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**LA VISTA CITY COUNCIL
MEETING
November 25, 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 November 25, 2014. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Public Works Soucie, Director of Administrative Services Pokorny, Community Development Director Birch, Recreation Director Stopak, Library Director Barcal, Human Resource Manager Garrod and City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on November 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 – COLIN RUPPERT - 5 YEARS

Mayor Kindig presented a service award to Colin Ruppert for 5 years of service to the City.

A. CONSENT AGENDA

1. **APPROVAL OF THE MINUTES OF THE NOVEMBER 4, 2014 CITY COUNCIL MEETING**
2. **PAY REQUEST FROM MANAGEMENT EDUCATION GROUP, INC. - PROFESSIONAL SERVICES – PERFORMANCE MANAGEMENT PROJECT - \$5,200.00**
3. **PAY REQUEST FROM BERRYDUNN – PROFESSIONAL SERVICES – FINANCIAL INFORMATION SOFTWARE SYSTEM SELECTION - \$24,609.00**
4. **PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$196.20**
5. **PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – EMERGENCY REPAIR ON 72ND STREET - \$2,686.30**
6. **PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$50.00**
7. **PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK PHASE 1 - \$8,435.81**
8. **PAY REQUEST FROM THOMPSON DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – CITY HALL BIO-BASIN - \$1,017.78**
9. **PAY REQUEST FROM UPSTREAM WEEDS – CONSULTING SERVICES – THOMPSON CREEK RESTORATION PROJECT BIOBLITZ - \$3,450.00**
10. **APPROVAL OF CLAIMS.**

A C NELSEN RV WORLD, maint.	\$60.70
ABE'S PORTABLES, rentals	\$255.00
ACTION BATTERIES, supplies	\$269.85
AIM, services	\$3,336.00
ALAMAR UNIFORMS, apparel	\$780.70

ALLIXA CONSULTING INC, services	\$1,754.82
AMERICAN PLANNING ASSOC., services	\$519.00
ANN TROE, services	\$680.00
A-RELIEF SERVICES, rentals	\$520.00
ASPEN EQUIPMENT CO., maint.	\$1,066.00
ASPHALT & CONCRETE, maint.	\$277.24
BAKER & TAYLOR, books	\$143.58
BARCAL, R., travel	\$62.83
BISHOP BUSINESS EQUIP., supplies	\$1,080.66
BLACK HILLS ENERGY, utilities	\$21.09
BOMA/OMAHA, services	\$44.00
BRENTWOOD AUTO WASH, maint.	\$35.00
BROWN TRAFFIC, maint.	\$516.00
BUETHE, P., travel	\$45.92
BUILDERS SUPPLY, bld&grnds	\$1.60
CARDMEMBER SERVICE, services	\$12,818.36
CENTER POINT PUBLISHING, books	\$42.54
CENTURY LINK, phone	\$64.76
CENTURY LINK, phone	\$69.09
CHILD'S WORLD INC., books	\$576.45
CJ'S HOME CENTER, bld&grnds	\$1,341.98
CONSOLIDATED Mgmt, travel	\$18.00
COSGRAVE CO., bld&grnds	\$54.00
CRANE, R., travel	\$82.00
D & D COMMUNICATIONS, services	\$393.00
D & K PRODUCTS, supplies	\$275.65
DEAN R PODOLL, services	\$100.00
DEARBORN NATIONAL LIFE INS CO	\$1,085.00
D. HALE, travel	\$300.50
DOUGLAS COUNTY SHERIFF, services	\$275.00
DXP ENTERPRISES, maint.	\$287.62
EASTERN LIBRARY SYSTEM, services	\$51.00
EN POINTE TECH., services	\$1,312.80
FEDEX KINKO'S, services	\$20.25
FILTER CARE, maint.	\$20.00
FOCUS PRINTING, supplies	\$75.00
GALE, books	\$162.68
GARROD, M., travel	\$61.69
GENUINE PARTS CO., maint.	\$2,110.52
GRAINGER, bld&grnds	\$38.10
GRAYBAR ELECTRIC CO., bld&grnds	\$206.53
HANEY SHOE STORE, services	\$150.00
HEIMES CORP., maint.	\$80.15
HONEYMAN RENT, rentals	\$125.35
HY-VEE INC, supplies	\$30.55
ICMA RETIREMENT CORPORATION	\$3,400.00
INDUSTRIAL SALES CO., maint.	\$26.98
INGRAM LIBRARY SERVICES, books	\$1,139.37
KARLSON, D., travel	\$25.71
KENT BLANSETT, services	\$100.00
KISSEL/E & S ASSOC., services	\$9,867.38
KRIHA FLUID POWER, maint.	\$319.91
LA VISTA FIREFIGHTERS ASSN, supplies	\$350.76
LAUGHLIN, KATHLEEN A, TRUSTEE	\$116.00
LERNER PUBLISHING GROUP, books	\$359.08
LIBRARY IDEAS, media	\$3,500.00
LOVELAND GRASS PAD, bld&grnds	\$362.78

MARK SCHERER, services	\$100.00
METRO AREA TRANSIT, services	\$465.00
METRO COMM COLLEGE, services	\$24,189.94
MID AMERICA PAY PHONES	\$50.00
MID CON SYSTEMS INC., maint.	\$511.58
MIDLANDS BUSINESS JOURNAL, services	\$70.00
MIDWEST TAPE, media	\$585.04
MONTPELIER GLOVE, apparel	\$86.39
MUNICIPAL PIPE TOOL, maint.	\$244.57
NAT'L EVERYTHING WHLS, supplies	\$272.75
NEBRASKA LIBRARY COMM., media	\$1,175.30
NE MUNICIPAL CLERKS ASSN., services	\$35.00
NOBBIES INC, supplies	\$80.66
NUTS AND BOLTS INC., maint.	\$18.93
OFFICE DEPOT INC, supplies	\$1,243.35
OMAHA PUBLIC POWER DISTRICT, utilities	\$49,033.55
OMAHA PUBLIC POWER DISTRICT, utilities	\$2,085.89
O'REILLY AUTO STORES, maint.	\$76.30
OVERHEAD DOOR CO., bld&grnds	\$485.60
PAPILLION SANITATION, services	\$922.98
PARAMOUNT LINEN, services	\$320.66
PAYLESS OFFICE PRODUCTS, supplies	\$471.91
PERFORMANCE CHRYSLER JEEP, maint.	\$622.55
PETTY CASH	\$194.81
PLAINS EQUIP GROUP, maint.	\$1,450.58
QUICK, T., travel	\$300.50
RAMIREZ, JOHN, refund	\$40.00
RAMIREZ, R., travel	\$56.56
READY MIXED CONCRETE CO., maint.	\$2,023.10
SAM'S CLUB, supplies	\$233.53
SAPP BROS INC., maint.	\$705.00
SILVERSTONE INVESTMENT	\$900.00
SPRINT SPECTRUM, services	\$30.00
STATE STEEL OF OMAHA, maint.	\$77.39
SUNSET LAW ENFORCEMENT, supplies	\$4,992.70
SUTPHEN CORPORATION, maint.	\$16.84
THERMO KING CHRISTENSEN, maint.	\$173.83
THOMPSON DREESSEN & DORNER, services	\$4,381.76
UNITED PARCEL, services	\$202.32
UNO, services	\$3,115.43
UPS STORE, maint.	\$21.92
VAN RU CREDIT CORPORATION	\$41.62
VIERREGGER ELECTRIC CO., supplies	\$5,700.00
VIRGINIA RUBBER CORP, maint.	\$821.88
WASTE MANAGEMENT, bld&grnds	\$678.03
WICK'S STERLING TRUCKS, maint.	\$51.10
WILLIAM G THOMAS III, services	\$100.00

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

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez informed Council that the candy cane postcards are a teaser for the Comprehensive Plan kickoff and they will be handed out during Santa's sleigh ride Sunday.

Director of Public Works Soucie reported on projects that are near completion including the City Hall Bio Basin project and the 120th and Giles signal project. Soucie stated the Holiday lights will be illuminated beginning tomorrow.

City Clerk Buethe introduced the new Executive Assistant Michelle Coffman.

Library Director Barcal informed Council that donations to the library reached an all time high of 12,558 which surpassed last year by 4,000 items.

