

MINUTE RECORD

A.2

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

LA VISTA CITY COUNCIL MEETING March 4, 2014

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 4, 2014. Present were Councilmembers: Sheehan, Ronan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Public Works Director Soucie, Community Development Director Birch, Public Building and Grounds Director Archibald, Recreation Director Stopak, Library Director Barcal, and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on February 19, 2014. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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

Mayor Kindig announced that a copy of the Open Meetings Act was posted on the west wall of the Council Chambers and copies were also available in the lobby of City Hall.

Mayor Kindig made an announcement regarding the agenda policy statement providing for an expanded opportunity for public comment on the agenda items.

SERVICE AWARDS – KRAIG GOMON – 15 YEARS

Mayor Kindig presented a service award to Kraig Gomon for fifteen years of service to the City of La Vista.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2014 CITY COUNCIL
MEETING**
- 3. APPROVAL OF THE MINUTES OF THE JANUARY 15, 2014 PARK & RECREATION
ADVISORY COMMITTEE MEETING**
- 4. APPROVAL OF THE MINUTES OF THE FEBRUARY 20, 2014 PLANNING
COMMISSION MEETING**
- 5. PAY REQUEST FROM FOCUS PRINTING & MAILING – PRINTING SERVICES –
THOMPSON CREEK OUTREACH - \$1,219.00**
- 6. PAY REQUEST FROM OAKHAVEN HOMES, INC. – CONSTRUCTION – FIRE
STATION DISTRICT 1 REMODEL - \$20,037.50**
- 7. PAY REQUEST FROM DOUGLAS COUNTY TREASURER – ENGINEERING
SERVICES - HELL CREEK MITIGATION - \$2,000.00**
- 8. APPROVAL OF CLAIMS.**

3E-ELECTRICAL, bld&grnds	141.30
ACCOUNTEMPS, services	1593.23
ACTION BATTERIES, bld&grnds	17.90
AKSARBEN GARAGE DOOR, bld&grnds	325.00
AKSARBEN HEATING, bld&grnds	311.00
ALAMAR UNIFORMS, apparel	242.45
ASPEN EQUIP., maint.	580.00
ATLAS AWNING, maint.	125.00
BAKER & TAYLOR, books	276.41
BEACON BUILDING, services	6712.00
BIG RIG TRUCK, maint.	24.32
BIRCH, A., travel	80.06

MINUTE RECORD

March 4, 2014

No. 728 — REEDFIELD & COMPANY, INC., OMAHA E1107788LD

BLACK HILLS ENERGY, utilities	7694.85
BOBCAT OF OMAHA, maint.	2563.00
BOB'S RADIATOR REPAIR, maint.	155.00
BROWN TRAFFIC PRODUCTS, signs	816.50
BUILDERS SUPPLY, bld&grnds	46.40
CAVLOVIC, P., travel	169.00
CENTER POINT PUBLISHING, books	215.70
CENTRAL STATES PETROLEUM, supplies	7110.40
CENTURY LINK, phone	1132.51
CENTURY LINK BUSN SVCS, phone	2.05
COMP CHOICE, services	512.00
CONSOLIDATED MANAGEMENT, training	106.75
CONTROL MASTERS, bld&grnds	11.83
CORNHUSKER INTL TRUCKS, maint.	140.56
COX, IT	227.16
D & D COMM., radios	66.50
DANIELSON/TECH SUPPLY, bld&grnds	227.77
DANKO EMERGENCY EQUIPMENT, maint.	92.68
DATASHIELD, services	60.75
DHHS REG/LIC-POOL PERMIT	40.00
DIAMONDS GROUNDSKEEPER, maint.	179.00
DULTMEIER SALES & SERVICE, maint.	101.38
EALEY, B., services	56.50
EDGEWEAR SCREEN PRINTING, supplies	58.50
FEDEX KINKO'S, printing	10.13
FELD FIRE, services	600.00
FOCUS PRINTING, printing	7176.09
FUN SERVICES, supplies	40.00
GALE, books	47.23
GCR TIRE CENTERS, maint.	72.83
GOLEY, C., auto	100.00
GREAT PLAINS UNIFORMS, apparel	44.50
HANEY SHOE STORE, apparel	120.00
HEARTLAND PAPER, supplies	104.00
HELGET GAS, supplies	85.50
HERITAGE CRYSTAL CLEAN, services	555.61
HOCKENBERGS, equip.	55.03
IMAGE TREND, services	622.50
JOHNSTONE SUPPLY, bld&grnds	191.85
KIMBALL MIDWEST, maint.	167.59
KIPPEN, K., books	4.99
KLINKER, M., services	200.00
KRIHA FLUID POWER CO., maint.	77.31
LA VISTA COMMUNITY FOUNDATION	50.00
LANDPORT, services	125.00
LANDS' END BUSINESS OUTFITTERS, supplies	39.94
LAUGHLIN, KATHLEEN A, TRUSTEE	437.00
LENGEMANN & ASSOCIATES P.C., services	6300.00
LEXIS NEXIS MATTHEW BENDER, books	152.43
LIBRA INDUSTRIES, supplies	24.00
LIBRARY IDEAS, media	2.00
LOU'S SPORTING GOODS, equip.	108.00
MAPA, services	1500.00
MUD, utilities	1411.93
MICHAEL TODD AND COMPANY, maint.	283.00
MIDWEST TAPE, media	43.97
MINITEX - CPP, supplies	136.00
NACR INC., IT	5201.70
NATIONAL EVERYTHING WHOLESALE, supplies	391.47
NE LAW ENFORCEMENT, training	100.00
NE LIQUOR CONTROL COMMISSION	45.00

MINUTE RECORD

March 4, 2014

No. 729 — REEDFIELD & COMPANY, INC. OMAHA E1107788LD

NE WELDING LTD, bld&grnds	11.25
NIKE, apparel	347.42
OCLC, books	134.06
OLD NEWS, books	17.00
OMAHA WINNELSON, bld&grnds	164.25
OMAHA WORLD HERALD, books	231.40
OMNI, maint.	133.75
ONE CALL CONCEPTS, services	103.55
PAPILLION TIRE INC., maint.	93.87
PARAMOUNT LINEN & UNIFORM, services	444.74
PAYFLEX SYSTEMS, services	250.00
PAYLESS OFFICE PRODUCTS, supplies	191.94
PDMB INC., services	407.52
PFEIFER, V., services	500.00
PLAINS EQUIPMENT GROUP, maint.	2662.53
QUALITY AUTO REPAIR & TOWING, maint.	125.00
RALSTON AUTO., supplies	85.50
RDG PLANNING & DESIGN, services	469.44
RDG PLANNING & DESIGN, services	8168.53
REDSHAW PAINT SUPPLY, maint.	517.49
REGAL AWARDS, supplies	1673.24
RETRIEVEX, IT	97.58
SAPP BROS INC., supplies	542.50
SAPP BROS PETROLEUM, maint.	191.25
SARPY COUNTY COURTHOUSE, services	3960.21
SARPY COUNTY ECONOMIC DEV.CORP, training	35.00
SARPY COUNTY LANDFILL, services	120.00
SARPY COUNTY SOCCER ASSN, services	312.22
SCHOLASTIC LIBRARY PUBLISHING, books	443.30
SHRED-SAFE, services	145.00
SMITH, M., auto	100.00
SOLBERG, C., travel	204.36
SOUTHWORTH, N., services	380.00
SPRINT, services	182.16
TARGET, services	137.99
TITAN MACHINERY, maint.	112.00
TOMSU, L., travel	106.85
TRACTOR SUPPLY, maint.	261.70
UL, maint.	410.00
ULTRAMAX, apparel	173.54
UNITE PRIVATE NETWORKS, IT	10646.79
UPS, postage	8.01
USI EDUCATION/GOVT SALES, supplies	96.19
VAN RU CREDIT CORPORATION	14.28
VERIZON, phone	409.22
WAL-MART, equip.	1310.23
WATKINS CONCRETE BLOCK, maint.	8.55
WICK'S STERLING TRUCKS, maint.	157.96
WOODHOUSE LINCOLN, maint.	182.95

9. RESOLUTION 14-019 – AUTHORIZATION TO LEASE ELECTRONIC MAGAZINES – RECORDED BOOKS

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LEASE OF ELECTRONIC MAGAZINES FOR USE IN THE LIBRARY FROM RECORDED BOOKS IN AN AMOUNT NOT TO EXCEED \$5,713.27. THIS RESOLUTION SHALL REPLACE RESOLUTION NO.14-001.

WHEREAS, the City Council has deemed that a need exists to lease electronic magazines for use in the Library; and

MINUTE RECORD

March 4, 2014

No. 729 — REEDFIELD & COMPANY, INC. OMAHA E1107788LD

WHEREAS, the FY13/14 General Fund budget provides funding for said lease; 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 City Council of La Vista, Nebraska, does hereby authorize the lease of electronic magazines for use in the Library from Recorded Books in an amount not to exceed \$5,713.27. This resolution shall replace Resolution No. 14-001.

10. RESOLUTION 14-020 -- FIREWORKS DISPLAY – LA VISTA DAZE TEMPORARY USE OF HWY. 85 (84TH STREET) – ACCEPTANCE OF DUTIES.

A. RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING DUTIES AND LIABILITIES FOR TEMPORARY USE OF STATE HIGHWAY 85

WHEREAS, the City of La Vista desires to conduct a fireworks display on property adjacent to State Highway No. 85 in conjunction with the La Vista Daze celebration, and;

WHEREAS, the City of La Vista desires to make temporary use of State Highway No. 85 between Brentwood Drive and Harrison Street, and;

WHEREAS, the temporary use shall consist of the total closure of State Highway No. 85 to vehicular traffic, and;

WHEREAS, State Highway No. 85 between Brentwood Drive and Harrison Street is within the corporate limits of the City of La Vista, and;

WHEREAS, Section 39-1359 R.R.S. Neb. 2008 was amended on May 24, 2011, by Legislative Bill 589 to provide that a temporary use of a state highway system, including full and partial lane restrictions, can be made for a special event where the roadway is located in the corporate limits of a city, if such city through formal action of its governing body acknowledges and accepts the duties set forth in subsection (2) of Section 39-1359 and indemnifies and holds the State of Nebraska harmless against claims made arising out of the special event and provides thirty (30) days advance notice to the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of La Vista officially designates the La Vista Daze Fireworks Display as a special event under LB 589 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of State Highway No. 85 (aka 84th Street) from Brentwood Drive to Harrison Street between the hours of 9:00 pm and 10:30 pm on May 23, 2014 for traffic control during the fireworks display.

11. RESOLUTION 14-021 – PARADE – LA VISTA DAZE TEMPORARY USE OF HWY. 85 (84TH STREET) – ACCEPTANCE OF DUTIES.

A. RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING DUTIES AND LIABILITIES FOR TEMPORARY USE OF STATE HIGHWAY 85

WHEREAS, the City of La Vista desires to conduct a parade that will cross State Highway No. 85 in conjunction with the La Vista Daze celebration, and;

WHEREAS, the City of La Vista desires to make temporary use of State Highway No. 85 between Brentwood Drive and Harrison Street, and;

MINUTE RECORD

March 4, 2014

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

WHEREAS, the temporary use shall consist of the total closure of State Highway No. 85 to vehicular traffic, and;

WHEREAS, State Highway No. 85 between Brentwood Drive and Harrison Street is within the corporate limits of the City of La Vista, and;

WHEREAS, Section 39-1359 R.R.S. Neb. 2008 was amended on May 24, 2011, by Legislative Bill 589 to provide that a temporary use of a state highway system, including full and partial lane restrictions, can be made for a special event where the roadway is located in the corporate limits of a city, if such city through formal action of its governing body acknowledges and accepts the duties set forth in subsection (2) of Section 39-1359 and indemnifies and holds the State of Nebraska harmless against claims made arising out of the special event and provides thirty (30) days advance notice to the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of La Vista officially designates the La Vista Daze Parade as a special event under LB 589 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of State Highway No. 85 (aka 84th Street) from Brentwood Drive to Harrison Street between the hours of 12:30 pm and 4:30 pm on May 24, 2014 for traffic control during the parade.

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn informed Council that LB 867 was moved to select file in the Nebraska Legislature.

Police Chief Lausten gave an update to Council regarding the fire department transition.

Recreation Director Stopak informed the Council that the Senior St. Patrick's Day lunch is scheduled for March 13 and the deadline to sign up is March 7.

B. ONE AND SIX YEAR STREET IMPROVEMENT PLAN

1. PUBLIC HEARING

At 7:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six Year Street Improvement Plan.

Street Superintendent Goldman gave an overview of the plan and showed Council an example of the pavement management system.

At 7:14 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

2. RESOLUTION

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-022; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

MINUTE RECORD

March 4, 2014

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

WHEREAS, the Public Works Director has revised and updated the City of La Vista One-and-Six-Year Street Plan; and

WHEREAS, the La Vista Planning Commission has reviewed the One-and-Six-Year Street Plan for the City of La Vista and recommends to Council approval of the Plan; and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted and reviewed by the La Vista City Council; and

WHEREAS, projects in the One-and-Six-Year Street Plan have been incorporated into the City of La Vista's Capital Improvement Plan.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the One-and-Six-Year Plan for highway, road and street improvements for the City of La Vista as submitted by the City Public Works Director and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

C. ORDINANCE – RIGHT OF WAY VACATION AND CONVEYANCE – 107TH STREET, GERTRUDE TO APPROXIMATELY 425' NORTH

Councilmember Sell introduced Ordinance No. 1213 entitled; AN ORDINANCE VACATING, AND RESERVING AND RETAINING TITLE IN THE CITY TO, AND DIRECTING THE SALE AND CONVEYANCE OF, A PART OF THE SOUTH 107TH STREET RIGHT-OF-WAY LOCATED IN THE NW 1/4 OF SECTION 16, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

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

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1213 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

D. RESOLUTION – APPROVE INTERLOCAL AGREEMENT – INSURANCE SERVICE GROUP

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-023: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITIES OF HASTINGS,

MINUTE RECORD

March 4, 2014

No. 729 — REEDIE & COMPANY, INC. OMAHA, E1107788LD

HOLDREGE, PAPILLION AND LA VISTA THAT WOULD CREATE AN INSURANCE SERVICE GROUP AND COMMIT SAID CITIES TO WORK COLLECTIVELY WITH AN INSURANCE CONSULTANT IN JOINTLY SELECTING AN INSURANCE BROKER TO MARKET AND MANAGE INSURANCE COVERAGES.

- WHEREAS, each Party to the Insurance Service Group Interlocal Cooperation Agreement is authorized pursuant to the Interlocal Cooperation Act of the State of Nebraska to enter into such Agreement, found at 13-801 et. Seq. Neb. Rev. Stat., '43, Reissue 1991; and
- WHEREAS, each Party contracts for various insurance coverages including but not limited to property, casualty, liability and workers compensation; and
- WHEREAS, each Party desires to improve the product quality and cost efficiency of providing various insurance coverages; and
- WHEREAS, the Parties will work with an insurance consultant to select an insurance broker that will be responsible for marketing, securing and managing insurance coverages for the Parties; and
- WHEREAS, the insurance consultant fees are set out in the Interlocal Cooperation Agreement and are to be divided equally among the Parties; and
- WHEREAS, by collectively pursuing insurance coverages the Parties will create a situation that encourages carriers to provide cost efficient quotes that would likely not otherwise be available to the Parties.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, hereby approves the Insurance Service Group Interlocal Cooperation Agreement between the cities of Hastings, Holdrege, Papillion and La Vista subject to any modifications the City Administrator determines necessary or advisable, and authorizes the Mayor to execute said agreement.

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

E. RESOLUTION – AMEND COUNCIL POLICY STATEMENT – CITY SAFETY COMMITTEE STRUCTURE

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-024: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING CHANGES AND REVISIONS TO AN EXISTING COUNCIL POLICY STATEMENT.

- WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and
- WHEREAS, a Council Policy Statement entitled City Safety Committee Structure has been reviewed and revisions recommended by the Safety Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to Council Policy Statement entitled City Safety Committee Structure and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

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

MINUTE RECORD

March 4, 2014

No. 729 — REEDFIELD & COMPANY, INC. OMAHA E1107788LD

Councilmember Crawford made a motion to move Comments from the Floor and Agenda Item G up on the agenda ahead of Item F Executive Session. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

G. RESOLUTION – DESIGNATION OF REPRESENTATIVES – BUDGET REVIEW & ADMINISTRATIVE COMMITTEE

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-025: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA PROVIDING FOR THE DESIGNATION OF REPRESENTATIVES TO THE BUDGET REVIEW AND ADMINISTRATIVE COMMITTEE.

WHEREAS, The City Council of the City of La Vista has determined that the designation of representatives to the Budget Review & Administrative Committee as part of the Interlocal Cooperation Agreement with the City of Papillion and The Papillion Rural Fire District for Fire and Emergency Medical Services is necessary; and

WHEREAS, a recommendation by the City Administrator, has been made regarding designations; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby designate the following positions to the Budget Review & Administrative Committee:

Mayor
Police Chief
City Council President (alternate)

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

F. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS; PERSONNEL

At 7:21 p.m. Councilmember Crawford made a motion to go into executive session for the protection of the public interest for contract negotiations and for the protection of the reputation of an individual to discuss personnel matters. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 7:46 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

MINUTE RECORD

March 4, 2014

No. 729 — REEDIE & COMPANY, INC. OMAHA E1107788LD

COMMENTS FROM MAYOR AND COUNCIL

There were no comments from the Mayor and Council.

At 7:47 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: Gowan. Motion carried.

PASSED AND APPROVED THIS 18TH DAY OF MARCH, 2014

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CITY OF LAVISTA, NEBRASKA
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES
For the five months ended February 28, 2014
42% of the Fiscal Year

	General Fund										Debt Service Fund					Capital Fund						
	Budget	MTD	YTD	Over/(under)	% of budget	Budget	MTD	YTD	Over/(under)	Budget	Budget	MTD	YTD	Over/(under)								
	(12 month)	Actual	Actual	Budget	Used		Actual	Actual	Budget			Actual	Actual	Budget								
REVENUES																						
Property Taxes	\$ 6,549,437	\$ 99,504	\$ 532,107	\$ (6,017,330)	8%	\$ 747,480	\$ 9,734	\$ 48,574	\$ (698,906)	\$ -	\$ -	\$ -	\$ -	\$ -								
Sales and use taxes	608,610	0	939,675	331,065	154%	304,305	-	469,837	165,532	-	-	-	-	-								
Payments in Lieu of taxes	241,500	-	0	(241,500)	0%	-	-	-	-	-	-	-	-	-								
State revenue	1,326,025	112,055	611,881	(714,144)	46%	-	-	-	-	-	-	-	-	-								
Occupation and franchise taxes	850,000	74,322	448,950	(401,050)	53%	-	-	-	-	-	-	-	-	-								
Hotel Occupation Tax	780,000	53,928	338,919	(441,081)	43%	-	-	-	-	-	-	-	-	-								
Licenses and permits	394,750	22,224	260,142	(134,608)	66%	-	-	-	-	-	-	-	-	-								
Interest income	12,000	2,103	7,831	(4,169)	65%	20,000	1,388	3,377	(16,623)	-	-	-	-	-								
Recreation fees	144,000	14,464	47,942	(96,058)	33%	-	-	-	-	-	-	-	-	-								
Special Services	22,000	1,618	10,696	(11,304)	49%	-	-	-	-	-	-	-	-	-								
Grant Income	209,570	8,581	105,276	(104,294)	50%	-	-	-	-	-	-	-	-	-	1,178,135	-	122,381	(1,055,754)				
Other	204,000	28,656	169,014	(34,986)	83%	325,000	416	5,596	(319,404)	75,000	21,024	112,538	37,538									
Total Revenues	11,341,892	417,485	3,472,433	(7,869,459)	31%	1,396,785	11,538	527,384	(869,401)	1,253,135	21,024	234,919	(1,018,216)									
EXPENDITURES																						
Current:																						
Mayor and Council	182,737	5,396	40,784	(141,953)	22%	-	-	-	-	-	-	-	-	-								
Boards & Commissions	15,228	695	3,163	(12,057)	21%	-	-	-	-	-	-	-	-	-								
Public Buildings & Grounds	586,144	37,237	168,818	(417,326)	29%	-	-	-	-	-	-	-	-	-								
Administration	887,650	72,197	321,882	(565,768)	36%	90,000	796	1,253	(88,747)	-	-	-	-	-								
Police and Animal Control	4,221,786	319,721	1,665,605	(2,556,181)	39%	-	-	-	-	-	-	-	-	-								
Fire	1,278,023	71,364	342,573	(935,450)	27%	-	-	-	-	-	-	-	-	-								
Community Development	702,611	37,943	225,448	(477,163)	32%	-	-	-	-	-	-	-	-	-								
Public Works	3,313,165	239,609	1,201,834	(2,111,331)	36%	-	-	-	-	-	-	-	-	-								
Recreation	688,607	43,445	207,273	(481,334)	30%	-	-	-	-	-	-	-	-	-								
Library	710,990	51,389	257,203	(453,787)	36%	-	-	-	-	-	-	-	-	-								
Human Resources	479,186	5,245	396,889	(82,297)	83%	-	-	-	-	-	-	-	-	-								
Special Services & Tri-City Bus	86,177	5,731	31,092	(55,095)	36%	-	-	-	-	-	-	-	-	-	2,528,628	21,824	234,919	(2,293,709)				
Capital outlay	410,468	-	3,200	(407,268)	1%	-	-	-	-	-	-	-	-	-								
Debt service: (Warrants)	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
Principal	-	-	-	-	-	2,795,000	-	2,235,000	(560,000)	-	-	-	-	-								
Interest	-	-	-	-	-	760,648	-	401,661	(358,987)	-	-	-	-	-								
Total Expenditures	13,562,764	889,972	4,865,764	(8,697,000)	36%	3,645,648	796	2,637,914	(1,007,734)	2,528,628	21,024	234,919	(2,293,709)									
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	(2,220,872)	(472,517)	(1,393,331)	(827,541)	63%	(2,248,863)	10,742	(2,110,530)	(138,333)	(1,275,493)	-	-	(1,275,493)									
OTHER FINANCING SOURCES (USES)																						
Operating transfers in (out)	(988,545)	-	-	-	-	988,545	-	(264,070)	-	-	-	264,070	1,275,493	-	-	-	-	(1,275,493)				
Bond/registered warrant proceeds	-	-	-	-	-	-	-	-	-	-	-	-	-	-								
Total other Financing Sources (Uses)	(988,545)	-	-	-	-	988,545	-	(264,070)	-	-	-	264,070	1,275,493	-	-	-	-	(1,275,493)				
EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES	\$ (3,209,417)	\$ (472,517)	\$ (1,393,331)	\$ (1,816,086)	-	\$ (2,512,933)	\$ 10,742	\$ (2,110,530)	\$ (402,403)	-	-	-	-	-	-	\$ 536,600						
FUND BALANCE, Beginning of the Year						8,269,430						5,620,155										
FUND BALANCES, End of the Year						\$ 6,876,099						\$ 3,509,625									\$ 536,600	

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CITY OF LAVISTA
COMBINED STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS

BUDGET AND ACTUAL

For the five months ended February 28, 2014

42% of the Fiscal Year

	Sewer Fund					Golf Course Fund								
	Budget		MTD Actual		YTD Actual	Over (Under) Budget	% of Budget Used	Budget		MTD Actual		YTD Actual	Over (Under) Budget	% of Budget Used
REVENUES														
User fees	\$ 2,791,778	\$ 229,650	\$ 1,075,414	\$ (1,716,364)	39%	\$ 188,000	\$ 357	\$ 18,918	\$ (169,082)	10%				
Service charge and hook-up fees	125,000	3,300	67,938	(57,062)	54%	-	-	-	-	-				
Merchandise sales	-	-	-	-	-	34,500	42	4,032	(30,468)	12%				
Grant	24,082	-	24,233	151	n/a	-	-	-	-	-				
Miscellaneous	200	34	949	749	475%	300	3	95	-	32%				
Total Revenues	2,941,060	232,985	1,168,535	(1,772,525)	40%	222,800	402	23,045	(199,550)	10%				
EXPENDITURES														
General Administrative	561,335	42,703	199,835	(361,500)	36%	-	-	-	-	-				
Cost of merchandise sold	-	-	-	-	-	27,214	479	2,560	(24,654)	9%				
Maintenance	2,392,369	161,275	607,786	(1,784,583)	25%	163,369	7,107	48,747	(114,622)	30%				
Production and distribution	-	-	-	-	-	154,719	7,106	50,633	(104,086)	33%				
Capital Outlay	20,000	-	-	(20,000)	0%	32,000	-	-	(32,000)	0%				
Debt Service:														
Principal	-	-	-	-	-	125,000	-	125,000	-	100%				
Interest	-	-	-	-	-	3,406	-	3,406	-	100%				
Total Expenditures	2,973,704	203,977	807,620	(2,166,084)	27%	505,708	14,692	230,345	(275,363)	46%				
OPERATING INCOME (LOSS)	(32,644)	29,007	360,914	(393,558)	-	(282,908)	(14,290)	(207,300)	75,813	-				
NON-OPERATING REVENUE (EXPENSE)														
Interest income	3,000	508	1,782	(1,218)	59%	25	18	36	11	144%				
	<u>3,000</u>	<u>508</u>	<u>1,782</u>	<u>(1,218)</u>	<u>59%</u>	<u>25</u>	<u>18</u>	<u>36</u>	<u>11</u>	<u>144%</u>				
INCOME (LOSS) BEFORE OPERATING TRANSFERS	(29,644)	29,515	362,696	(392,340)	-	(282,883)	(14,272)	(207,264)	75,619	-				
OTHER FINANCING SOURCES (USES)														
Operating transfers in (out)	-	-	-	-	-	250,000	-	-	(250,000)	0%				
NET INCOME (LOSS)	\$ (29,644)	\$ 29,515	\$ 362,696	\$ (392,340)	-	\$ (32,883)	\$ (14,272)	\$ (207,264)	\$ 174,381	-				
NET ASSETS, Beginning of the year			<u>6,506,978</u>						<u>456,694</u>					
NET ASSETS, End of the year			<u>6,869,674</u>						<u>\$ 249,430</u>					

Invoice

A.4



**FELSBURG
HOLT &
ULLEVIG**

connecting and enhancing communities

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

February 17, 2014
Project No: 109025-01
Invoice No: 11108

Mr. John Kottmann, PE
City Engineer
City of La Vista
9900 Portal Rd
La Vista, NE 68128

Project 109025-01 La Vista Quiet Zone Final Design
Professional Services for the Period: January 01, 2014 to January 31, 2014

Professional Personnel

	Hours	Rate	Amount
Associate			
Haden, Richard	1.50	165.00	247.50
Labor	1.50		247.50
Total Labor			247.50
		TOTAL AMOUNT DUE	\$247.50

Billed-To-Date Summary

	Current	Prior	Total
Labor	247.50	15,422.50	15,670.00
In-House	0.00	103.92	103.92
Totals	247.50	15,526.42	15,773.92

Invoice is due upon receipt.

Project Manager Kyle Anderson

O.K. to pay

05.71.0824.02

of MK

2-28-2014

Consent Agenda 3/18/2014

Invoice is due upon receipt.



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

INVOICE

A.5

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

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

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

Invoice number 103336
Date 03/05/2014
Project 0171-408 THOMPSON CREEK PHASE 1

Professional Services from January 20, 2014 through March 02, 2014

P.O. #14-0098

Description	Current Billed
Task A-Project Start-up	0.00
Task B-Design Development	0.00
Task C-Construction Documentation	3,968.75
Task D-Phase 2 Grant Acquisition	0.00
Task E-Pre-Construction Monitoring	8,672.50
	Total 12,641.25

Invoice total 12,641.25

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
103336	03/05/2014	12,641.25	12,641.25				
	Total	12,641.25	12,641.25	0.00	0.00	0.00	0.00

Terms Net 30 Days. A Finance Charge of 1 1/2% Per Month (18% per Annum) Will Be Charged on Past Due Accounts. Also Liable for all Legal and Collection Fees.

O.K. to pay

*3,968.75 to 05.71.0871 (NET)

*8,672.50 to 05.71.0872 (NDEQ)

cf MK
3-6-2014

Consent Agenda 3/18/14

A.6

BANK NO BANK NAME

CHECK NO DATE

VENDOR NO VENDOR NAME

CHECK AMOUNT

CLEARED

VOIDED

MANUAL

1 Bank of Nebraska (600-873)

113859	3/05/2014	1194 QUALITY BRANDS OF OMAHA	207.30	**MANUAL**
113860	3/06/2014	355 DOUGLAS COUNTY ENGINEER	2,000.00	**MANUAL**
113861	3/06/2014	4954 OAKHAVEN HOMES INC	20,037.50	**MANUAL**
113862	3/06/2014	3415 FOCUS PRINTING	1,219.00	**MANUAL**
113863	3/12/2014	3702 LAUGHLIN, KATHLEEN A, TRUSTEE	437.00	**MANUAL**
113864	3/18/2014	2892 AA WHEEL & TRUCK SUPPLY INC	87.04	
113865	3/18/2014	4298 AAT (US) INC	996.00	
113866	3/18/2014	4953 ACCOUNTEMPS	778.75	
113867	3/18/2014	762 ACTION BATTERIES UNLTD INC	226.95	
113868	3/18/2014	268 AKSARBEN HEATING/ARS	346.80	
113869	3/18/2014	571 ALAMAR UNIFORMS	.00	**CLEARED** **VOIDED**
113870	3/18/2014	571 ALAMAR UNIFORMS	700.45	
113871	3/18/2014	201 BAKER & TAYLOR BOOKS	2,335.12	
113872	3/18/2014	2554 BARCAL, ROSE	118.44	
113873	3/18/2014	4660 BARNES, JEFF	15.00	
113874	3/18/2014	1839 BCDM-BERINGER CIACCIO DENNELL	276.67	
113875	3/18/2014	249 BKD LLP	790.00	
113876	3/18/2014	196 BLACK HILLS ENERGY	4,963.93	
113877	3/18/2014	2209 BOUND TREE MEDICAL LLC	185.13	
113878	3/18/2014	1242 BRENTWOOD AUTO WASH	84.00	
113879	3/18/2014	76 BUILDERS SUPPLY CO INC	39.36	
113880	3/18/2014	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
113881	3/18/2014	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
113882	3/18/2014	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
113883	3/18/2014	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED** **VOIDED**
113884	3/18/2014	2625 CARDMEMBER SERVICE-ELAN	8,540.01	
113885	3/18/2014	2285 CENTER POINT PUBLISHING	211.50	
113886	3/18/2014	219 CENTURY LINK	71.04	
113887	3/18/2014	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
113888	3/18/2014	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
113889	3/18/2014	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
113890	3/18/2014	83 CJ'S HOME CENTER	.00	**CLEARED** **VOIDED**
113891	3/18/2014	83 CJ'S HOME CENTER	870.36	
113892	3/18/2014	4615 CONSOLIDATED MANAGEMENT	176.50	
113893	3/18/2014	836 CORNHUSKER INTL TRUCKS INC	27.18	
113894	3/18/2014	2158 COX COMMUNICATIONS	.00	**CLEARED** **VOIDED**
113895	3/18/2014	2158 COX COMMUNICATIONS	192.85	
113896	3/18/2014	4117 DATASPACE INC	589.00	
113897	3/18/2014	4986 DAVE HEREK PLUMBING	90.00	
113898	3/18/2014	111 DEMCO INCORPORATED	196.80	
113899	3/18/2014	954 DHHS REG/LIC-POOL PERMIT	240.00	
113900	3/18/2014	77 DIAMOND VOGEL PAINTS	33.39	
113901	3/18/2014	2983 EAGLE ENGRAVING	11.25	
113902	3/18/2014	632 EASTERN LIBRARY SYSTEM	40.00	
113903	3/18/2014	4012 EMBASSY SUITES HOTEL	195.42	
113904	3/18/2014	142 FITZGERALD SCHORR BARMETTLER	.00	**CLEARED** **VOIDED**
113905	3/18/2014	142 FITZGERALD SCHORR BARMETTLER	22,713.60	
113906	3/18/2014	3415 FOCUS PRINTING	72.50	
113907	3/18/2014	3132 FORT DEARBORN LIFE INS COMPANY	1,297.50	
113908	3/18/2014	4983 FRANCIS SANTAQUILANI	65.00	
113909	3/18/2014	1344 GALE	116.95	

