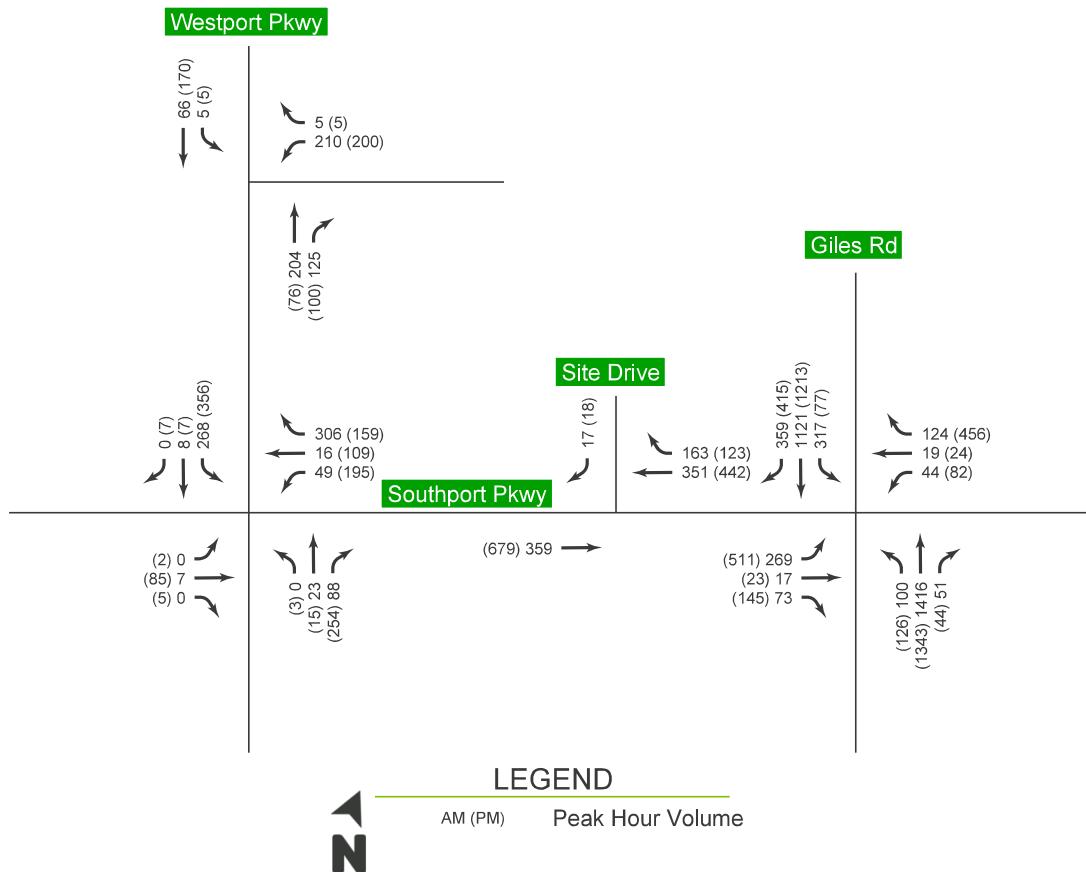
**Figure 4. Primary site trips**



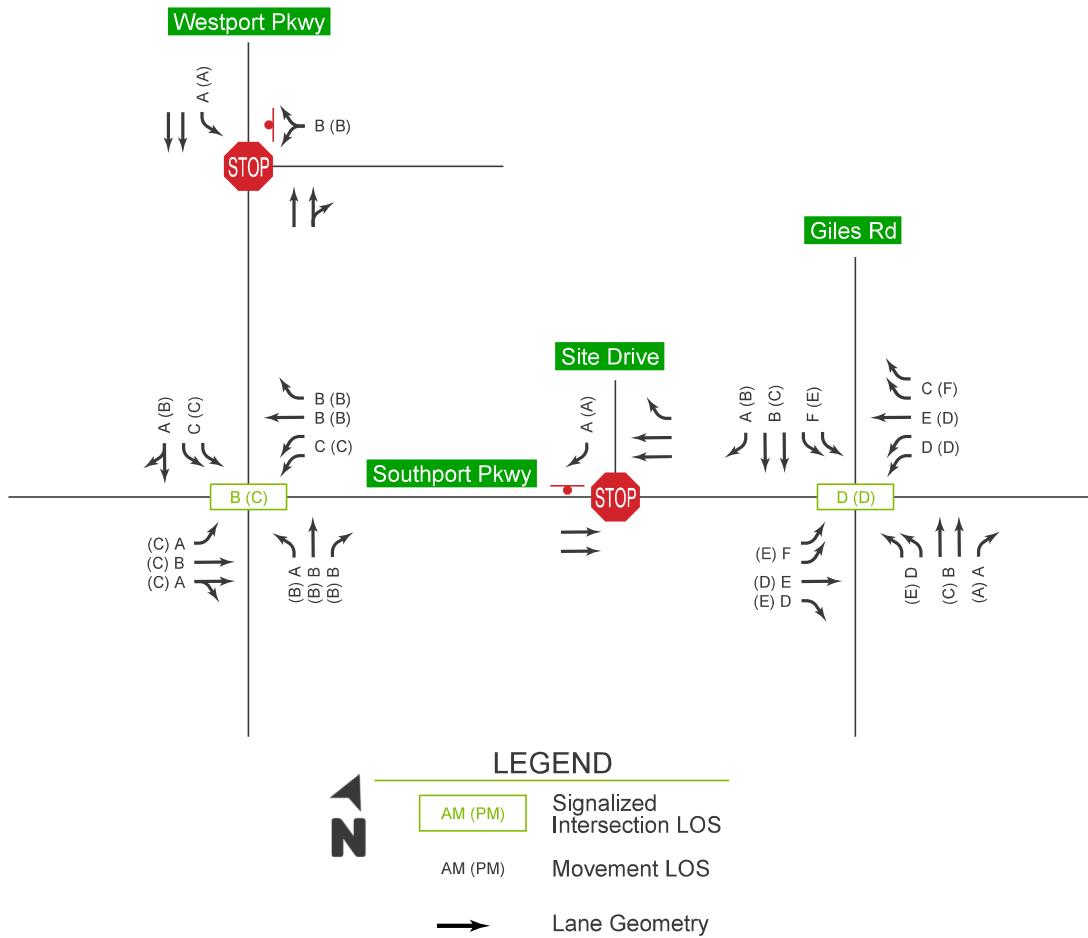
**Figure 5. Pass-by site trips**



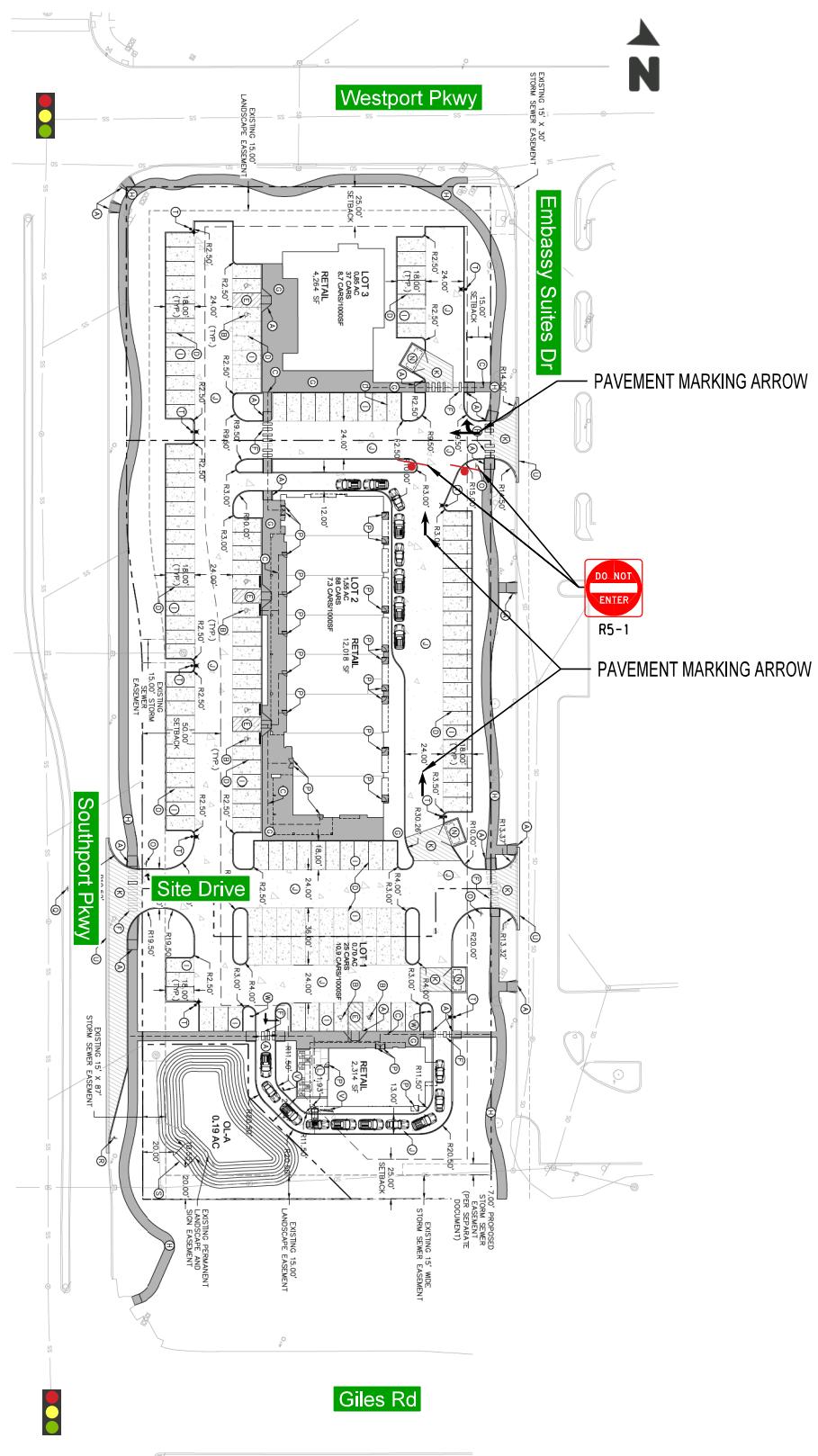
**Figure 6. Combined site trips**



**Figure 7. 2022 plus site traffic volumes**



## Figure 8. 2022 plus site capacity analysis



**Figure 9. Site circulation conceptual improvements**



**MEETING MINUTES**  
**CITY OF LA VISTA PLANNING COMMISSION**  
**8116 PARK VIEW BOULEVARD, LA VISTA, NE 68128**  
**P: (402) 593-6400**