B. APPLICATION FOR CONDITIONAL USE PERMITS, FINAL PUD PLAN, REPLAT & SUBDIVISION AGREEMENT - LOTS 1 AND 2, BELLA LA VISTA (NE OF 132ND & CENTECH ROAD)

1. PUBLIC HEARING (REQUEST TO OPEN AND CONTINUE PUBLIC HEARING)

At 7:10 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for Conditional Use Permits, Final PUD Plan, Replat and Subdivision Agreement – Lots 1 and 2, Bella La Vista (NE of 132nd and Centech Road..

Councilmember Sell made a motion to continue the public hearing to the December 16, 2014 meeting. Seconded by Councilmember Quick. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

C. CONDITIONAL USE PERMIT – EDGE BODY BOOTCAMP – LOT 48, BROOK VALLEY BUSINESS PARK (SE OF 110TH & HARRISON).

1. PUBLIC HEARING

At 7:11 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Conditional Use Permit for Edge Body Bootcamp – Lot 48, Brook Valley Business Park (SE of 110th and Harrison).

At 7:11 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Sell. Councilmembers voting aye: Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

2. RESOLUTION – APPROVE CONDITIONAL USE PERMIT – INDOOR RECREATIONAL FACILITY

Councilmember Sell introduced and moved for the adoption of Resolution No.14-146: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR EDGE BODY BOOTCAMP TO LOCATE AND OPERATE AN INDOOR RECREATION FACILITY IN A 3,600 SQUARE FOOT BAY OF A BUILDING ON LOT 48, BROOK VALLEY BUSINESS PARK.

WHEREAS, Melissa Henry representing Edge Body Bootcamp, on behalf of property owner Central Holding Properties, has applied for a Conditional Use Permit to locate and operate an indoor recreation facility within a 3,600 square foot bay of a building on Lot 48, Brook Valley Business Park located at 10931 Harrison Street; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Edge Body Bootcamp to locate and operate an indoor recreation facility within a 3,600 square foot bay of a building on Lot 48, Brook Valley Business Park.

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

D. CALL FOR REDEMPTION OF BONDS AND REFUNDING SERIES 2014 BOND ISSUES

1. RESOLUTION – REDEMPTION OF PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2007

Councilmember Sell introduced and moved for the adoption of Resolution No.14-147: RESOLUTION CALLING PUBLIC SAFETY TAX ANTICIPATION BONDS, SERIES 2007, FOR REDEMPTION BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. That the following bonds of the City of La Vista, Nebraska (the "City"), which are callable at any time on or after November 15, 2012, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

Public Safety Tax Anticipation Bonds, Series 2007, date of original issue—December 21, 2007, in the principal amount of Eight Hundred Thirty Thousand Dollars (\$830,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

Principal Amount	Maturing November 15 Of Year	Interest Rate	CUSIP No.
\$ 90,000	2015*	3.80%	505318 LJ2
190,000	2017*	3.95	505318 LK9
550,000	2022*	4.30	505318 LL7

*Term Bond

Said bonds were issued pursuant to Section 18-1202, R.R.S. Neb, as amended, for the purpose of paying the costs of two fire trucks and other fire suppression equipment.

Section 2. Said bonds are payable at the office of the City Treasurer of the City of La Vista, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

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

2. RESOLUTION – REDEMPTION OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, SERIES 2008

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-148: RESOLUTION CALLING HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2008, FOR REDEMPTION. BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. That the following bonds of the City of La Vista, Nebraska (the "City"), which are callable at any time on or after September 19, 2013, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

Highway Allocation Fund Pledge Bonds, Series 2008, date of original issue—September 19, 2008, in the principal amount of Seven Hundred Eighty Thousand Dollars (\$780,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

Principal Amount	Maturing November 15 Of Year	Interest Rate	CUSIP No.
\$125,000	2017*	4.50%	505318 MU6
145,000	2020*	4.75	505318 MV4
510,000	2028*	5.00	505318 MW2

*Term Bond

Said bonds were issued for the purpose of paying the costs of street construction, including refunding of temporary indebtedness, relating to construction costs for 96th Street paving, Cornhusker Road paving and certain paving in the Southport area.

Section 2. Said bonds are payable at the office of the City Treasurer of the City of La Vista, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

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

3. RESOLUTION – REDEMPTION OF GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009

Councilmember Thomas introduced and moved for the adoption of Resolution No.

14-149: RESOLUTION CALLING GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, FOR REDEMPTION. BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. That the following bonds of the City of La Vista, Nebraska (the "City"), which were callable at any time on or after November 6, 2014, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

General Obligation Various Purpose Refunding Bonds, Series 2009, date of original issue—November 6, 2009, in the principal amount of Five Million One Hundred Five Thousand Dollars (\$5,105,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

Principal Amount	Maturing November 15 Of Year	Interest Rate	CUSIP No.
\$615,000	2015	2.50%	505318 NC5
625,000	2016	2.75	505318 ND3
640,000	2017	3.00	505318 NE1
650,000	2018	3.20	505318 NF8
310,000	2019	3.30	505318 NG6
350,000	2019	3.35	505318 NH4
520,000	2020	3.45	505318 NJ0
535,000	2021	3.55	505318 NK7
560,000	2022	3.65	505318 NL5
300,000	2023	3.80	505318 NM3

Said bonds were issued for the purpose of paying the costs of refunding the City's Various Purpose Bonds, Series 2003, in the principal amount of \$2,945,000; the City's General Obligation Refunding Bonds, Series 2003, in the principal amount of \$2,005,000; the General Obligation Bonds, Series 2004, issued by Sanitary and Improvement District No. 200 of Sarpy County, Nebraska, (which district has been annexed by the City) in the principal amount of \$1,725,000, which are valid obligations of the City; and General Obligation Bonds, Series 2004, issued by Sanitary and Improvement District No. 218 of Sarpy County, Nebraska, (which district has been annexed by the City) in the principal amount of \$1,545,000 which are valid obligations of the City.

Section 2. Said bonds are payable at the office of the City Treasurer of the City of La Vista, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

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

**4. RESOLUTION – REDEMPTION OF GENERAL OBLIGATION REFUNDING
BONDS, SERIES 2009 (ISSUED BY SID 59)**

Councilmember Quick introduced and moved for the adoption of Resolution No.14-150: RESOLUTION CALLING GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009, FOR REDEMPTION. BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska:

Section 1. That the following bonds issued by the Sanitary and Improvement District No. 59 of Sarpy County, Nebraska (the "District"), which were callable at any time on or after July 1, 2014, are hereby authorized to be irrevocably called for redemption on such date as set forth in the Direction for Call (as defined below):

General Obligation Refunding Bonds, Series 2009, date of original issue—July 1, 2009, in the principal amount of One Million Four Hundred Ten Thousand Dollars (\$1,410,000), numbered as shown on the books of the Paying Agent becoming due and bearing interest as follows:

<u>Principal Amount</u>	<u>Maturing July 1 Of Year</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
\$260,000	2015	3.10%	80374D AF8
270,000	2016	3.30	80374D AG6
280,000	2017	3.50	80374D AH4
295,000	2018	3.70	80374D AJ0
305,000	2019	3.90	80374D AK7

Said bonds were issued for the purpose of providing the funds, including funds on deposit in the District's bond fund, required to currently refund \$4,495,000 aggregate principal amount of the District's outstanding General Obligation Bonds, Series 1999 and the District's outstanding General Obligation Bonds, Series 2001. The District has since been annexed by the City of La Vista, Nebraska (the "City") and the General Obligation Refunding Bonds, Series 2009 are valid and legally binding obligations of the City.

Section 2. Said bonds are payable at the principal corporate office of Great Western Bank, Omaha, Nebraska, as paying agent and registrar (the "Paying Agent").

Section 3. The Mayor, Clerk or Director of Administrative Services of the City (each, an "Authorized Officer") are each individually hereby authorized at any time on or after the date of this resolution to determine the call date for said Bonds on behalf of the City and such determination, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor and City Council of the City. The Call Date shall be set for such date as determined in the Direction for Call, and such determination shall be made by an Authorized Officer not later than June 1, 2015, after which the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and City Council of the City and this resolution shall be of no further force and effect. Upon delivery of this resolution and the Direction for Call to the Paying Agent, said bonds shall be irrevocably called for redemption on the Call Date.