BANK NO	BANK NAME							
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK	AMOUNT	CLEARED	VOIDED	MANUAL
113910	3/18/2014	4644	GARROD, MANDY		180.00			
113911	3/18/2014	53	GCR TIRE CENTERS		506.35			
113912	3/18/2014	966	GENUINE PARTS COMPANY-OMAHA		.00	**CLEARED**	**VOIDED**	
113913	3/18/2014	966	GENUINE PARTS COMPANY-OMAHA		.00	**CLEARED**	**VOIDED**	
113914	3/18/2014	966	GENUINE PARTS COMPANY-OMAHA		800.32			
113915	3/18/2014	4819	GOMEZ, JOHNNY RAY		150.00			
113916	3/18/2014	285	GRAYBAR ELECTRIC COMPANY INC		74.70			
113917	3/18/2014	4222	GREAT PLAINS GPOA		50.00			
113918	3/18/2014	985	GREY HOUSE PUBLISHING		295.00			
113919	3/18/2014	1044	H & H CHEVROLET LLC		112.94			
113920	3/18/2014	426	HANEY SHOE STORE		120.00			
113921	3/18/2014	3775	HARTS AUTO SUPPLY		587.00			
113922	3/18/2014	1744	HEARTLAND AWARDS		923.75			
113923	3/18/2014	1403	HELGET GAS PRODUCTS INC		30.00			
113924	3/18/2014	797	HOBBY LOBBY STORES INC		113.15			
113925	3/18/2014	2888	HOME DEPOT CREDIT SERVICES		678.91			
113926	3/18/2014	1127	HORNADY		1,116.60			
113927	3/18/2014	4907	HUSCH BLACKWELL LLP		516.00			
113928	3/18/2014	2394	KRIHA FLUID POWER CO INC		156.11			
113929	3/18/2014	906	LA VISTA FIREFIGHTERS ASSN		50.00			
113930	3/18/2014	4254	LINCOLN NATIONAL LIFE INS CO		.00	**CLEARED**	**VOIDED**	
113931	3/18/2014	4254	LINCOLN NATIONAL LIFE INS CO		10,709.90			
113932	3/18/2014	4560	LOWE'S CREDIT SERVICES		152.05			
113933	3/18/2014	4987	MANNING, MARY		6.00			
113934	3/18/2014	877	MATHESON TRI-GAS INC		140.57			
113935	3/18/2014	94	MCCANN PLUMBING SERVICE INC		178.00			
113936	3/18/2014	4943	MENARDS-RALSTON		287.88			
113937	3/18/2014	153	METRO AREA TRANSIT		434.00			
113938	3/18/2014	872	METROPOLITAN COMMUNITY COLLEGE		11,469.73			
113939	3/18/2014	553	METROPOLITAN UTILITIES DIST.		628.18			
113940	3/18/2014	2497	MID AMERICA PAY PHONES		50.00			
113941	3/18/2014	3921	MID-STATES UTILITY TRAILER		40.56			
113942	3/18/2014	1526	MIDLANDS LIGHTING & ELECTRIC		13.85			
113943	3/18/2014	2299	MIDWEST TAPE		89.97			
113944	3/18/2014	1071	NE DEPT OF LABOR		396.00			
113945	3/18/2014	479	NEBRASKA LIBRARY COMMISSION		2,035.24			
113946	3/18/2014	132	NEBRASKA SALT & GRAIN COMPANY		4,487.00			
113947	3/18/2014	3303	NEBRASKA WELDING LTD		145.33			
113948	3/18/2014	653	NEUMAN EQUIPMENT COMPANY		307.33			
113949	3/18/2014	3924	NEW YORK TIMES		223.60			
113950	3/18/2014	3973	NIKE USA INC		570.00			
113951	3/18/2014	179	NUTS AND BOLTS INCORPORATED		46.95			
113952	3/18/2014	1014	OFFICE DEPOT INC		.00	**CLEARED**	**VOIDED**	
113953	3/18/2014	1014	OFFICE DEPOT INC		951.61			
113954	3/18/2014	195	OMAHA PUBLIC POWER DISTRICT		.00	**CLEARED**	**VOIDED**	
113955	3/18/2014	195	OMAHA PUBLIC POWER DISTRICT		.00	**CLEARED**	**VOIDED**	
113956	3/18/2014	195	OMAHA PUBLIC POWER DISTRICT		51,444.70			
113957	3/18/2014	46	OMAHA WORLD HERALD COMPANY		517.83			
113958	3/18/2014	167	OMNI		97.37			
113959	3/18/2014	4815	ONE CALL CONCEPTS INC		93.70			
113960	3/18/2014	4982	PAPILLION COMM FOUNDATION		150.00			
113961	3/18/2014	3039	PAPILLION SANITATION		923.31			
113962	3/18/2014	2686	PARAMOUNT LINEN & UNIFORM		172.53			

APCHCKRP
02.05.13

Thu Mar 13, 2014 8:10 AM

City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

OPER: HF

PAGE 3

BANK NO BANK NAME

CHECK NO

DATE VENDOR NO VENDOR NAME

CHECK AMOUNT

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MANUAL

113963	3/18/2014	4037 PERFORMANCE FORD	137.80	
113964	3/18/2014	1821 PETTY CASH-PAM BUETHE	.00	**CLEARED** **VOIDED**
113965	3/18/2014	1821 PETTY CASH-PAM BUETHE	227.52	
113966	3/18/2014	4974 PIONEER ATHLETICS	633.00	
113967	3/18/2014	1784 PLAINS EQUIPMENT GROUP	679.20	APPROVED BY COUNCIL
113968	3/18/2014	3743 PROGRESSIVE BUSINESS	175.00	MEMBERS 3/18/14
113969	3/18/2014	3139 RECORDED BOOKS, LLC	7,713.27	
113970	3/18/2014	292 SAM'S CLUB	119.12	
113971	3/18/2014	487 SAPP BROS PETROLEUM INC	15,635.06	
113972	3/18/2014	1335 SARPY COUNTY CHAMBER OF	150.00	
113973	3/18/2014	490 SARPY COUNTY REGISTER OF DEEDS	108.00	
113974	3/18/2014	4691 SARPY COUNTY SOCCER ASSN	215.00	COUNCIL MEMBER
113975	3/18/2014	461 SIMPLEX GRINNELL LP	.00	**CLEARED** **VOIDED**
113976	3/18/2014	461 SIMPLEX GRINNELL LP	1,858.95	
113977	3/18/2014	3838 SPRINT	62.19	
113978	3/18/2014	3838 SPRINT	119.97	
113979	3/18/2014	505 STANDARD HEATING AND AIR COND	9,325.00	
113980	3/18/2014	1293 SUPERIOR SIGNALS INCORPORATED	206.12	
113981	3/18/2014	4276 SUPERIOR VISION SVCS INC	636.04	
113982	3/18/2014	1150 SUTPHEN CORPORATION	510.42	
113983	3/18/2014	4798 SYMBOL ARTS LLC	180.00	
113984	3/18/2014	1122 TURF CARS LTD	93.90	
113985	3/18/2014	176 TURFWERKS	763.84	
113986	3/18/2014	258 WATKINS CONCRETE BLOCK CO INC	85.50	
113987	3/18/2014	968 WICK'S STERLING TRUCKS INC	46.56	

COUNCIL MEMBER

884701
Thru 904001

Payroll Checks

BANK TOTAL	204,500.77	
OUTSTANDING	204,500.77	
CLEARED	.00	
VOIDED	.00	

COUNCIL MEMBER

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	173,214.87	173,214.87	.00	.00
02 SEWER FUND	8,226.56	8,226.56	.00	.00
05 CONSTRUCTION	16,237.50	16,237.50	.00	.00
08 LOTTERY FUND	1,092.57	1,092.57	.00	.00
09 GOLF COURSE FUND	3,461.74	3,461.74	.00	.00
14 ECONOMIC DEVELOPMENT	516.00	516.00	.00	.00
15 OFF-STREET PARKING	1,751.53	1,751.53	.00	.00

REPORT TOTAL	204,500.77	
OUTSTANDING	204,500.77	
CLEARED	.00	
VOIDED	.00	

COUNCIL MEMBER

+ Gross Payroll 3/14/14 259,250.69GRAND TOTAL \$463,751.46

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 18, 2014 AGENDA**

Subject:	Type:	Submitted By:
FY 2012/2013 AUDIT REPORT — BKD, LLP	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

A resolution has been prepared to accept the audit for the twelve months ending September 30, 2013. The Council will also be accepting the audit for the Economic Development Fund – LB840.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

This is the sixth year for BKD, LLP as the City's financial auditors. They were the City auditors prior to 2005 for over ten years. This is the first year, since 2007, that BKD, LLP prepared and audited the financial statements.

The certified public accountants, BKD, LLP have submitted to the City their *Accountants' Report and General Purpose Financial Statement*. The audit states that the City's financial statements were tested and disclosed no instances of noncompliance with *Government Auditing Standards*. There were no findings as part of the audit. A deficiency was observed as noted below:

- Management has outsourced the recording of accrual entries and drafting of the financial statements due to lack of experience and resources within the finance department. Management provides supporting documents for the entries and reviews the draft financial statements.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE FISCAL YEAR 2012-2013 MUNICIPAL AUDIT AS PREPARED BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.

WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2012-2013 municipal operations; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, that the 2012-2013 municipal audit is hereby accepted and approved.

PASSED AND APPROVED THIS 18TH DAY OF MARCH 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

City of La Vista, Nebraska

Auditor's Reports and Financial Statements

September 30, 2013



City of La Vista, Nebraska

September 30, 2013

Contents

Independent Auditor's Report	1
Financial Statements	
<i>Government-Wide Financial Statements</i>	
Statement of Net Position.....	3
Statement of Activities	4
<i>Fund Financial Statements</i>	
Balance Sheet – Governmental Funds.....	5
Reconciliation of the Balance Sheet of Governmental Funds to the Statement of Net Position	6
Statement of Revenues, Expenditures, and Changes in Fund Balances – Governmental Funds	7
Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Changes in Net Position of Governmental Activities.....	8
Balance Sheet – Proprietary Funds	9
Statement of Revenues, Expenses, and Changes in Net Position – Proprietary Funds	10
Statement of Cash Flows – Proprietary Funds	11
Notes to Financial Statements	12
Required Supplementary Information	
Statement of Revenues, Expenditures, and Changes in Fund Balances – Budget and Actual (Budget Basis) – General Fund	32
Statement of Revenues, Expenditures, and Changes in Fund Balances – Budget and Actual (Budget Basis) – Keno Fund	33
Statement of Revenues, Expenditures, and Changes in Fund Balances – Budget and Actual (Budget Basis) – Economic Development Fund	34
Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance With <i>Government Auditing Standards</i>	35
Schedule of Findings and Responses	37

Independent Auditor's Report

The Mayor and City Council
City of La Vista, Nebraska

Report on the Financial Statements

We have audited the accompanying basic financial statements of the governmental activities, the business-type activities, and each major fund of the City of La Vista, Nebraska as of and for the year ended September 30, 2013, and the related notes to the basic financial statements, which collectively comprise the City of La Vista's basic financial statements listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of La Vista as of September 30, 2013, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in conformity with accounting principles generally accepted in the United States of America.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the budgetary information listed in the table of contents be presented to supplement the basic financial statements. Such information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because of the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Management has omitted the management's discussion and analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Other Reporting Required by Government Auditing Standards

In accordance with *Government Auditing Standards*, we have also issued our report dated March 6, 2014, on our consideration of the City of La Vista's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of La Vista's internal control over financial reporting and compliance.

BKD, LLP

Omaha, Nebraska
March 6, 2014

City of La Vista, Nebraska
Statement of Net Position
September 30, 2013

	Governmental Activities	Business-type Activities	Total
Assets			
Cash and cash equivalents	\$ 7,370,595	\$ 563,183	\$ 7,933,778
Cash at County Treasurer	53,323	-	53,323
Certificates of deposit	2,601,152	1,000,586	3,601,738
Investments	6,398,338	-	6,398,338
Receivables	19,476,118	274,465	19,750,583
Deferred charges	611,376	4,387	615,763
Capital assets			
Non-depreciable	12,403,849	9,524	12,413,373
Depreciable, net	<u>43,196,794</u>	<u>6,117,215</u>	<u>49,314,009</u>
Total assets	<u>92,111,545</u>	<u>7,969,360</u>	<u>100,080,905</u>
Liabilities			
Accounts payable	542,119	542,345	1,084,464
Accrued expenses	1,349,014	167,151	1,516,165
Sales tax refunds payable	2,426,693	-	2,426,693
Compensated absences			
Payable within one year	32,607	2,720	35,327
Payable in more than one year	961,950	85,294	1,047,244
Notes payable			
Due within one year	92,594	32,779	125,373
Due in more than one year	17,995	50,399	68,394
Bonds payable			
Due within one year	3,815,000	125,000	3,940,000
Due in more than one year	<u>51,063,740</u>	<u>-</u>	<u>51,063,740</u>
Total liabilities	<u>60,301,712</u>	<u>1,005,688</u>	<u>61,307,400</u>
Net Position			
Net investment in capital assets	19,712,625	5,898,032	25,610,657
Restricted for community betterment	2,082,173	-	2,082,173
Unrestricted	<u>10,015,035</u>	<u>1,065,640</u>	<u>11,080,675</u>
Total net position	<u>\$ 31,809,833</u>	<u>\$ 6,963,672</u>	<u>\$ 38,773,505</u>

City of La Vista, Nebraska
Statement of Activities
Year Ended September 30, 2013

	Program Revenues				Net Revenues (Expenses) and Changes in Net Position		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total
Primary Government							
Governmental activities							
General government	\$ 2,464,606	\$ 464,950	\$ 386,995	\$ -	\$ (1,612,661)	\$ -	\$ (1,612,661)
Public safety	4,928,992	-	133,030	-	(4,795,962)	-	(4,795,962)
Public works	3,470,958	-	1,350,559	748,876	(1,371,523)	-	(1,371,523)
Culture and recreation	2,507,328	475,908	-	-	(2,031,420)	-	(2,031,420)
Community betterment	542,381	1,256,231	-	-	713,850	-	713,850
Community development	3,041,707	-	64,125	-	(2,977,582)	-	(2,977,582)
Interest on long-term debt	2,442,261	-	-	-	(2,442,261)	-	(2,442,261)
Total governmental activities	<u>19,398,233</u>	<u>2,197,089</u>	<u>1,934,709</u>	<u>748,876</u>	<u>(14,517,559)</u>	<u>-</u>	<u>(14,517,559)</u>
Business-type activities							
Sewer	2,620,300	2,623,684	24,082	-	-	27,466	27,466
Golf	387,343	236,325	-	-	-	(151,018)	(151,018)
Total business-type activities	<u>3,007,643</u>	<u>2,860,009</u>	<u>24,082</u>	<u>-</u>	<u>-</u>	<u>(123,552)</u>	<u>(123,552)</u>
Total Primary Government	<u>\$ 22,405,876</u>	<u>\$ 5,057,098</u>	<u>\$ 1,958,791</u>	<u>\$ 748,876</u>	<u>(14,517,559)</u>	<u>(123,552)</u>	<u>(14,641,111)</u>
General Revenues							
Property taxes					5,746,838	-	5,746,838
Sales and use taxes					6,269,262	-	6,269,262
Occupation taxes					1,705,931	-	1,705,931
Motor vehicle taxes					354,182	-	354,182
Interest income					1,301,858	3,397	1,305,255
Miscellaneous					75,290	-	75,290
Transfers					(250,000)	250,000	-
Net position received from annexation					4,888,458	756,870	5,645,328
Total general revenues and transfers					<u>20,091,819</u>	<u>1,010,267</u>	<u>21,102,086</u>
Change in Net Position					5,574,260	886,715	6,460,975
Net Position, Beginning of Year					26,235,573	6,076,957	32,312,530
Net Position, End of Year					<u>\$ 31,809,833</u>	<u>\$ 6,963,672</u>	<u>\$ 38,773,505</u>

City of La Vista, Nebraska
Balance Sheet –
Governmental Funds
September 30, 2013

	General Fund	Debt Service Fund	Keno Fund	Capital Improvements Fund	Economic Development Fund	Total Governmental Funds
Assets						
Cash and cash equivalents	\$ 2,467,332	\$ 2,994,059	\$ 565,726	\$ 674,731	\$ 668,747	\$ 7,370,595
Cash at County Treasurer	49,328	3,995	-	-	-	53,323
Certificates of deposit	1,750,868	750,284	100,000	-	-	2,601,152
Investments	3,352,810	1,533,970	1,511,558	-	-	6,398,338
Receivables	1,272,078	2,531,945	93,016	-	16,107,335	20,004,374
Total assets	\$ 8,892,416	\$ 7,814,253	\$ 2,270,300	\$ 674,731	\$ 16,776,082	\$ 36,427,782
Liabilities						
Accounts payable	\$ 296,768	\$ 2,061	\$ 104,229	\$ 138,131	\$ 930	\$ 542,119
Accrued expenses	296,879	-	83,898	-	-	380,777
Deferred revenue	29,339	2,192,037	-	-	-	2,221,376
Total liabilities	622,986	2,194,098	188,127	138,131	930	3,144,272
Fund Balances						
Restricted for:						
Debt service	-	5,620,155	-	-	-	5,620,155
Community betterment	-	-	2,082,173	-	-	2,082,173
Economic development	-	-	-	-	16,775,152	16,775,152
Committed for capital improvements	-	-	-	536,600	-	536,600
Unassigned	8,269,430	-	-	-	-	8,269,430
Total fund balances	8,269,430	5,620,155	2,082,173	536,600	16,775,152	33,283,510
Total liabilities and fund balances	\$ 8,892,416	\$ 7,814,253	\$ 2,270,300	\$ 674,731	\$ 16,776,082	\$ 36,427,782

City of La Vista, Nebraska
Reconciliation of the Balance Sheet
of Governmental Funds to the
Statement of Net Position
September 30, 2013

Total Fund Balance - Total Governmental Funds \$ 33,283,510

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets net of accumulated depreciation used in governmental activities are not financial resources and, therefore, are not reported in the funds.	55,600,643
Long-term liabilities, including bonds payable, are not due and payable in the current period and, therefore, are not reported in the funds. Other related amounts include interest payable of \$968,237, bond issue costs of \$611,376, bond premiums of \$35,427, and deferred refunding of \$751,687.	(55,346,190)
Compensated absences are not due and payable in the current period and, therefore, are not reported in the funds.	(994,557)
Sales tax refunds payable are not due and payable in the current period and, therefore, are not reported in the funds.	(2,426,693)
Special assessments receivable are offset by deferred revenue and, therefore, no allowance for doubtful accounts is necessary; also includes a portion of allowance for doubtful accounts allocated to interest.	(528,256)
Deferred revenues represents funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds.	<u>2,221,376</u>
Net Position of Governmental Activities	<u><u>\$ 31,809,833</u></u>

City of La Vista, Nebraska
Statement of Revenues, Expenditures, and
Changes in Fund Balances –
Governmental Funds
Year Ended September 30, 2013

	General Fund	Debt Service Fund	Keno Fund	Capital Improvements Fund	Economic Development Fund	Total
Revenues						
Property tax	\$ 5,081,002	\$ 663,728	\$ -	\$ -	\$ -	\$ 5,744,730
Sales and use tax	4,179,508	2,089,754	-	-	-	6,269,262
Occupation tax	1,705,931	-	-	-	-	1,705,931
Motor vehicle tax	352,414	1,768	-	-	-	354,182
Licenses and permits	464,950	-	-	-	-	464,950
Intergovernmental	1,940,136	-	-	748,876	-	2,689,012
Charges for services	475,908	-	-	-	-	475,908
Keno	-	-	1,256,231	-	-	1,256,231
Interest income	15,528	91,667	7,299	-	1,187,364	1,301,858
Special assessments	-	140,471	-	-	-	140,471
Miscellaneous	36,416	-	25,850	-	-	62,266
Total revenues	14,251,793	2,987,388	1,289,380	748,876	1,187,364	20,464,801
Expenditures						
Current						
General government	2,030,790	56,562	27,443	-	-	2,114,795
Public works	2,122,632	-	-	-	-	2,122,632
Public safety	4,255,511	-	-	-	-	4,255,511
Culture and recreation	2,237,321	-	-	-	-	2,237,321
Community betterment	-	-	542,381	-	-	542,381
Community development	611,734	-	-	-	3,280	615,014
Capital outlay	169,838	-	5,000	1,177,785	-	1,352,623
Debt service						
Principal retirement	-	3,215,000	-	-	570,000	3,785,000
Interest	-	1,004,632	-	-	1,429,662	2,434,294
Total expenditures	11,427,826	4,276,194	574,824	1,177,785	2,002,942	19,459,571
Excess (Deficiency) of Revenues Over Expenditures						
	2,823,967	(1,288,806)	714,556	(428,909)	(815,578)	1,005,230
Other Financing Sources (Uses)						
Transfers	(1,172,630)	1,141,343	(1,123,704)	304,991	600,000	(250,000)
Net position received from annexation	1,225,608	604,832	-	-	-	1,830,440
Total other financing sources (uses)	52,978	1,746,175	(1,123,704)	304,991	600,000	1,580,440
Net Change in Fund Balances						
Fund Balances, Beginning of Year	2,876,945	457,369	(409,148)	(123,918)	(215,578)	2,585,670
Fund Balances, End of Year	\$ 8,269,430	\$ 5,620,155	\$ 2,082,173	\$ 536,600	\$ 16,775,152	\$ 33,283,510

City of La Vista, Nebraska

Reconciliation of the Statement of Revenues, Expenditures, and

Changes in Fund Balances of Governmental Funds to the

Changes in Net Position of Governmental Activities

Year Ended September 30, 2013

Net Change in Fund Balances - Total Governmental Funds \$ 2,585,670

Amounts reported for governmental activities in the statement of activities different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their useful lives as depreciation expense. This is the amount by which depreciation exceeded capital outlay in the current period.	(1,134,833)
Proceeds from debt issues are an other financing source in the governmental funds, but a debt issue increases long-term liabilities in the statement of net position. Other related amounts include the amount by which bond issue costs exceed amortization, which is an expenditure in the funds, but these costs are capitalized in the statement of net position and amortized over their useful lives.	19,422
Repayment of bond, note and warrant principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position.	3,785,000
In the statement of activities, interest is accrued on outstanding bonds and warrants, whereas in governmental funds, an interest expenditure is reported when due.	(2,176)
Compensated absences do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	(79,932)
Sales tax refunds payable do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	(2,426,693)
Special assessments receivable are offset by deferred revenue and, therefore, no allowance for doubtful accounts is necessary.	(94,973)
Deferred revenues represents funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds.	(135,243)
Net position received from annexation as reported in the governmental funds includes only net position available in the current period, but in the Statement of Activities, net position received from annexation also includes non-current net position.	3,058,018
Change in Net Position of Governmental Activities	<u>\$ 5,574,260</u>

City of La Vista, Nebraska

Balance Sheet – Proprietary Funds September 30, 2013

	Golf	Sewer	Total
Assets			
Current Assets			
Cash and cash equivalents			
Cash and cash equivalents	\$ 83,632	\$ 479,551	\$ 563,183
Certificates of deposit	-	1,000,586	1,000,586
Accounts receivable	-	274,465	274,465
Total current assets	<u>83,632</u>	<u>1,754,602</u>	<u>1,838,234</u>
Non-Current Assets			
Deferred charges	<u>4,387</u>	-	<u>4,387</u>
Land	-	9,524	9,524
Equipment and furniture	190,017	1,112,912	1,302,929
Utility systems	-	7,674,911	7,674,911
Autos and trucks	108,643	375,903	484,546
Buildings and improvements	1,623,903	9,365	1,633,268
Accumulated depreciation	<u>(1,378,282)</u>	<u>(3,600,157)</u>	<u>(4,978,439)</u>
Capital assets - net of depreciation	<u>544,281</u>	<u>5,582,458</u>	<u>6,126,739</u>
Total non-current assets	<u>548,668</u>	<u>5,582,458</u>	<u>6,131,126</u>
Total assets	<u><u>\$ 632,300</u></u>	<u><u>\$ 7,337,060</u></u>	<u><u>\$ 7,969,360</u></u>
Liabilities and Net Position			
Current Liabilities			
Accounts payable	\$ 24,712	\$ 517,633	\$ 542,345
Accrued expenses	13,121	154,030	167,151
Compensated absences - current portion	194	2,526	2,720
Notes payable - current portion	3,081	29,698	32,779
Bonds payable - current portion	<u>125,000</u>	-	<u>125,000</u>
Total current liabilities	<u>166,108</u>	<u>703,887</u>	<u>869,995</u>
Non-Current Liabilities			
Compensated absences	9,498	75,796	85,294
Notes payable	-	50,399	50,399
Total non-current liabilities	<u>9,498</u>	<u>126,195</u>	<u>135,693</u>
Net Position			
Net investment in capital assets	395,671	5,502,361	5,898,032
Unrestricted	<u>61,023</u>	<u>1,004,617</u>	<u>1,065,640</u>
Total net position	<u>456,694</u>	<u>6,506,978</u>	<u>6,963,672</u>
Total liabilities and net position	<u><u>\$ 632,300</u></u>	<u><u>\$ 7,337,060</u></u>	<u><u>\$ 7,969,360</u></u>

City of La Vista, Nebraska
Statement of Revenues, Expenses, and Changes in Net Position –
Proprietary Funds
Year Ended September 30, 2013

	Golf	Sewer	Total
Operating Revenues			
User fees	\$ 198,850	\$ 2,335,715	\$ 2,534,565
Permits and hookups	-	287,969	287,969
Grant income	-	24,082	24,082
Merchandise sales	35,203	-	35,203
Other revenue	2,272	-	2,272
 Total operating revenues	 236,325	 2,647,766	 2,884,091
Operating Expenses			
General administrative	109,932	513,809	623,741
Cost of merchandise sold	21,228	-	21,228
Maintenance	166,524	1,900,395	2,066,919
Depreciation and amortization	81,270	203,080	284,350
 Total operating expenses	 378,954	 2,617,284	 2,996,238
Operating Income (Loss)	(142,629)	30,482	(112,147)
Nonoperating Revenues (Expenses)			
Interest income	99	3,298	3,397
Interest on bonds and notes payable	(8,389)	(3,016)	(11,405)
Contribution from annexation	-	756,870	756,870
 Total non-operating revenues (expenses)	 (8,290)	 757,152	 748,862
Income (Loss) Before Transfers	(150,919)	787,634	636,715
Operating Transfers	250,000	-	250,000
Change in Net Position	99,081	787,634	886,715
Net Position, Beginning of Year	357,613	5,719,344	6,076,957
Net Position, End of Year	\$ 456,694	\$ 6,506,978	\$ 6,963,672

City of La Vista, Nebraska
Statement of Cash Flows –
Proprietary Funds
Year Ended September 30, 2013

	Golf	Sewer	Total
Cash Flows from Operating Activities			
Receipts from customers	\$ 236,325	\$ 2,647,943	\$ 2,884,268
Payments to suppliers	(120,475)	(1,500,168)	(1,620,643)
Payments to employees	(197,698)	(717,725)	(915,423)
Grant income	-	24,082	24,082
Net cash provided by (used in) operating activities	<u>(81,848)</u>	<u>454,132</u>	<u>372,284</u>
Cash Flows from Non-Capital Financing Activities			
Transfers	<u>250,000</u>	<u>-</u>	<u>250,000</u>
Cash Flows from Capital and Related Financing Activities			
Acquisition of fixed assets	(13,000)	(36,000)	(49,000)
Principal paid on bonds	(120,000)	-	(120,000)
Principal paid on notes	(6,639)	(34,053)	(40,692)
Interest paid on bonds and notes	<u>(10,297)</u>	<u>(3,016)</u>	<u>(13,313)</u>
Net cash used in capital and related financing activities	<u>(149,936)</u>	<u>(73,069)</u>	<u>(223,005)</u>
Cash Flows from Investing Activities			
Purchase of investments	-	(1,000,586)	(1,000,586)
Proceeds from sales and maturities of investments	-	750,252	750,252
Interest income	<u>99</u>	<u>3,298</u>	<u>3,397</u>
Net cash provided by (used in) investing activities	<u>99</u>	<u>(247,036)</u>	<u>(246,937)</u>
Net Increase in Cash and Cash Equivalents	<u>18,315</u>	<u>134,027</u>	<u>152,342</u>
Cash and Cash Equivalents, Beginning of Year	<u>65,317</u>	<u>345,524</u>	<u>410,841</u>
Cash and Cash Equivalents, End of Year	<u>\$ 83,632</u>	<u>\$ 479,551</u>	<u>\$ 563,183</u>
Operating income (loss)	\$ (142,629)	\$ 30,482	\$ (112,147)
Adjustments to reconcile operating income (loss) to net cash provided by (used in) operating activities:			
Depreciation and amortization	81,270	203,080	284,350
Increase in receivables	-	24,259	24,259
Increase (decrease) in payables and accrued expenses	<u>(20,489)</u>	<u>196,311</u>	<u>175,822</u>
Net Cash Provided by (Used in) Operating Activities	<u>\$ (81,848)</u>	<u>\$ 454,132</u>	<u>\$ 372,284</u>
Supplemental Cash Flows Information			
Debt and payables incurred for purchase of capital assets	\$ 9,217	\$ -	\$ 9,217
Net position received from annexation	\$ -	\$ 756,870	\$ 756,870

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 1: Summary of Significant Accounting Policies

Introduction

The accounting and reporting framework and the more significant accounting principles and practices of the City of La Vista, Nebraska (the “City”) are discussed in the subsequent section of this Note. The remainder of the Notes are organized to provide explanations, including required disclosures, of the City’s financial activities for the fiscal year ended September 30, 2013.

The City of La Vista, Nebraska operates under a Council-Mayor form of government and provides the following services: public safety (Police and Fire), public works (highway and streets), sanitary sewer, culture and recreation, community development (public improvements), planning and zoning, and general administrative services.

Financial Reporting Entity

These financial statements present the financial statements of the City as the primary government. In determining its reporting entity, the City has considered all potential component units for which it is financially accountable, including other organizations which are fiscally dependent on the City, or the significance of their relationship with the City are such that exclusion would make the financial statements misleading or incomplete. The Governmental Accounting Standards Board (“GASB”) has set forth criteria to be considered in determining financial accountability, which was used in making this evaluation.

The City has determined the La Vista Municipal Facilities Corporation is a blended component unit. A blended component unit, although a legally separate entity, is a direct part of the government’s operations.

Measurement Focus, Basis of Accounting and Financial Statement Presentation

The financial statements of the City are prepared in accordance with accounting principles generally accepted in the United States of America (“GAAP”).

The government-wide statements are prepared using the economic resources measurement focus and the accrual basis of accounting generally including the reclassification or elimination of internal activity (between or within funds). However, internal eliminations do not include utility services provided to City departments. Reimbursements are reported as reductions to expenses. Proprietary fund financial statements also report using this same focus and basis of accounting although internal activity is not eliminated in these statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property tax revenues are recognized in the year for which they are levied while grants are recognized when grantor eligibility requirements are met.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 1: Summary of Significant Accounting Policies - Continued

Measurement Focus, Basis of Accounting and Financial Statement Presentation - Continued

Governmental fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (when they become both measurable and available). "Measurable" means the amount of the transaction can be determined and "available" means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period and that it is legally available for such purposes. Expenditures are recorded when the related fund liability is incurred, except for general obligation bond principal and interest which are reported as expenditures in the year due.

Major revenues that are determined to be susceptible to accrual include real estate taxes, sales taxes, earned interest, and charges for services. Major revenues not susceptible to accrual because they are either not available early enough to pay liabilities from the current period or are not measurable until received include franchise taxes, special assessments, licenses, permits, and fines. Revenues not considered available are recorded as deferred revenues.

Operating income reported in proprietary fund financial statements includes revenues and expenses related to the primary, continuing operations of the fund. Principal operating revenues for proprietary funds are charges to customers for sales or services. Principal operating expenses are the costs of providing goods or services and include administrative expenses and depreciation of capital assets. Other revenues and expenses are classified as non-operating in the financial statements.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then unrestricted resources as needed.

Basis of Presentation

The government-wide financial statements include the statement of net position and the statement of activities. These statements report financial information for the City as a whole excluding fiduciary activities. Individual funds are not displayed but the statements distinguish governmental activities, generally supported by taxes and City general revenues, from business-type activities, generally financed in whole or in part with fees charged to external customers.

The statement of activities reports the expenses of a given function offset by program revenues directly connected with the functional program. A function is an assembly of similar activities and may include portions of a fund or summarize more than one fund to capture the expenses and program revenues associated with a distinct functional activity. Program revenues include charges paid by the recipients of the goods or services offered by the programs and grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues not classified as program revenues are presented as general revenues. The comparison of program revenues and expenses identifies the extent to which each program or business segment is self-financing or draws from the general revenues of the City.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 1: Summary of Significant Accounting Policies - Continued

Basis of Presentation - Continued

Net position should be reported as restricted when constraints placed on net position use are either externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions or enabling legislation.

Separate financial statements are provided for governmental funds and proprietary funds. Fund financial statements report detailed information about the City. The focus of governmental and enterprise fund financial statements is on major funds rather than reporting funds by type. Major individual funds are reported in separate columns in the fund financial statements. A fund is considered major if it is the primary operating fund of the City, meets specific criteria set forth by GASB or is identified as a major fund by the City's management.

Fund Types and Major Funds

Governmental funds are those through which most general governmental functions of the City are financed. Governmental funds are accounted for using a current financial resources measurement focus. With this measurement focus, only current assets and current liabilities generally are included on the balance sheet. Operating statements of these funds present increases and decreases in net current assets.

The City reports the following major governmental funds:

General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund. Revenues are derived primarily from property and other local taxes, state and federal distributions, licenses, permits, charges for services and interest income.

Debt Service Fund is used to account for financial resources that are restricted for, and the payment of, general long-term debt principal, interest, and related costs.

Keno Fund is used to account for the revenues and expenses related to the Keno operations of the City. These funds are used for community betterment.

Capital Improvements Fund is used to account for financial resources that are committed to expenditures for capital outlay.

Economic Development Fund is used to account for revenues and expenditures to support the City's commercial developments, rehabilitate residential neighborhoods and expand industrial development in order to ensure economic stability and vitality of the City.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 1: Summary of Significant Accounting Policies - Continued

Fund Types and Major Funds - Continued

Proprietary funds are used to account for the City's ongoing organizations and activities that are similar to those often found in the private sector. Proprietary funds are accounted for on a flow of economic resources measurement focus. With this measurement focus, all assets and all liabilities associated with the operation of these funds are included in the statement of net position. Proprietary fund operating statements present increases and decreases in total net position.

The City reports the following major proprietary funds:

Sewer Fund accounts for the activities of the government's sewer utility.

Golf Fund accounts for the activities of the government's golf course.

Cash and Investments

The City maintains a cash deposit pool that is available for use by all funds. The pool consists of bank deposits and investments. The equity of proprietary funds in this pool is considered to be cash and cash equivalents for purposes of the statement of cash flows. In addition, cash and investments are separately held by several of the City's funds.

Nonnegotiable certificates of deposit are carried at amortized cost, which approximates fair value. All other investments are carried at fair value. Fair value is determined using quoted market prices.

Investment income includes dividend and interest income and the net change for the year in the fair value of investments carried at fair value. Investment income is assigned to the funds with which the related investment asset is associated.

Special Assessments

Special assessments are recorded as revenue in the year the assessments become current; those amounts receivable after one year are recorded as deferred revenue. Annual installments not yet due are reflected as special assessments receivables and deferred revenues.

Unbilled Sewer Revenue

Billings for sewer revenues are rendered on a monthly basis. Unbilled sewer revenues, representing estimated consumer usage for the period between the last billing date and the end of the year, have been recorded.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 1: Summary of Significant Accounting Policies - Continued

Capital Assets and Depreciation

The City's property, plant, equipment and infrastructure with useful lives of more than one year are stated at historical cost and comprehensively reported in the government-wide financial statements; proprietary capital assets are also reported in their respective fund. The City maintains infrastructure asset records consistent with all other capital assets. The City generally capitalizes assets with a cost of \$2,500 or more as purchase and construction outlays occur. Such assets are recorded at historical cost or estimated historical cost. Donated assets are stated at fair value on the date donated. The costs of normal maintenance and repairs that do not add to the asset value or materially extend useful lives are not capitalized.

Capital assets are depreciated using the straight-line method. When capital assets are disposed, the cost and applicable accumulated depreciation are removed from the respective accounts, and the resulting gain or loss is recorded in operations.