**THURSDAY, MARCH 16, AT 6:30 P.M.**

The City of La Vista Planning Commission held a meeting on Thursday, March 16, 2023, in the Harold "Andy" Anderson Council Chambers at La Vista City Hall, 8116 Park View Boulevard. Legal notice of the public meeting and hearing were posted, distributed, and published according to Nebraska law. Notice was simultaneously given to all members of the Planning Commission. All proceedings shown were taken while the convened meeting was open to the attendance of the public. The following Planning Commission members were present and absent:

**PRESENT:** Gayle Malmquist, Patrick Coghlan, Josh Frey, Kathleen Alexander, Austin Partridge, John Gahan, and Mike Krzywicki

**ABSENT:** Jason Dale, Mike Circo, and Harold Sargus

**STAFF PRESENT:** Bruce Fountain, Community Development Director; Chris Solberg Deputy Community Development Director; Cale Brodersen, Associate Planner; Meghan Engberg, Permit Technician; Pat Dowse, City Engineer

**Call to Order**

The meeting was called to order by Vice-Chair Alexander at 6:30 p.m. Copies of the agenda and staff reports were made available to the public.

**1. Approval of Meeting Minutes from February 16, 2023**

**Motion:** Krzywicki moved, seconded by Malmquist, to **approve** the February 16, 2023, minutes.

<b>RESULT:</b>	<b>Motion carried 7-0</b>
<b>MOTION BY:</b>	Krzywicki
<b>SECONDED BY:</b>	Malmquist
<b>AYES:</b>	Coghlan, Gahan, Krzywicki, Malmquist, Partridge, Alexander, Frey
<b>NAYS:</b>	None
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Dale, Circo, Sargus

**2. Old Business**

None.

### 3. New Business

#### A. PUD Amendment – Lots 1-3 & Outlot A Southport West Replat Eight – Southport Parkway, LLC

##### i. **Staff Report – Christopher Solberg, Deputy Community Development Director:**

Solberg said that the applicant, Southport Parkway, LLC is requesting a PUD amendment to allow for a commercial development with shared parking on Lots 1-3 and Outlot A of Southport West Replat Eight. The applicant is asking for a site plan amendment that would change the proposed restaurant on the far west side of the development to a drive-thru restaurant. The amendment would also change the west endcap of the existing strip mall building to allow for a drive-thru lane for a financial institution.

Staff reviewed the application and provided a number of comments that the applicant successfully addressed. Staff recommends approval of the PUD Site Plan Amendment for a commercial development on Lots 1-3 Southport West Replat Eight contingent upon satisfactory resolution of the issues stated within the staff report prior to City Council approval, as the PUD Site Plan request is consistent with the Comprehensive Plan and Zoning Ordinance.

##### ii. **Public Hearing:** Jeff Lake gave a presentation showing the development. He pointed out the tenants that have been announced, including PenFed Credit Union on the west endcap of the building, the drive-thru financial institution that is part of the PUD Amendment. He then spoke about Lot 3, where the Panda Express is planning on going, which is also part of the PUD Amendment.

On a site plan, Lake identified the additional lane and design changes for the ATM, and the changes on Lot 3 to accommodate the Panda Express.

Krzywicki asked if there have been any agreements made with nearby parking lots for employees to park.

Lake said that all of Southport West utilizes cross-parking allowed through the PUD and other agreements.

Coghlan inquired about the diagram that showed the bank and cars wrapping around in the teller line and then splitting between the teller line and atm. He asked if cars would also funnel into the same line to leave.

Lake said that they do.

Krzywicki talked about the diagram showing traffic flow in and out of the development.

Lake explained that off of Southport Parkway there is a right-in-only to feed traffic into the site, and that there are 2 egress points going into the shared drive with Embassy Suites.

**Vice-Chair Alexander opened the Public Hearing.**

**Vice-Chair Alexander closed the Public Hearing as no members of the public came forward.**

iii. **Recommendation:** Coghlan moved, seconded by Frey, to recommend **approval**

<b>RESULT:</b>	<b>Motion carried 7-0</b>
<b>MOTION BY:</b>	Coghlan
<b>SECONDED BY:</b>	Frey
<b>AYES:</b>	Coghlan, Malmquist, Partridge, Gahan, Wetuski, Krzywicki,
<b>NAYS:</b>	Alexander
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Dale, Circo, Sargus

4. **PUD Amendment – Lot 2 Woodhouse Place and Lots 1 & 2 Woodhouse Place Replat 2 – Woodhouse Auto Family**

i. **Staff Report – Christopher Solberg, Deputy Community Development Director:** Solberg stated that the applicant's application is not ready for Planning Commission review at this time, and that an additional resubmittal is required. Staff is asking Planning Commission to open the public hearing and continue it to the next meeting on April 20<sup>th</sup>.

ii. **Public Hearing**

Alexander opened the public hearing.

iii. **Recommendation:** Gahan moved, seconded by Frey, to recommend continuation of the public hearing to April 20<sup>th</sup>.

<b>RESULT:</b>	<b>Motion carried 7-0</b>
<b>MOTION BY:</b>	Gahan
<b>SECONDED BY:</b>	Frey
<b>AYES:</b>	Coghlan, Malmquist, Partridge, Gahan, Wetuski, Krzywicki,
<b>NAYS:</b>	Alexander
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Dale, Circo, Sargus

5. **Report of the Nominating Committee**

Gahan said that they sent an email to the current officers, (Sargus, Alexander, Dale), to see if they would be interested in serving in their same positions and all said yes.

## 6. 2023 Election of Officers

**Recommendation:** Gahan moved, seconded by Frey, to recommend the reelection of Sargus as Chair, Alexander as Vice-Chair and Dale as Secretary for the current term.

<b>RESULT:</b>	Motion carried 7-0
<b>MOTION BY:</b>	Gahan
<b>SECONDED BY:</b>	Frey
<b>AYES:</b>	Coghlan, Malmquist, Partridge, Gahan, Wetuski, Krzywicki,
<b>NAYS:</b>	Alexander
<b>ABSTAINED:</b>	None
<b>ABSENT:</b>	Dale, Circo, Sargus

## 7. Comments from the Floor

None.

## 8. Comments from the Planning Commission

None.

## 9. Comments from the Staff

Fountain said that there will be no meeting on April 6<sup>th</sup>.

## 10. Adjournment

Vice-Chairman Alexander adjourned the meeting at 6:51 p.m.

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chair

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Date

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND – FIREFIGHTERS RETIREMENT PLAN AND TRUST	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	WENDY LOWERY HUMAN RESOURCES DIRECTOR

**SYNOPSIS**

An ordinance has been prepared to approve an amendment to the retirement plan for fire employees to incorporate recent changes in federal laws.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City currently has a Qualified Fire Retirement Plan from when the City employed a full-time Fire Chief. Qualified retirement plans must be operated in accordance with applicable laws and regulations, including any changes in such laws and regulations; and plans must be updated to reflect changes in such laws, regulations and plan operations.

The attached amendment is intended to incorporate recent changes in applicable laws and plan operations.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA TO AMEND THE CITY OF LA VISTA FIREFIGHTERS RETIREMENT  
PLAN AND TRUST; TO AUTHORIZE FURTHER ACTIONS; AND TO PROVIDE FOR  
REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY AND THE EFFECTIVE  
DATE HEREOF.**

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

**SECTION 1.** Pursuant to Nebraska Statutes, Sections 16-1020 through and including 16-1042, the City of La Vista maintains the City of La Vista Firefighters Retirement Plan and Trust embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law ("Plan").

**SECTION 2.** The Mayor and City Council are authorized and desire to amend the Plan for recent statutory changes, as set forth in the amendment presented with this Ordinance titled "AMENDMENT (2023) SECURE, SECURE 2.0, Bipartisan American Miners & CARES Acts" ("Amendment").

**SECTION 3.** The Mayor and City Council do hereby approve and adopt said Amendment, effective on the date(s) set forth therein.

**SECTION 4.** The Mayor is authorized to execute said Amendment on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this Ordinance or otherwise determined necessary or advisable, to cause said Amendment to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the Amendment and other Plan documents and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or maintain the qualified status of the Plan.