Section 4. A copy of this resolution and the Direction for Call shall be filed at least 30 days prior to the date of call with the Paying Agent and said Paying Agent is hereby irrevocably instructed to mail notice to each registered owner of said bonds not less than thirty days prior to the date fixed for redemption, all in accordance with the ordinance authorizing said called bonds.

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

5. ORDINANCE – ISSUE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014

Councilmember Sell introduced Ordinance No. 1230 entitled; AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION SIX HUNDRED THOUSAND DOLLARS (\$6,600,000) FOR THE PURPOSE OF REFUNDING (A) \$5,105,000 OUTSTANDING PRINCIPAL AMOUNT OF GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2009, DATED NOVEMBER 6, 2009 AND (B) \$1,410,000 OUTSTANDING PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009, ISSUED BY SANITARY AND IMPROVEMENT DISTRICT NO. 59 OF SARPY COUNTY, NEBRASKA, DATED JULY 1, 2009; PRESCRIBING THE FORM OF SUCH BONDS AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilmember Hale 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. Councilmember Sheehan asked about the issuance of bonds for \$6,600,000 when the previous bonds were for \$6,515,000. Paul Grieger with D.A. Davidson stated that the difference is the fees for administration of the bond. The Mayor then stated the question, "Shall Ordinance No. 1230 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

6. ORDINANCE – ISSUE HIGHWAY ALLOCATION PLEDGE REFUNDING BONDS, SERIES 2014

Councilmember Hale introduced Ordinance No. 1231 entitled; AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE REFUNDING BONDS, SERIES 2014, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) FOR THE PURPOSE OF REFUNDING \$780,000 OUTSTANDING PRINCIPAL AMOUNT OF HIGHWAY ALLOCATION FUND PLEDGE BONDS, SERIES 2008, DATED SEPTEMBER 19, 2008, ALL OF WHICH BONDS WERE ISSUED FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING CERTAIN STREETS OF THE CITY; PRESCRIBING THE FORM OF SUCH BONDS AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SUCH BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilmember Quick 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None.

Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1231 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

7. ORDINANCE – ISSUE PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2014

Councilmember Quick introduced Ordinance No. 1232 entitled; AN ORDINANCE AUTHORIZING THE ISSUANCE OF PUBLIC SAFETY TAX ANTICIPATION REFUNDING BONDS, SERIES 2014, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$855,000) FOR THE PURPOSE OF REFUNDING \$830,000 OUTSTANDING PRINCIPAL AMOUNT OF PUBLIC SAFETY TAX ANTICIPATION BONDS, SERIES 2007, DATED DECEMBER 21, 2007, ALL OF WHICH BONDS WERE ISSUED FOR THE PURPOSE OF PAYING THE COSTS OF PURCHASING PUBLIC SAFETY VEHICLES AND PUBLIC SAFETY EQUIPMENT FOR THE CITY; PRESCRIBING THE FORM OF SUCH BONDS AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME, IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.

Councilmember Hale 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Hale moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1232 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

8. ORDINANCE – ISSUE LA VISTA FACILITIES CORPORATION BUILDING AND REFUNDING BONDS, SERIES 2014

Councilmember Hale introduced Ordinance No. 1233 entitled; AN ORDINANCE APPROVING THE ISSUANCE OF BUILDING AND REFUNDING BONDS (PUBLIC WORKS AND POLICE FACILITY PROJECTS), SERIES 2014, OF THE CITY OF LA VISTA FACILITIES CORPORATION IN A PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000); APPROVING AND AUTHORIZING A BOND PURCHASE AGREEMENT WITH THE CORPORATION PROVIDING FOR THE SALE OF THE BONDS TO THE UNDERWRITER; AUTHORIZING A LEASE-PURCHASE AGREEMENT WITH THE CITY OF LA VISTA FACILITIES CORPORATION RELATING TO THE ACQUISITION OF CERTAIN PUBLIC WORKS AND POLICE FACILITIES; PROVIDING FOR THE CALLING AND REDEMPTION OF OUTSTANDING BONDS ISSUED BY THE CORPORATION TO FINANCE CERTAIN POLICE FACILITIES; APPROVING THE EXECUTION OF DOCUMENTS

WITH RESPECT TO SAID LEASE-PURCHASE AGREEMENT AND PROVIDING FOR THE PUBLISHING OF THIS ORDINANCE IN PAMPHLET FORM.

Councilmember Quick 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sheehan moved for final passage of the ordinance which motion was seconded by Councilmember Hale. The Mayor then stated the question, "Shall Ordinance No. 1233 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

E. RESOLUTION – APPROVE CONSULTING AGREEMENT – COMMUNICATION TOWERS

Councilmember Quick introduced and moved for the adoption of Resolution No. 14-151: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH RICHARD A. COMI DBA THE CENTER FOR MUNICIPAL SOLUTIONS FOR THE PURPOSE OF ASSISTING, ADVISING AND REPRESENTING THE CITY TO REVIEW AND ANALYZE APPLICATIONS FOR WIRELESS COMMUNICATION FACILITIES.

WHEREAS, the City Council of the City of La Vista has determined that the selection of a consultant for assisting, advising and representing the City to review and analyze applications for wireless communication facilities is necessary; and

WHEREAS, the fee to cover the cost of these services is in the Master Fee Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve an agreement with Richard A. Comi dba The Center for Municipal Solutions for the purpose of assisting, advising and representing the City to review and analyze applications for wireless communication facilities.

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

F. ORDINANCE – AMEND MASTER FEE ORDINANCE

Councilmember Quick introduced Ordinance No. 1234 entitled; AN ORDINANCE TO AMEND ORDINANCE NO.1229, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Hale 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: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember Sell moved for final passage of the ordinance which motion was seconded by Councilmember Quick. The Mayor then stated the question, "Shall Ordinance No. 1233 be passed and adopted?" Upon roll call vote the following Councilmember voted aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

G. RESOLUTION – RELEASE AND SETTLEMENT AGREEMENT WITH MUTUAL OF OMAHA BANK

Councilmember Hale introduced and moved for the adoption of Resolution No. 14-152: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A RELEASE AND SETTLEMENT AGREEMENT WITH MUTUAL OF OMAHA BANK REGARDING SPECIAL ASSESSMENTS ON LOT 20 AND LOT 36 BROOK VALLEY II BUSINESS PARK.

WHEREAS, Mutual of Omaha Bank is the current owner of Lot 20 and Lot 36 Brook Valley II Business Park; and

WHEREAS, on or about January 23, 2008 the City levied special assessments against Lot 20 in the amount of \$100,557.25 and against Lot 36 in the amount of \$190,255.41; and

WHEREAS, as of December 17, 2013 the special assessment amounts plus accrued interest had not been paid and the City filed two lawsuits against the bank seeking to foreclose its asserted liens against the property; and

WHEREAS, the City and the bank desire to resolve these matters by compromise and without need for further litigation; and

WHEREAS, the City and the bank have negotiated a Release and Settlement Agreement in which the bank will pay the City \$340,812.00 in full satisfaction of the assessment debt and the City will dismiss the assessment lawsuits.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of La Vista, Nebraska, that the Release and Settlement Agreement is hereby approved in form and content presented at this meeting, subject to any modifications the City Administrator determines necessary or advisable; and the City Clerk is hereby authorized and directed to instruct Sarpy County officials to remove the special assessment liens from Lot 20 and Lot 36, and to take any other actions as necessary or appropriate to carry out the Settlement Agreement.

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

H. RESOLUTION – AUTHORIZATION TO PURCHASE – TABLETS

Councilmember Sell introduced and moved for the adoption of Resolution No. 14-153: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWENTY FIVE (25) APPLE IPAD AIR DEVICES AND CORRESPONDING KEYBOARD CASES FROM

November 25, 2014

MINJ TECHNOLOGIES PUBLIC SECTOR LLC OF BUFFALO GROVE ILLINOIS IN AN AMOUNT NOT TO EXCEED \$11,008.00.

WHEREAS, the Mayor and City Council have determined that the purchase of tablet devices for use in conjunction with City Council meetings is necessary; and

WHEREAS, the FY 15 General Fund Budget provides funding for the purchase of said tablets, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of twenty five (25) Apple iPad Air Devices and corresponding keyboard cases from MNJ Technologies Public Sector LLC, in an amount not to exceed \$11,008.00.