Estimated useful lives, in years, for depreciable assets are as follows:

Buildings	10 – 45 years
Improvements	5 – 30 years
Infrastructure	20 – 60 years
Equipment, furniture, and fixtures	5 – 20 years

Long-Term Obligations

In government-wide and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities. Bond issuance costs, bond discounts or premiums and the difference between the reacquisition price and the net carrying value of refunded debt are capitalized and amortized over the terms of the respective bonds using a method that approximates the effective interest method.

The governmental fund financial statements recognize the proceeds of debt and premiums as other financing sources of the current period. Issuance costs are reported as expenditures.

Compensated Absences

Vacation leave and other compensated absences with similar characteristics are accrued as the benefits are earned if the leave is attributable to past services and it is probable that the City will compensate the employees for such benefits. Sick leave and other compensated absences with similar characteristics are accrued as the benefits are earned only to the extent that it is probable that the City will compensate the employees for such benefits. Such accruals are based on current salary rates plus an additional amount for compensation-related payments such as Social Security and Medicare taxes and pension amounts using rates in effect at that date.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 1: Summary of Significant Accounting Policies - Continued

Compensated Absences - Continued

Vacation and sick leave is accrued in accordance with the City's policy, when incurred in the government-wide and proprietary fund financial statements. In the governmental funds, only compensated absences expected to be liquidated with expendable available financial resources are recorded as a fund liability.

Sales Tax Refunds Payable

Qualified companies in the State of Nebraska are allowed certain benefits under various legislative acts and incentive programs, including refunds of sales and use taxes paid. These refunds can include the local option tax as well as state taxes. Under state statute, the State Tax Commissioner must notify an affected city, village, county, or municipal county of any refund claims of more than twenty-five thousand dollars by June 15 of a given year. The notification must be made by July 1 of the same year and the refund will be made on or after November 15. The City accrues these tax refunds due upon receipt of notification from the State Tax Commissioner.

Net Position

Net position is required to be classified into three components – net investment in capital assets, restricted and unrestricted. These classifications are defined as follows:

Net investment in capital assets – This component of net position consists of capital assets, net of accumulated depreciation, reduced by the outstanding balances of any bonds, mortgages, notes or other borrowings that are attributable to the acquisition, construction, or improvements of those assets. If there are significant unspent related debt proceeds at year-end, the portion of debt attributable to unspent proceeds is not included in the calculation of net investment in capital assets.

Restricted – This component of net position consists of restrictions placed on net position use through external constraints imposed by creditors (such as debt covenants), contributors, or law or regulations of other governments, or constraints imposed by law through constitutional provisions or enabling legislation.

Unrestricted – This component consists of net position that does not meet the definition of “restricted” or “net investment in capital assets”.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 1: Summary of Significant Accounting Policies - Continued

Fund Balance Classification

The fund balances for the City's governmental funds are displayed in five components:

Nonspendable - Nonspendable fund balances are not in a spendable form or are required to be maintained intact. At September 30, 2013, the City did not have any nonspendable funds.

Restricted - Restricted fund balances may be spent only for the specific purposes stipulated by external resource providers, constitutionally or through enabling legislation. Restrictions may be changed or lifted only with the consent of resource providers.

Committed - Committed fund balances may be used only for the specific purposes determined by resolution of the City Council. Commitments may be changed or lifted only by issuance of a resolution by the City Council.

Assigned - Assigned fund balances are intended to be used by the City for specific purposes as determined by management. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund. At September 30, 2013, the City did not have any assigned funds.

Unassigned - Unassigned fund balance is the residual classification for the general fund and includes all amounts not contained in the other classifications.

Fund balances are classified as restricted, committed, assigned or unassigned. When expenditures are incurred that use funds from more than one classification, the city will generally determine the order which the funds are used on a case-by-case basis, taking into account any application requirements of grant agreements, contracts, business circumstances, or other constraints. If no other constraints exist, the order of spending of resources will be restricted, committed, assigned and, lastly, unassigned.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 2: Budget and Budgetary Accounting

The City follows these procedures in establishing the budgetary data reflected in the financial statements:

- The City's department heads and mid-level managers prepare and submit budget requests for the following fiscal year to the City Administrator who then reviews the request with the department and division heads.
- After this review process has been completed, the City Administrator presents these budget requests to the Mayor and City Council along with recommendations as to what changes, if any, should be made. These budget requests and recommendations are reviewed by the City Council at meetings open to the public.
- A public hearing on the budget is then conducted at a City Council meeting to obtain comments from citizens.
- Prior to September 20, the City Council legally enacts the ensuing fiscal year's budget through the passage of a resolution adopting the budget.
- Formal budgetary integration is employed as a management control device during the year for the General, Debt Service and Proprietary Funds.
- The budgets adopted are stated on a cash basis of accounting which is a comprehensive basis of accounting other than generally accepted accounting principles in the United States of America.

Note 3: Deposits and Investments

Deposits

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The City's deposit policy for custodial credit risk requires compliance with the provisions of state law.

State law requires collateralization of all deposits with federal depository insurance; bonds and other obligations of the U.S. Treasury, U.S. agencies or instrumentalities of the state of Nebraska; bonds of any city, county, school district or special road district of the state of Nebraska; bonds of any state; or a surety bond having an aggregate value at least equal to the amount of the deposits. The statutes allow pledged securities to be reduced by the amount of the deposit insured by the Federal Deposit Insurance Corporation (FDIC).

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 3: Deposits and Investments - Continued

Deposits - Continued

At September 30, 2013, \$84,630 of the City's bank balances of \$11,642,192 was uninsured and uncollateralized. The City's remaining deposits in excess of FDIC are covered by collateral held in a Federal Reserve pledge account or by an agent of the City. Subsequent to year-end, additional collateral was pledged by the financial institution for the uncollateralized balance.

Investments

Generally, the City's investing activities are managed under the custody of the City Finance Director. The City does not have a specific investment policy, but follows state statutes. The City may legally invest in state-sponsored pooled investment funds and in direct obligations of and other obligations guaranteed as to principal by the U.S. Treasury and U.S. Agencies and instrumentalities.

Interest Rate Risk – Interest rate risk is the risk that changes in interest rates (market rates) will affect the fair value of an investment.

Custodial Credit Risk – Custodial credit risk is the risk that, in the event of the failure of the counterparty, the City will not be able to recover the value of its investment or collateral securities that are in possession of an outside party.

Credit Risk – Credit risk is the risk that the issuer or other counterparty to an investment will not fulfill its obligations. The City's only investments are units of participation in the short-term investment pool of the Nebraska Public Agency Investment Trust ("NPAIT"). NPAIT is a special purpose government established under Nebraska statute. The investment pool or trust is not registered and is not rated for credit risk. The City limits its interest rate risk by investing only in the short-term pool, which consists primarily of government agency or government securitized investments with maturities of less than one year. The amount invested in the NPAIT pool was \$6,398,338 at September 30, 2013.

Concentration of Credit Risk – The City places no limit on the amount that may be invested in any one issuer.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 3: Deposits and Investments - Continued

Summary of Carrying Values

The carrying values of deposits are included in the government-wide statement of net position as follows:

Carrying Values	
Cash at County Treasurer	\$ 53,323
Deposits	11,535,516
Investments	<u>6,398,338</u>
	<u><u>\$ 17,987,177</u></u>

Included in the following statement of net position captions as follows:

Cash and cash equivalents	\$ 7,933,778
Cash at County Treasurer	53,323
Certificates of deposit	3,601,738
Investments	<u>6,398,338</u>
	<u><u>\$ 17,987,177</u></u>

Note 4: Property Taxes

The tax levy for the City is certified by the Sarpy County Board each year. Real estate taxes are due and attached as an enforceable lien on December 31 following the levy date. The first half of real estate taxes becomes delinquent on April 1 and the second half becomes delinquent August 1 following the levy date. Delinquent taxes bear interest at a 14% annual rate. Property taxes are collected by the County Treasurer and are periodically remitted to the City.

The tax rate to finance governmental services other than the payment of principal and interest on long-term debt for the year ended September 30, 2013, was \$0.4900 per \$100 of assessed valuation and the debt service requirement was \$0.0600 per \$100 of assessed valuation. The assessed valuation for the 2012-2013 tax year was \$1,060,374,615.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 5: Receivables

Receivables at September 30, 2013, consist of the following:

Fund	Taxes	Accounts Receivable	Special Assessments	Interest	Note Receivable	Gross Receivables	Allowance for Uncollectibles	Net Receivables
General	\$ 727,814	\$ 544,264	\$ -	\$ -	\$ -	\$ 1,272,078	\$ -	\$ 1,272,078
Debt Service	343,512	-	1,679,514	508,919	-	2,531,945	528,256	2,003,689
Keno	-	93,016	-	-	-	93,016	-	93,016
Economic Development	-	-	-	296,643	15,810,692	16,107,335	-	16,107,335
Sewer	-	274,465	-	-	-	274,465	-	274,465
	<u>\$ 1,071,326</u>	<u>\$ 911,745</u>	<u>\$ 1,679,514</u>	<u>\$ 805,562</u>	<u>\$ 15,810,692</u>	<u>\$ 20,278,839</u>	<u>\$ 528,256</u>	<u>\$ 19,750,583</u>

Note Receivable

The City has a note receivable from a developer for an economic development project. As of September 30, 2013, the balance of the loan with the developer was \$15,810,692 with an interest rate equal to the average coupon rate of the bonds issued to fund the loan.

Note 6: Capital Assets and Depreciation

Capital asset activity for the year ended September 30, 2013, was as follows:

	Beginning Balance	Increases	Decreases	Annexation	Ending Balance
Governmental Activities					
Land, not being depreciated	\$ 10,944,309	\$ -	\$ -	\$ -	\$ 10,944,309
Construction in progress	365,444	1,094,096	-	-	1,459,540
Total capital assets, not being depreciated	<u>11,309,753</u>	<u>1,094,096</u>	<u>-</u>	<u>-</u>	<u>12,403,849</u>
Capital assets, being depreciated					
Buildings	18,665,613	-	-	-	18,665,613
Improvements/infrastructure	43,228,048	-	-	9,742,113	52,970,161
Equipment/furniture/vehicles	8,900,897	252,798	(55,236)	-	9,098,459
Total capital assets, being depreciated	<u>70,794,558</u>	<u>252,798</u>	<u>(55,236)</u>	<u>9,742,113</u>	<u>80,734,233</u>
Accumulated Depreciation					
Buildings	(8,275,862)	(720,835)	-	-	(8,996,697)
Improvements/infrastructure	(15,824,184)	(1,271,412)	-	(4,701,594)	(21,797,190)
Equipment/furniture/vehicles	(6,308,258)	(489,480)	54,186	-	(6,743,552)
Total accumulated depreciation	<u>(30,408,304)</u>	<u>(2,481,727)</u>	<u>54,186</u>	<u>(4,701,594)</u>	<u>(37,537,439)</u>
Capital assets being depreciated, net	<u>40,386,254</u>	<u>(2,228,929)</u>	<u>(1,050)</u>	<u>5,040,519</u>	<u>43,196,794</u>
Governmental activities capital assets, net	<u>\$ 51,696,007</u>	<u>\$ (1,134,833)</u>	<u>\$ (1,050)</u>	<u>\$ 5,040,519</u>	<u>\$ 55,600,643</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 6: Capital Assets and Depreciation - Continued

Depreciation was charged to functions/programs as follows:

Governmental Activities

General services	\$ 165,273
Public safety	684,321
Culture and recreation	261,922
Public works	<u>1,370,211</u>
Total governmental activities depreciation expense	<u><u>\$ 2,481,727</u></u>

	Beginning Balance	Increases	Decreases	Annexation	Ending Balance
Business-type Activities					
Land, not being depreciated	\$ 9,524	\$ -	\$ -	\$ -	\$ 9,524
Capital assets, being depreciated					
Golf course	1,623,903	-	-	-	1,623,903
Building and improvements	9,365	-	-	-	9,365
Sewer line system	6,470,176	-	-	1,204,735	7,674,911
Equipment and furniture	<u>1,734,289</u>	<u>58,217</u>	<u>(5,032)</u>	<u>-</u>	<u>1,787,474</u>
Total capital assets, being depreciated	<u>9,837,733</u>	<u>58,217</u>	<u>(5,032)</u>	<u>1,204,735</u>	<u>11,095,653</u>
Accumulated depreciation					
Golf course	(1,087,444)	(56,435)	-	-	(1,143,879)
Building and improvements	(9,365)	-	-	-	(9,365)
Sewer line system	(2,134,003)	(130,558)	-	(447,865)	(2,712,426)
Equipment and furniture	<u>(1,022,306)</u>	<u>(96,544)</u>	<u>6,082</u>	<u>-</u>	<u>(1,112,768)</u>
Total accumulated depreciation	<u>(4,253,118)</u>	<u>(283,537)</u>	<u>6,082</u>	<u>(447,865)</u>	<u>(4,978,438)</u>
Capital assets being depreciated, net	<u>5,584,615</u>	<u>(225,320)</u>	<u>1,050</u>	<u>756,870</u>	<u>6,117,215</u>
Business-type activities capital assets, net	<u><u>\$ 5,594,139</u></u>	<u><u>\$ (225,320)</u></u>	<u><u>\$ 1,050</u></u>	<u><u>\$ 756,870</u></u>	<u><u>\$ 6,126,739</u></u>

Depreciation was charged to functions/programs as follows:

Business-type Activities

Golf	\$ 80,457
Sewer	<u>203,080</u>
Total business-type activities depreciation expense	<u><u>\$ 283,537</u></u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 7: Long-term Liabilities

General obligation bonds, issued by the City for various municipal improvements, are repaid with property taxes recorded in the Debt Service Fund. The City has pledged its full faith and credit as collateral for the general obligation bonds. The City has no debt outstanding subject to legal debt limitations. The City's borrowing capacity is restrained by maintaining the City's debt at a responsible level.

The following is a summary of long-term debt activity of the City for the year ended September 30, 2013:

	Beginning Balance	Additions	Reductions	Ending Balance	Due Within One Year
Governmental Activities					
Long-term debt					
General obligation bonds	\$ 56,100,000	\$ 3,280,000	\$ 3,785,000	\$ 55,595,000	\$ 3,815,000
Registered warrants	640,554	-	640,554	-	-
Installment notes payable	239,129	-	128,540	110,589	92,594
Premium on bonds issued	38,852	-	3,425	35,427	-
Deferred for refunding	(811,307)	-	(59,620)	(751,687)	-
Other long-term liabilities					
Compensated absences	<u>914,625</u>	<u>955,037</u>	<u>875,105</u>	<u>994,557</u>	<u>32,607</u>
Governmental activities long-term liabilities	<u><u>\$ 57,121,853</u></u>	<u><u>\$ 4,235,037</u></u>	<u><u>\$ 5,373,004</u></u>	<u><u>\$ 55,983,886</u></u>	<u><u>\$ 3,940,201</u></u>
Business-type Activities					
Long-term debt					
Revenue bonds	\$ 245,000	\$ -	\$ 120,000	\$ 125,000	\$ 125,000
Installment notes payable	123,870	-	40,692	83,178	32,779
Other long-term liabilities					
Compensated absences	<u>106,190</u>	<u>59,267</u>	<u>77,443</u>	<u>88,014</u>	<u>2,720</u>
Business-type activities long-term liabilities	<u><u>\$ 475,060</u></u>	<u><u>\$ 59,267</u></u>	<u><u>\$ 238,135</u></u>	<u><u>\$ 296,192</u></u>	<u><u>\$ 160,499</u></u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 7: Long-term Liabilities - Continued

Long-term bonded debt and notes payable are comprised of the following:

	Interest Rate	Maturity Date	Date Callable	Ending Balance
Governmental Activities				
General obligation bonds				
July 7, 2007, EDP taxable bonds	6.000-7.730%	10/15/2029	10/15/2012	\$ 19,085,000
December 21, 2007, public safety tax anticipation bonds	3.400-4.300%	11/15/2022	11/15/2018	1,000,000
July 15, 2008, refunding bonds	3.650-4.125%	10/15/2021	10/15/2013	590,000
September 19, 2008, Southport GO bonds	3.125-5.000%	11/15/2028	9/19/2013	135,000
September 19, 2009, highway allocation bonds	3.500-5.000%	11/15/2028	9/19/2013	855,000
November 1, 2009, police refunding bonds	2.500-3.950%	03/15/2022	11/06/2014	2,235,000
November 1, 2009, various purpose refunding bonds	2.000-3.800%	11/15/2023	11/15/2014	6,380,000
June 29, 2011, various purpose refunding bonds	1.500-4.050%	12/15/2026	6/29/2016	3,260,000
June 29, 2011, refunding bonds for off-street parking	1.500-3.800%	12/15/2024	6/29/2016	5,740,000
July 15, 2011, refunding bonds for fire facility	2.000-4.150%	12/15/2026	7/15/2016	4,490,000
June 28, 2012, GO refunding bonds	0.300-3.250%	12/15/2032	06/28/2017	8,790,000
July 1, 2009, SID 59 refunding bonds	1.750-3.900%	07/01/2019	07/01/2014	1,665,000
April 15, 2011, SID 195 refunding bonds	1.250-4.800%	04/15/2025	04/15/2016	<u>1,370,000</u>
Total general obligation bonds				<u>\$ 55,595,000</u>
Installment notes payable				
March 26, 2009, vehicles note payable	2.95%	04/01/2014	\$ 9,789	
April 20, 2009, equipment note payable	2.95%	04/01/2014	13,876	
June 25, 2009, equipment note payable	3.25%	07/01/2014	26,679	
February 16, 2010, equipment note payable	3.09%	02/16/2015	<u>60,245</u>	
Total installment notes payable				<u>\$ 110,589</u>
Business-type Activities				
Revenue bonds				
December 15, 1993, golf course revenue bond	5.40-5.45%	12/15/2013	12/15/2013	<u>\$ 125,000</u>
Installment notes payable				
March 11, 2009, equipment note payable	2.95%	4/1/2014	\$ 3,081	
March 4, 2011, sewer jet note payable	2.98%	3/4/2016	<u>80,097</u>	
Total installment notes payable				<u>\$ 83,178</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 7: Long-term Liabilities - Continued

Maturities of the long-term debt, subject to mandatory redemption are as follows:

Governmental Activities

Year Ending September 30,	General Obligation Bonds		Installment Notes	
	Principal	Interest	Principal	Interest
2014	\$ 3,815,000	\$ 2,404,014	\$ 92,594	\$ 1,936
2015	3,745,000	2,293,467	17,995	141
2016	3,885,000	2,186,925	-	-
2017	3,740,000	2,071,590	-	-
2018	4,755,000	2,101,244	-	-
2019-2023	18,275,000	7,348,354	-	-
2024-2028	12,870,000	3,425,334	-	-
2029-2033	4,510,000	338,313	-	-
	\$ 55,595,000	\$ 22,169,241	\$ 110,589	\$ 2,077

Business-type Activities

Year Ending September 30,	Revenue Bonds		Installment Notes	
	Principal	Interest	Principal	Interest
2014	\$ 125,000	\$ 3,406	\$ 32,779	\$ 2,079
2015	-	-	33,346	1,062
2016	-	-	17,053	151
	\$ 125,000	\$ 3,406	\$ 83,178	\$ 3,292

Note 8: Interfund Balances and Activity

During the course of operations, numerous transactions occur between individual funds that may result in amounts owed between funds.

Transfers are used to (a) move revenues from the fund that statute or budget requires to collect them to the fund that statute or budget requires to expend them, (b) move revenues from restricted funds to funds where the expenditures were incurred related to the restrictions and to (c) use unrestricted revenues collected in the general fund to finance various programs accounted for in other funds in accordance with budgetary authorizations.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 8: Interfund Balances and Activity - Continued

Transfer To/From Other Funds at September 30, 2013, consists of the following cash and capital asset transfers:

Transfer To	Transfer From		
	General Fund	Debt Service Fund	Keno Fund
General	\$ 82,370	\$ -	\$ 82,370
Debt Service	1,306,934	605,000	701,934
Capital Improvements Fund	304,991	50,000	165,591
Economic Development	600,000	600,000	-
Golf	250,000	-	250,000
	<u>\$ 2,544,295</u>	<u>\$ 1,255,000</u>	<u>\$ 165,591</u>
			<u>\$ 1,123,704</u>

Note 9: Reconciliation of Budget Basis to GAAP

Amounts presented on a non-GAAP budget basis of accounting differ from those presented in accordance with GAAP due to the treatment afforded accruals, encumbrances, and funds for which legally adopted annual budgets are not established. A reconciliation for the year ended September 30, 2013, which discloses the nature and amount of the adjustments necessary to convert the actual GAAP data to the budgetary basis, is presented below:

	General Fund	Keno Fund	Economic Development Fund
Net change in fund balance			
Balance on a GAAP basis	\$ 2,876,945	\$ (409,148)	\$ (215,578)
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds	(166,393)	2,638	930
Balance on a budget basis	<u>\$ 2,710,552</u>	<u>\$ (406,510)</u>	<u>\$ (214,648)</u>

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 10: Retirement Plans

The employees of the City are covered by several retirement plans as detailed below. All plans are administered by outside trustees and, therefore, are not included in the City's basic financial statements.

City Administrator's Retirement Plan

The City has a defined contribution pension plan covering the City Administrator. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's and plan member's contributions to the plan for the year ended September 30, 2013, were \$7,986 each.

Civilian Employee Retirement Plan

The City has a defined contribution pension plan covering all civilian employees who are eligible. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's and plan member's contributions to the plan for the year ended September 30, 2013, were \$205,687 each.

Police Retirement Plan

The City has a defined contribution pension plan for its full time employees in the Police Department. The plan was converted effective January 1, 1984, from a defined benefit plan to a defined contribution plan. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's and plan member's contributions to the plan for the year ended September 30, 2013, were \$151,760 each.

Fire Retirement Plan

The City has a defined contribution pension plan for its full time employees in the Fire Department. The plan was effective June 2007. The plan requires that the employee contribute an amount equal to 6.5% and the City contribute an amount equal to 13% of employee's base salary per pay period. The City's contributions to the plan for the year ended September 30, 2013, were \$12,276 and the plan member's contributions to the plan for the year ended September 30, 2013 were \$6,138.

Deferred Compensation Plan

The City offers its employees a deferred compensation plan created in accordance with Internal Revenue Code Section 457. The plan, available to all regular permanent full and part-time City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death or unforeseeable emergency.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 10: Retirement Plans - Continued

Deferred Compensation Plan - Continued

All amounts of compensation deferred under the plan, all property and rights purchased with those amounts, and all income attributable to those amounts, property, or rights are (until paid or made available to the employee or other beneficiary) held in trust for the exclusive benefits of the participants and their beneficiaries. The plan assets are held in trust by a third party for the employees and are not reflected in these financial statements.

Note 11: Keno Fund Operations

The following data summarizes the Keno (Special Revenue) Fund's activity for the year ended September 30, 2013:

Gross sales	\$ 17,610,820
Less: prizes paid	(14,378,103)
Operator's commission	(1,974,400)
Deposits to progressive games	<u>(2,086)</u>
Net keno revenue	<u><u>\$ 1,256,231</u></u>

Note 12: Risk Management

The City is exposed to various risks of loss related to torts, theft, damage to, or destruction of assets, errors or omissions, injuries to employees, or natural disasters. These risks are transferred to independent insurance carriers and no self-insurance program is maintained by the City. City management believes adequate coverage exists for potential exposures as of September 30, 2013. The City did not pay any settlement amounts which exceeded its insurance coverage for any of the three preceding years.

Note 13: Commitments and Contingencies

Commitments

During the year, the City has accepted various bids for street improvements and other projects in the normal course of business that have not been completed and/or fully paid for at year-end.

City of La Vista, Nebraska
Notes to Financial Statements
September 30, 2013

Note 13: Commitments and Contingencies - Continued

Claims and Litigation

The City is involved in various litigation matters in the normal course of business. The outcome of such litigation is not expected to have a material effect on the City's financial position or results of operations.

Government Grants

The City participates in a number of federally assisted grant programs, which are subject to financial and compliance audits or reviews. The amount of expenditures, if any, which may be disallowed by the granting agencies, is not determinable at this time; however, City officials do not believe that such amounts, if any, will be significant.

Community Development Block Grant Program

The City is participating in the State of Nebraska Department of Economic Development Community Development Block Grant ("CDBG") program. Under this program, the City has received federal funds from the State of Nebraska to undertake community development activities, as authorized. As of September 30, 2013, the City has granted funding to a nonprofit development organization which has entered into loan agreements with three businesses to provide CDBG funds. Since fiscal year 2010, the City has granted a total of \$1,096,835 of which \$64,103 was granted in fiscal year 2013. Under the agreements with these businesses, if the businesses meet certain criteria, some or all of their loans may be forgiven. As any repayments on these funds would be returned to the State, the City charges these grants to expense in the year advanced.

Sales Tax Refunds

Qualified companies in the State of Nebraska are allowed certain benefits under various legislative acts and incentive programs, including refunds of sales and use taxes paid. These refunds can include the local option tax as well as state taxes. Under state statute, the State Tax Commissioner must notify an affected city, village, county, or municipal county of any refund claims of more than twenty-five thousand dollars by June 15 of a given year. The notification must be made by July 1 of the same year and the refund will be made on or after November 15. The amount of tax refunds due, if any, under these acts and programs is not determinable by the City until notification is made by the State.

City of La Vista, Nebraska

Notes to Financial Statements

September 30, 2013

Note 14: Annexation

Effective May 17, 2013, the City annexed the remaining portion of Sanitary and Improvement District (“SID”) No. 59 that had not been annexed in 1999. Effective July 31, 2013, the City also annexed SID No. 195. At the time of annexation, the City assumed all assets and liabilities of the annexed areas, which were recorded at fair value. The City had previously recognized an estimate for its share of SID No. 59’s outstanding warrants payable. With the annexation of the remainder of SID No. 59, that estimate was removed and the full balance of the assumed liabilities was recognized by the City.

Annexation of SID No. 59 and SID No. 195 resulted in revenues of \$1,830,440 included in other financing sources in the governmental funds statement of revenues, expenditures and changes in fund balances and \$756,870 included in non-operating revenues in the proprietary funds statement of revenues, expenses, and changes in net position. Annexation revenue of \$4,888,458 and \$756,870 is included in net position received from annexation in the statement of activities for the governmental and business-type activities, respectively.

Required Supplementary Information

City of La Vista, Nebraska
Statement of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
General Fund
Year Ended September 30, 2013

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Taxes	\$ 8,964,500	\$ 8,964,500	\$ 11,105,089	\$ 2,140,589
Licenses and permits	418,750	418,750	468,968	50,218
Intergovernmental revenues	1,452,465	1,452,465	1,736,012	283,547
Charges for services	403,590	403,590	473,519	69,929
Grant income	585,500	585,500	178,226	(407,274)
Interest income	10,000	10,000	15,528	5,528
Miscellaneous	31,500	31,500	36,416	4,916
Total revenues	<u>11,866,305</u>	<u>11,866,305</u>	<u>14,013,758</u>	<u>2,147,453</u>
Expenditures				
General government	2,136,615	2,136,615	2,058,764	77,851
Public works	2,198,907	2,198,907	2,026,724	172,183
Public safety	4,556,357	4,556,357	4,259,675	296,682
Culture and recreation	1,665,424	1,665,424	1,575,840	89,584
Public library	679,093	679,093	661,234	17,859
Community development	1,173,722	1,173,722	604,109	569,613
Capital outlay	215,500	215,500	169,838	45,662
Total expenditures	<u>12,625,618</u>	<u>12,625,618</u>	<u>11,356,184</u>	<u>1,269,434</u>
Excess (Deficiency) of Revenues Over Expenditures				
	(759,313)	(759,313)	2,657,574	3,416,887
Other Financing Sources (Uses)				
Operating transfers	(1,237,630)	(1,237,630)	(1,172,630)	65,000
County investment matured from previous annexation	514,848	514,848	1,225,608	710,760
Total other financing sources (uses)	<u>(722,782)</u>	<u>(722,782)</u>	<u>52,978</u>	<u>775,760</u>
Net Change in Fund Balances	<u><u>\$ (1,482,095)</u></u>	<u><u>\$ (1,482,095)</u></u>	<u><u>\$ 2,710,552</u></u>	<u><u>\$ 4,192,647</u></u>

City of La Vista, Nebraska
Statement of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Keno Fund
Year Ended September 30, 2013

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Keno	\$ 1,312,667	\$ 1,312,667	\$ 1,289,897	\$ (22,770)
Interest income	10,000	10,000	7,299	(2,701)
Total revenues	<u>1,322,667</u>	<u>1,322,667</u>	<u>1,297,196</u>	<u>(25,471)</u>
Expenditures				
General government	44,500	44,500	27,443	17,057
Community betterment	520,750	520,750	547,559	(26,809)
Capital outlay	-	-	5,000	(5,000)
Total expenditures	<u>565,250</u>	<u>565,250</u>	<u>580,002</u>	<u>(14,752)</u>
Excess of Revenues Over Expenditures	757,417	757,417	717,194	(40,223)
Other Financing Sources (Uses)				
Operating transfers out	<u>(1,385,418)</u>	<u>(1,385,418)</u>	<u>(1,123,704)</u>	<u>261,714</u>
Net Change in Fund Balances	<u>\$ (628,001)</u>	<u>\$ (628,001)</u>	<u>\$ (406,510)</u>	<u>\$ 221,491</u>

City of La Vista, Nebraska
Statement of Revenues, Expenditures, and Changes in
Fund Balances – Budget and Actual (Budget Basis) –
Economic Development Fund
Year Ended September 30, 2013

	Original Budget	Final Budget	Actual	Variance With Final Budget Positive (Negative)
Revenues				
Interest income	\$ -	\$ -	\$ 790	\$ 790
Other income	<u>1,186,573</u>	<u>1,186,573</u>	<u>1,186,574</u>	<u>1</u>
Total revenues	<u>1,186,573</u>	<u>1,186,573</u>	<u>1,187,364</u>	<u>791</u>
Expenditures				
Debt service principal retirement	570,000	570,000	570,000	-
Debt service interest	1,429,662	1,429,662	1,429,662	-
Community development	<u>-</u>	<u>-</u>	<u>2,350</u>	<u>(2,350)</u>
Total expenditures	<u>1,999,662</u>	<u>1,999,662</u>	<u>2,002,012</u>	<u>(2,350)</u>
Deficiency of Revenues Over Expenditures	<u>(813,089)</u>	<u>(813,089)</u>	<u>(814,648)</u>	<u>(1,559)</u>
Other Financing Sources				
Operating transfers	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	<u>-</u>
Net Change in Fund Balances	<u>\$ (213,089)</u>	<u>\$ (213,089)</u>	<u>\$ (214,648)</u>	<u>\$ (1,559)</u>

**Independent Auditor's Report on Internal Control Over Financial Reporting and on
Compliance and Other Matters Based on an Audit of the Financial Statements
Performed in Accordance with *Government Auditing Standards***

The Mayor and City Council
City of La Vista, Nebraska

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities and each major fund of the City of La Vista, Nebraska ("the City"), as of and for the year ended September 30, 2013, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated March 6, 2014, which contained an explanatory paragraph regarding omission of required supplementary information.

Internal Control Over Financial Reporting

Management of the City is responsible for establishing and maintaining effective internal control over financial reporting (internal control). In planning and performing our audit, we considered the City's internal control to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the City's financial statements will not be prevented or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses as defined above. However, material weaknesses may exist that have not been identified.

Compliance

As part of obtaining reasonable assurance about whether the City's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Other Matters

We noted a certain matter that we reported to the City's management in a separate letter dated March 6, 2014.

The purpose of this communication is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control or compliance. This communication is an integral part of an audit performed in accordance with *Governmental Auditing Standards* in considering the City's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

BKD, LLP

Omaha, Nebraska
March 6, 2014

City of La Vista, Nebraska
Schedule of Findings and Responses
Year Ended September 30, 2013

Reference Number	Finding
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No matters are reportable.

**Economic Development Fund
City of La Vista, Nebraska**
Auditor's Report and Financial Statements
September 30, 2013 and 2012



**Economic Development Fund
City of La Vista, Nebraska
September 30, 2013 and 2012**

Contents

Independent Auditor's Report.....1

Financial Statements

Balance Sheets.....	3
Statements of Revenues, Expenditures, and Changes in Fund Balances	4
Notes to Financial Statements	5

Independent Auditor's Report

The Honorable Mayor and City Council
Economic Development Fund
City of La Vista, Nebraska

We have audited the accompanying financial statements of the Economic Development Fund of the City of La Vista, Nebraska, which comprise the balance sheets as of September 30, 2013 and 2012, and the related statements of revenues, expenditures, and changes in fund balance for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted out audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material aspects, the financial position of the Economic Development Fund of the City of La Vista, Nebraska as of September 30, 2013 and 2012, and its changes in financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Emphasis of Matter

As discussed in Note 1, the financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City of La Vista, Nebraska as of September 30, 2013 and 2012, and its changes in financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

BKD, LLP

Omaha, Nebraska
March 6, 2014

**Economic Development Fund
City of La Vista, Nebraska**

Balance Sheets

September 30, 2013 and 2012

	2013	2012
Assets		
Cash and cash equivalents	\$ 668,747	\$ 883,395
Note receivable	15,810,692	15,810,692
Accrued interest receivable	<u>296,643</u>	<u>296,643</u>
Total assets	<u><u>\$ 16,776,082</u></u>	<u><u>\$ 16,990,730</u></u>
Liabilities	<u>\$ 930</u>	<u>\$ -</u>
Fund Balance		
Restricted for economic development	<u>16,775,152</u>	<u>16,990,730</u>
Total liabilities and fund balances	<u><u>\$ 16,776,082</u></u>	<u><u>\$ 16,990,730</u></u>

**Economic Development Fund
City of La Vista, Nebraska**
**Statements of Revenues, Expenditures, and
Changes in Fund Balance**
Years Ended September 30, 2013 and 2012

	2013	2012
Interest Income	<u>\$ 1,187,364</u>	<u>\$ 1,187,583</u>
Expenditures		
Community development	3,280	-
Debt service		
Principal retirement	570,000	535,000
Interest	<u>1,429,662</u>	<u>1,463,172</u>
Total expenditures	<u>2,002,942</u>	<u>1,998,172</u>
Deficiency of Revenues Over Expenditures	(815,578)	(810,589)
Transfers	<u>600,000</u>	<u>600,000</u>
Net Change in Fund Balance	(215,578)	(210,589)
Fund Balance, Beginning of Year	<u>16,990,730</u>	<u>17,201,319</u>
Fund Balance, End of Year	<u>\$ 16,775,152</u>	<u>\$ 16,990,730</u>

Economic Development Fund City of La Vista, Nebraska

Notes to Financial Statements September 30, 2013 and 2012

Note 1: Summary of Significant Accounting Policies

Organization

On September 30, 2003, the citizens of the City of La Vista, Nebraska (the “City”) voted to establish the Economic Development Program to create jobs and/or develop tourism for the purpose of supporting the City’s commercial developments, rehabilitate residential neighborhoods and expand industrial development in order to ensure economic stability and vitality of the City.