**SECTION 5.** All ordinances and parts of ordinances as previously enacted to the extent in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 6.** 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 hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 7.** This Ordinance shall be in force and take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

**CITY OF LA VISTA  
FIREFIGHTERS RETIREMENT PLAN AND TRUST**

**AMENDMENT (2023)  
SECURE, SECURE 2.0, Bipartisan American Miners & CARES Acts**

**ARTICLE 1  
GENERAL**

- 1.1 **Adoption and effective date of Amendment.** Pursuant to Nebraska Statutes, Sections 16-1020 through and including 16-1042, the City of La Vista, Nebraska (“City” or “Employer”) maintains the City of La Vista Firefighters Retirement Plan and Trust embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law (“Plan”). The Mayor and City Council are authorized and desire to amend the Plan as set forth in this Amendment, effective as of the dates specified below; provided, however, if a date is not specified, the provision shall be effective as of January 1, 2020.
- 1.2 **Superseding of inconsistent provisions.** Provisions of this Amendment apply notwithstanding any provisions of the Plan to the contrary. To further specify and not limit the foregoing sentence, this Amendment supersedes provisions of the Plan that are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning in this Amendment.
- 1.3 **Numbering.** Except as otherwise provided in this Amendment, any use of “Article”, “Section” or similar language in this Amendment is used for organizing the Amendment and not to reference to particular articles, sections, or parts of the Plan.
- 1.4 **Intention; Construction.** A principal purpose of this Amendment is to amend the Plan for changes to applicable requirements governing retirement plans maintained by employers (“Changes to Applicable Requirements”), including without limitation, changes to applicable provisions of the Internal Revenue Code (“Code”) by the Further Consolidated Appropriations Act, 2020 (and specifically Divisions M and O of that Act, known as the Setting Every Community Up for Retirement Enhancement Act of 2019 and the Bipartisan American Miners Act of 2019), the Consolidated Appropriations Act, 2023 (and specifically Division T of that Act, known as the Setting Every Community Up for Retirement Enhancement 2.0 Act of 2022), and the Coronavirus Aid, Relief, and Economic Security Act (2020). All provisions of the Plan shall be deemed amended and modified consistent with the provisions of this Amendment and Changes to Applicable Requirements, and shall be subject to any applicable regulations or other guidance, as currently in effect or as adopted or amended from time to time.
- 1.5 **Effect of subsequent restatement or amendment of Plan.** If the City restates the Plan, this Amendment shall remain in effect after such restatement unless the provisions in this Amendment are restated or otherwise become obsolete (e.g., if the Plan is restated and the restated plan document incorporates these provisions).

**ARTICLE 2  
REQUIRED BEGINNING DATE**

- 2.1 **Application.** This Article 2 changes the applicable age for purposes of required minimum distributions (“RMDs”) under Internal Revenue Code (“Code”) Section 401(a)(9) from 70 ½ to 72 years of age (age 73 for Participants attaining age 72 after December 31, 2022). The changes made by this Article will apply to all plans, regardless of type, and shall be effective with regard to RMDs required to be made under Code Section 401(a)(9) after December 31, 2019, with respect to individuals who attain age 70 ½ after such date.
- 2.2 **Increase Age for Required Beginning Date.** The required beginning date (“Required Beginning Date” or “RBD”) for purposes of RMDs pursuant to Code Section 401(a)(9) shall be April 1 of the calendar year following the later of :

- a. the calendar year in which the Participant attains age 72 (age 73 for Participants attaining age 72 after December 31, 2022), or
- b. the calendar year in which the Participant retires.

Provided, however, Section 2.2(b) shall not apply in the case of a Participant who is a 5% owner. For this purpose, a Participant will be treated as a 5% owner if the Participant was a 5-percent owner (as defined in Code §416) with respect to the Plan Year ending in the calendar year in which the Participant attains age 72 (age 73 for Participants attaining age 72 after December 31, 2022).

- 2.3 **Spousal Distributions.** Subject to any right under the Plan to elect the 10-Year Rule, if a Participant dies prior to the Participant's RBD and the Participant's sole Designated Beneficiary is the Participant's surviving spouse, then the RMDs to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died, or by December 31 of the calendar year in which the Participant would have attained age 72 (age 73 for Participants attaining age 72 after December 31, 2022), if later, provided the Plan, immediately before this Amendment, provided for delay of RMD to a surviving spouse to December 31 of the calendar year in which the Participant would have attained age 70½.
- 2.4 **Additional Increase Age for Required Beginning Date.** Effective January 1, 2023, the age for determining RBD and commencing RMDs from qualified plans shall increase from age 72 to age 73 for Participants reaching 72 after December 31, 2022.
- 2.5 **Definitions.** Terms used in this Article shall have the meaning ascribed to them in this Article, Amendment, or applicable provisions of Code Section 401(a)(9), regulations or other guidance.

### **ARTICLE 3** **BENEFICIARY REQUIRED MINIMUM DISTRIBUTIONS**

- 3.1 **Application.** This Article 3 will apply to all plans other than Defined Benefit Plans. This Article will not apply to existing qualified annuities described in SECURE Act §401(b)(4)(B).
- 3.2 **Effective Date.** Except as otherwise provided in this Article, this Article will apply to distributions with respect to Participants who die on or after (i) January 1, 2020, if the Plan is not a governmental or collectively bargained plan, (ii) February 1, 2023, if the Plan is a governmental plan (as defined in Code §414(d)), and (iii) the date determined in SECURE Act §401(b)(2), if the Plan is a collectively-bargained plan,. Section 3.5 provides special rules with respect to certain Accounts under the Plan of Participants who died before the Effective Date of this Article.
- 3.3 **Death before RBD.** If the Participant dies before the Participant's RBD, the Plan will distribute or commence distribution of the Participant's Vested Accrued Benefit not later than as follows:
  - (a) **No Designated Beneficiary** If there is no Designated Beneficiary as of September 30 of the year following the calendar year of the Participant's death, the Beneficiary's entire interest will be distributed under the 5-Year Rule pursuant to Code Section 401(a)(9)(B)(ii) and applicable regulations and other guidance.
  - (b) **Eligible Designated Beneficiary.** If the distributee of a Participant's Account under the Plan is an Eligible Designated Beneficiary, the Beneficiary's entire interest will be distributed under the Life Expectancy Rule pursuant to Code Section 401(a)(9)(B)(iii), subject to any election of the 10-Year Rule if allowed under the terms of the Plan. For purposes of such an election, if the Plan immediately before this Amendment provided for a right to elect between the 5-Year Rule and Life Expectancy Rule, such provisions are amended to provide for an Eligible Designated Beneficiary to elect the 10-Year Rule in lieu of the Life Expectancy Rule, and if elected, the 10-Year Rule shall apply with respect to distributions pursuant to this Section 3.3(b). In the absence of an election, the Plan's provisions with regard to the Life Expectancy Rule will apply. An election of the 10-Year Rule must be made no later than the earlier of December 31 of the calendar year in which distribution would be required to begin under the Life Expectancy Rule, or by December 31 of the calendar year which contains the tenth anniversary of the Participant's (or, if applicable, surviving spouse's) death.

(c) **Other Designated Beneficiaries.** If the beneficiary of the Participant's Account under the Plan is a Designated Beneficiary who is not an Eligible Designated Beneficiary, then the beneficiary's entire interest will be distributed under the 10-Year Rule.

(d) **10-Year Rule.** If distribution of a deceased Participant's Account under the Plan is subject to the "10-Year Rule," then distribution of the Participant's entire Account will be completed by December 31 of the calendar year containing the tenth anniversary of the Participant's death.

3.4 **Death after RBD.** If the Participant dies on or after the Participant's RBD, the Participant's remaining interest will be distributed at least as rapidly as under the method of distribution being used as of the date of the participant's death using the Life Expectancy Rule, as and to the extent provided by applicable regulations and other guidance. If the Beneficiary is a Designated Beneficiary who is not an Eligible Designated Beneficiary, the Plan will distribute the remaining interest in full no later than December 31 of the tenth year following the year of the Participant's death.

3.5 **Beneficiary Death.** If an Eligible Designated Beneficiary receiving distributions under the Life Expectancy Rule dies before the Beneficiary's entire interest in the Participant's Account is distributed, the Plan will distribute the remainder of the Beneficiary's interest in full no later than December 31 of the 10<sup>th</sup> year following the year of the Eligible Designated Beneficiary's death. Similarly, if a Participant died before the Effective Date of this Article, and the Participant's designated beneficiary died after such Effective Date but prior to receiving full distribution of the beneficiary's interest, the Plan pursuant to SECURE Act §401(b)(5) will distribute that interest in full no later than December 31 of the tenth year following the year of the beneficiary's death.

3.6 **Age of Majority.** A child of the Participant who is receiving distributions under the Life Expectancy rule shall cease to be an Eligible Designated Beneficiary as of the date the child reaches the age of Majority and any remainder of the child's interest in the Participant's Account under the Plan shall be distributed within 10 years after that date, provided the child is not otherwise an Eligible Designated Beneficiary such as a disabled or chronically ill individual.

3.7 **Definitions; operating rules.** The following definitions and operating rules apply for this Article:

- (a) An "RMD" is a Required Minimum Distribution as described in Code §401(a)(9).
- (b) A Participant's "RBD" is the Participant's Required Beginning Date as described in Code §401(a)(9)(C) and the Plan and corresponding provisions of Article 2 of this Amendment.
- (c) "**Designated Beneficiary**" means any individual who is designated by a Participant or Plan terms as a beneficiary of the Participant's Account under the Plan and who is a designated beneficiary under Code §401(a)(9) and applicable regulations or other guidance thereunder.
- (d) "**Eligible Designated Beneficiary**" means a Designated Beneficiary of a Participant who is (1) the Participant's surviving spouse, (2) the Participant's child who has not reached the age of Majority, (3) disabled within the meaning of Code §72(m)(7), (4) chronically ill within the meaning of Code §7702B(c)(2), provided the requirements of subsection 7702B(c)(2)(A)(i) shall be treated as met if a certification is provided that, as of such date, the period of inability described in such subsection is an indefinite one which is reasonably expected to be lengthy in nature, or (5) any other individual who is not described in (1) through (4) of this Section 3.7(d) and is not more than 10 years younger than the Participant. Whether a Designated Beneficiary is an Eligible Designated Beneficiary shall be determined as of the date of the Participant's death. Certain trusts (or parts of certain trusts) may be treated as Eligible Designated Beneficiaries pursuant to Code §401(a)(9)(H)(iv) and (v).
- (e) "**Majority**" for purposes of the "age of Majority" of a Participant's child shall be determined under Code §401(a)(9)(F) and applicable regulations or other guidance issued thereunder.
- (f) The "**Life Expectancy Rule**" for distributing RMDs is described in Code §401(a)(9)(B)(iii) and is further described in the Plan.