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

COMMENTS FROM THE FLOOR

Director of Public Works Soucie stated that the signals at 85th and Giles will remain flashing until work can be done on them tomorrow morning.

I. EXECUTIVE SESSION - PERSONNEL

Mayor Kindig stated that there would be no executive session.

COMMENTS FROM MAYOR AND COUNCIL

Councilmember Quick thanked Council for the opportunity to attend the NLC Conference in Austin TX. Both Quick and Councilmember Hale stated there were very good sessions and good ideas they have brought back.

Mayor Kindig gave Council an update on meetings with legislators.

Mayor Kindig stated the Veteran's day dinner had over 500 people in attendance and was a very good event.

At 7:38 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: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

City of La Vista
Park & Recreation Advisory Committee Minutes
October 15, 2014

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:00 p.m. on October 15, 2014. Present were Program Coordinators Ryan South, Rich Carstensen and Golf Course Services Manager Denny Dinan; Advisory Board Chairperson Pat Lodes, Corey Jeffus, Greg Johnson, Joe Juarez and Jeff Kupfer. Also present: Rob George, Public Works.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on October 8, 2014. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice are attached to the minutes. Availability of the agenda was communicated in the advance notice to the members of the Park and Recreation Advisory Committee of this meeting. All proceedings hereafter were taken while the convened meeting was open to attendance of the public. Further, all the subjects included in said proceedings were contained in the agenda for inspection within ten working days after said meeting, prior to the convened meeting of said body.

CALL TO ORDER

Program Coordinator Ryan South called the meeting to order.

Program Coordinator South led the audience in the Pledge of Allegiance.

Program Coordinator South made an announcement of the location of the posted copy of the Open Meetings Act for public reference and read the Emergency Procedures Statement.

A. CONSENT AGENDA

Program Coordinator South asked for a motion to approve the Consent Agenda. Motion made by Chairperson Pat Lodes. Seconded by Member Joe Juarez. Motion carried.

REPORTS FROM RECREATION DIRECTOR AND STAFF

Program Coordinator Ryan South reported on current and upcoming sports.

Flag Football for grades K-6th will end their season on October 11th. 3 Year Old Soccer Clinic wrapped up their last session on October 4th. South gave thanks to Chairperson Lodes, who coaches the kids and does a great job. 4/5 Soccer Academy & 6/7 Soccer League held their last session on October 7th. Adult Softball is in week 6 of a 7 week season. Due to rain outs, the season will be extended slightly for all leagues. Tackle Football for ages 8-14 is in week 6 of a 9 week season. Tackle football will end their season on November 2nd. End of the year playoff games will be held at Burke High School this year. Tackle Football Cheerleading has been cheering at the La Vista Knights' games throughout the season, including 3 home games. Youth Volleyball for 5th/6th grade had their first games on October 4th. Our 3rd/4th graders had their first games on October 11th. As we are playing in the PRO Volleyball League, our 5th/6th grade teams will travel to Papillion Jr. High and Platteview High School. All 3rd/4th grade teams will play here at the Community Center. Women's Fall Volleyball began their season on October 1st. Each team will play a total of 12 games for the fall season. Youth Basketball League registration for 3rd through 8th grade is underway. Registration will run through November 29th. We will once again be participating in the PRO Basketball League this season. Practice will begin in December with games starting in early January. Youth Basketball Clinic registration for grades 1st & 2nd is open. We will take registrations for the clinic until December 27th. The clinic will run for 5 weeks on Saturday morning's beginning in January.

South also reported that Soccer fields 3, 4, 5 and 6 were closed during the month of September. New sod was laid and then allowed to rest for the month. They are now open, and fields 1, 2, 7 and 8 closed for October and also are getting new sod.

In addition, South reported that Phoenix Futbol Club will be holding their 3rd annual Socctoberfest National Tournament at the Sports Complex Friday, October 31st through Sunday, November 2nd.

Program Coordinator Rich Carstensen reported on the Senior Center activities. October 1st, Kim Eames from Merry Makers entertained the seniors after lunch. The October 7th, Nebraska City trip was postponed until October 21st. We will go to Valentino's for lunch, shopping and also the apple orchards. We have approximately 14 seniors going on the trip. On October 10th, Methodist nursing students came to the Center to give a health presentation, and also talked with the seniors. This is a cooperative program that we do with a couple different colleges in the area. October 14th, six of our seniors went to Montclair Senior Center to play chair volleyball. In all, there were approximately 40 seniors there to play, and everyone had fun. We also played Bingo with them. October 17th, we will be having a Black Jack tournament after lunch. October 20th, is our White Elephant Bingo. Everyone brings an item from home wrapped up in a bag for a prize. On October 22nd, the PLHS Monarch Theatre Department has invited the seniors to come to their dress rehearsal for their production of "The Three Musketeers", which will be presented to the public on October 24th & 26th. On October 29th, we will have our annual Senior Halloween Party and play Halloween Surprise Bingo after lunch.

In November, we will be having our annual Senior Olympic games. This includes fun games such as spelling bees, hot wheels racing and a team egg toss. We have also been invited to a couple of senior centers to play chair volleyball, so we will be doing that in November also.

Carstensen reported on the annual Kite Fly held last Sunday at the Sports Complex. While the cold weather kept some at home, the ones who came had a great time. Carstensen also reminded the Board that the next Hot Wheels Racing event will be held next Monday, October 20th at 5:30pm in the gym.

Golf Course Services Manager Denny Dinan reported on September 2014 business at the golf course. September had 1,994, 145 rounds lower than September 2013, which were 2,139. September was the end of our fiscal year, and the course saw 17,208 rounds from October 2013 through September 2014. That was 770 rounds lower than fiscal year 2012/2013, which had 17,978 rounds. September started off with the first 4 days being hot and humid then it rained on 5 of the next 8 days, which really had a negative effect on the number of golfers we had. We then had an additional 3 days of rain throughout the month. For the 8 days it rained, we averaged 40 rounds a day. For the other 22 days of the month we averaged 76 rounds per day.

The golf course had the following outings in September:

- Thursday, September 4 The Lund Co. Corporate Outing had 40 golfers plus an additional 16 employees for dinner. This is the first outing for this company at La Vista Falls.
- Friday, September 12 was the Dinan/Knowlton 2nd Annual Glowball Outing. I had 48 friends who golfed and had a great time.
- Saturday, September 13 was the Connie Jones Family outing with 16 golfers.
- Wednesday, September 24th Mayor Kindig hosted Norm's Door Service. He had 6 golfers plus an additional 15 employees for dinner.
- Gross High School Girls Golf practice = 25 rounds

Rob George from Public Works reported that the City Park fields had been aerated, and they had laid 3,000 sq. ft. of sod at the soccer fields. 6 picnic tables were also bought for parks, and also a couple of grills. Public Works has also been busy removing broken tree branches from the parks that came down during a couple of the heavy wind and rainstorms we had.

COMMENTS FROM THE FLOOR

None.

COMMENTS FROM COMMITTEE MEMBERS

Member Kupfer asked if the youth football end-of-year tournament is always held at Burke High School. South said that the teams in the league that would like to hold the tournament notify the league, and the location is randomly chosen.

Chairperson Lodes made a motion to adjourn. Seconded by Member Johnson. Motion carried. Adjourned at 7:20 p.m.