Financial Reporting Entity

The financial statements of the Economic Development Fund include all significant separately administered activities for which the Economic Development Fund is financially accountable. Financial accountability is determined on the basis of selection of governing authority, imposition of will, a financial benefit/burden relationship, and/or fiscal dependency. The Economic Development Fund’s financial statements are included in the City’s financial statements as a major governmental fund.

The financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City as of September 30, 2013 and 2012, and the changes in its financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America.

Basis of Accounting

The Economic Development Fund financial statements are prepared using the current financial resources measurement focus and the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual (when they become both measurable and available). “Measurable” means the amount of the transaction can be determined and “available” means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period and that it is legally available for such purposes. Expenditures are recorded when the related fund liability is incurred, except for general obligation bond principal and interest which are reported as expenditures in the year due.

Use of Estimates

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Economic Development Fund City of La Vista, Nebraska

Notes to Financial Statements September 30, 2013 and 2012

Note 1: Summary of Significant Accounting Policies - Continued

Cash and Cash Equivalents

Custodial credit risk is the risk that in the event of a bank failure, a government's deposits may not be returned to it. The Economic Development Fund follows the City's deposit policy for custodial credit risk which requires compliance with the provisions of state statutes.

State law requires collateralization of all deposits with federal depository insurance; bonds and other obligations of the U.S. Treasury, U.S. agencies or instrumentalities of the state of Nebraska; bonds of any city, county, school district or special road district of the state of Nebraska; bonds of any state; or a surety bond having an aggregate value at least equal to the amount of the deposits. The Statutes allow pledged securities to be reduced by the amount of the deposit insured by the Federal Deposit Insurance Corporation (FDIC).

The Economic Development Fund participates in the pooled cash accounts maintained by the City. The Fund's share of this pool was \$668,747 and \$883,395 at September 30, 2013 and 2012, respectively.

Note 2: Note Receivable

The City has a note receivable from a developer for an economic development project. As of September 30, 2013 and 2012, the balance of the loan with the developer was \$15,810,692 with an interest rate equal to the average coupon rate of the bonds issued to fund the loan. The balance of the note is due in a single balloon payment on July 31, 2017. Accrued interest receivable on the loan amounted to \$296,643 at September 30, 2013 and 2012.

Note 3: Long-term Debt

Economic Development Fund long-term bonded debt is comprised of the following individual issue:

Description	Interest Rate	Maturity Date	Original Balance	2013 Principal Outstanding	2012 Principal Outstanding
Economic Development Fund Bonds, Series 2007	6.00-7.73%	10/15/2029	\$ 20,695,000	\$ 19,085,000	\$ 19,655,000

Economic Development Fund City of La Vista, Nebraska

Notes to Financial Statements September 30, 2013 and 2012

Note 3: Long-term Debt - Continued

The City issued these taxable special purpose economic development bonds in July 2007. Debt service on these bonds are to be funded from local tax revenue and other sources at the City's discretion.

The annual debt service requirements to maturity for bonded debt as of September 30, 2013, is as follows:

<u>Year Ending September 30,</u>	Principal	Interest	Total
2014	605,000	1,393,396	1,998,396
2015	645,000	1,353,854	1,998,854
2016	685,000	1,311,427	1,996,427
2017	730,000	1,265,741	1,995,741
2018	780,000	1,216,439	1,996,439
2019-2023	4,840,000	5,142,840	9,982,840
2024-2028	7,095,000	2,887,348	9,982,348
2029-2033	<u>3,705,000</u>	<u>292,001</u>	<u>3,997,001</u>
Total	<u><u>\$ 19,085,000</u></u>	<u><u>\$ 14,863,046</u></u>	<u><u>\$ 33,948,046</u></u>

Note 4: City Transfer

The general fund of the City transferred \$600,000 to the Economic Development Fund in 2013 and 2012 to assist in funding debt service payments.

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 18, 2014 AGENDA

Subject:	Type:	Submitted By:
INTERLOCAL COOPERATION AGREEMENT — UNIFIED 911 COMMUNICATIONS SYSTEM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to establish a unified 911 communications system via interlocal cooperation agreement between Sarpy County and the cities of Bellevue, Papillion, La Vista, Gretna and Springfield.

FISCAL IMPACT

From the date of this agreement until June 30, 2017, the Sarpy cities shall pay 22.5% of Sarpy County's 911 services' costs attributed to Sarpy County pursuant to an interlocal agreement between Douglas County and Sarpy County to provide 911 communications services. Beginning July 1, 2017 Sarpy County shall issue one common levy across all of Sarpy County to pay Sarpy County's 911 communications services' costs and the Sarpy cities shall no longer be responsible for any costs associated with 911 communications.

RECOMMENDATION

Approval subject to approval of Sarpy County and all of the cities in Sarpy County.

BACKGROUND

On September 7, 2010, the Sarpy County Board of Commissioners sent the five cities in Sarpy County a Notice of Termination indicating their intent to stop providing 911 communication services to the citizens who lived within the corporate boundaries of cities within Sarpy County, effective on January 1, 2012.

As the cities searched for alternative 911 options, the possibility of contracting with Douglas County to provide 911 communication services was explored. During the exploration process, Douglas County suggested that the best solution may be one 911 communication services center serving both counties.

In November 2011, a new interlocal cooperation agreement for 911 services was approved by Sarpy County and the Sarpy County cities. This agreement included a requirement that all parties conduct a study with Douglas County to determine if the services being provided by Sarpy County could be better provided jointly and cooperatively with other public bodies on a regional basis. In accordance with this agreement, in December 2011, the Sarpy and Douglas County Boards, along with the City of Omaha and the Sarpy Cities, engaged the services of the University of Nebraska Public Policy Center to conduct an independent feasibility study to look at the potential of a combined Sarpy and Douglas 911 Center.

On January 23, 2013, the University released their findings. Among the many conclusions in the report, two key findings were identified:

- 1) A combined Sarpy and Douglas County 911 Center is possible and projected to save \$20 million in capital costs and \$2 million per year in operational costs; and
- 2) The per-call cost average in Sarpy County is currently \$69.83 per call and only \$17.14 per call in Douglas County.

The study recommended moving forward with one combined 911 center. Upon release of the study, elected officials from both counties directed their chief appointed officers to begin meeting in order to provide a plan for the structure of a combined 911 center.

On December 16, 2013, the chief appointed officers presented a plan to members of both county boards and Mayors from the cities of Omaha, Bellevue, Papillion, La Vista, Gretna, and Springfield.

On March 5, 2014, a second study by the Matrix Group was released, as commissioned by the Sarpy County Board of Commissioners. Among the many findings in the Matrix Study, it was determined that Sarpy 911 Dispatch was not meeting national standards. The Matrix study also calls for Sarpy County to consider a 911 communication services merger with Douglas County.

Proposed Interlocal Cooperation Agreement

Early in the discussions, Douglas County expressed a preference that there be one agreement (*with Sarpy County*) instead of multiple agreements (*with each individual entity*). As a result, the cities and Sarpy County have been working together to identify a means to accomplish this. As proposed, the Interlocal Cooperation Agreement would create a new joint entity, specifically, the Sarpy County Public Safety Communications Agency. The purposes of the joint entity are identified as follows:

- (a) To make efficient use of the Members' powers by enabling them to cooperate with each other and other political subdivisions on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of the local communities;
- (b) To establish a unified 911 communications system that will professionally and expeditiously handle requests for emergency response from the Members' citizens, to dispatch the Members' public safety agencies in a manner prescribed by the public safety agencies, and to provide public safety support to citizens and the public safety agencies within the Members' jurisdictional boundaries; and
- (c) To provide or contract for the acquisition, finance, construction, and operation of a unified 911 communications system to provide emergency and public safety communications, including communications services related to law enforcement, fire management, ambulance, emergency medical, road maintenance, school transportation, public utilities, homeland security, and emergency management and disaster relief services.

The creation of the Agency would establish a six member board including the Mayors of the five Sarpy County cities and the Sarpy County Board Chair. While details regarding the specific powers of the Agency are fully described in the attached Interlocal Cooperation Agreement, highlights of the authority include:

- (a) to sue and be sued;
- (b) to make and execute contracts;
- (c) to make and amend and repeal bylaws, rules, and regulations;
- (d) to make all necessary rules and regulations governing the use, operation, and control of a 911 communications system;
- (e) to establish just and equitable rates or charges for the use of the 911 communications system, any property or equipment associated therewith, or any services provided in connection with said system;

- (f) to purchase, plan, develop, construct, equip, maintain, and improve a 911 communications system;
- (g) to acquire, hold, use, and dispose of any reserves derived from the operation of a 911 communications system;
- (h) to acquire, hold, use, and dispose of other personal property for the purposes of the Agency;
- (i) to provide 911 communications services within the jurisdictional boundaries of the Members and in coordination with other political subdivisions;
- (j) to contract with and compensate consultants for professional services;
- (k) to provide for a system of budgeting, accounting, auditing, and reporting of all Agency funds and transactions, for a depository, and for bonding of employees;
- (l) to borrow money, make and issue negotiable bonds, certificates, bond participation notes, refunding bonds and notes; and to secure the payment of such bonds, certificates, refunding bonds and notes;
- (m) to hire employees, fix their compensation, benefits, personnel rules, and regulations, and terminate their employment; and
- (n) to borrow money and accept grants, contributions, property or loans from, and enter into contracts, leases, or other transactions with other political subdivisions.

For budget purposes, the Agency created pursuant to this Interlocal Cooperation Agreement will serve as a recommending body to the Sarpy County Board who will maintain the final authority for the budget. Any bonds issued by the Agency will require approval by resolution of at least two-thirds of the Sarpy Cities' governing bodies.

What would the new unified 911 arrangement look like?

This decision is up to the members of the Sarpy and Douglas County Boards of Commissioners. The greatest long-term savings can be realized with one combined 911 center located in Douglas County. The Matrix study offers a couple of different options.

The projected cost to construct and operate a single 911 center would be divided between the two counties on a population basis. Douglas County has 76% of the population and Sarpy County has 24% of the population.

The proposed Interlocal Cooperation Agreement between Sarpy County and the Sarpy Cities will establish a separate public Agency, which will operate or propose to operate 911 communication services. In turn, the Agency will authorize Sarpy County to operate the 911 communication services for Sarpy County and the Sarpy Cities through a Management Agreement. In a separate Interlocal Agreement between Douglas County and Sarpy County, Sarpy County will delegate the 911 communications operations for Sarpy County and the Sarpy Cities to Douglas County. Douglas County would then operate the 911 communications center for all of Douglas and Sarpy Counties.

The proposed Interlocal Agreement creating the Agency will also establish the Sarpy Cities' total contributions to Sarpy County for the operations of the 911 communication services through June 30, 2017. Specific contribution terms for each Sarpy City will be set forth in separate service agreements between the Sarpy Cities and the Agency.

What are the financial implications?

The study from the University of Nebraska clearly shows substantial cost savings that can be realized by creating a combined center. This includes a projected \$20 million capital cost savings, and a \$2 million annual saving in operating costs.

A comparative analysis shows that the per-call cost average for 911 calls is \$68.83 in Sarpy County and \$17.14 in Douglas County.

Will public safety be compromised?

No. The paid professional public safety personnel (i.e. police and fire departments) in Sarpy County have indicated that they are not concerned that there will be a decrease in public safety.

Who would operate the combined 911 center?

Douglas County would operate the new combined center.

What is the timeline for agreements? Implementation?

The timeline for Douglas and Sarpy Counties to reach an Interlocal Agreement is yet to be determined by their boards. Estimates indicate implementation of a unified regional 911 center is at least two years away or possibly as far as five years away.

Finally, combining 911 centers is not a new or unique idea. Locally, there was a previous merger of 911 centers in Sarpy County in 1994. The legislative guidelines and recommendations for a regionalized approach to emergency communication services were most recently updated in 2006, and go back as far as the Public Safety Communications Act in 1999.

ATTACHMENTS

1. Resolution
2. Interlocal Cooperation Act Agreement Creating the Sarpy County Public Safety Agency

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AND AUTHORIZING THE MAYOR TO SIGN AND EXECUTE ALL NECESSARY DOCUMENTS TO FACILITATE THE INTERLOCAL COOPERATION ACT AGREEMENT CREATING THE SARPY COUNTY PUBLIC SAFETY COMMUNICATIONS AGENCY ON BEHALF OF THE CITY OF LA VISTA

WHEREAS, as a means of establishing a unified 911 communications system, the proposed Interlocal Cooperation Act Agreement ("Agreement") between Sarpy County, Bellevue, Papillion, La Vista, Gretna and Springfield (collectively, the "Members") will establish a separate public Agency, specifically the Sarpy County Public Safety Communications Agency ("Agency"), pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq., which will operate or propose to operate 911 communications services; and

WHEREAS, the Legislature of the State of Nebraska has made an express finding that 911 emergency communications systems further the public interest and protect the health, safety, and welfare of the people of Nebraska, and the Members agree with such finding and agree that they should strive to create the most efficient form of 911 emergency communications systems, including, but not limited to, law enforcement, fire, rescue, and other emergency dispatch and informational communications (the "911 communications"); and

WHEREAS, the Members will enter into service agreements with such Agency, as authorized by the Nebraska Public Safety Communication System Act, Neb. Rev. Stat. § 86-401 et seq., as amended; and

WHEREAS, the Members desire to set forth in the Agreement their respective understandings and agreements with regard to the creation of the Agency and operation of the unified 911 communications system, and to set forth their respective rights, duties and obligations.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of La Vista that the Interlocal Cooperation Act Agreement creating the Sarpy County Public Safety Agency between Sarpy County, Bellevue, Papillion, La Vista, Gretna and Springfield is hereby accepted and approved.

BE IT FURTHER RESOLVED, the Mayor is hereby authorized to sign and execute all necessary documents to facilitate the Interlocal Cooperation Act Agreement creating the Sarpy County Public Safety Communications Agency on behalf of the City of La Vista.

PASSED AND APPROVED THIS 18TH DAY OF MARCH, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**INTERLOCAL COOPERATION ACT AGREEMENT
CREATING THE
SARPY COUNTY PUBLIC SAFETY COMMUNICATIONS AGENCY**

THIS INTERLOCAL COOPERATION ACT AGREEMENT (the "Agreement") is made by and between the County of Sarpy, Nebraska ("Sarpy County"), the City of La Vista, Nebraska, the City of Papillion, Nebraska, the City of Bellevue, Nebraska, the City of Springfield, Nebraska, and the City of Gretna, Nebraska (collectively, the "Members").

WHEREAS, the Legislature of the State of Nebraska has made an express finding that 911 emergency communications systems further the public interest and protect the health, safety, and welfare of the people of Nebraska, and the Members agree with such finding and agree that they should strive to create the most efficient form of 911 emergency communications systems, including, but not limited to, law enforcement, fire, rescue, and other emergency dispatch and informational communications (the "911 communications"); and

WHEREAS, the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (Reissue 2007) (the "Interlocal Cooperation Act"), authorizes cities and counties to cooperate on the basis of mutual advantage to thereby provide for services and facilities, in a manner and pursuant to forms of governmental organization that will accord with the geographic, economic, population and other factors influencing the needs and development of the local communities; and

WHEREAS, each and every Member is a political subdivision, organized and existing under the laws of the State of Nebraska; and

WHEREAS, the Members desire to cooperate to establish a unified 911 communications system to handle the requests for emergency response from the citizens of Sarpy County and to provide public safety support to the needs of the citizens and the public safety agencies within Sarpy Counties; and

WHEREAS, as a means of establishing a unified 911 communications system, the Members desire to create a new joint entity pursuant to the Interlocal Cooperation Act, specifically the Sarpy County Public Safety Communications Agency (the "Agency"), and to enter into service agreements with such Agency, as authorized by the Nebraska Public Safety Communication System Act, Neb. Rev. Stat. § 86-401 et seq. (Reissue 2007), as amended (the "PSCS Act"); and

WHEREAS, the Members desire for the Agency to enter into an Interlocal Cooperation Agreement with Sarpy County for the purpose of managing and operating a unified 911 communications system to serve the Members of the Agency; and

WHEREAS, the Members desire to set forth in this Agreement their respective understandings and agreements with regard to the creation of the Agency and operation of the unified 911 communications system, and to set forth their respective rights, duties and obligations.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

SECTION I.

CREATION OF THE SARPY COUNTY PUBLIC SAFETY COMMUNICATIONS AGENCY

Pursuant to the Interlocal Cooperation Act, the Members hereby create the Agency, which shall constitute a separate body corporate and politic under the provisions of the Interlocal Cooperation Act. The Agency shall be subject to the control of the Members in accordance with the terms of this Agreement. The governing body of each Member shall have approved this Agreement by resolution. A certified copy of each approving resolution shall be kept on file at the Agency's office, the location of which shall be determined by the Agency Board. The Agency's existence shall commence upon the execution of this Agreement by all of the Members ("Effective Date").

SECTION II.

PURPOSES OF THE AGENCY

The purposes of the Agency are as follows:

- (a) To make efficient use of the Members' powers by enabling them to cooperate with each other and other political subdivisions on a basis of mutual advantage and thereby provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of the local communities;
- (b) To establish a unified 911 communications system that will professionally and expeditiously handle requests for emergency response from the Members' citizens, to dispatch the Members' public safety agencies in a manner prescribed by the public safety agencies, and to provide public safety support to citizens and the public safety agencies within the Members' jurisdictional boundaries; and
- (c) To provide or contract for the acquisition, finance, construction and operation of a unified 911 communications system to provide emergency and public safety communications, including communications services related to law enforcement, fire management, ambulance, emergency medical, road maintenance, school transportation, public utilities, homeland security, and emergency management and disaster relief services.

SECTION III.

ORGANIZATION

- (a) Agency Board Members. The Agency shall be governed by a Board consisting of the Chair of the Sarpy County Board, or his or her designee, and the Mayors of the City of La Vista, the City of Papillion, the City of Bellevue, the City of Springfield, and the City of Gretna, or their respective designees, each of whom shall be a voting member of the Agency Board.
- (b) Voting. Each Member of the Board shall have one vote on all matters before the Agency Board.

(c) Quorum. A majority of all members of the Agency Board shall constitute a quorum for the transaction of any Agency business.

(d) Officers. The Chair of the Sarpy County Board shall serve as the Agency Board's Chair. The Mayors of the represented Members shall serve as the Agency Board's Secretary on an annual rotating basis.

(e) Agency Treasurer. The County Treasurer of Sarpy County shall serve as the Agency Board's Treasurer, and shall have no voting privileges.

(f) Meetings and Notice. The Agency Board shall meet as needed but at least annually, and notice of such meetings shall be posted with each Member to this Agreement. The meetings will be scheduled and conducted pursuant to the Nebraska Open Meetings Act and minutes for such meetings will be recorded and provided as required by law.

(g) Legal Counsel. The Sarpy County Attorney shall serve as the Agency Board's legal counsel.

SECTION IV.

DURATION

The Agency shall have an initial term of twenty-five (25) years, commencing on the effective date of this Agreement. This Agreement shall automatically renew for additional ten (10) year terms; provided, however, if after bonds have been issued by the Agency and retired prior to the conclusion of the initial term of this Agreement and all contractual obligations of the Agency have been satisfied, this Agreement and the existence of the Agency may be dissolved at the recommendation of the Agency Board and approval of at least five of the Members' governing bodies.

SECTION V.

ALLOCATION OF COSTS AND SERVICE AGREEMENT

The Members shall finance and contribute all costs necessary to fund the establishment, organization and operating expenses of the Agency and the unified 911 communications system for the Members throughout the term of this Agreement. The Members hereby agree to enter into one or more service agreements with the Agency, as authorized by the PSCS Act and any amendments thereto, for all purposes stated herein and in order to provide amounts payable with respect to debt service on bonds to be issued by the Agency to pay its portion of the costs of a unified 911 communications system. Such expenses shall be shared by the Members pursuant to the relevant service agreement(s).

As part of those service agreements, the Members agree that from the date of this Agreement until June 30, 2017, the Sarpy cities shall pay 22.5% of Sarpy County's 911 communications services' costs attributed to Sarpy County pursuant to an Interlocal Agreement between Douglas County and Sarpy County to provide 911 communications services. Beginning July 1, 2017, Sarpy County shall issue one common levy across all of Sarpy County to pay 100% of Sarpy County's 911 communications services' costs and the Sarpy cities shall no longer be responsible for any costs associated with 911 communication services.

SECTION VI.

POWERS

The Agency shall have such powers as are allowed by the Interlocal Cooperation Act, and any amendments thereto, and the PSCS Act, including, but not limited to, the powers:

- (a) to sue and be sued;
- (b) to have a seal and alter the same at pleasure or to dispense with the necessity thereof;
- (c) to make and execute contracts and other instruments necessary or convenient to exercise its powers, including service agreements as provided by the PSCS Act and any amendments thereto and Interlocal Cooperation Agreements to contract for the acquisition, finance, construction and operation of a unified 911 communications system;
- (d) from time to time, to make and amend, and repeal bylaws, rules and regulations, not inconsistent with the Interlocal Cooperation Act and this Agreement, to carry out and effectuate its powers and purposes;
- (e) to make all necessary rules and regulations governing the use, operation and control of a 911 communications system;
- (f) to establish just and equitable rates or charges for the use of the 911 communications system, any property or equipment associated therewith, or any services provided in connection with said system;
- (g) to purchase, plan, develop, construct, equip, maintain and improve a 911 communications system, including the lease or acquisition of real estate or rights therein by gift, grant, purchase or condemnation as necessary for the construction and operation of such a system;
- (h) to acquire, hold, use and dispose of any reserves derived from the operation of a 911 communications system;
- (i) to acquire, hold, use and dispose of other personal property for the purposes of the Agency;
- (j) to provide 911 communications services within the jurisdictional boundaries of the Members and in coordination with other political subdivisions, the state of Nebraska, the United States of America and any agency thereof;
- (k) to make or cause to be made engineering studies and surveys necessary or useful and convenient to carrying out the functions of the Agency;
- (l) to contract with and compensate consultants for professional services including, but not limited to architects, engineers, planners, lawyers, accountants, and others the Agency Board finds necessary or useful and convenient to the stated purposes of the Agency;
- (m) to provide for a system of budgeting, accounting, auditing and reporting of all Agency funds and transactions, for a depository, and for bonding of employees;

(n) to consult with representatives of Federal, State and local agencies and departments and their officers and employees and to contract with such agencies and departments for services and equipment as needed for the 911 communications system;

(o) to exercise such other powers as are available under applicable law;

(p) to borrow money, make and issue negotiable bonds, certificates, bond participation notes, refunding bonds and notes, all in accordance with Neb. Rev. Stat. §§ 13-808 through 13-824, of the Interlocal Cooperation Act, and any amendments thereto, and to secure the payment of such bonds, certificates, refunding bonds and notes or any part thereof by a pledge of any or all of the Agency's net revenues and any other funds or property which the Agency has a right to, or may hereafter have the right to pledge for such purposes;

(q) to provide in the proceedings authorizing such obligations for remedies upon default in the payment of principal and interest on any such obligations, including, but not limited to, the appointment of a trustee to represent the holders of such obligations in default and the appointment of a receiver of the Agency's property, such trustee and receiver to have the powers and duties provided for in the proceedings authorizing such obligations;

(r) to receive payments for the use of the 911 communications system and associated equipment and property;

(s) to hire employees, fix their compensation, benefits, personnel rules and regulations, and terminate their employment;

(t) to employ a manager and operator which may be a political subdivision or other entity or person and which may exercise such of the Agency's powers as shall be determined by contract and as determined by the Agency Board from time to time; and

(u) to borrow money and accept grants, contributions, property or loans from, and enter into contracts, leases, or other transactions with other political subdivisions, the State of Nebraska, the United States of America and any agency thereof.

SECTION VII.

COOPERATION FROM MEMBERS

The Members agree to respond to reasonable requests to make information available to the Agency for the purposes of this Agreement, and to assure that any engineers and consultants hired by the Members release to the Agency materials, data and other items pertinent to this Agreement.

SECTION VIII.

BUDGETING

Prior to April 30 of each year, the Agency Board shall prepare a proposed annual budget for the fiscal year, July 1 through June 30, to be approved by the Sarpy County Board of Commissioners.

The Sarpy County Board of Commissioners shall be the final approving authority on the annual budget related to the establishment, operation, and maintenance of a unified 911 communications system.

SECTION IX.

BONDING

Notwithstanding any other terms hereof to the contrary, the Agency shall not issue any bonds or other form of indebtedness without prior approval by resolution of at least two-thirds of the Members' governing bodies.

SECTION X.

NOT FOR PROFIT

It is expressly understood that the Agency is a public body and is to be operated not for profit, and no profit or dividend will inure to the benefit of any individual.

SECTION XI.

MANNER OF ACQUIRING AND HOLDING PROPERTY

The Agency Board may lease, purchase, or acquire by any lawful means from a Member or from any other source, such real and personal property as is required for the operation of the Agency and for carrying out of the purposes of this Agreement. The title to all such property, personal or real, shall be held in the name of the Agency; provided, however, that any property, personal or real, which is contributed by and titled to a Member, may be used by the Agency, but such property shall remain titled to the Member.

All conveyances of real property owned or held in the name of the Agency shall be authorized by resolution of the Agency Board and executed by the Chairman on behalf of the Agency.

SECTION XII.

DISSOLUTION

Upon complete dissolution of the Agency, all assets and liabilities of the Agency shall be distributed to the Members on an equitable basis.

SECTION XIII.

AMENDMENT OF AGREEMENT

This Agreement may be amended upon approving resolutions adopted by the governing body of each Member that approved this Agreement.

SECTION XIV.

MISCELLANEOUS PROVISIONS

(a) Separate Legal Entities. This Agreement shall be construed to have created a separate legal entity.

(b) Indemnification. Each Member agrees to release, indemnify and hold harmless ("Indemnifying Member") each other Member ("Indemnified Member") and said Indemnified Member's officers, officials, employees and agents, and each of them, from and against all liabilities, claims, costs and expenses whatsoever arising out of or resulting from the negligence, acts or omissions of the Indemnifying Member, or the officers, officials, employees, agents or contractors of the Indemnifying Member related to or arising out of the establishment, operation or maintenance of the unified 911 communications system contemplated herein.

(c) Governmental Subdivision. Except as provided herein, each Member shall maintain its autonomy and indebtedness as a governmental subdivision. This Agreement shall not relieve any Member of any obligations or responsibility imposed upon it by law except to the extent of actual and timely performance by the Agency as provided under this Agreement, which performance may be offered in satisfaction of the obligation or responsibility.

(d) Modifications. That no modification, termination or amendment of this Agreement may be made except by written agreement signed by all of the Members.

(e) Severability. In case one or more of the provisions contained in this Agreement is held to be invalid, illegal, or unenforceable for any reason in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

(f) Entire Agreement. The entire agreement between the Members hereto is contained in this Agreement, and this Agreement supersedes all previous understandings and agreements, written and oral, with respect to this transaction. This Agreement may be amended only by written instrument, duly authorized and executed by Members subsequent to the date hereof. All schedules, exhibits, lease or sublease agreements, documents of transfer or conveyance, and other documents or instruments now or hereafter adopted or executed by any of the Members to carry out this Agreement shall be incorporated into and become part of this Agreement by this reference.

(g) Assignment. This Agreement may not be assigned by any Member without express written consent of all of the Members.

(h) Further Assurances. From and after the Effective Date of this Agreement, the Members agree to cooperate with each other and will use commercially reasonable efforts to implement the transactions contemplated by this Agreement. Each Member, at any time and from time to time, upon request by any other Member and without further consideration, shall take or cause to be taken such actions and execute, acknowledge and deliver, or cause to be executed,

acknowledged and delivered, such additional assurances as may be required and reasonably requested for confirming and accomplishing the matters and transactions hereunder. Such assurances shall be in the form and content satisfactory to the requesting and responding Members, without increasing or extending any cost, duty or liability of the responding Member.

(i) Counterparts. This Agreement may be executed in one or more counterparts, each and all of which shall constitute an original and all of which when taken together shall constitute the same agreement.

(j) Nondiscrimination. Notwithstanding anything in this Agreement to the contrary, (i) each Member agrees that it and any of its subcontractors shall not discriminate against any employee or applicant for employment to be employed in performance of this Agreement, with respect to the employee's or applicant's hire, tenure, terms, conditions, or privileges of employment, because of race, color, religion, sex, disability, or national origin; and (ii) one or more of the Members is a recipient of federal funds, and as a result all required contractual provisions related to such federal funds shall be deemed incorporated into this Agreement by this reference and binding upon the Members.

(k) Remedies. All remedies under this Agreement shall be cumulative and not restrictive of other remedies. The Members agree that any Member shall have the right to exercise any remedies available to it at law or in equity, including without limitation, specific performance.

IN WITNESS WHEREOF, the Members have caused this Interlocal Cooperation Agreement to be executed by the duly authorized officers on the last date and year written below.

SARPY COUNTY, NEBRASKA

Date: _____

Chairman of Board of Commissioners

Attest:

County Clerk

CITY OF BELLEVUE

Date: _____

Rita Sanders, Mayor

Attest:

Kay Dammast, City Clerk

CITY OF PAPILLION

Date: _____

David P. Black, Mayor

Attest:

Elizabeth Butler, City Clerk

CITY OF LA VISTA

Date: _____

Douglas Kindig, Mayor

Attest:

Pamela A. Buethe, CMC
City Clerk

CITY OF GRETNNA

Date: _____

Jim Timmerman, Mayor

Attest:

Tammy Tisdall, City Clerk

CITY OF SPRINGFIELD

Date: _____

Michael Dill, Mayor

Attest:

Kathleen Gottsch, City Clerk

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 18, 2014 AGENDA

Subject:	Type:	Submitted By:
AMENDMENT TO THE COMPREHENSIVE PLAN — CHAPTER 9, ANNEXATION PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolutions prepared to amend the Comprehensive Plan by adopting an update to Chapter 9, Annexation Plan.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and a resolution prepared to consider the following amendment to the Comprehensive Plan:

Update to Chapter 9, Annexation Plan

As part of their annual strategic planning process, the Mayor and City Council identified the need to annually review the City's Annexation Plan. It is also an Action Strategy of the Comprehensive Plan to conduct an annual review of the Comprehensive Plan that includes the Annexation Plan as Chapter 9.

Through staff's annual review of the Comprehensive Plan, it was identified that modifications to the Annexation Plan were warranted. Changes to the fiscal analysis worksheets were completed to update the sheets to the current fiscal status. Modification to the Annexation Map proposed include:

- Update of the City Limits to reflect annexations finalized in 2013.
- Designation of SID 237 (Cimarron Woods) for consideration in the 1-5 year timeline.
- Designation of Bella La Vista for consideration in the 5-10 year timeline.

On February 20, 2014, by a vote of 5-0, the Planning Commission recommended approval of the amendments to the City of La Vista Comprehensive Plan, Chapter 9, Annexation Plan.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, IN SUPPORT OF AMENDING CHAPTER 9, ANNEXATION PLAN, OF THE COMPREHENSIVE PLAN

WHEREAS, the Comprehensive Plan currently has an Annexation Plan in Chapter 9 which includes a narrative section, a chart and a map; and

WHEREAS, amendments are proposed to update the Plan based on an annual review; and

WHEREAS, the Planning Commission has recommended approval of the amendments to Chapter 9, Annexation Plan; and

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby directs the City Administrator to have prepared the necessary amendment to Chapter 9, Annexation Plan, of the Comprehensive Plan.

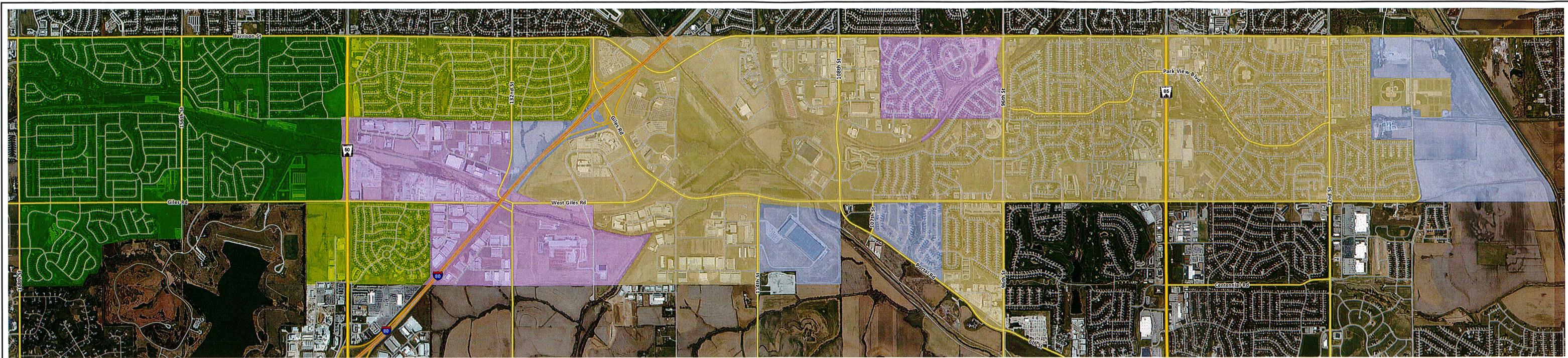
PASSED AND APPROVED THIS 18TH DAY OF MARCH 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



CITY OF LA VISTA ANNEXATION PLAN

March 18, 2014



**City of La Vista
Annexation Summary
FY14**

General Description		Jurisdiction	Year Platted	SID #	Tax Levy /\$100	Fire Levy	Comparison Levy	2013 Valuation	Tax Revenue Generated	Long-Term Debt FY13 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 6/30/2013
		<i>La Vista</i>			0.550000		0.550000	1,243,966,760	6,841,817	55,720,000	4.48%	6,841,817	17,883	1	
One - Five Year															
96th & Harrison	1	Cimarron Woods	2004	237	0.560000	0.147273	0.707273	123,635,175	692,357	4,390,000	3.55%	679,993	1473	1754	709,000
126th & West Giles	2a	² Sarpy Industrial Park	2013					2,008,985	-	-	0.00%	11,049			
132nd & Giles	2b	² Claas	Unplatted					12,343,017	-	-	0.00%	67,887			
126th & West Giles	2c	² Sarpy Industrial Park-Phase 2	1998					125,184	-	-	0.00%	689			
136th & Chandler	3a	² Centech Business Park	1995	172	0.619999	0.099395	0.719394	45,986,169	285,114	1,650,000	3.59%	252,924			492,000
136th & Chandler	3b	² Centech NON-SID	1995					143,966	-	0	0.00%	792			
144th & Chandler	3c	Chalco Valley Business Park	1991					18,376,563	-	0	0.00%	101,071			
136th & Giles	3d	² Interstate Industrial Park	1990					14,155,000	-	-		77,853			
I-80 & Giles	3e	² I-80 Industrial Park	1993	163	0.407869	0.099395	0.507264	43,982,758	179,392	1,575,000	3.58%	241,905			197,000
Five-Ten Year															
132nd & Chandler		Bella La Vista						243,041	-	0	0.00%	1,337			
66th Street		³ All Purpose UT						2,647,932	-	0	0.00%	14,564			
100th & Giles		Portal Ridge	2006	276	0.900000	0.147273	1.047273	37,250,162	335,251	4,090,000	10.98%	204,876	321	670	541,000
114th & Giles		⁴ OTC Business Park	2004					28,992,366	-	0	0.00%	159,458			

¹ Population estimate - US Census Bureau 2011/ City Estimates 2014

² Look @ 132nd interchange timing, cost, implications - 2015 bid letting (short term) \$2.9M (10% City share & 10% County share)

³ Look @ funding split for 66th Street Improvements

⁴ In accordance with the Subdivision agreement can not annex until 12/31/19.