(g) The “**5-Year Rule**” for distributing RMDs is described in Code §401(a)(9)(B)(ii) and is further described in the Plan.

(h) The “**10-Year Rule**” is described in Section 3.3(d).

(i) **Separate share rule.** A Participant’s Account under the Plan and a Beneficiary’s interest in that Account will be applied separately as provided in Code §401(a)(9)(H)(iv), or as provided by provisions of Treas. Reg. §1.401(a)(9)-8, Q&A 2 or 3 that are not contrary to Code §401(a)(9)(H)(iv) or other applicable laws or regulations.

#### ARTICLE 4

#### SUSPENSION OF 2020 RMDS; EXTENSION OF 5-YEAR RULE FOR RMDS – CARES §2203

4.1 **Application.** This Article applies only to defined contribution plans, which generally are retirement plans adopted by an employer pursuant to Code Section 401(a) or 403(b) that are not defined benefit plans. This Article does not apply to defined benefit plans. It is effective January 1, 2020 pursuant to Code Section 401(a)(9)(I).

#### 4.2 Suspension of 2020 RMDS; Extension of 5-Year Rule by One Year.

(a) **Suspension of Required Minimum Distributions for 2009.** A Participant or Beneficiary who would have been required to receive required minimum distributions in 2020 (or paid in 2021 for the 2020 calendar year for a participant with a required beginning date of April 1, 2021) but for the enactment of Code Section 401(a)(9)(I) (“2020 RMDs”), and who would have satisfied that requirement by receiving distributions that are either (i) equal to the 2020 RMDs or (ii) one or more payments (that include the 2020 RMDs) in a series of substantially equal periodic payments made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant’s Designated Beneficiary, or for a period of at least 10 years (“Extended 2020 RMDs”), will not receive those distributions for 2020 unless the Participant or Beneficiary, as the case may be, chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence; and

(b) **Direct Rollovers.** For purposes of applying the direct rollover provisions of the Plan, a direct rollover will be offered only for distributions that would be eligible rollover distributions without regard to Code Section 401(a)(9)(I).

4.3 **Extension of 5-Year Rule.** The 5-year period described in Code Section 401(a)(9)(B)(ii) shall be determined without regard to calendar year 2020, resulting in an additional year to distribute RMDs under the 5-Year Rule, unless a beneficiary otherwise elects to the contrary. A beneficiary of an Applicable Participant Account may elect to include calendar year 2020 for purposes of the 5-Year Rule and not extend the deadline to distribute the account by an additional year. If a beneficiary fails make an election to extend the distribution, calendar year 2020 will not be counted and the 5-Year Rule for RMDs of the Applicable Participant Account will be extended an additional year.

#### 4.4 Definitions. The following definitions apply for this Article:

(a) “**RMDs**” means required minimum distributions described in Code §401(a)(9).

(b) The “**5-Year Rule**” for distributing RMDs is described in Code §401(a)(9)(B)(ii) and corresponding Plan provisions.

(c) “**Applicable Participant Account**” means the remaining account of a Participant who died during the years 2015-2019, to the extent the account is subject to the 5-Year Rule.

#### ARTICLE 5

#### UPDATED LIFE EXPECTANCY TABLES – TREAS. REG. §1.401(a)(9)-9

5.1 **Application.** This Article shall apply to all plans and is effective for distribution calendar years beginning on or after January 1, 2022.

5.2 **New RMD Tables.** Any Plan provisions referencing or requiring use of any life expectancy table under Code Section 401(a)(9) or Treas. Reg. §1.401(a)(9) shall mean the tables published and adjusted from time to time under Treas. Reg. §1.401(a)(9)-9.

## **ARTICLE 6** **DIFFICULTY OF CARE PAYMENTS – SECURE §116**

6.1 **Application.** This Article will apply only if the Plan is a Defined Contribution Plan or a 403(b) Plan. It is effective for Plan Years beginning after December 31, 2015. For purposes of this Amendment, “Defined Contribution Plan” means a plan that is intended to satisfy the requirements of Code Section 401(a), except for a defined benefit plan.

6.2 **Inclusion in 415 Compensation.** Participant Compensation for purposes of determining the limit on annual additions under Code §415(c)(1)(B) shall include any Difficulty of Care Payments any Employer makes to a Participant. Any Difficulty of Care Payments shall be included for purposes of making any contributions or allocations under the Plan if the Plan expressly provides that Difficulty of Care Payments will be included for such purposes.

6.3 **Definition.** A “Difficulty of Care Payment” is a payment described in Code §131 made in connection with qualified foster individuals.

## **ARTICLE 7** **403(b) TERMINATION DISTRIBUTIONS – SECURE §110**

7.1 **Application.** This Article only shall apply to the Plan if it is intended to satisfy the requirements of Code Section 403(b) Plan. It is effective January 1, 2009.

7.2 **Custodial Accounts.** In connection with distributions upon termination of the Plan, the Plan may treat the delivery of a custodial account as a distribution, pursuant to Rev. Rul. 2020-23.

## **ARTICLE 8** **OTHER**

I. Subsection 7.12.1(c) of the Plan is deleted and replaced in its entirety with following:

(c) Distributee: A distributee includes an Employee or former Employee. In addition, the Employee’s or former Employee’s surviving spouse and the Employee’s or former Employee’s spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse. Effective for distributions on or after January 1, 2008, a distributee also includes the Participant’s nonspouse Beneficiary designated under the Plan. In the case of a nonspouse designated Beneficiary, the direct rollover may be made only to a traditional IRA or Roth IRA established on behalf of the nonspouse designated Beneficiary and treated as an inherited IRA pursuant to Code section 402(c)(11).”

This Amendment is hereby executed this 18th day of April 2023.

CITY OF LA VISTA, a Nebraska municipality

By: \_\_\_\_\_  
Kim J. Thomas, Acting Mayor

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND – FIREFIGHTERS RETIREMENT PLAN AND TRUST – FREEZE & TERMINATE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	WENDY LOWERY HUMAN RESOURCES DIRECTOR

**SYNOPSIS**

An ordinance has been prepared to approve an amendment to freeze and terminate the City of La Vista Firefighters Retirement Plan and Trust.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Firefighters Retirement Plan and Trust was established in 2007. Currently the city of Papillion employs all firefighters and provides fire protection for the City. The City does not employ any fulltime firefighters that would be eligible to participate in the plan. No plan assets or liabilities remain in the plan.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA TO AMEND, FREEZE AND TERMINATE THE CITY OF LA VISTA  
FIREFIGHTERS RETIREMENT PLAN AND TRUST; TO AUTHORIZE FURTHER  
ACTIONS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES,  
SEVERABILITY AND THE EFFECTIVE DATE HEREOF.**

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

**SECTION 1.** Pursuant to Nebraska Statutes, Sections 16-1020 through and including 16-1042, the City of La Vista maintains the City of La Vista Firefighters Retirement Plan and Trust, established in 2007 and embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law ("Plan").

**SECTION 2.** The Mayor and City Council are authorized and desire to amend and terminate the Plan. An amendment, titled "AMENDMENT (2023)", ("Amendment") is presented with this Ordinance for such purposes.

**SECTION 3.** The Mayor and City Council do hereby approve and adopt said Amendment, effective on the date(s) set forth therein.

**SECTION 4.** The Mayor is authorized to execute said Amendment on behalf of the City, and the City Administrator is authorized and directed to provide the same to the Trustee (for its written acceptance, if determined necessary or appropriate), and if directed in this Ordinance or otherwise determined necessary or advisable, to cause said Amendment to be submitted, together with such supporting data as may be necessary or advisable and applicable application fee, to the Internal Revenue Service for ruling as to whether the same complies with the pertinent provisions of the Internal Revenue Code of the United States and, in particular, Sections 401(a) and 501(a) thereof, with authority to make any changes in or to the Amendment and other Plan documents and take such further actions as the City Administrator determines necessary or appropriate to obtain a favorable ruling or maintain the qualified status of the Plan.