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

November 12, 2014

Project No: 113112-01

Invoice No: 12858

Mr. John Kottmann, PE
City Engineer
City of La Vista
8116 Park View Blvd
La Vista, NE 68128Project 113112-01 Hell Creek Channel Improvements Phase II
CIP Project No. PWST-13-010**Professional Services for the Period: August 01, 2014 to October 31, 2014**

Phase 003 Preliminary Design

Professional Personnel

	Hours	Rate	Amount
Engineer V			
Lampe, David	11.00	140.00	1,540.00
Engineer I			
Joy, Stacey	35.50	80.00	2,840.00
Labor	46.50		4,380.00
Total Labor			4,380.00
Phase Sub-Total			\$4,380.00

Phase ODC Other Direct Costs

In-House Units

Plotting Materials	62.34 SF @ 0.24	14.96	
Total In-House		14.96	14.96
Phase Sub-Total			\$14.96

TOTAL AMOUNT DUE \$4,394.96**Billed-To-Date Summary**

	Current	Prior	Total
Labor	4,380.00	49,777.50	54,157.50
Subconsultant	0.00	38,955.06	38,955.06
Expense	0.00	266.99	266.99
In-House	14.96	197.17	212.13
Totals	4,394.96	89,196.72	93,591.68

Project Manager David Lampe

O.K. to pay
@JMK
11/14/2014
05.71.0865.02

Consent Agenda 12/2/14 pl

A-5

TD2 File No. 171-412.23
November 20, 2014

PAYMENT RECOMMENDATION NO. 1 ON CONTRACT FOR LA VISTA CITY HALL BIO-BASIN

Owner: The City of La Vista, Nebraska
8116 Park View Blvd.
La Vista, NE 68128

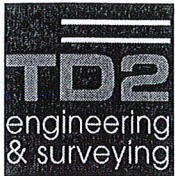
Contractor: Midwest Excavating Services LLC
4602 N. 126th Avenue
Omaha, NE 68164

ORIGINAL CONTRACT AMOUNT: \$57,810.08

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATION: None

Item	Description	Approx. Quantities	Unit Price	Amount
1	Remove Existing A.C.C. Pavement	1,980 S.F.	\$ 1.30 / S.F.	\$ 2,574.00
2	Remove P.C.C. Curb and Gutter	150 L.F.	\$ 1.50 / L.F.	\$ 225.00
3	Remove Existing P.C.C. Sidewalk	432 S.F.	\$ 1.74 / S.F.	\$ 751.68
4	Bio-Basin Common Earthwork and Shaping	20 C.Y.	\$ 85.50 / C.Y.	\$ 1,710.00
5	Dispose of Excess Soil	30 C.Y.	\$ 12.00 / C.Y.	\$ 360.00
6	8" Flexible HDPE Roof Drain Connection, In Place	2 EA.	\$ 100.00 / EA.	\$ 200.00
7	8" Solid HDPE/PVC Storm Sewer, In Place	65 L.F.	\$ 25.68 / L.F.	\$ 1,669.20
8	12" Solid HDPE/PVC Storm Sewer, In Place	195 L.F.	\$ 23.00 / L.F.	\$ 4,485.00
9	12" Flared End Section, In Place	1 EA.	\$ 140.30 / EA.	\$ 140.30
10	12" x 8" Tee, In Place	3 EA.	\$ 137.53 / EA.	\$ 412.59
11	12" x 12" Tee, In Place	1 EA.	\$ 140.35 / EA.	\$ 140.35
12	12" x 8" HDPE Reducer, In Place	1 EA.	\$ 109.82 / EA.	\$ 109.82
13	Bio-Basin Outlet Structure and Underdrain System, In Place	1 EA.	\$ 3,583.21 / EA.	\$ 3,583.21
14	Bio-Basin Amended Soils, In Place	12 C.Y.	\$ 71.25 / C.Y.	\$ 855.00
15	Remove and Replace A.C.C. for Storm Sewer Construction	80 S.Y.	\$ 64.85 / S.Y.	\$ 5,188.00
16	6" P.C.C. Pavement With Integral Curb, In Place	0 S.Y.	\$ 41.06 / S.Y.	\$ -0-
17	4" P.C.C. Sidewalk Pavement, In Place	0 S.F.	\$ 3.48 / S.F.	\$ -0-
18	P.C.C. Curb and Gutter Section, In Place	70 L.F.	\$ 23.89 / L.F.	\$ 1,672.30
19	4" White Pavement Striping, In Place	0 L.F.	\$ 0.45 / L.F.	\$ -0-
20	Handicap Pavement Marking, In Place	0 EA.	\$ 50.00 / EA.	\$ -0-
21	Concrete Planter Box, In Place	0 EA.	\$ 2,500.00 / EA.	\$ -0-
22	Seeding and Planting, Per Schedule, In place	0 LS	\$ 500.00 / LS	\$ -0-
23	Erosion Mat Tensar SC 150, In Place	0 S.Y.	\$ 1.10 / S.Y.	\$ -0-
SUBTOTAL				\$ 24,076.45
LESS 10% RETAINED				\$ 2,407.65
AMOUNT DUE CONTRACTOR				\$ 21,668.80

JMK
 11-21-2014
 O.K. to pay
 05.71.0872.09
 NDEQ Grant 56-1261



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

A-6
INVOICE

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

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

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

Invoice number 107341
Date 11/20/2014
Project 0171-406 120TH AND GILES ROAD
TRAFFIC SIGNAL

Professional Services from September 8, 2014 through October 26, 2014

PO #14-0098/15-0092

Description	Current Billed
Construction Administration Services	402.44
Construction Materials Testing and Observation	685.80
Total	1,088.24

Invoice total 1,088.24

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107341	11/20/2014	1,088.24	1,088.24				
	Total	1,088.24	1,088.24	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
05.71.0858.03
BMK
11-24-2014

Consent Agenda 12/2/14 pb



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

INVOICE

A-7

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 107342
Date 11/20/2014
Project 0171-410 124TH CIRCLE AND
HARRISON STREET TRAFFIC SIGNAL

Professional Services from September 29, 2014 through October 26, 2014

PO #14-0098/15-0092

Description	Current Billed
Construction Staking	0.00
Topographic Survey	0.00
Engineering Services	1,383.90
<i>Bidding, Contract Award and Construction Administration Services</i>	
Total	1,383.90

Invoice total 1,383.90

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
107342	11/20/2014	1,383.90	1,383.90				
	Total	1,383.90	1,383.90	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
05.71.0879.03
efmk
11-24-2014

Consent Agenda 12/2/14 (pb)

ITEM A-B

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

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

SYNOPSIS

The Nebraska Department of Roads (NDOR) has requested that the City renew its agreement for 2014 whereby the City will perform all surface maintenance on the four lane miles of 84th Street from Harrison Street to Giles Road.

FISCAL IMPACT

The State reimbursement to the City is \$1,575 per lane mile for 2015. The revenue is reflected in the FY15 general fund budget.

RECOMMENDATION

Approval

BACKGROUND

The original agreement between the City and DOR was originally adopted in April of 1990, and it has been subsequently renewed each year. In November of 2001 the current agreement was completely updated, in 2006 there were several additions to the agreement, and in 2008 the amount paid per lane mile was increased. No changes to the agreement are being proposed for 2015.

RESOLUTION NO. _____

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

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

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor of the City of La Vista be, and hereby is, authorized to renew an agreement with the Nebraska Department of Roads for maintenance of that portion of Highway N-85 (84th Street) which lies within the corporate limits of the City of La Vista for the period of January 1, 2015 to December 31, 2015.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
TOLLING AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

SYNOPSIS

A resolution has been prepared to ratify an amendment to the agreement related to security for conference center financing.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

The City of La Vista in 2007 provided financing for the La Vista conference center, to be repaid in interest installments and a single lump sum principal payment in 10 years, as guaranteed by Mr. and Mrs. Hammons and related trust. A tolling agreement between La Vista and the estate and trust of John Q. Hammons was approved at the October 7, 2014 Council meeting to extend the time for La Vista to assert claims it may have with respect to the estate and trust, considering Mr. Hammons died last year. The purpose of the agreement was to preserve the status quo while La Vista follows up with the estate and trust. An amendment to the tolling agreement is presented at this meeting further extending the time for La Vista to assert claims it may have with respect to the estate and trust and thereby preserve the status quo while La Vista continues to follow up with the estate and trust.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO RATIFY AN AMENDMENT OF AN AGREEMENT RELATED TO SECURITY FOR CONFERENCE CENTER FINANCING.

WHEREAS, an amendment to an agreement has been presented to extend the time until January 8, 2015 or thereafter with respect to certain claims and security for La Vista conference center financing and related performance; specifically as related to personal guarantees of John Q. Hammons, individually and as trustee ("Guarantees").

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the agreement, and execution thereof by the City Administrator, in form and content presented at this meeting is hereby ratified, affirmed, authorized and approved ("Amendment").