⁵ Not all of the SID boundaries are in future growth area. Would require a split of the SID.

⁶ Not located in the current ETJ.

⁷ County approved park improvements of \$297,815 on 2/4/14.

**City of La Vista
Annexation Summary
FY14**

General Description	Jurisdiction	Year Platted	SID #	Tax Levy /\$100	Fire Levy	Comparison Levy	2013 Valuation	Tax Revenue Generated	Long-Term Debt FY13 Audit Principal Only	Debt to Valuation Ratio	Tax Revenue at COLV Levy	Current Population	Build-Out Population	Cash On-Hand 6/30/2013
Ten - Fifteen Year														
SE 132nd & Harrison	Millard Highland South	1976	104	0.250003	0.099395	0.349398	119,753,989	299,389	795,000	0.66%	658,647	2690		928,000
SE 138th & Harrison	Southridge	1985	133	0.545000	0.099395	0.644395	36,090,174	196,691	850,000	2.36%	198,496	792		167,000
SE Hwy 50 & Harrison	Stonybrook South	1977	111	0.570001	0.099395	0.669396	62,710,439	357,450	452,000	0.72%	344,907	920		61,000
E of Hwy 50 S of Giles	The Meadows	1972	65	0.609039	0.099395	0.708434	63,120,235	384,427	760,000	1.20%	347,161	1585		253,000
144th & Giles	Lakeview South II		48 ⁵	0.100000	0.099395	0.199395	79,627,473	79,627	0	0.00%	437,951			588,000
144th & Giles	Tax Lot 4 23-14-11		Unplatted				188,875	-	0	0.00%	1,039			
Fifteen + Years														
Hwy 50 & Harrison	Willow Creek	1974	96 ⁶	0.277679	0.099395	0.377074	38,324,168	106,418	0	0.00%	210,783	1039		273,000
SW 144th & Harrison	Echo Hills	1975	68 ⁶	0.451009	0.099395	0.550404	24,844,306	112,050	130,000	0.52%	136,644	579		147,000
156th & Harrison	Emerald Oaks/Birchfield	1992	156 ⁶	0.530000	0.099395	0.629395	60,655,619	321,475	2,795,000	4.61%	333,606	1097		552,000
Kearny Ave&Chandler	Chalco Industrial Park/Other	1887					6,629,897	-	0	0.00%	36,464	50		
NE 156th & Giles	⁷ Rock Creek	1974	92 ⁶	0.730000	0.099395	0.829395	28,671,914	209,305	540,000	1.88%	157,696	651		205,000
NE 156th & Giles	Rock Creek Non-SID	2000					28,616,294	-	0	0.00%	157,390	1123		
156th & Giles	Chalco Point	1994	165 ⁶	0.740000	0.099395	0.839395	17,058,995	126,237	905,000	5.31%	93,824	366		121,000
156th & Giles	Giles Ridge	2001	225 ⁶	0.849998	0.099395	0.949393	28,342,548	240,911	2,115,000	7.46%	155,884	418	488	248,000
159th & Giles	Springhill Ridge	2003	233 ⁶	0.650000	0.099395	0.749395	76,353,022	496,295	4,840,000	6.34%	419,942	651		616,000
159th & Giles	Springhill Ridge NON-SID	2003					11,750,008	-	0	0.00%	64,625	449	1123	
SW 156th & Harrison	Millard Park	1994	162 ⁶	0.800000	0.099395	0.899395	132,976,825	1,063,815	6,420,000	4.83%	731,373	1920		657,000
SE 168th & Harrison	Millard Park South	2000	216 ⁶	0.750000	0.099395	0.849395	96,193,919	721,454	5,475,000	5.69%	529,067	1385	1499	559,000
168th & Giles	Stonecrest	2004	257	0.970000	0.099395	1.069395	83,077,215	805,849	9,187,000	11.06%	456,925	1258	1449	575,000
168th & Giles	Meridian Park	2007					1,598,385	-	0	0.00%	8,791			
Total Valuation and revenue at La Vista's levy				0.550000			2,570,441,378	\$14,137,428	\$7,013,507			\$46,969,000		
Total SID valuation and revenue at SID's levy													36,650	24,866
Total Debt in SID's														
Total Population														

ITEM E

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 18, 2014 AGENDA

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT AMENDMENT – CONVENIENCE STORE WITH LIMITED FUEL SALES, LOT 179 SOUTHWIND (CASEY'S)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled for Council to consider an application to convert an existing Special Use Permit to a Conditional Use Permit allowing the continuation of the operation of a convenience store with limited motor fuel sales, expanding the hours of operation to 24-hours. The applicant is Casey's General Store, Lot 179 Southwind, generally located on the northeast corner of 96th Street and Giles Road.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval of the Conditional Use Permit for Casey's General Store, subject to the site coming into conformance with the landscaping plan within six months of the date of approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by Casey's General Store to convert an existing Special Use Permit to a Conditional Use Permit allowing the continuation of the operation of a convenience store with limited motor fuel sales, expanding the hours of operation to 24-hours a day. During the review of the application it was discovered that their current landscaping was not in conformance with their existing permit. Staff recommends approval subject to installing the required landscaping.

A detailed staff report is attached.

The Planning Commission held a public hearing on February 20, 2014 and unanimously recommended approval of the Conditional Use Permit to City Council, conditional on the site coming into conformance with the landscaping plan within six months of the approval of the CUP.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR A 24 HOUR CONVENIENCE STORE WITH LIMITED FUEL SALES ON TAX LOT 179, SOUTHWIND, SARPY COUNTY, NEBRASKA.

WHEREAS, Casey's General Store, LLC, has applied for a conditional use permit for a 24 hour convenience store with limited fuel sales on Tax Lot 179, Southwind, Sarpy County, Nebraska; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the following condition:

1. Conforming to the landscaping plan within 6 months.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted with this Resolution, subject to such modifications as approved by the City Administrator and satisfaction of the conditions listed in the last recital above.

PASSED AND APPROVED THIS 18TH DAY OF MARCH, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

RECOMMENDATION REPORT

CASE NUMBER: 2014-CUP-01

FOR HEARING OF: March 18, 2014
Report Prepared on March 5, 2014

I. GENERAL INFORMATION

- A. APPLICANT:** Casey's General Store
- B. PROPERTY OWNER:** Casey's General Store
- C. LOCATION:** 9542 Giles Road
- D. LEGAL DESCRIPTION:** Lot 179 Southwind
- E. REQUESTED ACTION(S):** Update Special Use Permit to a Conditional Use Permit and to allow for store to stay open 24-hours a day.
- F. EXISTING ZONING AND LAND USE:**
C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District); the property contains one existing building which houses the convenience store and a canopy over six gas pumps.
- G. PROPOSED USES:** Owner wishes to continue operation of a convenience store with limited motor fuel sales, expanding the hours of operation to 24-hours a day.
- H. SIZE OF SITE:** 1.10 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Except for the landscaping plan, the property has been developed and maintained in accordance with the existing Special Use Permit. Specific plantings on the north and east sides of the property, as depicted in the landscaping plan, do not currently exist. Casey's General Stores has been notified of this non-conformity.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 1. **North:** Walmart Neighborhood Market; C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District)
 2. **East:** Walmart Neighborhood Market; C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District)
 3. **South:** Single Family Residential; R-2 Single Family Residential (Medium Density) - Papillion

4. **West:** Alegent Health Clinic; C-1 Shopping Center Commercial and Gateway Corridor District (Overlay District)

C. RELEVANT CASE HISTORY: The original Special Use Permit was approved on December 18, 2001.

III. ANALYSIS

A. COMPREHENSIVE PLAN: The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses.

B. OTHER PLANS: N/A

C. TRAFFIC AND ACCESS:

1. Two access points currently exist on the property. One from 96th Street through an easement on the Walmart Neighborhood Market property. The other access is through a right-in/right-out on Giles Road via an easement on the Walmart Neighborhood Market property.

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

E. PARKING REQUIREMENTS:

1. The existing parking layout was reviewed at the time of initial development and a site plan depicting the parking has been included as an exhibit to the Special Use Permit. This original site plan has been included with the Conditional Use Permit as an exhibit. No additional parking is anticipated to be needed.

F. LANDSCAPING:

1. The existing landscaping plan was reviewed at the time of initial development and included as an exhibit to the Special Use Permit. This original landscaping plan has been included with the Conditional Use Permit as an exhibit. Specific plantings on the north and east sides of the property, as depicted in the landscaping plan, do not currently exist. Casey's General Stores has been notified of this non-conformity.

IV. REVIEW COMMENTS:

1. A site review determined that the existing facility is not in conformance with the existing landscaping plan.

V. STAFF RECOMMENDATION:

Approval of the Conditional Use Permit for Casey's General Store, conditional on the site coming into conformance with the landscaping plan within six months of the approval of the CUP.

VI. PLANNING COMMISSION RECOMMENDATION:

The Planning Commission held a public hearing on February 20, 2014 and unanimously recommended approval of the Conditional Use Permit to City Council, conditional on the site coming into conformance with the landscaping plan within six months of the date of approval.

VII. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Draft CUP

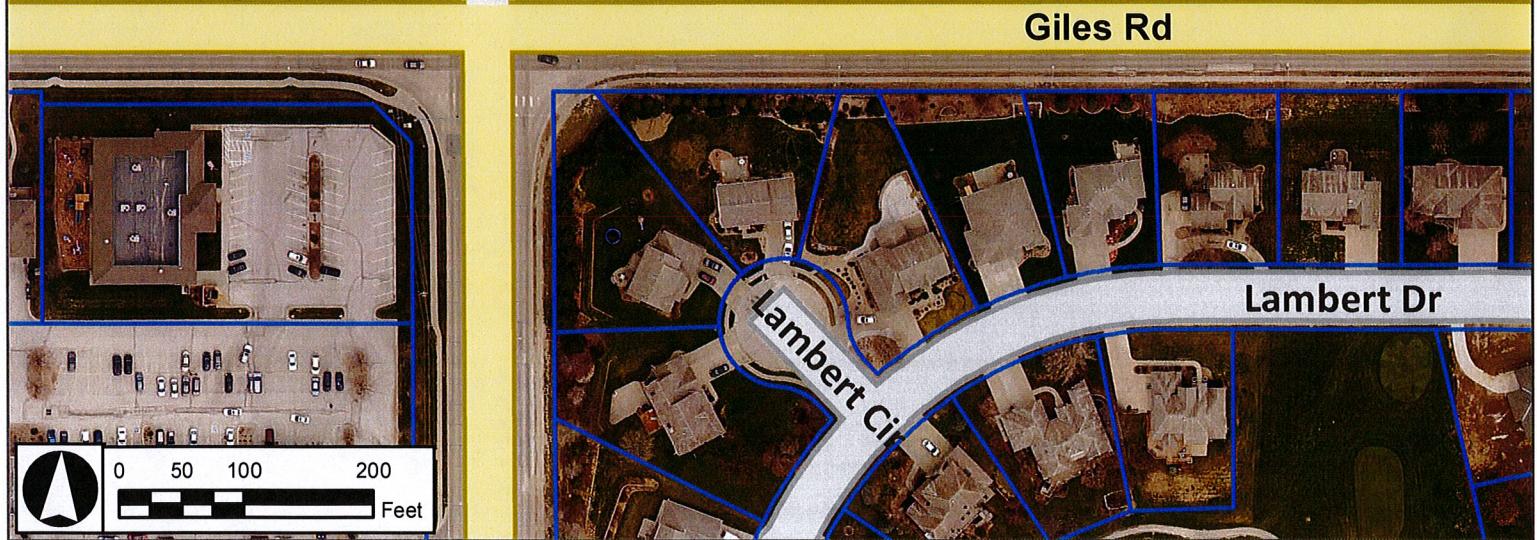
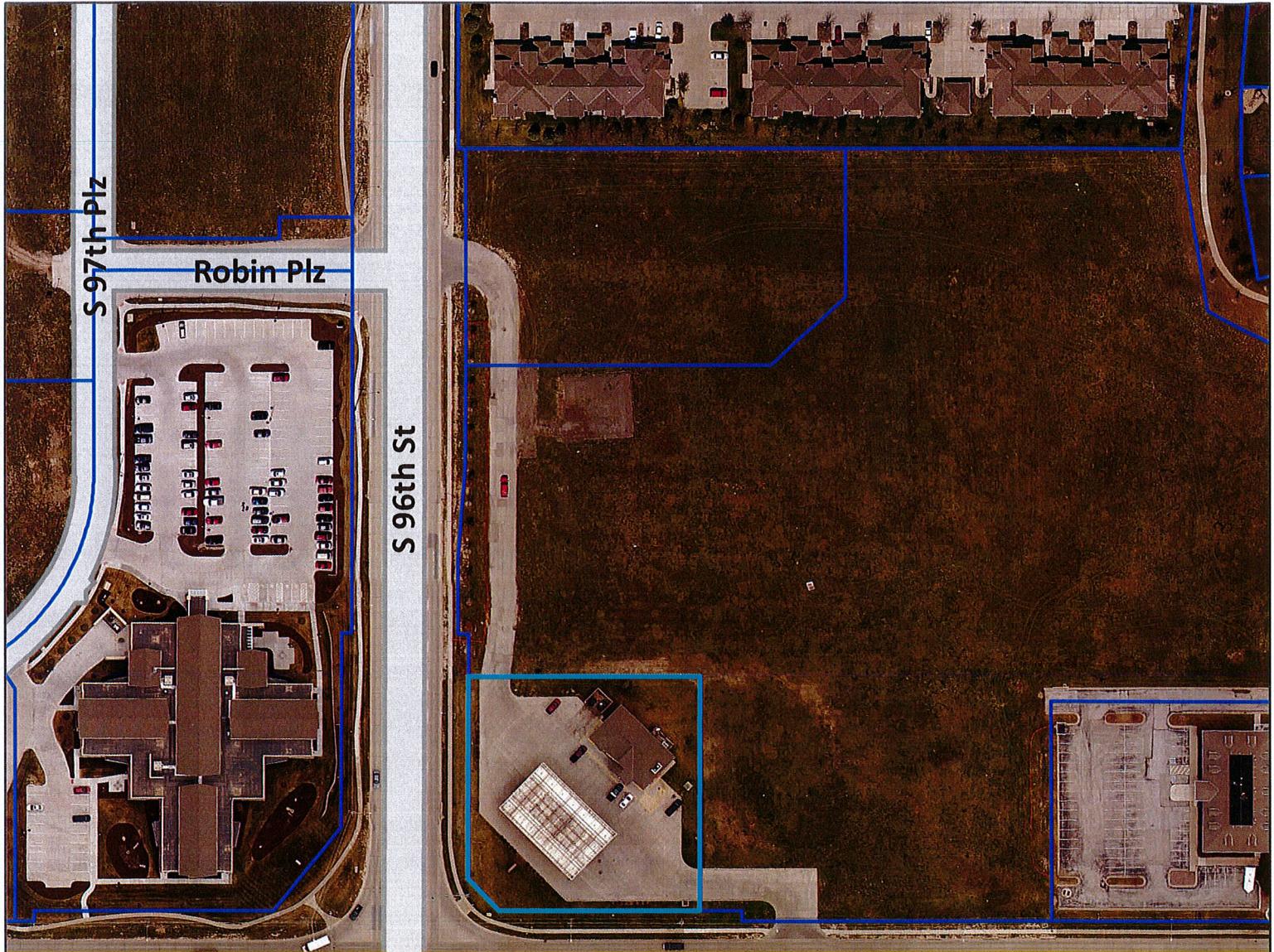
VIII. COPIES OF REPORT TO:

1. Debbie Crew, Casey's Retail Company; Applicant
2. Public Upon Request

Prepared by:


AB
Community Development Director


3/11/14
Date



Vicinity Map

Casey's General Store CUP

February 12, 2014
CAS



**City of La Vista
Conditional Use Permit**

Conditional Use Permit for Convenience Store with Limited Fuel Sales

This Conditional Use Permit issued this _____ day of _____, 2014, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Casey's General Store ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to expand the operating hours of a convenience store with limited motor fuel sales (and motor fuel storage and dispensing related to said sales) upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 179, Southwind, a subdivision located in the SW ¼ of Section 15, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for an amendment to convert their existing special use permit to a conditional use permit to continue operating a convenience store with limited motor fuel sales (and motor fuel storage and dispensing related to said sales); and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to Owner to use the area designated on Exhibit "A" hereto for a convenience store with limited motor fuel sales (and motor fuel storage and dispensing related to said sales), said uses hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed use:
 - a. A surveyor's certificate for the site shall be provided to the City and attached to the permit as "Exhibit C".
 - b. Hours of operation for convenience store will be 24 hours a day, seven days a week.
 - c. Gasoline islands will have pay at pump (credit card) service and will be open 24 hours a day, seven days a week.
 - d. Fuel deliveries must correspond with convenience store business hours.
 - e. The premises shall be developed and maintained in accordance with the site plan (Exhibit A) as presented to the City Council on _____ and incorporated herein

by this reference. Any modifications must be submitted to the Building Inspector for approval.

- f. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the convenience store, except as approved in writing by the City.
- g. The City acknowledges that the use will involve the construction, placement and maintenance of underground motor fuel storage tanks and gasoline dispensing pumps (permitted structures) on the premises. The structures shall be constructed, maintained and operated in a safe and responsible manner, and in accordance with any applicable laws, rules or regulations, including, but not limited to, applicable environmental or safety laws, as amended or in effect from time to time, and shall not cause, or create risk of injury or damage to, or loss of life, property or the environment. The owner shall make annual inspections of the premises and structures, and the operation thereof for any hazard or risk, including, but not limited to, those of an environmental or safety nature. The owner shall take immediate action to protect persons, property and the environment from any damage, injury or loss, or risk thereof, arising out of or resulting from any hazard or risk on the premises, including, but not limited to, hazard or risk involving the permitted structures, that is discovered or should be discovered (including, but not limited to, those of an environmental or safety nature) and to abate any hazard or risk and remove it from the premises in accordance with any applicable laws, rules or regulations, as amended or in effect from time to time.
- h. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the City Planner.
- i. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- j. Owner hereby indemnifies the city against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the Owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

3. In respect to the special commercial corridor building design criteria:

- a. Building Exterior
 - i. The reddish brown brick (per sample submitted) is approved. If another type of brick is preferred, a sample must be submitted for approval.
 - ii. The type of glass is noted and should be clear or tinted.
- b. Gas Pump Canopy
 - i. The vertical canopy supports shall be clad with the same brick as the building.
 - ii. The standard height canopy is permitted provided that the lights underneath result in little or no glare.
- c. Monument Sign
 - i. The reddish brown brick (per sample) is approved.
- d. Trash Enclosure
 - i. The trash enclosure is acceptable. The three sides of the trash enclosures shall be constructed of the same brick as used on the building. Gate material on the fourth side shall be of material approved by the City.

- e. Exterior Light Fixtures
 - i. Any exterior light fixtures used on this project shall be similar to the light fixtures at the new LaVista Public Library.
 - ii. All exterior light fixtures must be submitted for approval.
- f. Landscaping
 - i. The landscaping plan as submitted (Exhibit B) is acceptable.
- g. Signage
 - i. All signs shall comply with the City's sign regulations.

4. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
- b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
- c. All obsolete or unused structures and accessory facilities and any remaining environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the special use.

5. Notwithstanding any other provision herein to the contrary, this Permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:

- a. Owner's abandonment of the Permitted Use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Conditional Use.
- c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
- d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

6. If the Permitted Use is not commenced within one (1) year from _____, 2014, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to Owner's right to file for an extension of time pursuant to Section 11-710 of the La Vista Municipal Code.

7. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove the permitted structures or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the Owner shall reimburse the city the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.

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

Miscellaneous

The conditions and terms of this Permit shall be binding upon Owner, his successors and assigns.

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

Contact Name and Address: Jill Reams-Widder
EPA Dept.
Casey's General Stores, Inc.
P.O. Box 3001
One Convenience Blvd.
Ankeny, IA 50021-8045

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pam Buethe, CMC
City Clerk
CONSENT AND AGREEMENT

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

Owner:

By: _____

Title: _____

Date: _____

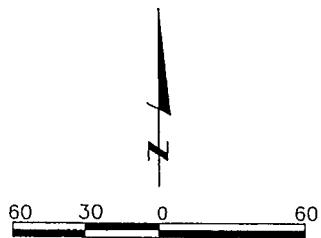
LAND SURVEYOR'S CERTIFICATE

EXHIBIT C

I hereby certify that this plat, map, survey or report was made by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

LEGAL DESCRIPTION:

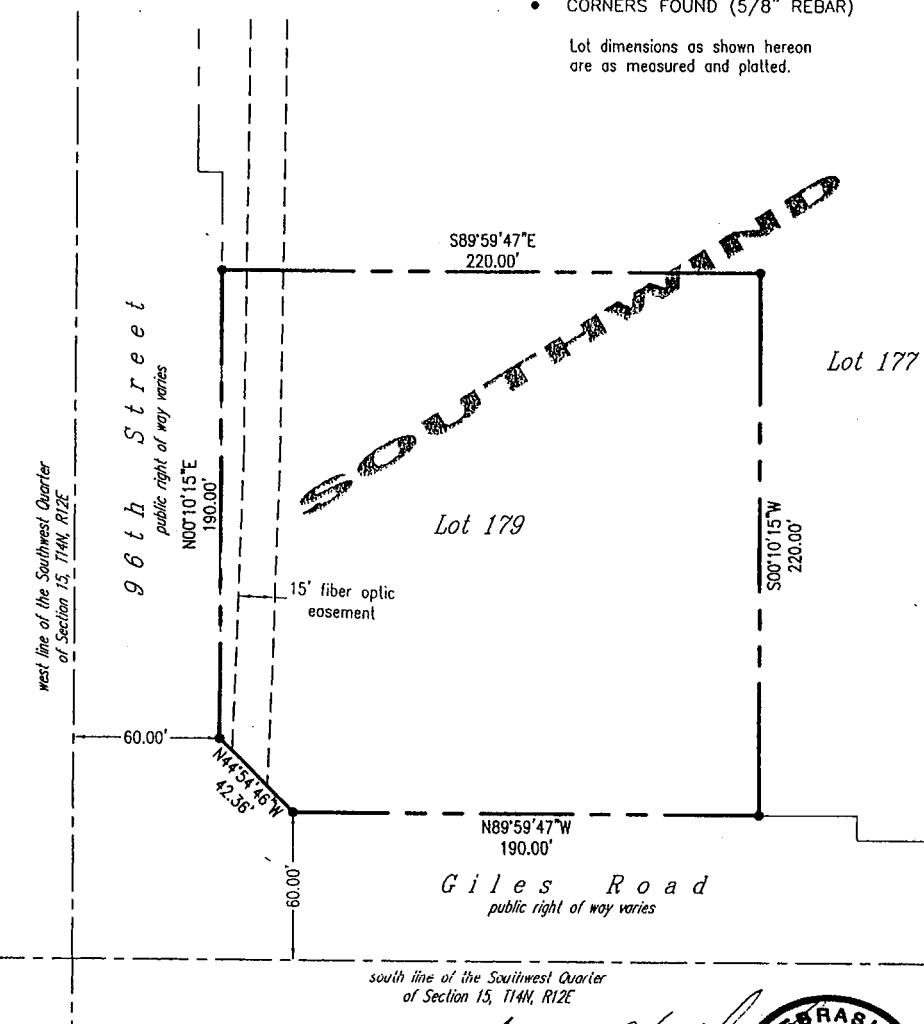
Lot 179, SOUTHWIND, a subdivision as surveyed, plotted and recorded in Sarpy County, Nebraska.



LEGEND

- CORNERS FOUND (5/8" REBAR)

Lot dimensions as shown hereon
are as measured and platted.



DATE RECEIVED: _____

OFFICIAL ADDRESS: _____

BLDG. PERMIT NO. _____

Signature of Land Surveyor

Date November 27, 2001

Reg. No. _____

Book 01003 Page 4

Path\Filename 01003\DWG\0103cert

Job Number 01003.01-406



Lamp, Rynearson & Associates, Inc.

engineers

surveyors

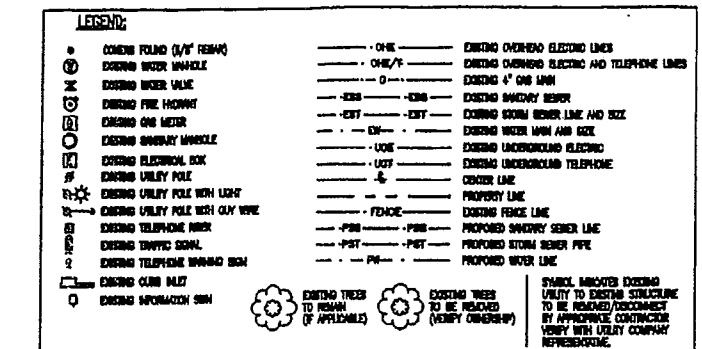
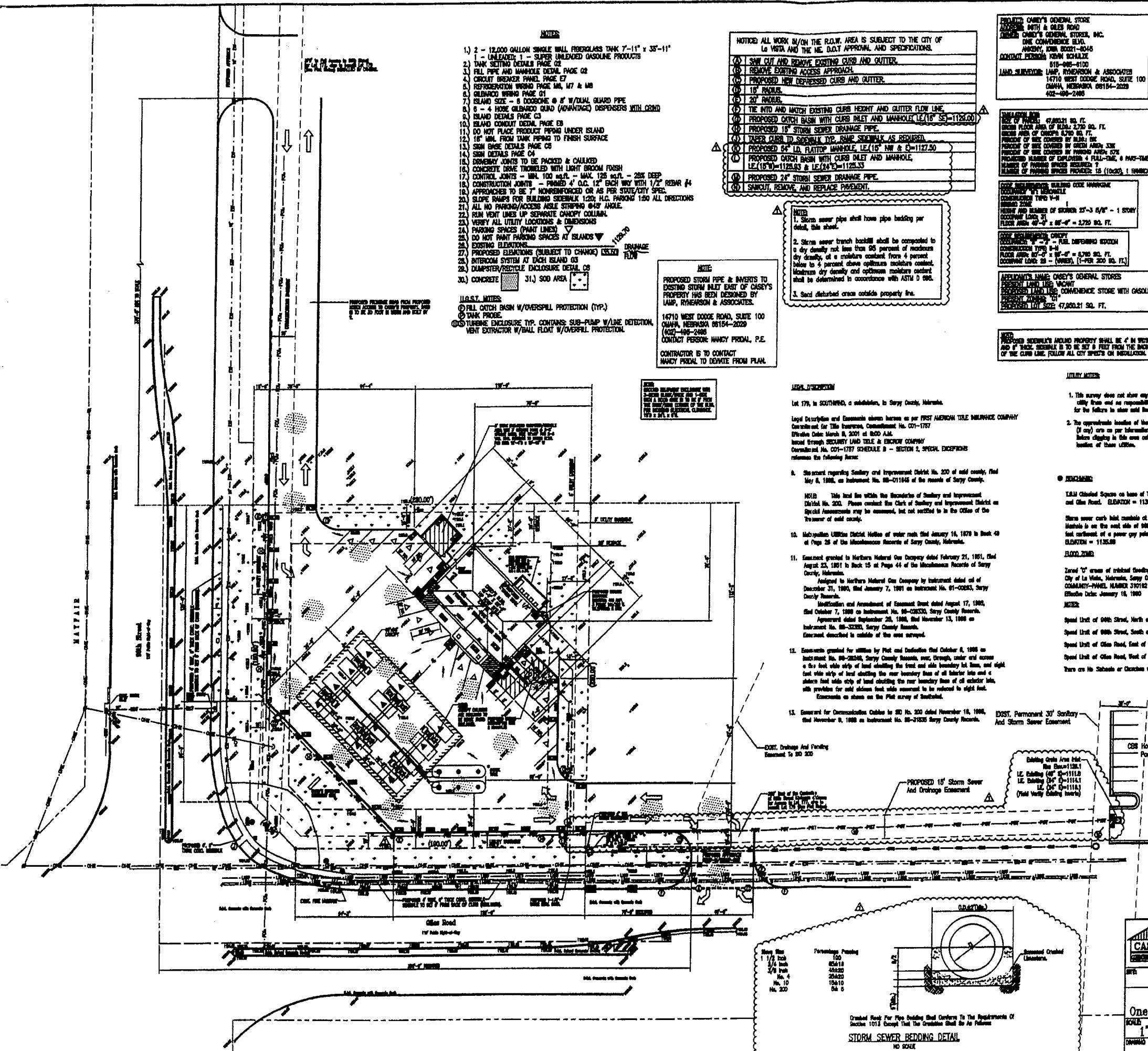
planners

14710 west dodge road, suite 100
omaha, nebraska 68154-2029

ph 402.496.2498
fax 402.496.2730



EXHIBIT A



Lot 178, SOUTHWIND, is Zoned C1, Shopping Center District and subject to the following
as per City of La Vista Site Development Requirements.

Height and Lot Requirements.
The height and minimum lot requirements shall be as follows except as provided in Article 8 of this Chapter:

When any area, by the chapter or sections thereof, is placed in this zone, no structure whatsoever shall be erected therein, no commercial use commenced, until such time shall have been presented to the City Council and filed with the clerk, a plan of said commercial area illustrating a plan for the improvement of such area, establishing where the buildings are to be located, establishing front, side and rear building lines, and indicating what parts of such area are to be devoted to the movement or parking of automobiles and pedestrians, and indicating said parts to public areas, and side and rear plot plan, by resolution of the City Council, have been found complete and satisfactory to authority provided. Such plot shall bear the signatures of all persons or corporations whose signatures would be required to convey title to the entire contiguous commercially zoned area, and the written agreement of all such signs that the front, side and rear building lines indicated on said plot are designated by them and each of them as the building lines referred to in this section, and their said agreement and signatures shall be acknowledged as a deed in real estate, in the event of a multiple ownership, the City Council may approve a plan for the development of a portion of the commercial area.

If the soil pick is, by resolution of the City Council, found acceptable as a reasonable place of development of such commercial areas and provides ample traffic, parking, pedestrian, delivery and rear access space, and so found by them to satisfy the purposes of this Chapter, then the front, side and rear building lines designated thereon shall be the building lines hereinafter referred to, provided it is done so that the building lines do not limit legally the front (25') on any property line. No structure shall be erected in this zone closer than twice the front (25') on any property line. No structure shall be erected in this zone closer than twice the front, side and rear building lines, or hereinafter determined.

PLATE 2

177 will have a Right-in/Right Out. Only Access to Gile Road which will be located on a short 200 foot East of the Centerline of 2000 Street. Said Access will also benefit Lot 178.

177 will have One Full Access to 80th Street located 980 feet North of the Crossover of Glass and Solid Access will also benefit Lot 179.

179 will have No Direct Vehicular Access to 9th Street.
BY DOMINIC:

Public Power District	852-4330 [See <i>Amend</i>]
et al.	872-1666 [See <i>Exxon</i>]
Public Utilities District	854-7622 [Engineering Services]
et al.	833-2214 [Engineering Department]
Public Natural Gas	853-2014 [See <i>Ford</i>]
et al.	855-6174 [See <i>Jones</i>]
Public Utilities Commission	854-3221 [See <i>Holmes</i>]
et al.	833-2227
Public Works	

Y'S General Stores, Inc.		
a VISTA, NEBRASKA [HIP-ROOF]		REVIS
CONSTRUCTION DIVISION		06-14
1, Ankeny, Ia. 50021 515-985-8100		07-18
CONSTRUCTION DIVISION		09-21
DRAWING NUMBER		
PLOT		

NOTE:
ALL WATERING TO BE DONE UNTIL PROPER GROWTH IS ESTABLISHED. SOILED AREA TO BE FINE GRADED WITH CLEAN SOIL.
ALL PLANT MATERIAL SHALL EQUAL TO OR BETTER THAN THE REQUIREMENTS OF THE "USA STANDARD FOR NURSERY STOCK",
LATEST EDITION, AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN. ALL PLANTS SHALL BE TYPICAL OF THEIR
SPECIES AND VARIETY, SHALL HAVE A NORMAL HABIT OF GROWTH, AND SHALL BE FIRST QUALITY, SOUND, VIGOROUS, WELL
BRANCHED AND HEALTHY, WELL PLUNCHED ROOT SYSTEMS. PLANTS SHALL BE FREE OF DISEASE, INSECT PESTS AND MECHANICAL WILURES.