**SECTION 5.** All ordinances and parts of ordinances as previously enacted to the extent in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 6.** 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 hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 7.** This Ordinance shall be in force and take effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

**CITY OF LA VISTA  
FIREFIGHTERS RETIREMENT PLAN AND TRUST**

**AMENDMENT (2023)**

**ARTICLE I  
GENERAL**

- 1.1 **Plan.** Pursuant to Nebraska Statutes, Sections 16-1020 through and including 16-1042, the City of La Vista, Nebraska (“City” or “Employer”) maintains the City of La Vista Firefighters Retirement Plan and Trust, established in 2007 and embodied in plan documents including an adoption agreement and basic plan document constituting an integral part thereof, as well as various amendments required by applicable law (“Plan”).
- 1.2 **Amendment.** The Mayor and City Council pursuant to Section 9 of the basic plan document are authorized to amend and terminate the Plan. The City of Papillion currently employs all firefighters and provides all fire protection within the City pursuant to an interlocal agreement of the Cities of La Vista and Papillion, and Papillion Rural Fire Protection District. The City does not employ (and for the foreseeable future does not anticipate employing) any paid firefighters who would be eligible to participate in the Plan. All participant Accounts and accrued benefits have been distributed from the Plan, and no Plan assets or liabilities remain. The Mayor and City Council desire to amend, freeze and terminate the Plan as provided in this Amendment.
- 1.3 **Effective Date.** The Mayor and City Council by separate Ordinance (“Companion Ordinance”) are adopting a separate amendment to amend the Plan before it terminates for changes in applicable laws or regulations. Except as otherwise expressly provided in this Amendment, the provisions of this Amendment shall be effective on the day immediately after the Companion Ordinance is effective (“Effective Date of Plan Termination”).
- 1.4 **Superseding of inconsistent provisions.** Provisions of this Amendment apply notwithstanding any provisions of the Plan to the contrary. To further specify and not limit the foregoing sentence, this Amendment supersedes provisions of the Plan that are inconsistent with the provisions of this Amendment. Except as otherwise provided in this Amendment, terms defined in the Plan will have the same meaning as provided in this Amendment.
- 1.5 **Numbering.** Except as otherwise provided in this Amendment, any use of “Article”, “Section” or similar language in this Amendment is used for organizing the Amendment and not to reference particular articles, sections, or parts of the Plan.

**ARTICLE II  
FREEZE, CONTRIBUTIONS, AND DISTRIBUTION**

- 2.1 **Freeze.** Effective immediately upon execution of this Amendment: (i) the Plan is frozen, (ii) no additional service or compensation will accrue or be credited under the Plan for any purpose, (iii) no additional employees shall become eligible, enter or participate in the Plan, (iv) accrued benefits under the Plan, if any, shall be frozen, such that no additional contributions shall be made or benefits accrued for any purpose, and (iv) any frozen accrued benefits shall be paid in accordance with the terms of the Plan. To clarify for purposes of the foregoing sentence, the City does not employ (and for the foreseeable future does not anticipate employing) any sworn firefighters who would become eligible under the Plan. All participant accounts and accrued benefits previously were distributed, and no Plan assets or liabilities remain.
- 2.2 **Termination.** The Plan is terminated as of the Effective Date of Plan Termination.
- 2.3 **Cessation of contributions.** The Plan has no participants, and no additional participants shall be or become eligible under or enter the Plan. Contributions are frozen pursuant to section 2.1 above, and no additional contributions will be made to the Plan.

2.4 **Distributions.** All participant accounts were previously distributed. The Plan has no assets. No further distributions shall be made or owing after the Effective Date of Plan Termination; though if any distributions remained to be made, they would be paid in accordance with the terms of the Plan.

2.5 **Plan Year.** The Plan Administrator will administer the Plan as though the Plan Year that includes the Effective Date of Plan Termination ends on the Effective Date of Plan Termination. This provision applies for all plan administration purposes, including the application of the limitation year under Code §415, and any applicable allocation conditions imposed by the Plan. Top heavy requirements do not apply to the Plan because it is a governmental plan.

This Amendment is hereby executed this 18th day of April 2023.

CITY OF LA VISTA, a Nebraska municipality

By: \_\_\_\_\_  
Kim J. Thomas, Acting Mayor

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE – NETWORK CORE SWITCH	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RYAN SOUTH INFORMATION TECHNOLOGY MANAGER

**SYNOPSIS**

A resolution has been prepared to authorize the purchase of a network core switch from SHI International Corp. Somerset, NJ in an amount not to exceed \$10,732.25.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City's network core switch is nearing end of life and requires replacement. The core switch serves as the central communication hub for the City's network and is a crucial component of our network infrastructure, serving as the backbone of the network to ensure fast, reliable connectivity between our City facilities and devices. It connects multiple switches, routers, and other network devices, allowing them to communicate with each other and share resources. Overall, the network core switch plays a crucial role in ensuring that network traffic flows smoothly and efficiently, and that data is delivered quickly and reliably to its intended destination.

As switches age, they can begin to fail. If our core switch starts to fail, it can lead to a wide range of issues that can severely impact our network's performance and functionality. As such, its replacement is essential to maintain a reliable, secure, and high-performance network that can support the City's current and future needs.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF A NETWORK CORE SWITCH FROM SHI INTERNATIONAL CORP., SOMERSET, NJ IN AN AMOUNT NOT TO EXCEED \$10,732.25.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a network core switch is necessary; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a network core switch from SHI International Corp., Somerset, NJ in an amount not to exceed \$10,732.25.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk



Pricing Proposal  
Quotation #: 23284226  
Created On: 3/30/2023  
Valid Until: 6/30/2023

## NE-City of La Vista

### Robert Canning

ATTN: Robert Canning  
8116 Park View Blvd  
La Vista, NE 68128  
United States  
Phone: (402) 331-4343  
Fax:  
Email: rcanning@sarpy.com

### Inside Account Manager

### Kellie Gatarz

290 Davidson Ave  
Somerset, NJ 08873  
Phone: 732-584-8222  
Fax:  
Email: kellie\_gatarz@shi.com

All Prices are in US Dollar (USD)

Product	Qty	Your Price	Total
1 Extreme Networks ExtremeSwitching 5520 series 5520-24X - Switch - managed - 24 x 10 Gigabit SFP+ - rack-mountable - with 1 year XIQ Pilot subscription Extreme Networks - Part#: 5520-24X Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$7,768.77	\$7,768.77
2 EW NBD AHR - 5520-24X This Term: 1095 Days Extreme Networks - Part#: 97004-5520-24X Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	1	\$2,031.32	\$2,031.32
3 Extreme Networks - Power supply (plug-in module) - AC - 350 Watt - for ExtremeSwitching X465 Series Extreme Networks - Part#: XN-ACPWR-350W-FB Contract Name: Omnia Partners - IT Solutions Contract #: 2018011-02	2	\$466.08	\$932.16
Total			\$10,732.25

### Additional Comments

Extreme Networks has a no returns policy. Products can only be returned for replacement or repair during the product's warranty or service entitlement period.

Please note, if Emergency Connectivity Funds (ECF) will be used to pay for all or part of this quote, please let us know as we will need to ensure compliance with the funding program.

Hardware items on this quote may be updated to reflect changes due to industry wide constraints and fluctuations.

Thank you for choosing SHI International Corp! The pricing offered on this quote proposal is valid through the expiration date listed above. To ensure the best level of service, please provide End User Name, Phone Number, Email Address and applicable Contract Number when submitting a Purchase Order. For any additional information including Hardware, Software and Services Contracts, please contact an SHI Inside Sales Representative at (888) 744-4084. SHI International Corp. is 100% Minority Owned, Woman Owned Business. TAX ID# 22-3009648; DUNS# 61-1429481; CCR# 61-243957G; CAGE 1HTF0

*The products offered under this proposal are resold in accordance with the terms and conditions of the Contract referenced under that applicable line item.*

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL  
APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AGREEMENT – PAYMENTS IN LIEU OF TAXES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

A resolution has been prepared to approve a proposed Agreement between the City and Sarpy County (“Agreement”) to resolve certain issues regarding allocation of payments in lieu of taxes (“PILOT”) within the County.

**FISCAL IMPACT**

The City’s share of approximately \$156,000. will be offset against PILOT distributions otherwise payable to the City in equal annual installments over five years beginning in 2023

**RECOMMENDATION**

Approval

**BACKGROUND**

The Nebraska Auditor of Public Accounts (“State Auditor”) in a 2021 Attestation Report of the Sarpy County Treasurer (the “Attestation”) concluded that the Treasurer’s allocation of 5% Payments in Lieu of Taxes (“PILOT”) in 2018, 2019 and 2020 were incorrect; specifically that the County, first class cities in the County, and Bellevue and Papillion La Vista Public Schools allegedly were overpaid, and that Gretna, Springfield, Millard and Omaha public school districts were underpaid, during those years by a total of \$6.5 million, with La Vista’s share being a purported overpayment of approximately \$373k. The State Auditor recommended correction.

The Treasurer and County, desiring to remedy such issues, advise that beginning in 2021, necessary adjustments to calculate and distribute PILOT in accordance with the Attestation and applicable law were made. In addition, the County Board of Commissioners recently approved an agreement to pay underpaid school districts additional PILOT totaling approximately \$2.7 million (“Total Corrective Payments”) over five years beginning in 2023 to settle and resolve alleged underpayments of PILOT in 2018-2020.

The City’s share of Total Corrective Payments is approximately \$156k (“City Share”). The Agreement presented with this agenda item, among other things, provides for the City Share to be offset against PILOT distributions otherwise payable to the City, in equal annual installments over five years beginning in 2023, and further provides certain releases of the City, County and Treasurer in connection with PILOT.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AGREEMENT BETWEEN THE CITY AND SARPY COUNTY REGARDING COUNTY ALLOCATION OF POWER DISTRICT PAYMENTS IN LIEU OF TAXES

WHEREAS, The State Auditor of Public Accounts ("State Auditor") concluded in a 2021 Attestation Report of the Sarpy County Treasurer ("Treasurer") that the Treasurer's allocations of 5% Payments in Lieu of Taxes ("PILOT") in 2018, 2019 and 2020 Papillion La Vista Public Schools allegedly were overpaid, and that Gretna, Springfield, Millard and Omaha public school districts were underpaid, during those years by a total of \$6.5 million, with La Vista's share being a purported overpayment of approximately \$373k. The State Auditor recommended correction.

WHEREAS, The Treasurer and County desire to remedy issues noted in the Attestation in connection with PILOT, and advise that beginning in 2021, necessary adjustments to calculate and distribute PILOT in accordance with the Attestation and applicable law were made. In addition, the County Board of Commissioners recently approved an agreement to pay underpaid school districts additional PILOT totaling approximately \$2.7 million ("Total Corrective Payments") over five years beginning in 2023 to settle and resolve alleged underpayments of PILOT in 2018-2020.