BE IT FURTHER RESOLVED, that the Mayor, City Administrator or his or her designee shall be authorized to take any further actions on behalf of the City as he or she determines necessary or appropriate to carry out the Amendment or the agreement as modified by the Amendment, or as he or she otherwise determines necessary or appropriate with respect to the Guarantees, conference center financing or other security, including without limitation adopting and executing further amendments extending times for performance under the agreement.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

AMENDMENT TO TOLLING AGREEMENT

This Amendment to Tolling Agreement (the "Amendment") is entered into as of November 21, 2014 (the "Effective Date") between Jacqueline A. Dowdy, as Personal Representative of the Estate of John Q. Hammons, Deceased (the "Estate"), and Jacqueline A. Dowdy and Gregory D. Groves, as the successor trustees of the John Q. Hammons Revocable Trust dated December 28, 1989 (the "Hammons Revocable Trust") (collectively referred to herein as the "Hammons Parties"), on the one hand, and the City of La Vista, Nebraska, a municipal corporation ("La Vista"), and John P. Mullen, Special Administrator for the Estate of John Q. Hammons, ("Special Administrator") on the other hand.

* * *

WHEREAS, the Hammons Parties, La Vista, and the Special Administrator (collectively referred to herein as the "Parties") entered into that certain Tolling Agreement (the "Agreement") effective as of May 24, 2014; and

WHEREAS, the Agreement provides that it may be amended by a writing signed as the Agreement is signed by each and all of the parties; and

WHEREAS, the Parties now desire to amend the Agreement.

NOW, THEREFORE, in consideration of the recitals above, the mutual agreements of the parties, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, all parties hereto agree as follows:

1. The parties hereto agree that, by entering into this Amendment, the Hammons Parties will not waive any defense (including but not limited to a defense asserting a lack of personal jurisdiction over the Hammons Parties, lack of subject matter jurisdiction, or improper venue or forum) and that neither La Vista nor the Special Administrator will argue that this Amendment waived, forfeited, or otherwise affected the Hammons Parties' ability to raise or assert any such defense.
2. La Vista and the Special Administrator agree the Hammons Parties need not file responsive pleadings in *In the Matter of the Estate of John Q. Hammons, Deceased*, Sarpy County Court, Case No. PR 14-168 and *John P. Mullen v. Jacqueline A. Dowdy, et al*, Sarpy County District Court, Case No. CI 14-792 until January 8, 2015. The deadline to file a responsive pleading may be extended by written agreement of the parties.
3. The Hammons Parties each agree that the statutes of limitations, statutes of repose, laches periods, and all other periods or time limitations related to La Vista or the Special Administrator bringing any action in a Nebraska court or other court pursuant to Neb. Rev. Stat. § 30-3850 shall be tolled and suspended so that they expire on February 16, 2015. The term may be extended by written agreement of the parties.
4. The Hammons Parties each agree that the statutes of limitations, statutes of repose, laches periods, and all other periods or time limitations related to La Vista commencing an

action under Mo. Rev. Stat § 461.300 shall be tolled and suspended so that they expire on February 16, 2015. The term may be extended by written agreement of the parties.

5. La Vista and the Special Administrator agree the time period in Mo. Rev. Stat § 461.300, under Nebraska law or elsewhere for the Hammons Parties to act in response to La Vista's May 23, 2014, demand shall be tolled and suspended so that it expires on January 8, 2015, unless another creditor of the Estate files an action prior to January 8, 2015, for an accounting. In that event, La Vista may commence an action under Mo. Rev. Stat. §461.300, Nebraska law or elsewhere at any time prior to January 8, 2015. The term may be extended by written agreement of the parties.
6. La Vista and the Special Administrator agree that the time period for the Hammons Parties to answer or otherwise respond to any action initiated pursuant to Neb. Rev. Stat. § 30-3850 shall be tolled and suspended until the later of January 8, 2015, or the deadline prescribed by applicable law. The term may be extended by written agreement of the parties.
7. The Hammons Parties waive and agree not to assert the defenses of statute of limitations, statute of repose, laches, estoppel, or any other defense based on any delay of La Vista in bringing any action pursuant to Neb. Rev. Stat. § 30-3850 prior to February 16, 2015.
8. The Hammons Parties further waive and agree not to assert the defenses of statute of limitations, statute of repose, laches, estoppel, or any other defense based on any delay of La Vista in bringing any action pursuant to Mo. Rev. Stat § 461.300 prior to February 16, 2015.
9. The term of this Amendment shall be from the Effective Date, regardless of the date of execution of the last signatory to this Amendment.
10. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but also, which together shall constitute one and the same instrument. A facsimile copy or electronic copy shall also serve as an original.
11. This Amendment shall be governed by the laws of the State of Missouri.
12. The undersigned represent that they are fully authorized to enter into this Amendment and to bind the parties they represent.
13. This Amendment may not be altered or amended except by a writing signed as this Agreement is signed by each and all of the parties.
14. The parties hereto agree that this Amendment modifies, supplements, and forms a part of the Agreement. Except as expressly provided herein, the terms and conditions of the Agreement shall remain unchanged and in full force and effect. The terms and conditions of this Amendment shall control over any conflicting or inconsistent terms and conditions in the Agreement.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, each of the parties has executed this Amendment on or as of the date first set forth above.

Jacqueline A. Dowdy, as Personal Representative of
the Estate and as Trustee of the Hammons
Revocable Trust

Greggory D. Groves, as Trustee of the Hammons
Revocable Trust

Brenda Gunn, as City Administrator for the City of
La Vista, Nebraska

John P. Mullen, as Special Administrator for the
Estate of John Q. Hammons

APCHCKRP
09.10.14

Wed Nov 26, 2014 8:46 AM

City of LaVista
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 1

A-10

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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1 Bank of Nebraska (600-873)

116318	11/19/2014	149	JOHN F AITA, MD	1,500.00			**MANUAL**
116319	11/19/2014	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	116.00			**MANUAL**
116320	11/19/2014	4867	VAN RU CREDIT CORPORATION	12.31			**MANUAL**
116321	12/02/2014	4545	4 SEASONS AWARDS	22.50			
116322	12/02/2014	762	ACTION BATTERIES UNLTD INC	13.80			
116323	12/02/2014	2723	AKSARBEN GARAGE DOOR SVCS INC	95.00			
116324	12/02/2014	4768	ALMETEK INDUSTRIES	1,697.00			
116325	12/02/2014	536	ARAMARK UNIFORM SERVICES INC	30.46			
116326	12/02/2014	1839	BCDM-BERINGER CIACCIO DENNELL	2,057.88			
116327	12/02/2014	929	BEACON BUILDING SERVICES	5,812.00			
116328	12/02/2014	249	BKD LLP	7,800.00			
116329	12/02/2014	196	BLACK HILLS ENERGY	.00	**CLEARED**	**VOIDED**	
116330	12/02/2014	196	BLACK HILLS ENERGY	5,718.51			
116331	12/02/2014	4494	BRIDGESTONE GOLF INC	397.98			
116332	12/02/2014	76	BUILDERS SUPPLY CO INC	98.59			
116333	12/02/2014	2285	CENTER POINT PUBLISHING	340.32			
116334	12/02/2014	219	CENTURY LINK	.00	**CLEARED**	**VOIDED**	
116335	12/02/2014	219	CENTURY LINK	2,930.48			
116336	12/02/2014	2540	CENTURY LINK BUSN SVCS	60.57			
116337	12/02/2014	152	CITY OF OMAHA	150,031.48			
116338	12/02/2014	3176	COMP CHOICE INC	345.50			
116339	12/02/2014	313	CONRECO INCORPORATED	165.00			
116340	12/02/2014	4615	CONSOLIDATED MANAGEMENT	78.25			
116341	12/02/2014	836	CORNHUSKER INTL TRUCKS INC	216.99			
116342	12/02/2014	2158	COX COMMUNICATIONS	352.86			
116343	12/02/2014	3136	D & D COMMUNICATIONS	315.00			
116344	12/02/2014	4981	DATASHIELD CORPORATION	6.75			
116345	12/02/2014	49	DOUBLE K FEED INC	42.00			
116346	12/02/2014	2149	DOUGLAS COUNTY SHERIFF'S OFC	300.00			
116347	12/02/2014	364	DULTMEIER SALES & SERVICE	31.70			
116348	12/02/2014	159	DXP ENTERPRISES INC	437.97			
116349	12/02/2014	3460	FEDEX	50.88			
116350	12/02/2014	439	FIREGUARD INC	84.88			
116351	12/02/2014	142	FITZGERALD SCHORR BARMETTLER	.00	**CLEARED**	**VOIDED**	
116352	12/02/2014	142	FITZGERALD SCHORR BARMETTLER	21,904.76			
116353	12/02/2014	3415	FOCUS PRINTING	7,786.82			
116354	12/02/2014	1344	GALE	122.20			
116355	12/02/2014	1248	GASSERT, MIKE	400.00			
116356	12/02/2014	53	GCR TIRES & SERVICE	368.52			
116357	12/02/2014	426	HANEY SHOE STORE	279.95			
116358	12/02/2014	140	HAT-TRAP INC	276.00			
116359	12/02/2014	4178	HERITAGE CRYSTAL CLEAN LLC	560.60			
116360	12/02/2014	797	HOBBY LOBBY STORES INC	34.07			
116361	12/02/2014	892	HONEYMAN RENT-ALL #1	107.91			
116362	12/02/2014	513	HOSE & HANDLING INCORPORATED	163.10			
116363	12/02/2014	526	HOST COFFEE SERVICE INC	26.85			
116364	12/02/2014	3477	HSMC ORIZON LLC	2,955.00			
116365	12/02/2014	1612	HY-VEE INC	139.76			
116366	12/02/2014	1151	ICMA-INTL CITY/COUNTY MANAGE	996.06			
116367	12/02/2014	1498	INDUSTRIAL SALES COMPANY INC	21.06			
116368	12/02/2014	3646	INTERNATIONAL CODE COUNCIL INC	122.00			