EXHIBIT B



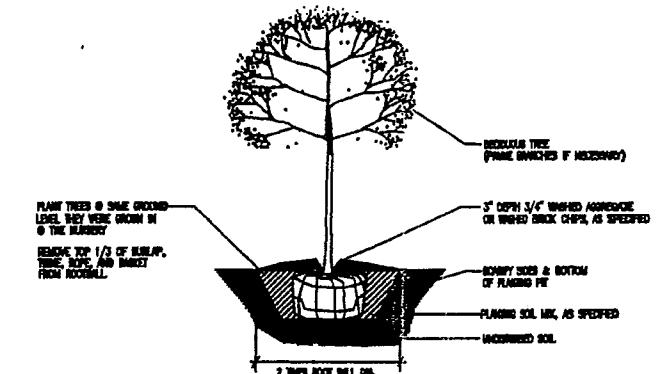
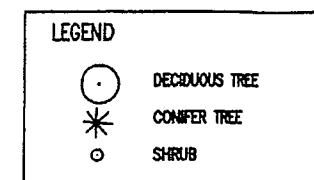
PLANT SCHEDULE					
QTY.	BOTANICAL NAME	COMMON NAME	SIZE	COND.	REMARKS
	DECIDUOUS TREES				
1	CD	Celtis occidentalis	Common Hackberry	3" cal. required	8'-10'
1	CD	Malus 'Red Fuji'	Red Fuji Crab	3" cal. required	8'-10'
2	PA	Prunus avium 'Autumn Purple'	Autumn Purple Crab	3" cal. required	8'-10'
	CONIFEROUS TREES				
3	PP	Picea abies	Colorado Spruce	3" cal. required	8'-10'
	DECIDUOUS SHRUBS				
14	SD	Salix x integra 'Golden Yellow'	Anthony Waterer Salix	1"	PP
7	SD	Salix x integra 'Troll'	Dear Knock Liner	1"	PP
	CONIFEROUS SHRUBS				
12	AI	Artemesia arborescens 'Decidua'	Decidua Artemesia	1"	Crab.

NOTES:

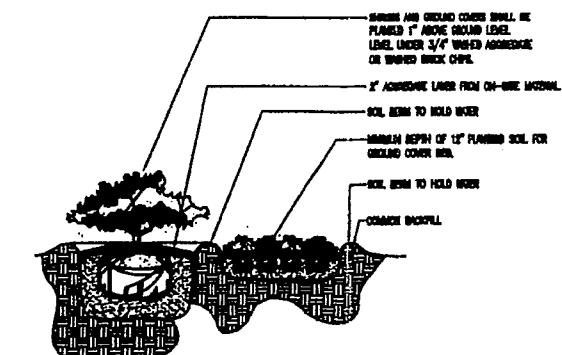
1. ALL TREE BASES AND PLANTING AREAS SHALL HAVE A 3" DEPTH OF 3/4" WASHED AGGREGATE OR WASHED BRICK CHIPS. (SEE CASEY'S SPEC'S), VERIFY WITH CITY.
2. ALL SHRUB PLANTING BEDS REQUIRE FABRIC AND SHALL HAVE A 3" DEPTH OF 3/4" WASHED AGGREGATE OR WASHED BRICK CHIPS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THESE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.

4. SITE IMPROVEMENTS CONSTRUCTED WITHIN PUBLIC UTILITY EASEMENTS ARE THE RESPONSIBILITY OF THE DEVELOPER. SHOULD REPAIR OR MAINTENANCE OF PUBLIC UTILITIES CAUSE DAMAGE OR REMOVAL OF SITE IMPROVEMENTS CONSTRUCTED WITHIN UTILITY EASEMENTS, THE DEVELOPER AGREES TO HOLD HARMLESS THE CITY OF LA VISTA FOR SITE IMPROVEMENTS, REPAIR, OR REPLACEMENT COSTS.

GENERAL NOTES: IF ROCKBALL IS WRAPPED IN NON-BIODEGRADABLE BAGS, REMOVE BAGS AND WRAP AFTER PLACED IN PIT.



1 DETAIL: DECIDUOUS TREE PLANTING (TYP)
N.T.S.



2 DETAIL: SHRUB AND GROUNDCOVER DETAIL (TYP)
N.T.S.

DUNBAR/JONES
PARTNERSHIP
104 S.W. 4th St., Des Moines, IA 50309
515-280-8026 Fax 280-3559

			CASEY'S General Stores, Inc.	
REVISED	La VISTA, NEBRASKA [HIP-ROOF]			REVISED
06-14-01	CASEY'S CONSTRUCTION DIVISION			07-18-01
One Convenience Blvd., P.O. Box 3001, Ankeny, IA 50021 515-965-8100			09-21-01	
DATE: 1'-00"-00"	DESIGN BY: K. SCHULZE	DEPARTMENT: CONSTRUCTION DIVISION	DRAWING NUMBER: 05-10-01	DRAWING NUMBER: PLOT-2
DRAWING INFORMATION: LANDSCAPE PLAN			DRAWING NUMBER: PLOT-2	

2

F

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS D LIQUOR LICENSE APPLICATION FOR KWIK SHOP #664, 6910 S. 108th STREET, IN LA VISTA, NEBRASKA.

WHEREAS, Kwik Shop #664, 6910 S. 108th Street, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class D Liquor License, and

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class D Liquor License application submitted by Kwik Shop #664, 6910 S 108th Street, La Vista, Sarpy County, Nebraska.

PASSED AND APPROVED THIS 18TH DAY OF MARCH, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

LA VISTA POLICE DEPARTMENT INTEROFFICE MEMORANDUM

TO: MANDY GARROD, DEPUTY CITY CLERK
FROM: BOB LAUSTEN, POLICE CHIEF
SUBJECT: LIQUOR LICENSE --Kwik Shop 108/HARRISON
DATE: 2/26/2014
CC:

Recommend approval. This is a new application due to the property being annexed into the City. No adverse issues on record with the current management.

RECEIPT

From: NLCC Randy.Seybert@nebraska.gov

Phone: 402/471-4885

Fax: 402/471-2814

To: CLERK-OF LA VISTA

Subject: KWIK SHOP INC. dba KWIK SHOP D-106676

NEW APPLICATION

PLEASE COMPLETE THE BOTTOM SECTION IMMEDIATELY UPON RECEIPT OF THIS APPLICATION AND FAX OR EMAIL THIS FORM BACK ACKNOWLEDGING THE RECEIPT OF THIS APPLICATION. PLEASE DATE STAMP IF THAT OPTION IS AVAILABLE. THANK YOU.

2-26-14

DATE OF RECEIPT

Mandy Garrod - Deputy City Clerk
La Vista

SIGNATURE

Urgent For Review Please Comment

Please Reply

Please Recycle

STATE OF NEBRASKA

Dave Heineman
Governor

NEBRASKA LIQUOR CONTROL COMMISSION

Robert B. Rupe Executive Director
301 Centennial Mall South, 5th Floor
P.O. Box 95046
Lincoln, Nebraska 68509-5046
Phone (402) 471-2571
Fax (402) 471-2814
TRS USER 800 833-7252 (TTY)

February 24, 2014

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

RE: KWIK SHOP INC. dba KWIK SHOP D-106676

Dear Local Governing Body:

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

TWO KEY TIME FRAMES TO KEEP IN MIND ARE:

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

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

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

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

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

Sincerely,



NEBRASKA LIQUOR CONTROL COMMISSION
Randy Seybert
Licensing Division

Enclosures

Janice Wlebusch
Commissioner

Bob Batt
Chairman
An Equal Opportunity/Affirmative Action Employer

William F. Austin
Commissioner

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

RS

Date Mailed from Commission Office: **February 24, 2014**

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

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

KWIK SHOP INC. dba KWIK SHOP D-106676
6910 S 108TH STREET
LA VISTA NE 68138
DUE: 04/10/2014

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

Check one.....Yes _____ No _____

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

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

Check one.....Yes _____ No _____

3. Date of hearing of Governing Body: _____

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

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

6. Roll Call Vote: _____

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

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

(Attached additional page if necessary)

SIGN HERE _____ **DATE** _____
clerk's signature

*Annexation Application***APPLICATION FOR LIQUOR LICENSE
CHECKLIST - RETAIL**

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

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FEB 18 2014		
NO TIP NEBRASKA LIQUOR		
WY	CONTROL COMMISSION	
Class Type D	106676	Initial RS

Applicant name Kwik Shop Inc.
 Trade name Kwik Shop #664
 Previous trade name Kwik Shop #664
 Contact email address roz.sells@Kwikshop.com

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

REQUIRED ATTACHMENTS

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

N/A 1. Fingerprint cards for each person (two cards per person) must be enclosed with a check payable to the Nebraska State Patrol for processing in the amount of \$38.00 per person. All areas must be completed on cards as per brochure. To prevent the delay in issuing your license, we strongly suggest you go to any Nebraska State Patrol office. See fingerprint brochure

N/A 2. Enclose application fee of \$400, check made payable to the Nebraska Liquor Control Commission.

Office use only	
PAYMENT TYPE	
AMOUNT:	
RECEIPT #	
Received:	
1400003413	
FORM 100 REV 12/2013 PAGE 1	

3) Enclose the appropriate application forms:

Individual license (requires insert form 1- form number 104)

Partnership license (requires insert form 2- form number 105)

Corporate license (requires insert form 3a & 3c- form number 101 and 103)

Limited liability company (LLC) (requires form 3b & 3c- form number 102 and 103)

 4) Intercompany Lease

4. If building is being leased send a copy of signed lease. Lease must be in the name of the individual, corporation or limited liability company making application. Lease term must run through the license year being applied for (see page 3).

 5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant. 6. If buying the business of a current liquor license holder:

- Provide a copy of the purchase agreement from the seller (must read applicants name).
- Provide a copy of alcohol inventory being purchased (must include brand names and container size)
- Enclose a list of the assets being purchased (furniture, fixtures and equipment).

 7. If requesting to operate on current liquor license; enclose Temporary Operating Permit (TOP)(form 125). 8. Enclose a list of any inventory or property owned by other parties that are on the premise. 9. For citizenship enclose copy of U.S. birth certificate; U.S. passport or naturalization paper

For residency enclose proof of registered voter in Nebraska

See guideline for further assistance <http://www.lcc.nebraska.gov/brochures.html> 10. Corporation or Limited Liability Company must enclose a copy of articles of incorporation; as filed with the Secretary of State's Office. This document must show barcode stamp. 11. Submit a copy of your business plan.

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


Rosalie O'Bell - Admin. Assistant

Signature

Date

02-12-2014

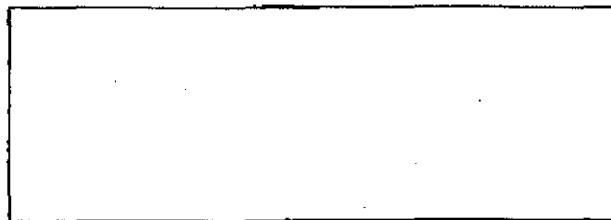
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NEBRASKA LIQUOR
CONTROL COMMISSION

**APPLICATION FOR LIQUOR LICENSE
RETAIL**

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



CLASS OF LICENSE(S) FOR WHICH APPLICATION IS MADE AND FEES
CHECK ONE (1) CLASS

RETAIL LICENSE(S)

Submit \$400 Non Refundable Application Fee

- A BEER, ON SALE ONLY
- B BEER, OFF SALE ONLY
- C BEER, WINE, DISTILLED SPIRITS, ON AND OFF SALE
- D BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY
- I BEER, WINE, DISTILLED SPIRITS, ON SALE ONLY
- AB BEER, ON AND OFF SALE
- AD BEER ON SALE ONLY, BEER, WINE, DISTILLED SPIRITS OFF SALE
- IB BEER, WINE, DISTILLED SPIRITS ON SALE, BEER OFF SALE ONLY
- ID BEER, WINE, DISTILLED SPIRITS ON AND OFF SALE

- Class K Catering license (requires catering application form 106) \$100.00

Additional fees will be assessed at city/village or county level when license is issued

LICENSE TERM

Class C license term runs from November 1 – October 31

All other licenses run from May 1 – April 30

Catering license (K) expires same as underlying retail license

TYPE OF ENTITY (OR FORM) ASSISTING WITH APPLICATION
(CHECK ONE ONLY ONE)

- Individual License (requires insert form 1- form number 104)
- Partnership License (requires insert form 2- form number 105)
- Corporate License (requires insert form 3a & 3c- form number 101 and 103)
- Limited Liability Company (LLC) (requires form 3b & 3c- form number 102 and 103)

NAME OF ANTHONY (OR FORM) ASSISTING WITH APPLICATION
(Comments will be included in the license application regarding this information)

Name Rosalind Sells Phone number: 402-391-1808

Firm Name Kwik Shop Inc.

TRADE/DOING BUSINESS INFORMATIONTrade Name (doing business as) Kwik Shop #664Street Address #1 6910 S. 108th Street

Street Address #2 _____

City LaVista County Sarpy Zip Code 68138Premise Telephone number 402-593-9284Business e-mail address roz.sells@Kwikshop.comIs this location inside the city/village corporate limits: YES NO

Mailing address (where you want to receive mail from the Commission)

Name Kwik Shop Regional OfficeStreet Address #1 8942 Blondo Street

Street Address #2 _____

City Omaha State Nebraska Zip Code 68134**DESCRIPTION AND DIAGRAM OF THE STRUCTURE TO BE LICENSED****READ CAREFULLY**

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

****For on premise consumption liquor licenses minimum standards must be met by providing at least two restrooms**

Building: length 70' x width 39' in feet (Retail Space 60' x 29')

Is there a basement to be licensed? Yes No If yes, length x width in feet

Is there an outdoor area? Yes No If yes, length x width in feet

PROVIDE DIAGRAM OF AREA TO BE LICENSED BELOW OR ATTACH SEPARATE SHEET

See EnclosureRECEIVED

FEB 18 2014

NEBRASKA ALCOHOL
CONTROL COMMISSION

[REPLICANT INFORMATION]

1. **READ CAREFULLY, ANSWER COMPLETELY AND ACCURATELY 853-125(S)**

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

YES NO

If yes, please explain below or attach a separate page

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
				RECEIVED
				FEB 18 2014
				NEBRASKA DIVISION OF CONSUMER AFFAIRS COMMISSION

2. Are you buying the business of a current retail liquor license?

YES NO

If yes, give name of business and liquor license number _____

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

3. Was this premise licensed as liquor licensed business within the last two (2) years?

YES NO

If yes, give name and license number _____

67239

4. Are you filing a temporary operating permit to operate during the application process?

YES NO

If yes:

- a) Attach temporary operating permit (TOP) (form 125)
- b) TOP will only be accepted at a location that currently holds a valid liquor license.

5. Are you borrowing any money from any source, including family or friends, to establish and/or operate the business?

YES NO

If yes, list the lender(s) _____

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

YES NO

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

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NEBRASKA ALCOHOL
CONTROL COMMISSION

No silent partners

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

YES NO

If yes, list such item(s) and the owner. _____

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

YES NO

If yes, provide name and address of such institution and where it is located in relation to the premises (Neb. Rev. Stat. §53-177)(1)

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

YES NO

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

10. List the primary bank and/or financial institution (branch if applicable) to be utilized by the business

a) List the individual(s) who will be authorized to write checks and/or withdrawals on accounts at this institution.

First National Bank- Depository only - Beer + Liquor is paid by
Money Orders

11. List all past and present liquor licenses held in Nebraska or any other state by any person named in this application. Include license holder name, location of license and license number. Also list reason for termination of any license(s) previously held.

See Exhibit "D"

12. List the alcohol related training and/or experience (when and where) of the person(s) making application. The persons required are listed as followed:

- a) Individual, applicant only (no spouse)
- b) Partnership, all partners (no spouses)
- c) Corporation, manager only (no spouse) as listed on form 3c
- d) Limited Liability Company, manager only (no spouse) as listed on form 3c

FEB 18 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Mark Cook	02-22-11	Nebraska Liquor Control online class

For list of NLCC certified training programs see: www.lcc.ne.gov/traininginfo.html

Experience:

Applicant Name/Job Title	Date of Employment:	Name & Location of Business
Mark Cook - Advisor		Kwik Shop Office - 8942 Blondo Street
		Omaha, NE 68134

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

Lease: expiration date Intercompany Owned - so no expiration date
 Deed
 Purchase Agreement

14. When do you intend to open for business? Currently Open - This is for an15. What will be the main nature of business? Convenience Store Annexation16. What are the anticipated hours of operation? 24 hours a day 17 days a week

17. List the principal residence(s) for the past 10 years for all persons required to sign on page 8, including spouses.

RESIDENCE FOR THE PAST 10 YEARS FOR ALL PERSONS REQUIRED TO SIGN ON PAGE 8					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
See Exhibit "B"					

If necessary attach a separate sheet.

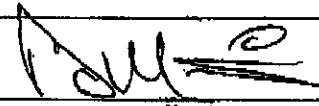
FEB 18 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

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

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

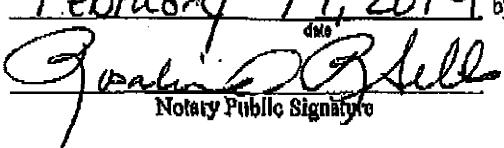
Must be signed in the presence of a notary public by applicant(s) and spouse(s). See guidelines for required signatures

 Signature	 Signature
<u>Brian M. Fisher</u> Print Name <u>Vice President of Operations</u>	 Print Name
 Signature of Spouse	 Signature of Spouse
 Print Name	 Print Name

ACKNOWLEDGEMENT

State of Nebraska

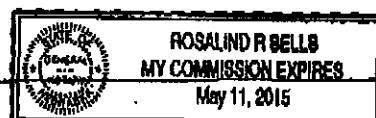
County of Douglas

February 17, 2014 by Brian M. Fisher

 Notary Public Signature

The foregoing instrument was acknowledged before me this

Rosalind R. Bells
 (name of person(s) acknowledging (individual(s) signing))

Affix Seal



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

[List names of all officers, directors and stockholders (including spouses) (even if this form is being filed for the first time and no return has been submitted).]

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

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FEB 18 2014

NEBRASKA ALCOHOL
CONTROLL COMMISSION

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

[List names of all officers, directors and 10% holders and their spouses. (Executive spouses information has been submitted.)

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

Last Name: _____ First Name: _____ MI: _____

Social Security Number: _____ Date of Birth: _____

Title: _____ Number of Shares _____

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

Spouse Social Security Number: _____ Date of Birth: _____

RECEIVED
FEB 18 2014
NEBRASKA WORK
FORCE
CONTRACT COMMISSION

Is the applying corporation controlled by another corporation/company? YES NO

If yes, provide the following:

- 1) Name of corporation _____
- 2) Supply an organizational chart of the controlling corporation named above
- 3) Controlling corporation MUST be registered with the Nebraska Secretary of State, copy of articles must be submitted with application §53-126

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

Starting Date: Closet Friday to 1/31 Ending Date: Nearest Thursday to 1/31

Is this a Non-Profit Corporation? YES NO

If yes, provide the Federal ID # _____

RECEIVED
FEB 18 2014
NEBRASKA CORPORATION
CONTROL COMMISSION

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



KwikShop

KWIK SHOP INC. - OFFICERS

A DIVISION OF THE KROGER COMPANY

KROGER STOCK IS LISTED ON THE NEW YORK STOCK EXCHANGE.

Authorized to sign all legal documents in the name of Kwik Shop Inc.

Kevin Lane Hess - President / Kwik Shop Inc.

Office Address: 734 East 4th Avenue
Hutchinson, KS 67504

Home Address: 10 E 37th Avenue
Hutchinson, KS 67502

Brian Mark Fisher - Vice President of Operations / Kwik Shop Inc.

Office Address: 734 East 4th Avenue
Hutchinson, KS 67504

Home Address: 728 Crazy Horse Road / Apt. #9
Hutchinson, KS 67502

(Processing of all Licenses for Iowa and Nebraska Stores)

Kwik Shop Regional Office

Attention: Rosalind Sells

8942 Blondo Street - Omaha, NE 68134

402-391-1808 - (Phone)

402-391-1751 - (Fax)

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NORTHWESTERN
CONTROL COMMISSION

Kwik Shop Regional Office - 8942 Blondo Street - Omaha, NE 68134
402-391-1808 - Phone / 402-391-1751 - Fax / roz.sells@kwikshop.com

SPOUSAL AFFIDAVIT OF
NON PARTICIPATION INSERT

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2371
FAX: (402) 471-2314
Website: www.license.ne.gov

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Office Use

FEB 18 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have no interest, directly or indirectly in the operation or profit of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices or represent myself as the owner or in any way participate in the day to day operations of this business in any capacity. I understand my fingerprint will not be required; however, I am obligated to sign and disclose my information on all applications needed to process this application.

Jodie Hess
Signature of spouse asking for waiver
(Spouse of individual listed below)

State of Kansas

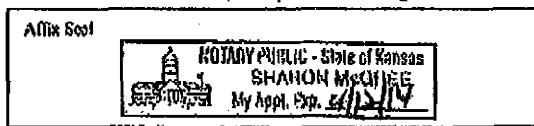
County of Reed

10/8/13 date

The foregoing instrument was acknowledged before me this

by Jodie Hess name of person acknowledged

Sharon McGhee
Notary Public signature



I acknowledge that I am the spouse of the above listed individual. I understand that my spouse and I are responsible for compliance with the conditions set out above. If it is determined that the above individual has violated (§53-125(13)) the Commission may cancel or revoke the liquor license.

Kevin Hess
Signature of individual involved with application
(Spouse of individual listed above)

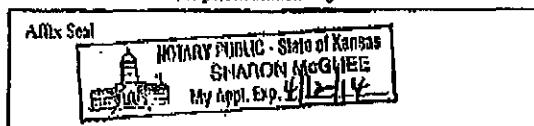
State of Kansas

County of Reed

10/4/13 date

Kevin Hess Printed name of applying individual

Sharon McGhee
Notary Public signature



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

MANAGER APPLICATION
INSERT - FORM 3c

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

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NEBRASKA LIQUOR
CONTROL COMMISSION

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

- 1) Must be a citizen of the United States
- 2) Must be a Nebraska resident (Chapter 2 – 006) and must provide proof of voter registration in the State of Nebraska
- 3) Must provide a copy of one of the following: state issued US birth certificate, naturalization paper or US passport
- 4) Must submit fingerprints (unless a non-participating spouse) (2 cards per person) and fees of \$38 per person, made payable to Nebraska State Patrol
- 5) Must be 21 years of age or older
- 6) May be required to take a training course

[Redacted]

Name of Corporation/LLC: Kwik Shop Inc. /DBA: Kwik Shop #664

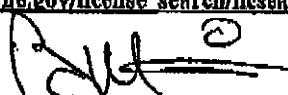
[Redacted]

Premise License Number: D-61234

(If new application leave blank)

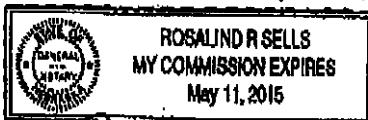
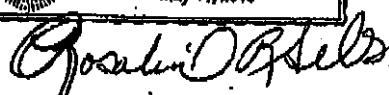
Premise Trade Name/DBA: Kwik Shop #664Premise Street Address: 6910 S. 108th StreetCity: La Vista State: Nebraska Zip Code: 68139Premise Phone Number: 402-593-9286

The individual whose name is listed as a corporate officer or managing member as reported on insert form 3a or 3b or listed with the Commission. Click on this link to see authorized individuals.
http://www.lic.ne.gov/license_search/licensech.cgi


Brian M. Fisher

CORPORATE OFFICER/MANAGING MEMBER SIGNATURE

(Faxed signatures are acceptable)

Vice President of Operations


Manager's Information must be completed below - PLEASE ERASE CLEARLY

Gender: MALE FEMALE

Last Name: Cook First Name: Mark MI: A

Home Address (include PO Box if applicable): 7333 N. 77th Street

City: Omaha County: Douglas Zip Code: 68122

Home Phone Number: 402-391-1868 Business Phone Number: 402-391-1868

Social Security Number: XXXXXXXXXX Drivers License Number & State: NE

Date Of Birth: 12/12/1968 Place Of Birth: Omaha, NE

Are you married? If yes, complete spouse's information (box will be checked if this has been submitted)

YES

NO

Spouse's Information

Spouse's Last Name: NA First Name: _____ MI: _____

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

Date Of Birth: _____ Place Of Birth: _____

APPLICANT & SPOUSE (IF APPLICABLE) RESIDENCE(S) FROM DATE PAST 100 (100) YEARS

APPLICANT

SPOUSE

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
<u>Omaha, NE</u>	<u>2010</u>	<u>Present</u>	<u>NA</u>		
<u>Kansas City, MO</u>	<u>2005</u>	<u>2010</u>			
<u>Omaha, NE</u>	<u>1998</u>	<u>2005</u>			

FEB 18 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2006	2009	Cvs Pharmacy	Rich Hayes	913-383-3650
1980	2006	Osco Drug	Rich Hayes	913-383-3650
2010	Pres.	Kwik Shop In	Scott Margridge	402-391-1808

1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY. Must be completed by both applicant and spouse, unless spouse has filed an affidavit of non-participation.

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

YES NO

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

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	Disposition
NA				RECEIVED
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				NEBRASKA STATE LIQUOR COMMISSION
				CONTINUATION

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state? YES NO
IF YES, list the name of the premise.

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business? YES NO

4. Have you enclosed the required fingerprint cards and PROPER FEES with this application?
(Check or money order made payable to the Nebraska State Patrol for \$38.00 per person)

YES NO NA - Annexation Application

5. List any alcohol related training and/or experience (when and where).

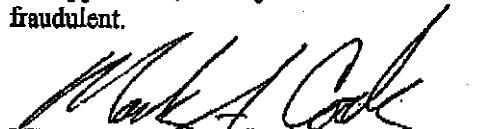
Nebraska Liquor Control - Online Class 02-22-2011

PERSONAL OATH AND CONSENT OF INVESTIGATION

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

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

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

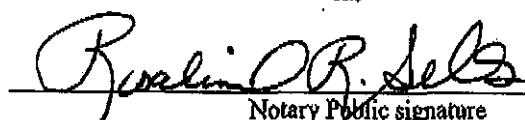


Signature of Manager Applicant
Mark A. Cook

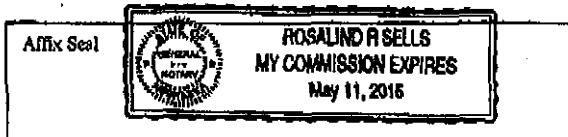
Signature of Spouse

ACKNOWLEDGEMENT

State of Nebraska
County of Douglas The foregoing instrument was acknowledged before me this
02-12-2014 date by Mark A. Cook name of person acknowledged



Notary Public signature



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

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CONTROL COMMISSION
Rev 11/2012
Page 5 of 5

EXHIBIT B

KWIK SHOP INC. - OFFICERS

A WHOLLY OWNED SUBSIDIARY OF DILLON COMPANIES, INC.,

A DIVISION OF THE KROGER COMPANY - KROGER STOCK IS LISTED ON THE NEW YORK STOCK EXCHANGE

Kevin Lane Hess - President / Kwik Shop IncHome Address: 10 E 37th Avenue - Hutchinson, KS 67502

City and State of birth: Great Bend, Kansas

Date of Birth: ~~10/10/1962~~Social Security #: ~~43-12-1212~~Spouse Full Name: Jodie Rae Hess / Spouse's Social: ~~43-12-1212~~Spouse's DOB: ~~10/10/1962~~

Employment History:

01/2013 to present	Kwik Shop (part of the Kroger Company) 734 East Fourth Avenue, Hutchinson, KS 67501
7/2011-12/2012	Tom Thumb Food Stores (part of the Kroger Company) 619 Eighth Ave, Crestview, FL 32536
02/2003 - 06/2011	The Kroger Company 2800 East 4th Ave, Hutchinson, KS 67501
06/1998 - 01/2003	Pierce Faris & Co Chartered 1 North Main, Hutchinson, KS 67501 The firm merged with Lindburg and Vogel - address - 2301 North Halstead, Hutchinson, KS 67502

Residential History:

August 1993 to June 1994	Kansas State University, Marlett Hall	Manhattan KS 67503
June 1994 to May 1996	1408 Cambridge Pl Apt #1	Manhattan, KS 67503
May 1996 to May 1998	727 Crestwood Dr Apt #5	Manhattan, KS 67503
May 1998 to March 1999	1704 East 24th Apt #6	Hutchinson, KS 67502
March 1999 to November 2004	3306 Rockwood Dr	Hutchinson, KS 67502
November 2004 to July 2011	3809 Queens Place	Hutchinson KS 67502
July 2011 to February 2013	3342 Citrine Circle	Crestview, FL 32536

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NEBRASKA LIQUOR
CONTROL COMMISSION**Brian Mark Fisher - Vice President of Operations / Kwik Shop Inc**

Home Address: 728 Crazy Horse Road / Apt. #9 / Hutchinson, KS 67502

City and State of birth: Zanesville, OH

Date of Birth: ~~07/07/1964~~Social Security #: ~~43-12-1212~~Driver's License #: ~~43-12-1212~~Spouse Full Name: Beth Ann (Johnston) Fisher / Spouse's Social: ~~43-12-1212~~Spouse's DOB: ~~10/10/1962~~

Employment History:

1996 - 1998	Family Express Inc.
1998 - 2008	Pantry Inc.
2008 - Present	Kwik Shop, Inc.

Residential History:

1998 - 1999	Orlando, FL
1999 - 2008	Jacksonville, FL
2008 - Present	Hutchinson, KS

Description

Color of Eyes	Brown
Color of Hair	Brown
Height	6'0"
Weight	180

(Processing of all Licenses)

Kwik Shop Regional Office

Attention: Rosalind Sells

8942 Blondo Street - Omaha, NE 68134

402-391-1808 - (Phone)

Email: roz.sells@kwikshop.com

Exhibit "L"**Licenses that were applied under the name of Mark Cook**

#	ADDRESS	CITY & STATE		LICENSE #	NAME
622	9545 Q Street	Omaha, NE	68127	D67219	Mark Cook
623	3102 N 204th Street	Elkhorn, NE	68022	D67220	Mark Cook
640	3606 Leavenworth	Omaha, NE	68105	D65384	Mark Cook
653	5929 N. 72nd Street	Omaha, NE	68134	D62188	Mark Cook
660	9606 F Street	Omaha, NE	68127	D67236	Mark Cook
664	6910 S. 108th Street	La Vista, NE	68138	D67239	Mark Cook
665	15556 Blondo Street	Omaha, NE	68116	D67240	Mark Cook
668	6845 South 167th Street	Omaha, NE	68135	D1-61715	Mark Cook
670	2103 Capehart Road	Bellevue, NE	68123	D69303	Mark Cook
672	5208 S 72nd Street	Ralston, NE	68127	D56794	Mark Cook
687	101 Cedar Dale Road	Papillion, NE	68046	D86055	Mark Cook

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CONTROL COMMISSION

Description	Current Period			Year-to-Date						
	Actual	%	Budget	%	\$ Var	Actual	%	Budget	%	\$ Var
Location - 664 - #664 LAVISTA										
Gross Mdsme Sales	294,812	100.26	293,273	100.09	1,544	1,381,407	100.21	1,398,421	100.09	17,014-
Franchise Sls Adj	757-	.26-	274-	.09-	483-	2,870-	.21-	1,274-	.09-	1,596-
Net Mdsme Sales	294,060	100.00	292,999	100.00	1,061	1,378,538	100.00	1,397,147	100.00	18,509-
Mdsme Unadjusted GP	73,079	24.85	76,430	26.09	3,351-	343,360	24.31	370,408	26.51	27,048-
DC Handling/Prt	1,526-	.86-	1,973-	.67-	553-	10,744-	.78-	10,906-	.78-	164
Inventory O/S-Cig	293-	.10-	145-	.05-	148-	985-	.07-	696-	.05-	289-
Inventory O/S-Mdsme	1,130-	.36-	2,009-	.69-	879	9,008-	.65-	9,596-	.69-	588
Advertising Rebate	123	.04	199	.07	76-	1,444	.10	1,795	.13	341-
Mdsme Rebates	1,527	.52	1,984	.60	457-	5,667	.41	5,355	.30	312
Mdsme Gross Profit	70,780	24.07	74,486	25.42	3,706-	329,734	23.92	356,348	25.51	26,514-
 Ttl Sls Mdsme/Pharma	 294,060	 100.00	 292,999	 100.00	 1,061	 1,378,538	 100.00	 1,397,147	 100.00	 18,509-
 Ttl GP Mdsme/Pharma	 70,780	 24.07	 74,486	 25.42	 3,706-	 329,734	 23.92	 356,348	 25.51	 26,514-
Gas Gallons	320,192	100.00	298,604	100.00	21,578	1,395,711	100.00	1,340,168	100.00	55,543
Gas Sales	965,433	301.53	1,030,192	345.00	64,789-	4,640,928	332.81	4,623,597	346.00	17,331
Gas Unadjusted GP	18,985	5.93	16,173	16.13	29,188-	312,521	6.06	165,998	13.88	73,477-
Loyalty Program	2,788-	.87-	4,238-	1.42-	1,450	13,889-	1.00-	16,370-	1.22-	2,483
Inventory Adj	14,942-	4.67-	10,179-	3.41-	4,763-	16,796-	1.35-	4,445-	.33-	14,351-
Commission/Rebates	1,946	.61	2,306	.77	360-	8,399	.60	9,532	.71	1,133-
Gas Net Gross Prof	3,201	1.00	36,062	12.08	32,861-	98,235	6.32	174,715	13.04	86,480-
Total Sales	1,259,453	100.00	1,323,191	100.00	63,698-	6,019,466	100.00	6,810,744	100.00	1,278-
Total Gross Profit	73,981	5.87	110,548	8.35	36,567-	417,989	6.94	531,083	8.82	113,054-
Money Order Fees	100	.03	234	.08	134-	583	.04	909	.07	326-
Lottery Commission	2,619	.09	3,176	1.08	559-	11,441	.03	13,864	.09	2,423-
Phone Card Income	74	.03	96	.03	22-	268	.03	437	.03	149-
Gift Card Income	280	.10	168	.06	112	895	.06	728	.05	367-
ATM Income	2,174	.74	2,736	.93	562-	9,938	.72	11,236	.80	1,298-
Other Income	415	.14	291	.10	124	1,944	.13	1,361	.10	483
Total Other Income	5,662	1.93	6,703	2.29	1,041-	24,999	1.81	28,535	2.04	3,546-
Manager Salaries	9,853	3.02	8,682	2.96	211	36,453	2.64	37,118	2.66	665-
Employee Salaries	24,302	8.26	26,366	9.00	2,064-	114,791	8.33	118,735	8.50	3,944-
Total Salry Worked	33,196	11.29	35,048	11.96	1,852-	151,244	10.97	155,853	11.16	4,609-
Sick Pay			272	.09	272-	133	.01	1,085	.08	952-
Vacation Pay	289	.10	166	.26	476-	3,198	.23	3,754	.27	616-
Training-Str Assoc	134	.05	943	.19	409-	3,065	.22	3,040	.22	25
Store Bonus	677	.23	750	.26	73-	2,069	.16	3,280	.23	1,181-
Payroll Taxes	2,899	.99	3,291	1.12	392-	13,635	.99	18,573	1.07	1,338-
Group Insurance	98	.03	3,631	1.24	3,533-	9,308	.68	16,208	1.16	6,300-
Profit Sharing	567	.19	679	.23	112-	2,455	.18	2,980	.21	525-
Other Benefits	35	.01	35	.01		165	.01	174	.01	9-
Worker's Comp.	1,020	.35	1,321	.42	201-	5,173	.38	5,617	.39	344-
Employee Expense	38,915	13.23	46,235	15.78	7,320-	190,365	13.81	206,634	14.80	16,449-
Supplies	2,198	.74	2,373	.81	185-	9,857	.72	9,865	.71	8-
Lawn-Lot Mnt/Snow	1,115	.38	991	.34	128	4,272	.31	4,016	.29	256
Janitorial	290	.30	282	.09	38	1,038	.08	974	.07	64
Credit CD Chgbcks	490	.17	282	.10	208	3,697	.27	767	.05	2,930
Gas Drive Off					150	.01				150
Returned Checks	365	.12	269	.09	96	561	.04	1,036	.07	475-
Cash Over/Short	559-	.19-	262	.09	921-	2,529	.18	1,245	.09	1,294
Total Controllable	3,889	1.32	4,425	1.51	536-	12,106	1.60	17,903	1.28	4,203
Rent	15,654	5.32	15,654	5.34		67,835	4.92	67,834	4.86	1
R&M-Building	1,827	.52	496	.17	1,331	7,504	.54	5,987	.43	1,517
R&M-Equipment	1,893	.64	3,109	1.06	1,316-	14,216	1.03	14,042	1.01	174
R&M-Gas	169	.06	710	.24	541-	2,459	.16	2,939	.21	480-
Pest Control	74	.03	93	.03	19-	320	.02	403	.03	83-
Real Estate Taxes	549	.19	4,318	1.47	3,769-	14,418	1.05	18,586	1.33	4,170-
Property Taxes	37-	.01-	246	.00	283-	976	.07	1,066	.08	90-
Insurance-Bldg/Equip	216	.07	244	.08	28-	1,303	.09	1,044	.07	163
Total Occupancy	20,346	6.92	24,070	6.49	4,524-	106,935	7.90	131,903	6.01	2,568-
Electric/Gas	4,614	1.57	6,363	2.17	1,749-	24,869	1.80	27,327	1.95	2,458-
Water	354	.13	310	.11	44	2,227	.16	2,626	.19	399-
Telephone	469	.16	306	.10	163	2,089	.15	1,326	.09	763
Refuse Services	577	.20	588	.20	11-	2,481	.18	2,548	.18	67-
Total Utilities	6,014	2.05	7,667	2.58	1,553-	31,466	2.30	33,627	2.42	2,161-
Advertising	1,934	.68	1,786	.61	208	11,902	.86	10,009	.72	1,893
Credit Card Fees	15,041	5.11	16,151	5.51	1,110-	76,998	5.73	72,363	5.18	6,635
Bank Service Fee	260	.09	325	.11	65-	1,370	.10	1,321	.09	49
Armored Car Service	929	.32	891	.30	38	3,775	.27	3,861	.28	96-
Postage	247	.06	215	.07	32	954	.07	906	.06	46
BPL Expenses						425	.03			425
Robbery						278	.02			278
	***	**	***	**	**	***	**	***	**	***