WHEREAS, The City's share of Total Corrective Payments is approximately \$156k ("City Share"). An Agreement between the City and County is presented with this agenda item that, among other things, provides for the City Share to be offset against PILOT distributions otherwise payable to the City, in equal annual installments over five years beginning in 2023, and further provides certain releases of the City, County and Treasurer in connection with PILOT.

NOW THEREFORE, BE IT RESOLVED, that the Agreement between the City and County as presented with this agenda item ("Agreement") is deemed to be in the public interest and in furtherance of the purposes and interests of the City, and is hereby approved, subject to any additions, subtractions or modifications as the Mayor or City Administrator, or his or her designee, determines necessary or appropriate.

BE IT FURTHER RESOLVED, that the recitals above are incorporated by reference, the Mayor is authorized to execute this Agreement, and the Mayor or City Administrator, or his or her designee, shall be authorized to take all steps or actions on behalf of the City as he or she determines necessary or appropriate to carry out the Agreement or actions approved in this Resolution.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023.

CITY OF LA VISTA

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Kim J. Thomas, Acting Mayor

ATTEST:

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Pamela A. Buethe, MMC  
City Clerk

## AGREEMENT

This Agreement (the "Agreement"), effective as of the date of its execution, is made and agreed to by and between City of La Vista (the "Overpaid Entity"), Sarpy County ("Sarpy County" or "County"), and Trace Jones, in his official capacity as Sarpy County Treasurer, (the "Treasurer") as set forth below, to settle, resolve and dispose of issues arising out of or resulting from calculation and payment of PILOT within the County, including without limitation matters related to the Attestation (defined below) and mandamus action pending in the District Court of Sarpy County Nebraska, Case No. 21-2688 (the "PILOT Litigation").

### RECITALS

WHEREAS, on March 9, 2021, the Nebraska Auditor of Public Accounts ("State Auditor") issued an Attestation Report of the Sarpy County Treasurer (the "Attestation"), concluding in part that distributions of 5% Gross In-Lieu taxes ("Gross In-Lieu" or "PILOT") paid by the Treasurer pursuant to applicable law, including without limitation Neb. Rev. Stat. § 70-651.04, were made in error for amounts received in 2018, 2019 and 2020 (specifically that Sarpy County, Bellevue Public Schools, Papillion La Vista Public Schools, and the Cities of Bellevue, Gretna, La Vista and Papillion were overpaid ("Overpaid Entities"), and that school districts identified as Underpaid School Districts below were underpaid), and recommending that the County Treasurer correct the erroneous distributions;

WHEREAS, the Treasurer and County, in response to the Attestation, represent that necessary adjustments to calculate and distribute PILOT ("Revised Allocation Method" or "Method") in accordance with the State Auditor's direction, the Attestation and applicable law (together "Applicable Requirements") have been made, and that distributions of 5% Gross In-Lieu taxes commencing in 2021 are being calculated and distributed in accordance with the Revised Allocation Method and shall continue to be calculated and distributed in accordance with such Method unless governing provisions of Applicable Requirements materially change, but declined to make retroactive adjustments to prior years' PILOT distributions;

WHEREAS, Douglas County School District 0001 a/k/a Omaha Public Schools, Douglas County School District 0017 a/k/a Millard Public Schools, Sarpy County School District 0037 a/k/a Gretna Public Schools, and Sarpy County School District 0046 a/k/a Springfield Platteview Community Schools (collectively, the "Underpaid School Districts") filed the PILOT Litigation seeking an order directing the Treasurer to correct the erroneous distributions of PILOT funds to the Underpaid School Districts for the years 2018, 2019, and 2020;

WHEREAS, the Treasurer and County represent to Overpaid Entity that the Underpaid School Districts, Sarpy County, and the Treasurer contemporaneously with this Agreement have reached and will enter a separate settlement agreement ("Settlement Agreement") to resolve the PILOT Litigation which will require the Treasurer to pay additional amounts for 2018, 2019 and 2020 totaling approximately \$2.7 million ("Total Corrective Payments") to the Underpaid School Districts when it makes its customary annual distribution of Gross In-Lieu taxes for the next five consecutive years, commencing in 2023 and continuing annually through 2027, which Settlement Agreement will include for the benefit of Overpaid Entity a release and discharge by Underpaid School Districts of all claims, liabilities, costs or expenses arising out of or resulting from PILOT distributions received by the Overpaid Entity for 2018, 2019, or 2020;

WHEREAS, the Treasurer and Sarpy County maintain that the Attestation and applicable law provide sufficient authority for the Treasurer to unilaterally adjust PILOT

payments and recoup a pro rata share of Total Corrective Payments from each of the Overpaid Entities by withholding such share from one or more future PILOT payments;

WHEREAS, the Treasurer, County and Overpaid Entity instead desire to proceed with an agreed arrangement as described in this Agreement whereby an allocable share of Total Corrective Payments will be made gradually in equal annual installments over five years as an offset against annual PILOT payments otherwise distributable to the Overpaid Entity; and

WHEREAS, the Treasurer, County and the Overpaid Entity, in recognition of the Attestation, interests in facilitating the Settlement Agreement and collateral matters in a cooperative manner that is predictable and workable for budgetary, fiscal and other purposes of the parties, and potential time, expense, and risk of further claims or litigation, desire to agree on the terms and conditions more particularly provided in this Agreement.

### AGREEMENT

NOW THEREFORE, in order to consummate the intent of the parties as set forth in the foregoing Recitals, which are a contractual part of this Agreement, and in consideration of the mutual agreements, provisions, and covenants contained in this Agreement, the parties agree as follows:

1. Payments to Underpaid School District Funds. By separate agreement, the Treasurer and County have agreed to pay to the following particular Underpaid School District funds, as identified in Exhibit D of the Attestation, at the time the Treasurer makes its customary annual distribution of Gross In-Lieu taxes, the additional amounts described below in each of five consecutive years, commencing in 2023 and continuing annually through 2027:

Gretna Public Schools Building Fund - \$553.18 per year  
Gretna Public Schools Bond Fund - \$36,156.77 per year

Springfield Platteview Community Schools General Fund - \$324,367.61 per year  
Springfield Platteview Community Schools Building Fund - \$53,271.98 per year  
Springfield Platteview Community Schools Capital Purpose Fund - \$8,607.02 per year  
Springfield Platteview Community Schools Bond Fund - \$7,286.46 per year

Omaha Public Schools Bond Fund - \$38,114.86 per year  
Omaha Public Schools Capital Purpose Undertaking Fund - \$3,494.59 per year  
Omaha Public Schools Building Fund - \$1,297.77 per year

Millard Public Schools Building Fund - \$16,946.64 per year  
Millard Public Schools Bond Fund - \$53,027.07 per year

The foregoing amounts are in addition to any other amounts the Underpaid School Districts normally would be due for Gross-In-Lieu tax distribution for each of the years.

2. Source of Payments to Underpaid School District Funds. In order to make the payments to the Underpaid School District Funds described in Paragraph 1, the Treasurer will accordingly reduce the pro rata portion of Gross-In-Lieu tax distributions to the Overpaid Entity for the next five consecutive years, commencing in 2023 and continuing annually through 2027, as shown in Exhibit 1 to this Agreement.

3. Release of the Overpaid Entity. In consideration of the Overpaid Entity's pro rata reduction of Gross-In-Lieu tax distributions as provided for in Paragraph 2 of this Agreement, Sarpy County and the Treasurer do hereby fully and completely release and forever discharge the Overpaid Entity and its' officials, officers, employees, agents, representatives, successors and assigns, and each of them, from all claims, liabilities, costs and expenses arising out of or in any way related to (i) the allegedly erroneous PILOT distributions for 2018, 2019 or 2020, or (ii) 5% Gross In-Lieu payments for 2018 or before, or for 2021, 2022, or any later year that are calculated and distributed in accordance with Applicable Requirements, so long as Applicable Requirements govern the calculation and distribution of such payments, including without limitation any claim for costs, attorney fees, court costs and any other expense, fees or costs.

4. Release of the Treasurer. In consideration of the release and other terms, conditions, and consideration provided for in this Agreement, the Overpaid Entity does hereby fully and completely release and forever discharge Sarpy County and the Treasurer and their respective officials, officers, employees, agents, representatives, successors and assigns, and each of them, from all claims liabilities, costs and expenses arising out of or in any way related to (i) the allegedly erroneous PILOT distributions for 2018, 2019 or 2020, or (ii) 5% Gross In-Lieu payments for 2018 or before, or for 2021, 2022, or any later year that are calculated and distributed in accordance with Applicable Requirements, so long as Applicable Requirements govern the calculation and distribution of such payments, including without limitation any claim for costs, attorney fees, court costs and any other expense, fees or costs, and excepting any claims or liabilities arising out of or resulting from any PILOT distributions to any Underpaid School Districts, breach of any representation in the Recitals above, or negligence of the County or Treasurer.

5. No Admission of Liability. The parties to this Agreement agree that this settlement is not an admission or concession of negligence or liability (i) by Sarpy County or the Treasurer, or any of his employees, agents, representatives, successors or assigns, or (ii) by the Overpaid Entity, or any officers, officials, employees or agents of the Overpaid Entity .

6. No Other Inducements. Except as otherwise provided herein, the undersigned each acknowledge that no promises or inducements have been offered to them, and that this Agreement is executed without reliance upon any statement or representation by any party or their attorneys, concerning the nature and extent of damages or the legal liability therefore.