ACCOUNTS PAYABLE CHECK REGISTER

BANK NO CHECK NO	BANK NAME DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
116369	12/02/2014	4797	INTERNATIONAL EROSION CONROL	170.00			
116370	12/02/2014	1896	J Q OFFICE EQUIPMENT INC	47.16			
116371	12/02/2014	1054	KLINKER, MARK A	200.00			
116372	12/02/2014	2394	KRIHA FLUID POWER CO INC	138.57			
116373	12/02/2014	2057	LA VISTA COMMUNITY FOUNDATION	50.00			
116374	12/02/2014	4425	LANDPORT SYSTEMS INC	125.00			
116375	12/02/2014	1186	LAUSTEN, ROBERT S	139.84			
116376	12/02/2014	4784	LIBRARY IDEAS LLC	3.00			
116377	12/02/2014	1573	LOGAN CONTRACTORS SUPPLY	3.16			
116378	12/02/2014	263	LOVELAND GRASS PAD	939.75			
116379	12/02/2014	4560	LOWE'S CREDIT SERVICES	739.88			
116380	12/02/2014	146	JONI MADSON	170.00			
116381	12/02/2014	4943	MENARDS-RALSTON	48.07			
116382	12/02/2014	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
116383	12/02/2014	553	METROPOLITAN UTILITIES DIST.	2,468.56			
116384	12/02/2014	98	MICHAEL TODD AND COMPANY INC	197.95			
116385	12/02/2014	2030	MIDWEST FENCE COMPANY	956.05			
116386	12/02/2014	2299	MIDWEST TAPE	676.55			
116387	12/02/2014	1050	MILLER PRESS	375.00			
116388	12/02/2014	4085	MNJ TECHNOLOGIES	1,712.00			
116389	12/02/2014	2818	MULHALL'S	797.49			
116390	12/02/2014	1028	NATIONAL EVERYTHING WHOLESALE	401.48			
116391	12/02/2014	151	NCMA-NEBR CITY MGRS-MEMBERSHIP	1,050.19			
116392	12/02/2014	214	NEBRASKA MUNICIPAL CLERKS ASSN	35.00			
116393	12/02/2014	440	NMC EXCHANGE LLC	53.41			
116394	12/02/2014	179	NUTS AND BOLTS INCORPORATED	22.26			
116395	12/02/2014	1808	OCLC INC	117.99			
116396	12/02/2014	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
116397	12/02/2014	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
116398	12/02/2014	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
116399	12/02/2014	1014	OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
116400	12/02/2014	1014	OFFICE DEPOT INC	1,144.24			
116401	12/02/2014	79	OMAHA COMPOUND COMPANY	89.00			
116402	12/02/2014	4713	OMAHA PNEUMATIC EQUIPMENT CO	283.64			
116403	12/02/2014	195	OMAHA PUBLIC POWER DISTRICT	2,027.43			
116404	12/02/2014	46	OMAHA WORLD-HERALD	250.60			
116405	12/02/2014	46	OMAHA WORLD-HERALD	96.20			
116406	12/02/2014	4815	ONE CALL CONCEPTS INC	359.20			
116407	12/02/2014	1178	OVERHEAD DOOR COMPANY OF OMAHA	360.00			
116408	12/02/2014	2686	PARAMOUNT LINEN & UNIFORM	314.16			
116409	12/02/2014	4576	PATRICIA CATERING	1,000.00			
116410	12/02/2014	1723	PENWORTHY COMPANY	978.01			
116411	12/02/2014	3058	PERFORMANCE CHRYSLER JEEP	796.30			
116412	12/02/2014	1821	PETTY CASH-PAM BUETHE	243.88			
116413	12/02/2014	74	PITNEY BOWES INC-PA	204.00			
116414	12/02/2014	1784	PLAINS EQUIPMENT GROUP	562.52			
116415	12/02/2014	1237	POLICE CHIEF'S ASSN OF NEBR	50.00			
116416	12/02/2014	2387	PROFESSIONAL GROUNDS MGMT SOC	175.00			
116417	12/02/2014	1063	ROSE EQUIPMENT INCORPORATED	500.90			
116418	12/02/2014	4829	S.I.S. PAINT INC	309.36			
116419	12/02/2014	2240	SARPY COUNTY COURTHOUSE	4,083.17			
116420	12/02/2014	3838	SPRINT	119.97			
116421	12/02/2014	145	SRN INC	2,449.00			

APCHCKRP
09.10.14

Wed Nov 26, 2014 8:46 AM

**** City of LaVista ****
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

PAGE 3

BANK NO CHECK NO	BANK NAME DATE	VENDOR NO VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
116422	12/02/2014	4367 STOLLEY, BRIAN	137.96	<u>APPROVED BY COUNCIL MEMBERS</u>		
116423	12/02/2014	913 TARGET BANK	61.74	<u>12/02/14</u>		
116424	12/02/2014	264 TED'S MOWER SALES & SERVICE	2.29			
116425	12/02/2014	822 THERMO KING CHRISTENSEN	124.60			
116426	12/02/2014	4979 UNITE PRIVATE NETWORKS LLC	3,850.00			
116427	12/02/2014	2455 UNITED RENT-ALL	291.10			
116428	12/02/2014	4800 USBORNE BOOKS & MORE	251.41			
116429	12/02/2014	809 VERIZON WIRELESS	539.53			
116430	12/02/2014	809 VERIZON WIRELESS	171.99			COUNCIL MEMBER
116431	12/02/2014	809 VERIZON WIRELESS	91.45			
116432	12/02/2014	1174 WAL-MART COMMUNITY BRC	.00	**CLEARED** **VOIDED**		
116433	12/02/2014	1174 WAL-MART COMMUNITY BRC	1,267.98			
116434	12/02/2014	4430 WELLS, DAVID	300.00			
116435	12/02/2014	3150 WHITE CAP CONSTR SUPPLY/HDS	409.95			
116436	12/02/2014	968 WICK'S STERLING TRUCKS INC	225.19			
116437	12/02/2014	492 WINGATE BY WYNDHAM	1,169.35			
116438	12/02/2014	4159 YAHOO ACCOUNTS RECEIVABLE	40.00			
116439	12/02/2014	984 ZIMCO SUPPLY COMPANY	802.62			COUNCIL MEMBER

1473301
Thru 1489101

Payroll checks

BANK TOTAL	255,199.42	
OUTSTANDING	255,199.42	
CLEARED	.00	COUNCIL MEMBER
VOIDED	.00	

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	86,580.67	86,580.67	.00	.00
02 SEWER FUND	162,048.93	162,048.93	.00	.00
05 CONSTRUCTION	323.04	323.04	.00	.00
08 LOTTERY FUND	3,533.39	3,533.39	.00	.00
09 GOLF COURSE FUND	2,219.92	2,219.92	.00	.00
15 OFF-STREET PARKING	493.47	493.47	.00	.00

REPORT TOTAL	255,199.42
OUTSTANDING	255,199.42
CLEARED	.00
VOIDED	.00

+ Gross Payroll 11/21/14 240,399.74

GRAND TOTAL \$495,599.16 COUNCIL MEMBER

COUNCIL MEMBER

ITEM B

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
AMENDING THE COMPENSATION ORDINANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES

SYNOPSIS

An ordinance to amend the compensation ordinance has been prepared to reflect a proposed change in the salary range for the Community Relations Coordinator position.