*Business will be conducted with
the same operations as before.*

Feb. 17, 2014 2:11PM

Kwik Shop Office-Omaha

No. 7742 P. 25

Tax/Lic. & fees	419	.14	1,056	.36	646-	1,420	.10	4,446	.25	706-
Travel			30	.01	30-			130	.01	130-
Cust Lab Claims	280	.10	354	.12	74-	1,713	.12	1,553	.11	160-
Uniforms	678	.23	166	.10	990	3,559	.26	1,542	.11	2,017
Computer Expense	835	.38	1,231	.42	396-	4,367	.32	6,296	.38	928-
Miscellaneous	537	.18	630	.22	93-	2,487	.18	2,840	.20	373-
All Other Expenses	22,026	7.49	23,754	8.11	1,728-	114,427	8.30	105,391	7.54	9,036
Admin Expense	17,318	5.89	19,646	6.71	2,328-	79,182	5.74	82,171	5.88	2,989-
EBITDA	28,864-	9.82-	9,246-	3.16-	19,618-	103,742-	7.53-	1,569	.11	105,311-
Depr-Bldg/eqp/Lee	4,796	1.63	5,333	1.82	537-	20,404	1.48	19,939	1.43	465
Depreciation-Gas	5,966	2.03	5,868	2.00	98	25,920	1.68	25,033	1.65	95
Operating Earnings	39,627-	13.48-	20,447-	6.98-	19,180-	150,074-	10.89-	44,203-	3.16-	105,871-
Pre Tax Earnings	39,627-	13.48-	20,447-	6.98-	19,180-	150,074-	10.89-	44,203-	3.16-	105,871-
Net Earnings	39,627-	13.48-	20,447-	6.98-	19,180-	150,074-	10.89-	44,203-	3.16-	105,071-
Customer Ct-Mdse	49,049				49,049	235,008				235,008
Customer Ct-Gas	28,218				28,218	126,400				126,400
Store Ct EOP-Mdse						1				1
Store Ct EOP-Gas						1				1
Store Periods-Mdse	3		3			13		13		
Store Periods-Gas	3		3			13		13		

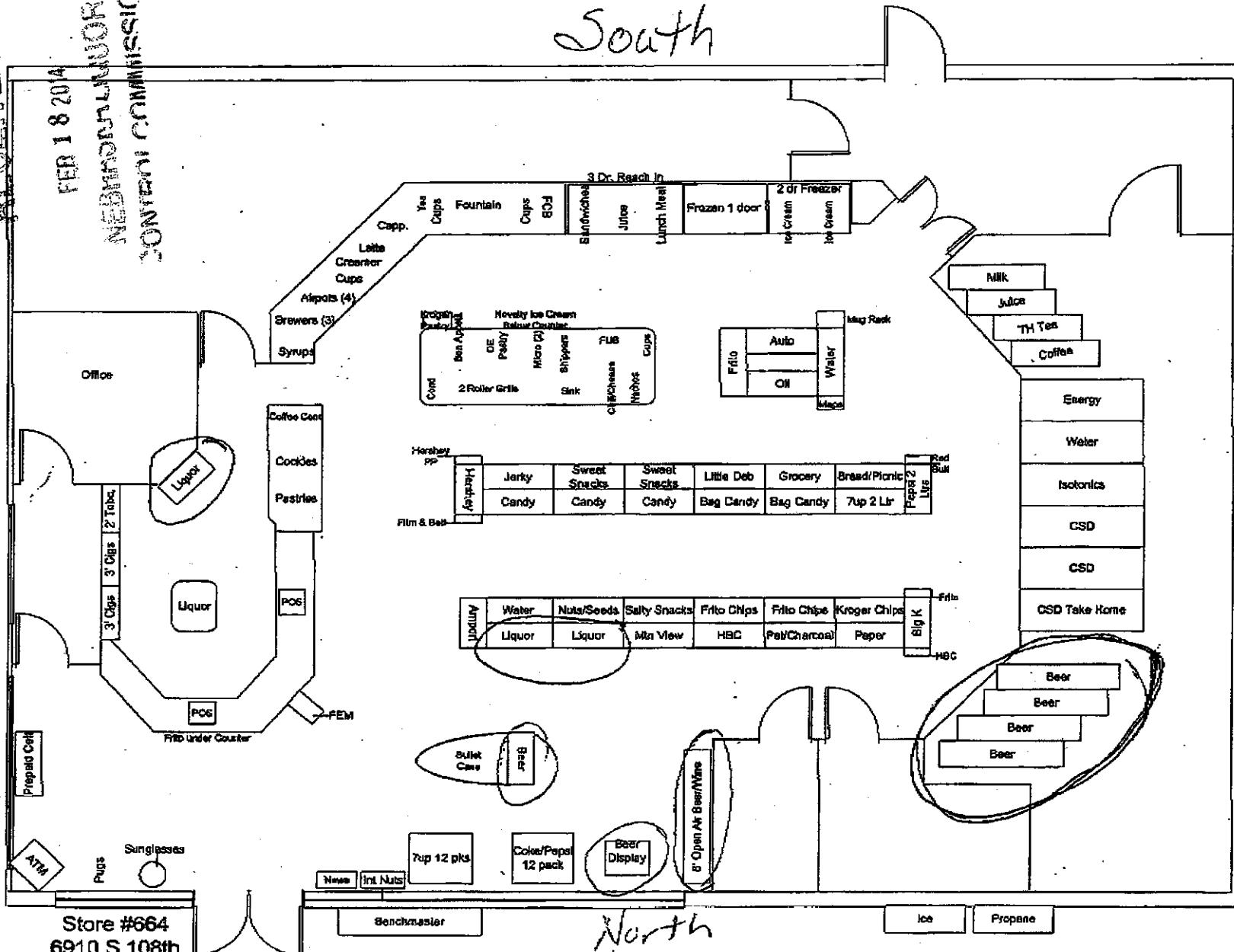
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 NEBRASKA DIVISION
 CONTROL COMMISSION

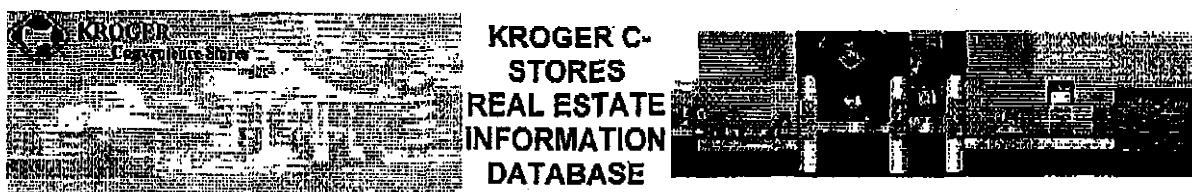
Feb. 17, 2014 2:11 PM Kwik Shop Office-Omaha

No. 7742 p. 26

REVIEWED

Store #664
6910 S 108th
LaVista, NE.
2013 - 5/29/13
BLACK SHELVING





LEASE INFORMATION***

FEB 18 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

CONTRACT/LANDLORD INFORMATION		Step Rent Vendor	Escalating Lease
Contract: DREC	Contact Person:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Address: 2800 East 4th Avenue	Description::	Leased	<input checked="" type="checkbox"/>
City/State/Zip: Hutchinson, KS 67501	Company Owned	Owned	<input checked="" type="checkbox"/>
	Contact Phone: 620-663-6636	Leased	<input checked="" type="checkbox"/>
		Owned	<input checked="" type="checkbox"/>

Base Lease Term	15	Period: \$5,218.07 Monthly: \$5,652.91 Expire Date: 4/30/2016
Commencement Date	5/1/1996	Original Base Rent (Annual): \$67,834.92
Base Expiration Date	4/30/2011	Net/Gross Lease <input checked="" type="checkbox"/> Net <input type="checkbox"/> Gross
Sale/Leaseback Date	1/1/1900	Purchase Option <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Early Termination Date	1/1/1900	
Lease End Date of all Options (Updates from last lease option)	4/30/2099	Purchase Option Notes

	Paid by		Amount
	<input checked="" type="checkbox"/> Landlord	<input checked="" type="checkbox"/> Tenant	
Insurance			0
Taxes	<input checked="" type="checkbox"/> Landlord	<input checked="" type="checkbox"/> Tenant	0
Common Area Maint.	<input checked="" type="checkbox"/> Landlord	<input checked="" type="checkbox"/> Tenant	0

EXPIRATION NOTIFICATION

Notification Days	182
Notification Date	10/31/2015
Reminder Date	10/1/2015

RENT OPTIONS / ESCALATING RENT							
OPTION	TYPE	BEGIN DATE	END DATE	ANNUAL RENT	PERIOD RENT	MONTHLY RENT	EXERCISED
CURRENT							
1	Option	5/1/2011	4/30/2016	\$67,834.92	\$5,218.07	\$5,652.91	
EXISTING							
-	Base	5/1/1996	4/30/2011	\$67,834.92	\$5,218.07	\$5,652.91	Y
1	Option	5/1/2011	4/30/2016	\$67,834.92	\$5,218.07	\$5,652.91	
2	Option	5/1/2016	4/30/2021	\$67,834.92	\$5,218.07	\$5,652.91	

Feb. 17, 2014 2:12PM Kwik Shop Office-Omaha
Lease Information

No. 7742 P. 28
Page 2 of 2

3	Option	5/1/2021	4/30/2026	\$67,834.92	\$6,218.07	\$5,652.91	
4	Option	5/1/2026	4/30/2031	\$67,834.92	\$6,218.07	\$5,652.91	
5	Option	5/1/2031	4/30/2036	\$67,834.92	\$6,218.07	\$5,652.91	
6	Option	5/1/2036	4/30/2099	\$67,834.92	\$6,218.07	\$5,652.91	Y
RENT ADJUSTMENTS							
ID	BEGIN DATE	END DATE	BEGIN CPI	END CPI	%	CPI DIFF	TOT YRLY RENT INCR.
CURRENT							
EXISTING							
No Rent Adjustments Added							
EXCESS RENT							
YEAR	GROCERY SALES	GROCERY OVERRIDE	GAS GALLONS	GAS OVERRIDE	GROC RENT%	GAS RENT%	EXCESS RENT
EXISTING EXCESS RENT							
No Excess Rent Added							

COMMENTS							
ID	Comment Date 1/10/2012 11:46:01 AM	Comment Type Lease Expiration	Added by rb46036	Comment Company decision to use 2099 as an expiration date since there will be no further "written" Intercompany documents, therefore, it really never expires due to being company owned.			

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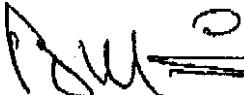
FEB 18 2014

NEBRASKA PUBLIC
SERVICE COMMISSION



KWIK SHOP INC.
A WHOLLY OWNED SUBSIDIARY
OF DILLON COMPANIES, INC.,
A DIVISION OF KROGER COMPANY.
KROGER STOCK IS LISTED ON THE NEW YORK STOCK EXCHANGE.

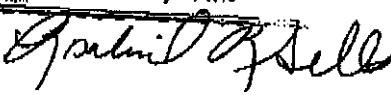
Kwik Shop #664 located at 6910 S. 108th Street in LaVista is owned by Dillon Real Estate (a company within the Kroger family) and is continuance until cancellation.



Brian M. Fisher

Vice President of Operations Manager
Kwik Shop Inc.




Rosalind R. Sells

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NEBRASKA DIVISION
NOTARY PUBLIC
COMMISSION

Nebraska Liquor Control Commission

Presents this certificate to

Mark Cook

For the successful completion of an approved training course on

February 22, 2011

This certificate is valid for three years



*Robert B. Rupe - Executive Director
Nebraska Liquor Control Commission
301 Centennial Mall South, 5th Floor
Lincoln, NE 68509*



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**NEBRASKA LIQUOR
CONTROL COMMISSION**



Nebraska Liquor Control Commission
301 Centennial Mall South, 5th Floor
PO Box 95046
Lincoln, NE 68509-5046

Dear Liquor Control Commission:

This letter is to request that you waive the signature of the Vice President.

Brian Fisher's spouse lives out of town in another state.

Sincerely,

A handwritten signature in cursive script that appears to read "Rosalind R. Sells".

Rosalind R. Sells
Administrative Assistant
Kwik Shop, Inc.

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NEBRASKA LIQUOR
CONTROL COMMISSION

STATE OF

NEBRASKA

United States of America,
State of Nebraska } ss.



Department of State
Lincoln, Nebraska

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

the attached is a true and correct copy of the Certificate of Authority
to transact business in the State of Nebraska and all amendments
thereto of

KWIK SHOP, INC.

a Kansas corporation with registered office located in LINCOLN,
Nebraska.

I further certify that no occupation taxes assessed are unpaid and no
annual reports are delinquent; a certificate of withdrawal has not been
filed and said corporation is in existence as of the date of this
certificate.

In Testimony Whereof,

I have hereunto set my hand and
affixed the Great Seal of the State
of Nebraska on October 16, in the
year of our Lord, two thousand
three.

A handwritten signature in black ink that reads "John A. Gale".

SECRETARY OF STATE



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NEBRASKA STATE
NOTARY COMMISSION

Domestication of Foreign Corporation
of
KWK SHOP, INC.
Kansas
Now: Omaha

Filing 100.00
Recording 24.00

R.A.
John W. Hardzina
1175 Woodmen Tower
Omaha, NE 68102

605026

RECEIPT C- 58359

OFFICE OF SECRETARY OF STATE }
STATE OF NEBRASKA } G.S.

FILED AND RECORDED

NOV 9 1981

S/N ALLEN J. BEERMANN
SECRETARY OF STATE

FILM ROLL 81-32 PAGE 306

INDEXED
MICROFILMED
DECEMBER 1981

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NEBRASKA ATTORNEY
GENERAL'S OFFICE
CONTROL COMMISSION

306

CERTIFICATE OF ADOPTION OF RESOLUTIONS

I, Paul W. Dillon, do hereby certify that I am the Secretary of Kwik Shop, Inc., a Kansas corporation that the following Resolutions were duly adopted by the Board of Directors of such corporation on 10/25/81, 1981; and that such Resolutions have not been modified or rescinded and are in full force and effect as of the date of this certificate:

RESOLVED, that the officers of Kwik Shop, Inc., a Kansas corporation, shall take all actions necessary and appropriate to effect the domestication of such corporation in the State of Nebraska pursuant to the provisions of the Nebraska Business Corporation Act.

RECDIVED FURTHER, that Kwik Shop, Inc., a Kansas corporation, shall and hereby does accept and agree to be bound by the provisions of Sections 21-2001 through 21-20,144 of the Revised Statutes of the State of Nebraska with respect to its property and business operations within the state of Nebraska.

IN WITNESS WHEREOF, I have executed this Certificate this 28 day of February, 1981.


Paul W. Dillon, Secretary
Kwik Shop, Inc.

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NEBRASKA DIVISION OF
CONTINUING EDUCATION

Kwik Shop, Inc.
738 East Fourth Street
Hutchinson, Kansas 67501
10/28, 1981

Nebraska Secretary of State
Corporate Division
State Capital Building
Lincoln, Nebraska 68508

Gentlemen:

Pursuant to Section 21-20,122 of the Nebraska Business Corporation Act, the undersigned corporation hereby designates 1175 Woodmen Tower, Omaha, Douglas County, Nebraska as the street address of its registered office and John W. Herdzina, 1175 Woodmen Tower, Omaha, Douglas County, Nebraska as the name and street address of its registered agent in the State of Nebraska.

Very truly yours,

KWIK SHOP, INC.

By:


Paul W. Dillon, Secretary

PWD:alw

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Nebraska Liquor
Control Commission

308

STATE OF KANSAS

OFFICE OF SECRETARY OF STATE
JACK H. BRIER - SECRETARY OF STATE

To all to whom these presents shall come, Greetings:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the following and hereto attached is a true copy of

ARTICLES OF INCORPORATION
OF

KWK SHOP, INC.

FILED:
FILED:
FILED:AMENDMENT
AMENDMENTApril 1, 1960
January 17, 1974
March 31, 1978

the original of which is now on file and a matter of record in this office.

IN TESTIMONY WHEREOF:

I hereby set my hand and cause to be affixed my official seal.
Done at the City of Topeka, this 1st day of
September A.D. 1981

JACK H. BRIER
SECRETARY OF STATE

WILLIAM M. ROSE
ASSISTANT SECRETARY OF STATE
WILLIAM M. ROSE

K-34 (1980)

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Nebraska Department of
Motor Vehicles

FEB 18 2014

Nebraska Department of
Motor Vehicles

ARTICLES OF INCORPORATION

We, the undersigned incorporators, hereby associate ourselves together to form and establish a corporation FOR PROFIT under the laws of the State of Kansas.

FIRST: The name of the corporation is KWIK SHOP, INC.

SECOND: The location of its principal place of business in this State is 2700 East Fourth Avenue, Hutchinson, Kansas.

THIRD: The location of its registered office in this state is 2700 East Fourth Avenue, Hutchinson, Kansas.

FOURTH: The name and address of its Resident Agent in this state is Eugene A. White, 2700 East Fourth Avenue, Hutchinson, Kansas.

FIFTH: This corporation is organized FOR PROFIT and the nature of its business is:

1. To purchase, lease, or otherwise acquire and to own, hold, maintain, work, develop, plant, sell, convey, mortgage without limit as to amount and in any part of the continental United States of America, real, personal and mixed property, and any rights or interests therein.
2. To construct or hold, buy, sell, lease, equip, and operate office buildings, motels, apartments, stores of every type, kind and description, restaurants, filling stations, or other business and non-business structures of every type, kind, and description and all types and kinds of facilities and appurtenances convenient, desirable, or necessary in the conduct and operation of the foregoing.
3. To act as business or financial agent or representative, general or special, of any corporation, domestic or foreign, association, co-partnership, individual or others.
4. To purchase, lease, exchange, hire, or otherwise, acquire, to take, own, use, and hold, and to sell, convey, mortgage, lease, or otherwise dispose of any rights, privileges, permits, or franchises suitable or convenient for any of the purposes of the business, including all rights-of-way, easements, franchises, and rights thereto, and to deal in the same in every way.
5. To purchase, acquire, hold and dispose of the stocks, bonds and other evidences of indebtedness of any firm, corporation or association, and to issue in exchange thereof its stocks, bonds or other obligations, or to pay therefor in cash or otherwise, and while the owner of any such stocks, bonds or other evidences of indebtedness, to exercise all the rights, powers and privileges of ownership, including the right to vote the same.
6. To contract with the United States of America or any agency or authority thereof, or any of the states or political subdivisions thereof, or the District of Columbia, or with any person or persons in authority, municipalities, boards, bureaus, or departments, or any political subdivision of any state of the United States of America or colonies thereof or foreign countries, or any political subdivisions thereof, and all corporations,

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REGISTRATION

FEB 18 2014

REGISTRATION
KONTROL COMMISION

10-20-03;11:40AM:Kroger Layer

firms, associations, and individuals to the same extent as an individual might or could do in relation to or in connection with any of the objects, purposes, or businesses of this corporation, to enter into indemnity agreements with any and all corporations, firms, associations, and individuals, including officers, directors, and employees of this corporation, in relation to or in connection with any of the objects, purposes, or business of this corporation.

7. To acquire by purchase, subscription, or otherwise, and to hold, sell, assign, transfer, mortgage, pledge, guarantee, exchange, or otherwise dispose of shares of capital stock, bonds, securities, or evidences of indebtedness created by any corporation or corporations of this State or of any other State or country, to exercise any and all of the powers of the holders of such securities, including the right to vote in respect thereof, with power to designate some party for that purpose, from time to time, to the same extent that natural persons might or could do, and generally to do any and all acts or things designed to protect, preserve, improve, or enhance the value of any such shares of stock, bonds, securities, or evidence of indebtedness.
8. To acquire the good will, rights, and properties of any kind, and to undertake the whole or any part of the assets or liabilities of any person, firm, association, or corporation useful, necessary, or convenient in connection with the purposes of this corporation, and whenever the same may be lawful; to promote or to aid in any manner, financially or otherwise, any corporation or association of which any stocks, bonds, or other evidences of indebtedness or securities are held, directly or indirectly, by this corporation, and for this purpose to guarantee the contracts, dividends, stocks, bonds, notes, and other obligations of such other companies or associations.
9. To borrow money for its corporate purposes; to make, draw, accept, endorse, execute, issue and deliver bonds, debentures, notes, bills of exchange and other obligations; to mortgage, pledge and hypothecate any stocks, notes, bonds or other evidences of indebtedness, and any other property, real or personal, held by it; and when and so far as necessary for its business to lend money with or without collateral security.
10. To acquire the business, good will, assets, franchises, rights and property, and to assume the obligations of any individual, firm, co-partnership or corporation engaged in business similar to any business in which this corporation might engage under the purposes contained in this certificate of incorporation; and to issue in exchange therefor its own stock, bonds or other obligations, up to pay therefor in cash or otherwise.
11. To purchase, hold, sell, transfer, reissue or cancel the shares of its own capital stock and/or any securities or other obligations of the Corporation, in the manner and to the extent now or hereafter permitted by the laws of the State of Kansas; provided that, unless otherwise permitted by law, it shall not use its funds or property for the purchase of its own shares of capital stock when such use will cause any impairment of the capital of the corporation, and provided further that shares of its own capital stock belonging to this corporation shall not be voted upon directly or indirectly.

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12. To carry out all or any part of the purposes herein expressed, as principal, factor, agent, contractor, distributor, or otherwise, either alone or in company with any person, partnership, association or corporation, and in any part of the world, or to carry out the same, in whole or in part, through, by means of, with the aid of, or in the name of, any other person or persons, corporation or corporations, and, in carrying on the business for the purpose of attaining or furthering any or all of its objects, to make and perform such contracts of any kind and description, and to do such acts and things and to do everything and all such powers as a natural person could lawfully make, perform, do or exercise.

13. To do any and all of the acts and things herein set forth, and in general, to carry on any other business which is connected or conducive to the attainment of, or, them, not forbidden by law, and to exercise any and all powers which it may now or hereafter be lawful for the corporation to exercise under the laws of the State of Kansas, to establish and maintain offices and agencies within and anywhere outside of the State of Kansas, and to exercise all, or any or the corporate powers and rights in the State of Kansas and in any or all other states or the United States of America.

14. To render and charge for services of every kind on charges which shall be corporation day laborly perform.

15. The stockholders may hold their meetings, annual or special, within or without the State of Kansas as they be provided in the By-Laws, and the Board of Directors or any committee thereof may hold all or any of their meetings within or without the State of Kansas as such places as the By-Laws or the Board or Directors may designate. The corporation may have one or more offices and subject to the provisions of the laws of the State of Kansas, keep any of the books of the corporation without in or without the State or Kansas at such places as may from time to time be designated by the Board of Directors.

Every person who shall be a director or officer of the corporation and each person who may have served at the request of the corporation as a director or officer or shares or capital stock or at which it is a creditor shall be indemnified by the corporation against all losses, expenses and liabilities (including counsel fees) reasonably incurred by or imposed upon him in connection with or resulting from any action, suit or proceeding in which he as by himself, be party by reason of his having or having been a director or officer of the corporation or of such other corporation, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of his duties as such director or officer. The foregoing indemnification shall not, however, prevent a director from by the corporation prior to the final adjudication when such adjudication appears to be in the interests of the corporation. Such right of indemnification shall not be exclusive of other rights to which any director or officer may now or hereafter be entitled as a matter of law.

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NEBRASKA STATE
CORPORATION COMMISSION

17. In the absence of fraud, no contract or other transaction between the corporation and any other corporation or any individual or firm shall be in any way affected or invalidated by the fact that any of the directors of the corporation is interested in such other corporation or firm or personally interested in such contract or transaction; provided that such interest shall be fully disclosed or otherwise known to the Board of Directors at the meeting of said Board at which such contract or transaction is authorized or confirmed. Any director of the corporation may vote upon any matter, contract or other transaction between this corporation and any other person without regard to the fact that he is also a stockholder, director or officer of, or has any interest in, such other person.

18. Any contract, transaction or act of the corporation or of the Board of Directors or of any committee thereof which shall be ratified by a majority of a quorum of the stockholders entitled to vote at any annual meeting or at any special meeting called for such purpose shall, except as otherwise specifically provided by law, be as valid and as binding as though ratified by every stockholder of the corporation; provided, however, that any failure of the stockholders to approve or ratify such contract, transaction or act, when and if submitted, shall not of itself be deemed in any way to render the same invalid, nor deprive the directors and officers or their right to proceed with such contract, transaction or act.

19. The corporation reserves the right to amend, alter, change or repeal any provision contained in this Article of the corporation in the manner now or hereafter prescribed by statute and all rights conferred upon the stockholders herein are granted subject to this reservation.

20. Any minutes of a directors meeting or any resolution in writing signed and approved by all of the directors shall be as valid and effectual as if the same had been passed and approved at a meeting of the directors duly called and constituted.

21. And such other authority and powers as are authorized under the laws of the State of Kansas.

The foregoing clauses shall be construed as both purposes and powers and the matters expressed in each clause shall, except as otherwise expressly provided, be in no wise limited by reference to or inference from the terms of any other clause, but shall be regarded as independent purposes and powers and the enumeration of specific purposes and powers shall not be construed to limit or restrict in any manner the meaning of general terms or the general powers of the corporation, now or hereafter conferred, nor shall the expression of one thing be deemed to exclude another, although it be of like nature, not expressed.

SIXTH: The total amount of capital of this corporation is \$100,000 and the total number of shares into which it is divided is as follows: 1,000 shares of common stock, Class A par value of \$100 each.

State of all or any of the designations and the powers, preferences and rights and the qualification, limitations or restrictions thereon, in respect to any class:

Unless otherwise determined by the Board of Directors no holder of stock of the corporation shall be entitled as such, as a matter of right, to purchase or subscribe for any stock herein or hereafter authorized which the corporation may issue or sell, whether or not exchangeable for any stock of the corporation of any class or classes and whether out of unissued shares authorized by the Certificate of Incorporation of the corporation as originally filed or by any amendment thereto or out of shares of stock of

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Kwik Shop Office
Kwik Shop Commission

the corporation acquired by it after the issue thereof, and whether issued for cash, labor done, personal property, or real property, nor shall he be entitled to any right of subscription to any thereof; nor, unless otherwise determined by the Board of Directors, shall any holder or any shares of the capital stock of the corporation be entitled as such, as a matter of right, to purchase or subscribe for any obligation which the corporation may issue or sell that shall be convertible into or exchangeable for any shares of the stock of the corporation, or to which shall be attached or appurtenant any warrant or warrants or other instrument or instruments that shall confer upon the holder or holders of such obligation the right to subscribe for or purchase from the corporation any shares of its capital stock or any class or classes.

Statement of Grant of Authority, as may be desired to be given to the Board of Directors, if given:

All corporate powers of the corporation shall be exercised by the Board of Directors, except as otherwise provided by law. In furtherance and not in limitation of the powers conferred by law, the Board of Directors is expressly authorized:

- (a) To make, alter, amend and repeal the By-Laws of the corporation, subject to the powers of the stockholders to alter, amend or repeal any By-Laws made by the Board of Directors;
- (b) To designate by resolution passed by a majority of the whole Board, two or more of whom number to constitute an Executive Committee, who, to the extent provided in said resolution or in the By-Laws of the corporation, shall have and exercise the powers of the Board of Directors in the management of the business affairs of the corporation, with power to authorize the seal of the corporation to be affixed to all papers which may require it;
- (c) To appoint from the directors or otherwise such other committees as they may deem judicious, and to such extent as may be provided in their resolutions or in the By-Laws to delegate to such committees all or any of the powers of the Board of Directors which may be lawfully delegated;
- (d) To determine conclusively at the time of such acquisition, what initial valuation shall be placed upon the property, rights and interests required by the corporation in exchange for or in payment of its shares of stock;
- (e) To authorize and cause to be executed mortgages and liens upon the real and personal property of the corporation;
- (f) To set apart out of any of the funds of the corporation available for dividends a reserve or reserves for any proper purpose and to abolish any such reserve in the manner in which it was created;
- (g) To determine from time to time whether and to what extent and at which times and places and under what conditions and regulations the books and books of the corporation, or any of them, shall be open to the inspection of the stockholders; and no stockholder shall have any right to inspect any account on book or document of the corporation, except as conferred by the laws of the State of Kansas, unless and until authorized so to do by resolution of the Board of Directors or of the stockholders;

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EXHIBIT D

BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.

CURRENT LICENSES UNDER THE NAME OF KWIK SHOP, INC.

Store	Address	City, State and Zip Code	Beer License Number
Kwik Shop	520 1202 Locust Street	Carter Lake, IA 51510	BC 23554
Kwik Shop	527 3632 Avenue G	Council Bluffs, IA 51501	BC 15147
Kwik Shop	532 1602 Avenue G	Council Bluffs, IA 51501	BC 15630
Kwik Shop	541 309 N Locust	Glenwood, IA 51634	BC 28119
Kwik Shop	560 3301 J Street	Cedar Rapids, IA 52404	BC 19375
Kwik Shop	561 2904 Center Point Rd NE	Cedar Rapids, IA 52402	BC 19374
Kwik Shop	563 1001 1st Avenue SW	Cedar Rapids, IA 52405	BC 19370
Kwik Shop	565 4201 Center Point Rd NE	Cedar Rapids, IA 52402	BC 19371
Kwik Shop	568 300 E Blairs Ferry Rd	Hiawatha, IA 52233	BC 19337
Kwik Shop	577 1732 Marquette Street	Davenport, IA 52804	BC 22016
Kwik Shop	578 2242 E 12th Street	Davenport, IA 52803	BC 20226
Kwik Shop	579 2805 Telegraph Road	Davenport, IA 52804	LE0001287
Kwik Shop	583 3129 Rockingham Road	Davenport, IA 52802	BC 20230
Kwik Shop	584 3624 W Locust Street	Davenport, IA 52804	BC 27748
Kwik Shop	586 201 W 53rd Street	Davenport, IA 52806	BC 20222
Kwik Shop	587 1670 W Kimberly Road	Davenport, IA 52806	BC 20224
Kwik Shop	588 1136 E Locust Street	Davenport, IA 52803	BC 22815
Kwik Shop	589 1 Grove Road	Eldridge, IA 52748	BC 20216
Kwik Shop	593 303 W Locust Street	Davenport, IA 52803	BC 27747
Kwik Shop	618 4750 Calvert Street	Lincoln, NE 68508	D67217
Kwik Shop	619 2302 Cornhusker Hwy	Lincoln, NE 68521	D61232
Kwik Shop	622 9545 "Q" Street	Omaha, NE 68127	D67219
Kwik Shop	623 601 State Street	Elkhorn, NE 68022	D67220
Kwik Shop	632 5900 Fremont Street	Lincoln, NE 68507	D67223
Kwik Shop	634 2940 North 14th Street	Lincoln, NE 68521	D67224
Kwik Shop	635 2330 N 1st Street	Lincoln, NE 68521	D67225
Kwik Shop	637 2710 W Street	Lincoln, NE 68503	D67226
Kwik Shop	640 3606 Leavenworth Street	Omaha, NE 68105	D65384
Kwik Shop	641 2811 North 48th Street	Lincoln, NE 68504	D75167
Kwik Shop	642 3939 A Street	Lincoln, NE 68510	D75168
Kwik Shop	645 710 N Broad Street	Fremont, NE 68025	D75169
Kwik Shop	646 3301 Holdrege Street	Lincoln, NE 68503	D-67228
Kwik Shop	649 503 South 11th Street	Nebraska City, NE 68410	D86053
Kwik Shop	650 5600 Holdrege Street	Lincoln, NE 68505	D67230
Kwik Shop	652 3222 "Q" Street	Omaha, NE 68107	D67231
Kwik Shop	653 5929 N 72nd Street	Omaha, NE 68134	D62188
Kwik Shop	654 1615 N Bell Street	Fremont, NE 68026	D75170
Kwik Shop	657 7525 Cass Street	Omaha, NE 68114	D67233
Kwik Shop	660 9606 "F" Street	Omaha, NE 68127	D67235
Kwik Shop	662 2040 S 56th Street	Lincoln, NE 68506	D67237
Kwik Shop	663 4400 Cornhusker Highway	Lincoln, NE 68504	D67238
Kwik Shop	664 6910 S 108th Street	La Vista, NE 68138	D67239
Kwik Shop	665 15556 Blondo Street	Omaha, NE 68116	D67240
Kwik Shop	667 4856 "L" Street	Omaha, NE 68117	D67241

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FEB 18 2014NEBRASKA ALCOHOL
CONTROLS COMMISSION
FEB 18 2014

EXHIBIT D

BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.