7. Reliance on Own Judgment and Advice of Attorney; Competency to Sign. The undersigned each acknowledges that they are relying on their own judgment, belief and knowledge, as well as on the advice of counsel in entering into a settlement of any claim related to allegedly erroneous prior distributions and/or receipt of 5% Gross In-Lieu payments and executing this Agreement. The Undersigned represents and warrants that they are of legal age, legally competent and legally authorized in all respects to execute this document and accepts full responsibility for the signing of this Agreement. The Undersigned also represents and warrants that no other person or entity has or had any interest in the claims, demands, obligations or causes of action referred to in this Agreement, and that they have the sole and exclusive authority to execute this Agreement.

8. Enforcement. The parties agree that the laws of the state of Nebraska shall apply to any enforcement efforts relating to this agreement.

9. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

10. Entire Agreement. This Agreement contains the entire agreement between the parties regarding the subject matter of this Agreement, and all prior understandings or agreements regarding such subject matter, whether written or oral, shall be deemed to have been merged into this Agreement and shall have no further independent force or effect.

11. Public Benefits. No Party is an individual or sole proprietorship. Therefore, no Party is subject to the public benefits attestation and related requirements of Neb.Rev.Stat. §§4-108 – 113.

12. Administration; Property; Funding. No separate legal or administrative entity is created, and no real or personal property shall be acquired or dedicated to joint or cooperative use, for purposes of this Agreement. This Agreement shall be administered by the Treasurer and City Administrator, or by their respective designees. Each party independently shall budget and pay for any amounts required of the party under this Agreement.

13. Incorporation by Reference. Recitals at the beginning of this Agreement ("Recitals"), the Attestation, and all exhibits referenced in the Attestation or this Agreement are incorporated into this Agreement by reference.

14. Headings. Headings in this Agreement are solely for purposes of organization and shall not have any substantive meaning or relevance or be used to determine or interpret any terms or conditions of this Agreement.

15. Survival. This Agreement and the rights and obligations of the parties hereunder shall continue in effect and shall not terminate, except as otherwise agreed in a written amendment executed by both parties.

**THE UNDERSIGNED HEREBY WARRANTS THAT THEY HAVE READ THE FOREGOING AGREEMENT, DISCUSSED IT WITH COUNSEL, FULLY UNDERSTANDS ITS TERMS, AND FREELY AND VOLUNTARILY SIGNS THE SAME, AND HAS FULL ACTUAL AUTHORITY TO DO SO.**

Attest:

City of La Vista

By:

Pamela A. Buethe, MMC, MPA  
City Clerk

Douglas Kindig  
Mayor

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

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

**THE UNDERSIGNED HEREBY WARRANTS THAT THEY HAVE READ THE FOREGOING AGREEMENT, DISCUSSED IT WITH COUNSEL, FULLY UNDERSTANDS ITS TERMS, AND FREELY AND VOLUNTARILY SIGNS THE SAME, AND HAS FULL ACTUAL AUTHORITY TO DO SO.**

Attest:

Trace Jones, in his official capacity as SARPY

COUNTY TREASURER

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

\_\_\_\_\_

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

\_\_\_\_\_

THE UNDERSIGNED HEREBY WARRANTS THAT THEY HAVE READ THE FOREGOING AGREEMENT, DISCUSSED IT WITH COUNSEL, FULLY UNDERSTANDS ITS TERMS, AND FREELY AND VOLUNTARILY SIGNS THE SAME, AND HAS FULL ACTUAL AUTHORITY TO DO SO.

Attest:

Chairman of the SARPY COUNTY BOARD OF  
COMMISSIONERS

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

\_\_\_\_\_

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

\_\_\_\_\_

Approved as to form and content:

\_\_\_\_\_  
Deputy Sarpy County Attorney

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

**EXHIBIT 1**  
**(AS ATTACHED AND INCORPORATED BY THIS REFERENCE)**

	2023	2024	2025	2026	2027	Total
	-31,102.74	-31,102.74	-31,102.74	-31,102.74	-31,102.73	<b>-155,513.69</b>
						<b>0.00</b>
	<b>-31,102.74</b>	<b>-31,102.74</b>	<b>-31,102.74</b>	<b>-31,102.74</b>	<b>-31,102.73</b>	<b>-155,513.69</b>

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
NEBRASKA MULTI-SPORT COMPLEX APPLICATION FOR PAYMENT – DISBURSEMENT OF EDP AWARD FUNDS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRUCE FOUNTAIN COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

An application for payment of the Economic Development Program (EDP) Award funds has been submitted by Omaha Multi-Sport Complex, a Nebraska nonprofit d/b/a Nebraska Multi-Sport Complex for work completed to date on the multi-sport field complex in the amount of \$3,000,000. A resolution has been prepared to authorize and approve the disbursement of the EDP grant subject to the conditions outlined below.

**FISCAL IMPACT**

The FY23/FY24 Biennial Budget provides funding for the EDP award for the Nebraska Multi-Sport Complex project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

On October 19, 2021 the City Council approved Ordinance 1429 authorizing an Economic Development Program grant to Nebraska Multi-Sports Complex of up to \$3,000,000 to be used in conjunction with other funding sources for constructing and equipping the 12 multi-sport artificial turf fields project.

Construction of the Nebraska Multi-Sport Complex is now more than 90% complete. The City has received a request for payment of EDP funds for the project in the amount of \$3,000,000.00. This would be a one-time payment disbursement for the full approved amount of the grant. Prior to the funds being disbursed the following conditions will have to be met:

- Execution, delivery and recording of the Economic Development Program Agreement between the City and NMSC
- Execution and delivery of a \$3.0 million promissory note
- Delivery of an irrevocable bank letter of credit in the amount of \$1.5 million

City staff have reviewed the documentation submitted with the pay request to assure compliance with the proposed agreement and have obtained copies of all documents required. The City Engineer and Chief Building Official have reviewed the pay request documentation and verified that it coincides with the construction progress they have observed on site. Copies of all documentation are on file in the office of the City Clerk.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN APPLICATION FOR DISBURSEMENT UNDER THE CITY'S ECONOMIC DEVELOPMENT PROGRAM FOR WORK COMPLETED TO DATE ON THE MULTISPORT COMPLEX IN THE VICINITY OF 120<sup>TH</sup> AND GILES ROAD

WHEREAS, the Mayor and City Council pursuant to Ordinance No. 1429 approved a \$3 million Economic Development Program award ("EDP Award") to Omaha Multi-Sport Complex d/b/a Nebraska Multisport ("NMS") to be used in conjunction with other funding to construct and equip twelve synthetic multisport playing fields and related parking, concession, and other amenities ("Fields Complex") in the vicinity of 120<sup>th</sup> and Eastport Parkway at a total estimated cost of \$34 million, representing the first phase of a multisport complex to be owned, operated and maintained by NMS at its cost, subject to conditions including execution and delivery of an economic development program agreement ("Agreement") between NSC and City, promissory note of NSC in the amount of \$3 million ("Promissory Note"), and an irrevocable standby letter credit issued by a bank in City's favor ("Letter of Credit") in the amount of \$3 million to secure the Agreement, Promissory Note and completion, operation and maintenance of the Fields Complex.

WHEREAS, though the parties initially contemplated periodic disbursements of the EDP Award with other funding during construction, the Fields Complex is nearing completion and the City received the first disbursement request for the full amount of the EDP Award ("Proposed Disbursement"). City staff reviewed the request and supporting documentation and recommends the Proposed Disbursement, subject to execution and delivery of the Agreement, Promissory Note, and Letter of Credit in the amount of \$1.5 million to secure the Agreement, Promissory Note, final completion and operation and maintenance of the Fields Complex in accordance with the Agreement. The Letter of Credit is reduced from \$3.0 million to \$1.5 million in recognition that the Project achieved a significant milestone upon completing an estimated 90% or more of Fields Complex improvements. The reduced \$1.5 million Letter of Credit will remain in effect to secure ongoing requirements.

NOW THEREFORE, BE IT RESOLVED, that the Proposed Disbursement is approved, subject to execution and delivery of the Agreement, Promissory Note, and Letter of Credit in the amount of \$1.5 million, in form and content on file with the City Clerk, subject to any additions, subtractions or modifications, or additional, different, or other documents or instruments, as the Program Administrator or Program Administrator's designee determines necessary or appropriate.

BE IT FURTHER RESOLVED that the recitals above are incorporated into this resolution by reference, the Mayor is authorized to execute the Agreement, and the Mayor, City Administrator or his or her designee shall be authorized to take all steps or actions on behalf of the City as he or she determines necessary or appropriate to carry out the Agreement or actions approved in this Resolution.

PASSED AND APPROVED THIS 18TH DAY OF APRIL 2023

CITY OF LA VISTA

ATTEST

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Kim J. Thomas, Acting Mayor

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Pamela A. Buethe, MMC  
City Clerk

## APPLICATION FOR PAYMENT

Date: April 13, 2023

EDP Award \$3,000,000.00

Amount Requested \$ \$3,000,000.00

To: City of La Vista

Reference is hereby made to that certain Economic Development Program Agreement (the "Agreement") by and between OMAHA MULTI-SPORT COMPLEX, a Nebraska nonprofit corporation d/b/a NEBRASKA MULTISPORT COMPLEX ("Grantee") and the CITY OF LA VISTA, a Nebraska municipal corporation ("City"), to be executed by the parties prior to any disbursement pursuant to such Agreement, governing the award of three million dollars to Grantee under the City's economic development program ("EDP Award"). Capitalized terms used and not otherwise defined herein have the meanings set forth in the Agreement.

The undersigned hereby requests the disbursement of EDP Award funds in accordance with this request, and hereby certifies as follows:

1. The amounts requested either have been paid by the Grantee, or are justly due to contractors, subcontractors, materialmen, engineers, architects or other persons (whose names are stated on Attachment I hereto and whose invoices are attached hereto, or whose names and invoices previously were provided to the City Engineer) in accordance with such invoice(s) who have performed necessary and appropriate work or furnished necessary and appropriate materials, equipment or furnishings in the acquisition, construction and installation of the Project.
2. All construction of the Project prior to the date hereof has been done in substantial accordance with the Project Documents ("Plans") and all funds previously disbursed by Grantee or a lender providing funding for the Project ("Lender") have been used for one or more purposes permitted under the Agreement or the financing agreements for such Lender ("Financing Agreements").
3. The funds herein requested from the EDP Award will be used for purposes permitted under the Agreement.
4. Attached hereto, submitted with this Application or previously provided to the City Engineer, is a completed AIA Document G702 or equivalent document, signed by the General Contractor or other reliable documentation, and a list or other documentation of the applicable payees if payment will be made to an entity or entities other than the General Contractor.
5. True and correct copies of the bills or invoices to be paid with the requested funds, or that previously were paid, are enclosed herewith or previously were provided to the City Engineer,

along with conditional lien waivers or other reliable documentation from all contractors, subcontractors and material suppliers to be paid with the requested funds.

6. Attached hereto is a certification by the Architect certifying, or other reliable documentation, that work has been completed and materials are in place as indicated by the requested payment.
7. The improvements constructed as part of the Project, as completed to date, do not and, if completed in substantial accordance with the Plans, will not, violate any laws.
8. Other than liens and encumbrances permitted by the terms of the Agreement or Financing Agreements, no liens of any kind have been filed or to Grantee's knowledge are likely to be filed against Grantee or the Project (and, to the knowledge of Grantee, no stop notice of any kind has been filed or served with respect to any construction work previously performed), or a payment or discharge bond sufficient to protect Lenders and their respective interests in the Project have been recorded as required by applicable Laws.
9. All governmental licenses and permits required for the Project, as completed to date, have been obtained and will be exhibited to Lenders or City upon request.
10. Grantee shall complete, and has sufficient funds and shall pay for, all remaining improvements and work connected with the Project, in accordance with the Agreement and applicable laws, rules, regulations and requirements.

OMAHA MULTI-SPORT COMPLEX, a Nebraska nonprofit corporation

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

Name: Craig W. Scriven

Title: President

# **ECONOMIC DEVELOPMENT PROGRAM – DISBURSEMENT REQUEST FORM**



Date of Request: 4/10/23 Project Name: Nebraska Multi-Sport Complex

Project Address:

Request Amount: \$3,000,000 Request No.: 1

See attached for funding disbursement request details.

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## **CITY OF LA VISTA APPROVALS**

Community Development Director, Bruce Fountain

No Comments

Comments (see below):

A handwritten signature of Bruce Fountain in black ink.

(Signature)

4/13/23

(Date)

City Engineer, Pat Dowsse

No Comments

Comments (see below):

A handwritten signature of Pat Dowsse in blue ink.

(Signature)

4/13/23

(Date)

Chief Building Official, Jeff Sinnott

No Comments

Comments (see below):

A handwritten signature of Jeff Sinnott in black ink.

(Signature)

4/13/23

(Date)

### **Comments/Contingencies:**

subject to execution, delivery and recording of the economic development program agreement between the City and NMSC, and NMSC execution and delivery of its \$3.0 million promissory note and delivery of an irrevocable bank letter of credit in the amount of \$1.5 million, in form and content and including such additions, subtractions or modifications as satisfactory to the Mayor or City Administrator or his or her designee, before the disbursement is made to NMSC

Approved by City Council?

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

No

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 18, 2023 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
POSITION DESCRIPTION – ASSISTANT FINANCE DIRECTOR	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	WENDY LOWERY HUMAN RESOURCES DIRECTOR

**SYNOPSIS**

The Accountant position in the Finance Department has been restructured to reflect the needs of the organization and the result is a recommendation for the position to become an Assistant Finance Director.

**FISCAL IMPACT**

Funding is available in the FY23/FY24 budget.

**RECOMMENDATION**

Approval.

**BACKGROUND**

To build a sustainable Finance Department it has been determined that the position of Assistant Finance Director is essential in terms of succession planning, gaining stability, consistency and in making ongoing improvements. As such, rather than replacing the Accountant, a better solution for the City would be to restructure that position and create the Assistant Finance Director position. This position would be a paygrade 21 (\$74,208 - \$103,929) which is consistent with other municipalities in the area. The Accountant was a paygrade 19 (\$65,936 - \$92,358).

Some of the main functions of the Assistant Finance Director will include:

1. Deputy Treasurer
2. Prepare financial reports
3. Analyze financial information
4. Ensure appropriate accounting controls procedures
5. Reconcile general ledger accounts
6. Oversee the annual budget and audit preparations

A complete job description for this position has been included for review.

Pay Range: 21  
Date: 04/18/2023  
Exempt

## POSITION DESCRIPTION CITY OF LA VISTA

**POSITION TITLE:** ASSISTANT FINANCE DIRECTOR  
**POSITION REPORTS TO:** Finance Director  
**POSITION SUPERVISES:** TBD

### **DESCRIPTION:**

Under the direction of the Finance Director is responsible for performing professional level accounting by applying generally accepted accounting principles and procedures to prepare accurate and timely financial reports, analyze financial information, ensure appropriate accounting control procedures, reconcile general ledger accounts, and oversee the annual budget and audit preparation.

### **ESSENTIAL FUNCTIONS:** (with or without reasonable accommodation)

1. Prepares internal and external financial reports and examines financial statements to ensure that they are accurate and comply with laws and regulations.
2. Takes an active role in the City's budget development process, including the following: preparing data for use by departments in developing budget submissions; providing assistance and guidance to departments; evaluating reasonableness of budget submissions; developing revenue, expenditure and reserve projections; tracking changes to budget plan; consolidating data and preparing reports and development of the State budget.
3. Inspects account books and accounting systems for efficiency and use of accepted accounting procedures.
4. Assess financial operations and makes best-practices recommendations to management.
5. Suggests ways to reduce costs, enhance revenues and improve reserve stability.
6. Manages the month-end close process to ensure all tasks are completed.
7. Maintains the fixed asset financial module and records.
8. Conducts internal audits of City's financial policies, procedures and internal controls.
9. Reconciles accounts to subsidiary ledgers and bank statements and resolves issues.
10. Prepares year-end trial balances and annual work papers to calculate cash, modified and full accrual trial balances.
11. Oversees the City's biennial budget and amendments.
12. Provides expertise and user support for the financial functions in the City's ERP (Enterprise Resource Program software).
13. Manages the City's Purchasing Card program.
14. Maintains the City's tax-exempt status, purchasing accounts and electronic payments with vendors.
15. Performs special projects at the request of management, to include research, analysis, and recommendations.
16. Performs other duties as assigned or as the situation dictates

### **ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS**

The physical demands here are representative of those that must be met by an employee to successfully perform the essential functions of the job.

- Work is performed mostly in office settings. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.
- While performing the duties of this job, the employee is occasionally asked to stand or sit; walk; use hands to finger motions and reach with hands and arms.
- The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

### **EDUCATION, TRAINING, LICENSE, CERTIFICATION AND EXPERIENCE**

1. Graduation from an accredited four-year college or university with a degree in Accounting, Finance, Business, Public Administration, Statistics or relevant field.

2. 5 years of diverse accounting/finance experience preferably in municipal finance activities. Experience in public sector finance is desirable but not required.
3. 2 years of experience directly managing accounting staff preferred.
4. The City may accept any equivalent combination of education and experience, with additional education substituting on a year for year basis for required experience.

#### **KNOWLEDGE, SKILLS AND ABILITIES**

1. Knowledge of GAAP (Generally Accepted Accounting Principles), GASB standards and guidance (Government Accounting Standards Board) and governmental auditing processes and procedures.
2. Ability to identify issues in documentation and reconciliations and suggest solutions.
3. Ability to listen carefully to facts and concerns from clients, manager and others. Must be able to discuss the results of their work in both meetings and written reports.
4. Ability to establish and maintain effective working relations with City officials, fellow employees, contractors, vendors and citizens.
5. Ability to pay attention to detail when compiling and examining documentation.
6. Ability to analyze, compare and interpret facts and figures and produce reliable calculations.
7. Working knowledge of Microsoft Office applications and ability to calculate, tabulate and communicate data with Word, PowerPoint, and financial software programs.
8. Advanced Excel experience including developing spreadsheets for analysis that include the use of advanced formulas, pivot tables, and graphs.
9. Strong organizational skills are required for work with a range of financial documents and internal and external clients.
10. Ability to apply common sense understanding in carrying out written and oral instructions.
11. Ability to work independently without direct supervision to prioritize work, meet deadlines and make decisions based on established policies and procedures.
12. Ability to maintain confidentiality.
13. Ability to work a varying schedule during budget and audit times while maintaining regular and dependable attendance on the job.
14. Ability to operate standard office equipment such as personal computer, postage meter, telephone, photocopier and fax machine.

#### **CONTRIBUTIONS THIS POSITION MAKES TO THE CITY**

This position provides highly responsible assistance to the Finance Director and contributes to the success of the City by working closely with the Finance Team on complex and strategic initiatives dealing with accounting processes, ERP system functionality, reconciliations, internal controls, financial reports, cash management, municipal budget support and auditing support.

#### **DISCLAIMER:**

This position description does not constitute an employment agreement between the City and the employee, and is subject to change by the employer as the needs of the City and the requirements of the position change over time.

**Note: Background check and drug screening tests will follow all conditional offers of employment.**

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

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(Signature)

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(Date)