Store	Address	City, State and Zip Code	Beer License Number
Kwik Shop	668 6845 South 167th Street	Omaha, NE 68135	D1-61715
Kwik Shop	670 2103 Capehart Road	Bellevue, NE 68123	D69303
Kwik Shop	672 5208 South 72nd Street	Ralston, NE 68127	D56794
Kwik Shop	675 502 W Mission Avenue	Bellevue, NE 68005	D67215
Kwik Shop	680 1441 N Colter Blvd.	Lincoln, NE 68505	D86054
Kwik Shop	681 4400 O Street	Lincoln, NE 68510	D75171
Kwik Shop	687 101 Cedar Dale Drive	Papillion, NE 68046	D88055
Kwik Shop	688 802 Galvin Road	Bellevue, NE 68005	D86058
Kwik Shop	689 4151 Harrison Street	Bellevue, NE 68147	D76568
Kwik Shop	673 5306 N 103rd Street	Omaha, NE 68134	D67244 / Went from 693 to 673 01/07/2011
Kwik Shop	701 1102 Campus Drive	Garden City, KS 67846	77328
Kwik Shop	702 1846 Massachusetts	Lawrence, KS 66044	77688
Kwik Shop	703 1500 W Wyatt Earp Blvd	Dodge City, KS 67801	61134
Kwik Shop	704 203 W Kansas Avenue	Greensburg, KS 67504	66409
Kwik Shop	705 1114 NW Topeka Blvd	Topeka, KS 66608	63677
Kwik Shop	706 3601 E 47th St	Wichita, KS 67210	60558
Kwik Shop	709 116 Washington	Pratt, KS 67124	73630
Kwik Shop	710 820 E Kansas	McPherson, KS 67460	63356
Kwik Shop	712 305 W. Schilling Road	Salina, KS 67401	447000
Kwik Shop	714 4811 S. Seneca	Wichita, KS 67127	76105
Kwik Shop	715 20300 West Kellogg	Goddard, KS 67052	45554
Kwik Shop	716 2424 W 37th Street North	Wichita, KS 67204	13196
Kwik Shop	717 114 West US Highway 54	Andover, KS 67002	72976
Kwik Shop	718 3440 W 6th Street	Lawrence, KS 67216	77687
Kwik Shop	720 102 SW 37th St	Topeka, KS 66611	63678
Kwik Shop	721 845 Mississippi	Lawrence, KS 66044	77686
Kwik Shop	722 3959 S Hydraulic	Wichita, KS 67216	76103
Kwik Shop	723 2003 S Ohio	Salina, KS 67401	63387
Kwik Shop	724 1701 N Monroe	Hutchinson, KS 67502	73916
Kwik Shop	725 1401 East 4th	Hutchinson, KS 67501	64151
Kwik Shop	726 500 North Monroe	Hutchinson, KS 67501	70553
Kwik Shop	727 7107 W. 37th Street North	Wichita, KS 67205	94067
Kwik Shop	728 5340 N. Maize Road	Maize, KS 67101	72920
Kwik Shop	729 1700 Topeka Blvd	Topeka, KS 66612	CMBL20040470
Kwik Shop	730 1315 Washington Road	Newton, KS 67114	72730
Kwik Shop	731 710 West 29th St No	Wichita, KS 67204	76104
Kwik Shop	733 1937 Anderson	Manhattan, KS 66502	76347
Kwik Shop	734 105 West 12th	Emporia, KS 66801	68356
Kwik Shop	736 4216 N. Plum	Hutchinson, KS 67502	77134
Kwik Shop	738 1330 East 30th	Hutchinson, KS 67502	70540
Kwik Shop	739 1600 South 9th	Salina, KS 67401	63386
Kwik Shop	740 2277 SW 10th Avenue	Topeka, KS 66604	63672
Kwik Shop	741 1323 Broadway	Larned, KS 67550	65548
Kwik Shop	742 657 Fairdale Road	Salina, KS 67401	68426
Kwik Shop	743 5833 SW 21st	Topeka, KS 66604	63671
Kwik Shop	744 1727 W Crawford	Salina, KS 67401	63390
Kwik Shop	745 1401 N Buckeye	Abilene, KS 67410	73876
Kwik Shop	747 2334 N Main	Great Bend, KS 67530	70674

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Nebraska Liquor Commission

EXHIBIT D

BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.

Store	Address	City, State and Zip Code	Beer License Number
Kwik Shop	748 2809 E Douglas	Wichita, KS 67211	76102
Kwik Shop	749 2142 N. Webb Road	Wichita, KS 67206	87931
Kwik Shop	750 1431 N. Rock Road	Derby, KS 67037	82434
Kwik Shop	751 200 West 63rd Street North	Derby, KS 67038	83380
Kwik Shop	753 3907 Broadway	Great Bend, KS 67530	70675
Kwik Shop	757 2619 SW 21st	Topeka, KS 66604	63670
Kwik Shop	759 1301 Vine St	Hays, KS 67601	68310
Kwik Shop	760 100 Industrial Dr. PO Box 443	Haven, KS 67543	80201
Kwik Shop	761 515 East Dean PO Box 761	Burton, KS 67020	66358
Kwik Shop	762 1811 Central	Dodge City, KS 67801	61155
Kwik Shop	763 510 N. Douglas	Ellsworth, KS 67439	78829
Kwik Shop	764 2617 N. Main	Hutchinson, KS 67502	77201
Kwik Shop	765 434 E. 17th	Hutchinson, KS 67502	77202
Kwik Shop	766 12 S. Nickerson PO Box 76	Nickerson, KS 67661	72734
Kwik Shop	767 100 E Long PO Box 418	Dighton, KS 67839	71771
Kwik Shop	768 8 N. Main	So. Hutchinson, KS 67505	72734
Kwik Shop	769 1006 S. Main	So Hutchinson, KS 67505	57938
Kwik Shop	772 2750 S Oliver St	Wichita, KS 67210	76108
Kwik Shop	774 1401 East 17th	Hutchinson, KS 67501	73917
Kwik Shop	775 110 E 5th	Valley Center, KS 67147	67279
Kwik Shop	779 424 West Grand	Haysville, KS 67060	66411
Kwik Shop	781 4500 SW Topeka Blvd	Topeka, KS 66609	CMBL20040475
Kwik Shop	782 10111 Woodland Road	Lenexa, KS 66609	68192
Kwik Shop	783 1436 Church	Eudora, KS 66025	74583
Kwik Shop	784 1420 Kasold	Lawrence, KS 66049	77470
Kwik Shop	785 1611 E 23rd	Lawrence, KS 66046	77684
Kwik Shop	786 4841 West 6th Street	Lawrence, KS 66049	77683
Kwik Shop	787 600 Ames, PO Box 6	Baldwin City, KS 66006	58538
Kwik Shop	788 1414 SW 17th St	Topeka, KS 66604	63667
Kwik Shop	789 746 NE Wabash Avenue	Topeka, KS 66616	63668

EXHIBIT D

BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.

PREVIOUS LICENSES UNDER THE NAME OF KWIK SHOP, INC.

Store	Address	City, State and Zip Code	Date of Sale or Closure
Kwik Shop	451 1901 16th St	Moline, IL 61265	00-12721/01-1A-0029962 / 8/7/2006
Kwik Shop	452 1305 15th St	Moline, IL 61265	02-00599/02-1A-0006560 / 8/7/2006
Kwik Shop	453 4100 Avenue of the Cities	Moline, IL 61265	11436/01-1A-0029963 / 8/7/2006
Kwik Shop	454 426 First Avenue	Silvis, IL 61282	1820/02-1A-0006321 / 8/7/2006
Kwik Shop	455 2420 24th Avenue	Rock Island, IL 61201	A-368/02-1A-0006337 / 8/7/2006
Kwik Shop	457 2400 7th Avenue	Rock Island, IL 61201	A-369/02-1A-0006339 / 8/7/2006
Kwik Shop	458 275 S. Academy	Galesburg, IA 61401	Closed 8/3/99
Kwik Shop	459 188 West Losey	Galesburg, IA 61401	Closed 8/3/99
Kwik Shop	461 6023 Big Hollow Road	Peoria, IA 61615	Closed 11/29/99
Kwik Shop	501 930 Fifth Avenue	Council Bluffs, IA 51501	BC 25261 / Closed 01/27/06
Kwik Shop	506 6000 Southwest 9th	Des Moines, IA 50315	Sold 05/08/02- Kum n Go
Kwik Shop	508 3733 Easton Blvd.	Des Moines, IA 50317	Sold 05/08/02- Kum n Go
Kwik Shop	523 619 6th Avenue	Grinnell, IA 50112	Sold 05/08/02- Kum n Go
Kwik Shop	524 4140 Park Avenue.	Des Moines, IA 50321	Sold 05/08/02- Kum n Go
Kwik Shop	525 1601 5th Avenue, South	Fort Dodge, IA 51510	Sold 5/1/02 - Kum n Go
Kwik Shop	529 311 E 2nd Avenue	Indianola, IA 50125	BC 18079 / Closed 01/29/04
Kwik Shop	537 2739 N 15th Street	Fort Dodge, IA 50501	BC 17804 / Closed 9/11/2003
Kwik Shop	538 1930 Indianola Road	Des Moines, IA 50315	Closed 12/23/99
Kwik Shop	539 1372 E 14th Street	Des Moines, IA 50316	BC 23178 / Closed 01/29/04
Kwik Shop	540 2700 Lincoln Way	Ames, IA 50014	BC 17607 / Closed 12/19/05
Kwik Shop	542 125 6th Street	Ames, IA 50010	BC 18447 / Closed 12/19/05
Kwik Shop	544 115 N. 22nd Street	Fort Dodge, IA 50501	Sold 5/1/02 - Kum n Go
Kwik Shop	550 705 24th Street	Ames, IA 50010	BC 18420 - Closed 09/27/10
Kwik Shop	551 613 U.S. HWY-30 West	Carroll, IA 51401	Sold 5/1/02 - Kum n Go
Kwik Shop	552 413 a Avenue, West	Oskaloosa, IA 52577	Sold 5/1/02 - Kum n Go
Kwik Shop	553 101 SW Army Post Road	Des Moines, IA 50315	Sold 05/08/02 - Kum n Go
Kwik Shop	554 2919 E 14th	Des Moines, IA 50316	Sold 06//8/02 - Kum n Go
Kwik Shop	555 4001 SW 9th	Des Moines, IA 50315	Sold 5/1/02 - Kum n Go
Kwik Shop	556 2930 Hickman	Des Moines, IA 50310	Sold 5/1/02 - Kum n Go
Kwik Shop	566 3134 First Avenue NE	Cedar Rapids, IA 52402	BC 19373 / Closed 02/05/07
Kwik Shop	569 1204 N 8th St	Burlington, IA 52601	BC 26571 / 6/8/2006
Kwik Shop	570 1003 Summer	Burlington, IA 52601	BC 20221 / 8/8/2006
Kwik Shop	571 1703 Mt. Pleasant	Burlington, IA 52601	BC 26022 / 8/8/2006
Kwik Shop	572 2632 Avenue L	Fort Madison, IA 52627	BC 20253 / 3/24/2006
Kwik Shop	573 707 Palean	Keokuk, IA 52632	BC 20232 / 8/8/2006
Kwik Shop	574 3107 Brady Street	Davenport, IA 52803	Sold 08/01/ 2001
Kwik Shop	575 648 Marquette Street	Davenport, IA 52804	Closed 07/19/04
Kwik Shop	576 3024 W Central Park	Davenport, IA 52804	BC 20229 / Closed 03/25/04
Kwik Shop	581 2215 Ridgeview	Davenport, IA 52806	BC 20223 / Closed 4/22/04
Kwik Shop	601 6505 Maple Street	Omaha, NE 68104	B13004 / Closed 03/04/2004
Kwik Shop	607 4807 'Q' Street	Omaha, NE 68117	D67218 / Closed 02/01/2008
Kwik Shop	610 4731 So. 77th Street	Ralston, NE 68127	B13064 / Sold 01/29/2003
Kwik Shop	612 3440 South 50th Street	Omaha, NE 68106	Closed 8/5/1993
Kwik Shop	616 11232 Wright Street	Omaha, NE 68144	Closed 8/19/1993
Kwik Shop	619 102 Cedardale Road	Papillion, NE 68046	Closed 12/10/19698
Kwik Shop	620 1111 N Cotner	Lincoln, NE 68505	D67218 / Closed 4/21/2006

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CONTINUING EDUCATION

EXHIBIT D

BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.

Kwik Shop	621	2071 33rd Avenue	Columbus, NE 68601	Closed 7/20/1993
Kwik Shop	624	10814 Cottonwood Lane	Omaha, NE 68164	Closed 11/17/1991
Store	Address	City, State and Zip Code	Date of Sale or Closure	
Kwik Shop	625	10770 Fort Street	Omaha, NE 68134	D67221 / Did not renew license in 04/2009
Kwik Shop	626	6410 Ames Avenue	Omaha, NE 68104	Closed 11/30/1992
Kwik Shop	627	14301 "Q" Street	Omaha, NE 68137	Closed 6/7/1993
Kwik Shop	628	12510 South 29th Avenue.	Bellevue, NE 68123	Closed 8/26/1996
Kwik Shop	629	402 Galvin Road	Bellevue, NE 68005	Closed 02/18/2005
Kwik Shop	630	4708 S. 13th Street	Omaha, NE 68107	D67222 / Closed 4/23/2007
Kwik Shop	631	2524 South 13th Street	Omaha, NE 68108	Closed 12/14/1994
Kwik Shop	633	14410 Harrison Street	Omaha, NE 68138	Closed 4/22/2004
Kwik Shop	636	1414 S. Saddlecreek Road	Omaha, NE 68108	Closed 8/13/1996
Kwik Shop	638	2111 West "O" Street	Lincoln, NE 68258	B18365 / Closed 02/26/2004
Kwik Shop	639	4429 California	Omaha, NE 68131	D67227 / Closed 01/27/2006
Kwik Shop	655	2005 N. 90TH Street	Omaha, NE 68134	D67232 / Closed 02/02/2009
Kwik Shop	656	6003 Center Street	Omaha, NE 68106	Closed 2/ 17/1992
Kwik Shop	659	10808 Blondo Street	Omaha, NE 68164	D67234 / Closed 02/02/2009
Kwik Shop	661	15555 Q Street	Omaha, NE 68134	D67236 / Closed 02/02/2009
Kwik Shop	671	4403 N. 72nd Street	Omaha, NE 68104	D65538 / Closed 02/24/2006
Kwik Shop	682	1140 West O Street	Lincoln, NE 68528	B36580 / Closed 02/26/2004
Kwik Shop	684	5525 N 90th Street	Omaha, NE 68134	B36561 / Closed 10/03/2005
Kwik Shop	685	8319 West Center Rd	Omaha, NE 68124	B36562 / Closed 10/03/2005
Kwik Shop	686	8406 Park Drive	Omaha, NE 68127	B36563 / Closed 02/10/2006
Kwik Shop	690	3428 S 42nd Street	Omaha, NE 68105	D67242 / Closed 02/01/2008
Kwik Shop	691	4880 S 96th St	Omaha, NE 68127	D67243 / Closed 06/23/2006
Kwik Shop	692	1818 N 72nd Street	Omaha, NE 68114	B36568 / Closed 10/03/2005
Kwik Shop	707	2629 S Market Place	Salina, KS 67401	
Kwik Shop	732	5954 SW 29th	Topeka, KS 66614	63674 / Closed 5/20/2004
Kwik Shop	735	520 West 6 th	Emporia, KS 66801	Closed 9/22/1995
Kwik Shop	736	114 North West St.	Wichita, KS 67203	Closed 9/9/1993
Kwik Shop	737	801 SW Topeka Avenue	Topeka, KS 66614	Closed 10/08/2004
Kwik Shop	749	1306 State Street	Augusta, KS 67010	Closed 12/14/1994
Kwik Shop	750	1001 North Buckner Avenue	Derby, KS 67037	Closed 2/8/1996
Kwik Shop	752	910 East Spruce	Garden City, KS 67846	Closed 2/16/1996
Kwik Shop	755	211 W Kansas	Garden City, KS 67846	77329 / Closed 2/14/2005
Kwik Shop	756	623 South Washington	Junction City, KS 66441	Closed 7/30/1995
Kwik Shop	760	1335 N Tyler Road	Wichita, KS 67212	Closed 8/13/1996
Kwik Shop	764	2404 North Main	Hutchinson, KS 67502	Closed 12/25/1997
Kwik Shop	766	1329 East 17th	Hutchinson, KS 67501	Closed 4/19/1996
Kwik Shop	770	300 N Main	Hutchinson, KS 67505	57940 / Closed 02/18/2003
Kwik Shop	771	3940 West 13th Street	Wichita, KS 67203	Closed 6/19/1996
Kwik Shop	773	1714 West 23rd	Lawrence, KS 66046	77685 / Closed 8/2009
Kwik Shop	777	501 East 17th	Hutchinson, KS 67501	73911 / Closed 02/21/2003
Kwik Shop	778	738 SW Gage Blvd.	Topeka, KS 66606	Closed 7/22/2002
Kwik Shop	801	4021 SE 15th	Del City, OK 73008	Sold to Texaco 5/15/1997
Kwik Shop	802	7471 NW 23rd	Bethany, OK 73008	Sold to Texaco 5/15/1997
Kwik Shop	803	1028 MacArthur	Oklahoma, OK 73127	Sold to Texaco 5/15/1997
Kwik Shop	804	1100 SW Lakeshore Drive	Yukon, OK 73099	Sold to Texaco 5/15/1997
Kwik Shop	806	2301 S. Air Depot Blvd.	Midwest City, OK 73110	Sold to Texaco 5/15/1997

2014

CENTRAL INSTITUTE

EXHIBIT D

BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.

Kwik Shop	807	3653 N May	Oklahoma City, OK 73112	Sold to Texaco 5/15/1997
Kwik Shop	808	1120 N Berry Road	Norman, OK 73069	Sold to Texaco 5/15/1997
Kwik Shop	809	4429 S. Walker	Oklahoma City, OK 73109	Sold to Texaco 5/15/1997

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NEBRASKA LIQUOR
CONTROL COMMISSION

EXHIBIT D**BEER AND LIQUOR LICENSES CURRENTLY AND PREVIOUSLY UNDER THE NAME OF KWIK SHOP, INC.**

	Store	Address	City, State and Zip Code	Date of Sale or Closure
Kwik Shop	810	5024 North Medidian	Oklahoma City, OK 73112	Sold to Texaco 5/15/1997
Kwik Shop	811	1226 Classen	Norman, OK 73107	Sold to Texaco 5/15/1997
Kwik Shop	812	5540 Southwest 15th	Del City, OK 73115	Sold to Texaco 5/15/1997
Kwik Shop	813	3302 SW 29th	Oklahoma City, OK 73119	Sold to Texaco 5/15/1997
Kwik Shop	814	830 SW 29th	Oklahoma City, OK 73115	Sold to Texaco 5/15/1997
Kwik Shop	815	1616 N Portland	Oklahoma City, OK 73107	Sold to Texaco 5/15/1997
Kwik Shop	816	2412 SW 44th	Oklahoma, OK 73119	Sold to Texaco 5/15/1997
Kwik Shop	817	3640 N Rockwell	Bethany, OK 73008	Sold to Texaco 5/15/1997
Kwik Shop	818	212 S Council Road	Oklahoma City, OK 72128	Sold to Texaco 5/15/1997
Kwik Shop	860	Dba: All Bargain Cigarettes	Omaha, NE 68106	Closed 12/13/2004

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FEB 18 2014

NEBRASKA DIVISION
OF MOTOR VEHICLES
CONTRIBUTORY NEGLIGENCE

PHS-198(VS)
REV. 12-54
FEDERAL SECURITY AGENCY
PUBLIC HEALTH SERVICE

Omaha-Douglas County Health Department
Division of Vital Statistics

CERTIFICATE OF LIVE BIRTH

1. PLACE OF BIRTH * COUNTY Douglas		t. CURRENT RESIDENCE OF MOTHER (Where does mother live?) * STATE Nebraska		b. COUNTY Douglas	
b. CITY (If outside corporate limits, write RURAL) OR TOWN Omaha		d. CITY (If outside corporate limits, write RURAL) OR TOWN Omaha		e. STREET ADDRESS 9215 Pinkney Street	
c. FULL NAME OF (If NOT in hospital or institution, give street HOSPITAL OR INSTITUTION Clarkson Hospital address or location)		d. STREET ADDRESS Inside City Limits Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
2. CHILD'S NAME (Type or print) Mark		a. (First) Allen		c. (Last) Cook	
3. SEX Male	4. THIS BIRTH Single <input checked="" type="checkbox"/> Twin <input type="checkbox"/> Triple <input type="checkbox"/>	5. If TWIN OR TRIPLET (This child born) 1st <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd <input type="checkbox"/>	6. DATE (Month) (Day) (Year) OF BIRTH March 10, 1962		
FATHER OF CHILD					
7. FULL NAME Jerry		b. (Middle) Lee		d. COLOR OR RACE White	
8. AGE (At time of this birth) 21 Yrs.		10. BIRTHPLACE (City, town, or county) STATE OR (foreign country) Rossville, Illinois		11. USUAL OCCUPATION Lock-up Man	
12. INFORMANT'S SIGNATURE OR NAME—Relationship Mrs. Sharon Cook = Mother		13. CHILDREN PREVIOUSLY BORN TO THIS MOTHER (Do NOT include this child) 0 0 0		14. KIND OF BUSINESS OR INDUSTRY Paramount Paper Products	
14. AGE (At time of this birth) 20 Yrs.		15. How many OTHER children are now living? 0		16. ATTENDANT AT BIRTH Other M. D. <input type="checkbox"/> Midwife <input type="checkbox"/> (Specify)	
16. ADDRESS at 3121 P. m.		17. ADDRESS W. M. H. Hospital, Nebraska Omaha, Nebraska		18. MOTHER'S MAILING ADDRESS Same as #2	
18. DATE REC'D BY LOCAL REC. MAR 14 1962		19. REGISTRAR'S SIGNATURE D. L. Hyman, M.D.			

RECEIVED

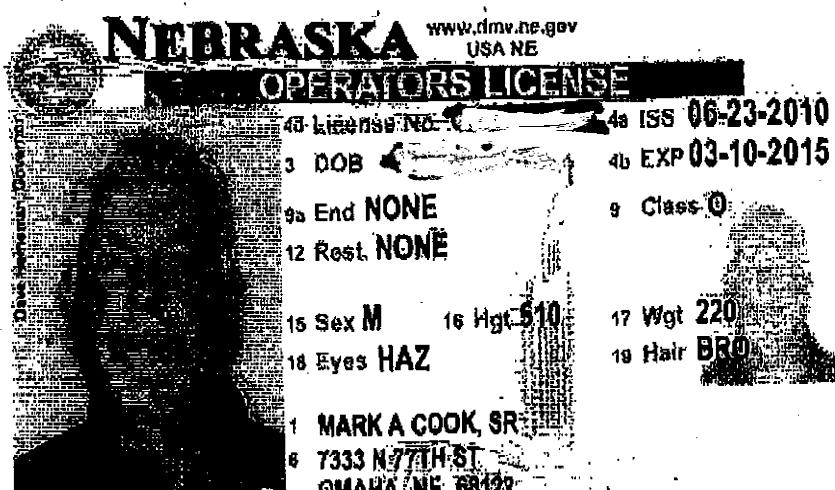
FEB 18 2014

NEBRASKA DIVISION OF
CORPORAL COMMISSION

I hereby certify that the above is a true and correct copy of the certificate of Birth recorded in the City of Omaha, County of Douglas, State of Nebraska.

Dated this 20th day of December 1962.

D. L. Hyman, M.D.
(Registrar)



FEB 18 2014

NEBRASKA MOTOR
CONTROL COMMISSION

DOUGLAS COUNTY ELECTION COMMISSION	
225 North 115th Street Ph: (402) 444-VOTE (8683) Omaha, Nebraska 68154 Fax: (402) 444-4181 Email: questions@votedouglascounty.com	
<p>www.votedouglascounty.com</p> <ul style="list-style-type: none"> ✓ Voter Registration Information ✓ Early Voting Ballot Request Forms ✓ Information on Candidates & Offices ✓ Information on Elected Officials ✓ Sample Ballots 	

RETURN SERVICE REQUESTED

Mark A Cook Sr
7333 N 77TH ST
OMAHA NE 68122-5239

||||||||||||||||||||||||||||||||||||||||||||



KwikShop

Nebraska Liquor Control Commission
P.O. Box 95046
Lincoln, NE 68509

page ①
of 50

RECEIVED

February 12, 2014

FEB 18 2014

**NEBRASKA LIQUOR
CONTROL COMMISSION**

To Whom It May Concern:

Enclosed is an application pertaining to the annexation of Kwik Shop #664 in LaVista.

Current license #: D67239

Please feel free to contact me at the number listed at the bottom if you should have any questions or if I have overlooked anything.

Thank you,

A handwritten signature in cursive script that appears to read "Rosalind Sells".

Rosalind Sells
Administrative Assistant
Kwik Shop, Inc.

Kwik Shop Office – 8942 Blondo Street – Omaha, NE 68134
Phone – 402-391-1808 Fax – 402-391-1751

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MARCH 18, 2014 AGENDA**

Subject:	Type:	Submitted By:
POSITION DESCRIPTION UPDATED	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

SYNOPSIS

The position description for the Fire Chief position has been updated and is attached for your review.

FISCAL IMPACT

The FY2014 general fund budget contains funding for the Fire Chief position at a salary range of 210.

RECOMMENDATION

Approval.

BACKGROUND

Effective April 1, 2014, the City of La Vista will enter into an agreement with the City of Papillion and the Papillion Rural Fire District to create a joint entity for the purpose of providing fire and emergency medical services.

As a result, the paid Fire Chief position in La Vista will become part of the joint entity and job duties will be modified. The La Vista Fire Chief will now be responsible for performing the duties of Fire Marshal. The Fire Chief will remain on the City of La Vista's payroll and the joint entity will reimburse the City for a portion of his salary and benefits. The position description has been modified accordingly.

POSITION DESCRIPTION CITY OF LA VISTA

POSITION TITLE: Fire Chief

POSITION REPORTS To: Papillion Fire Chief & La Vista Police Chief/Director of Public Safety

POSITION SUPERVISES: Non-Supervisory

DESCRIPTION:

Serves as and performs the duties of Fire Marshal for the joint organization that provides fire and EMS services to the cities of La Vista and Papillion. Duties include being responsible for life safety code enforcement and inspections of public, commercial and residential structures to ensure compliance with applicable State and City regulations, codes and ordinances, and assisting with building and site plan reviews as needed. The geographical area of responsibility is the city limits of La Vista and Papillion, as well as the extra-territorial jurisdictions of both communities.

ESSENTIAL FUNCTIONS: (with or without reasonable accommodation)

1. Responsible for the development, review and enforcement of city codes, ordinances and resolutions pertaining to fire inspections.
2. Inspect buildings to locate hazardous conditions and fire code violations such as, but not limited to, accumulations of combustible material, electrical wiring problems, and inadequate or non-functional fire exits.
3. Write detailed reports of fire inspections performed, fire code violations observed and identify corrective actions that must be made to bring properties into compliance with applicable fire codes, laws, regulations and standards, and explain these measures to property owners or their representatives.
4. Conduct inspections and acceptance testing of newly installed fire protection systems.
5. Inspect and test fire protection and/or fire detection systems to verify that such systems are installed in accordance with appropriate laws, codes, ordinances, regulations, and standards.
6. Conduct fire code compliance follow-ups to ensure that corrective actions have been taken in cases where violations were found.
7. Inspect properties that store, handle, and use hazardous materials to ensure compliance with laws, codes, and regulations, and issue hazardous materials permits to facilities found in compliance.
8. Write detailed reports of fire inspections performed, fire code violations observed, and corrective recommendations offered.
9. Develop or review fire exit plans.
10. Conduct site plan reviews for new or remodeled buildings to ensure compliance with fire safety codes.
11. Attend training classes in order to maintain current knowledge of fire prevention, safety, and firefighting procedures.

12. Present and explain fire code requirements and fire prevention information to architects, contractors, attorneys, engineers, developers, fire service personnel, and the general public.
13. Assists in conducting fire exit drills to monitor and evaluate evacuation procedures.
14. Inspect liquefied petroleum installations, storage containers, and transportation and delivery systems for compliance with fire laws.
15. Develop and coordinate fire prevention programs such as false alarm billing, fire inspection reporting, and hazardous materials management.
16. Testify in court regarding fire code and fire safety issues.
17. Recommend changes to fire prevention, inspection, and fire code endorsement procedures.
18. Issue permits for public assemblies.
19. Serve court appearance summonses and/or condemnation notices on parties responsible for violations of fire codes, laws, and ordinances.
20. Works with staff, training them, assists in planning their building familiarization walk through schedules.
21. Performs follow up inspections for the replacement of defective firefighting equipment and for repair of fire alarm and sprinkler systems.
22. Establishes and maintains positive public relations with the general public, other employees, other governmental agencies and municipal officials.

MARGINAL FUNCTIONS:

1. Performs other duties as directed by the Papillion Fire Chief or as the situation dictates.

ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS

- The physical demands and work environment characteristics described here are representative of those that must be met by an employee to successfully perform the essential functions of this position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- Work is performed both outdoors and indoors and requires a considerable amount of physical activity including walking, standing, kneeling, bending, crouching, reaching, stooping and climbing. The incumbent will be required to maneuver rough terrain on foot in disastrous conditions. Duties also require the ability to tolerate various climatic conditions, including extreme heat to cold with snow and ice. Working conditions may also include contact with dirt, dust, chemicals, noise and may involve working near moving mechanical parts and in precarious positions.
- The incumbent must have the ability to lift or carry office supplies and job related supplies and possess the manual dexterity necessary to operate vehicles, computers and tools. Must have standard visual acuity of not less than 20/40 in one eye, and 20/100 in the other eye, corrected to 20/20 in one eye, and 20/40 in the other eye. Must

also display adequate color and peripheral vision in both eyes.

- Work requires extensive interaction with the general public and may be stressful in dealing with distressed citizens and specific timeframes.

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

EDUCATION, TRAINING, LICENSE, CERTIFICATION AND EXPERIENCE

1. Must have a valid state driver's license at the time of hire, without record suspension or revocation in any State, and maintain it through the course of employment.
2. Graduation from an accredited high school or successful completion of the high school GED test.
3. Must possess a current Nebraska EMT-B certification, or higher, at the time of hire.
4. Must have an Associate's degree or higher in Fire Science or equivalent.
5. Must possess, or obtain within one year of hire date, NFPA certification as Fire Inspector I.
6. Must possess, or obtain within two years of hire date, certification as Plan Examiner I
7. Must have 6 years of experience in the Fire Service

KNOWLEDGE, SKILLS AND ABILITIES

1. Knowledge of and ability to operate vehicles, equipment and tools pertaining to duties performed.
2. Knowledge of and ability to perform input and retrieval functions utilizing a variety of computer programs pertaining to the duties performed.
3. Knowledge of and/or the ability to learn the geography of the county and surrounding areas.
4. Knowledge of city responsibilities and the ability to exercise sound, ethical independent judgment in stressful situations; analyze situations quickly and objectively and to adopt quick, effective and reasonable courses of action with due regard to the surrounding hazards and circumstances.
5. Ability to analyze problems, identify alternative solutions, project consequences of proposed actions and implement recommendations in support of departmental goals and objectives.
6. Ability to make complex, difficult decisions and to develop plans for the safe, efficient, effective and legal accomplishments of tasks required to enforce applicable laws and provide service to the public.
7. Ability to accurately read and interpret technical sketches, site plans, blueprints and instructional manuals.
8. Ability to prepare and maintain clear and concise records, reports and other departmental documents.
9. Ability to perform mathematical calculations, including addition, subtraction, multiplication and division.
10. Ability to plan and organize a work schedule, set priorities and meet deadlines.
11. Ability to perform job duties efficiently while managing frequent interruptions.
12. Ability to understand and follow both oral and written instructions.
13. Ability to operate standard office equipment in the performance of job duties, i.e. fax

machine, copier, personal computer, calculator, etc.

14. Ability to communicate effectively both orally and in writing.
15. Ability to maintain the confidentiality of all departmental communications, documents and correspondence.
16. Ability to handle stressful situations and effectively deal with difficult or angry people.
17. Ability to deal with the general public in a courteous and tactful manner.
18. Ability to establish and maintain effective working relations with city officials, fellow employees, members of the public and patrons.
19. Ability to work independently, as part of a team and with the public.
20. Ability to maintain regular and dependable attendance and be available for a varying schedule including evenings, weekends, and holidays.

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

(Signature)

(Date)