FISCAL IMPACT

The FY 14/15 municipal budget includes funding for the Community Relations Coordinator position. The difference would be funded through salary savings. (Note: The Lottery Fund reimburses the General Fund for 75% of the salary cost for this position.)

RECOMMENDATION

Approval and waiver of readings.

BACKGROUND

When the initial results of the latest compensation study were received, the Community Relations Coordinator (CRC) position was identified as one that needed a significant adjustment to bring it into market comparability. Upon further investigation, it was determined that just one city had responded to the salary survey relative to this position and consequently, there was not enough data to back up that conclusion or justify a change.

Further research has been completed and additional information compiled. We surveyed the cities in the original study that were used for comparison with department head and managing director positions, as well as some cities we have worked with through 3CMA, for a position similar to our CRC position, including salary data. The results are attached.

The current range for the CRC position is 150 (\$17.73-\$23.03). The average range for cities of similar size and demographics is \$24.74-\$35.01. Based on this additional data, it is recommended that the range for the CRC position be changed from a 150 to a 175 (\$24.42-\$31.71). This range is still slightly below the average for the cities shown; however it puts us much closer to market comparability and considering that some higher end cities were used for comparison due to the lack of similar positions in other communities, we believe the proposed adjustment is fair and sufficient.

Approval of the proposed change in range would result in bringing our current CRC to the minimum of the new range. As noted in the Fiscal Impact statement above, the Lottery Fund reimburses the General Fund for 75% of the salary costs associated with this position. Salary savings would be used to make up any difference.

There was one other position in the study that appeared to be out of range; however that position was impacted by the reorganization earlier this year and will be re-evaluated as we fully implement all of those associated changes.

APPS/CITYHALL/CNCLRPT/14FILE/14ADM Amend Comp Ordinance CRC

Community Relations/Communication Position Comparisons
All compared cities, including larger populations

	Population	Title	Min. Avg.	Max. Avg.	*Match Rating	Comp. Study
Mission, Kansas	9,467	Public Information Officer				Y
Merriam, Kansas	11,174	Communications Coordinator	\$ 24.56	\$ 36.84	6	Y
Great Bend, Kansas	15,923	Community Coordinator	\$ 17.64	\$ 27.40	3	
Waukee, Iowa	15,931	Communications Director	\$ 31.37	\$ 43.51	6	Y
Kirkville, Missouri	17,522	Assistant City Manager	\$ 26.17	\$ 31.35	5	
Johnston, Iowa	18,728	Communications Specialist	\$ 29.65	\$ 42.99	5	
Newton, Kansas	19,189	Public Information and Grants Coordinator	\$ 21.52	\$ 29.11	6	
Lebanon, Ohio	20,387	Marketing and Media Relations Coordinator	\$ 21.91	\$ 35.19	5	
Papillion, Nebraska	21,921	Community Relations Coordinator	\$ 22.98	\$ 31.71	4	Y
Derby, Kansas	22,943	Community Marketing Director	\$ 27.32	\$ 40.98	3	
Derby, Kansas	22,943	Public Information Officer	\$ 20.31	\$ 27.47	5	
Prior Lake, Minnesota	23,754	Communications Coordinator	\$ 28.84	\$ 34.61	5	
Gladstone, Missouri	25,931	Public Information Coordinator	\$ 27.42	\$ 41.13	5	Y
Kirkwood, Missouri	27,553	Public Information Officer	\$ 21.90	\$ 32.86	6	Y

Averages	19,526		\$ 24.74	\$ 35.01		
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Grand Island, Nebraska	49,989	Public Information Officer	\$ 22.14	\$ 31.90		
Manhattan, Kansas	52,281	City Clerk/Communications Manager	\$ 29.58	\$ 47.01		
Cheyenne, Wyoming	61,537	Projects Information Officer	\$ 29.65	\$ 40.87		
Shawnee, Kansas	62,209	Communication Manager	\$ 28.84	\$ 33.17		
St. Joseph, Missouri	77,176	Communications & Public Relations Manager	\$ 25.89	\$ 37.28		
Carmel, Indiana	81,534	Community Relations Specialist	\$ 20.12	\$ 24.15		
Lawrence, Kansas	89,512	Communication Manager	\$ 26.67	\$ 39.89		
Lawrence, Kansas	89,512	Web Developer	\$ 21.26	\$ 31.80		

Averages	38,051		\$ 25.04	\$ 35.30		
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La Vista

Population
18,336

Minimum Maximum
\$ 17.73 \$ 23.03

The Match Rating is based on six essential job functions found in the La Vista job description. A rating of 6 is considered a perfect fit.

Community Relations/Communication Position Comparisons

	Population	Mrkting	Website	Social Media	Special Events	General Comm.	PIO/ Media	Match Rating
Mission, Kansas	9,467							
Merriam, Kansas	11,174	X	X	X	X	X	X	6
Great Bend, Kansas	15,923	X			X	X		3
Waukee, Iowa	15,931	X	X	X	X	X	X	6
Kirksville, Missouri	17,522	X	X	X		X	X	5
Papillion, Nebraska	18,000	X		X		X	X	4
Johnston, Iowa	18,728	X	X		X	X	X	5
Newton, Kansas	19,189	X	X	X	X	X	X	6
Lebanon, Ohio	20,387	X	X		X	X	X	5
Derby, Kansas	22,943	X				X	X	3
Derby, Kansas	22,943	X	X		X	X	X	5
Prior Lake, Minnesota	23,754	X	X		X	X	X	5
Gladstone, Missouri	25,931	X	X		X	X	X	5
Kirkwood, Missouri	27,553	X	X	X	X	X	X	6

The Match Rating is based on six essential job functions found in the La Vista job description. A rating of 6 is considered a perfect fit.

ORDINANCE NO. 1228

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

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

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

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

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

Section 4. Management Exempt Employees. The management exempt employees hereafter named shall, in addition to such vehicle and other allowances as may from time to time be fixed by Resolution of the City Council, receive annualized salaries fixed in accordance with the schedules of Table 200, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by resolution establish:

Position	Range
Asst. City Administrator/Dir. Community Services	215
City Clerk	205
City Engineer/Asst. Public Works Director	210
Community Development Director	205
Director of Administrative Services	215
Finance Director	205
Fire Chief	190
Library Director	205
Police Chief/Director of Public Safety	215
Director of Public Works	215
Recreation Director	205

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

Position	Range
Asst. to City Administrator	180
Asst. Golf Superintendent	140
Asst. Recreation Director	175
Building Superintendent	180
Chief Building Official	175
Community Relations Coordinator	175
Golf Course Services Manager	165
Golf Course Superintendent	175
Human Resources Generalist	165
Human Resources Manager	180
Librarian II – Inter-Library Loan/Public Services	160
Librarian III	175
Park Superintendent	180
Planner	175
Police Captain	190
Police Records Manager/Office Manager	165
Program Coordinator	160
Street Superintendent	180

Section 6. Hourly Non-Exempt Employees. The hourly compensation rates of the hourly (non-exempt) employees of the City of La Vista shall be, and the same hereby are, fixed in accordance with the schedules of Table 100 and Table 400, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by Resolution establish:

Position	Range
Accounting Clerk	130
Administrative Assistant	130
Mechanic	140
Building Inspector I	140
Building Inspector II	160
Code Enforcement Officer	141
Executive Assistant	140
Building Technician	160
Librarian II – Computer/Reference Services	160
Librarian I	140
Maintenance Worker I	130
Maintenance Worker II	140
Park Foreman	165
Permit Technician	125
Police Sergeant	426
Police Officer	423
Police Data Entry Clerk	120
Secretary II	125
Secretary/Receptionist	120
Sewer Foreman	165
Street Foreman	165
Shop Foreman	165

Section 7. Part-Time and Temporary Employees. The hourly compensation rates of part-time, seasonal and temporary employees of the City of La Vista shall be, and the same hereby are, fixed in accordance with the schedules of Table 100, set forth in Section 21 of this Ordinance, for the following respective wage ranges, and in accordance with such rules as the City Council may by Resolution establish:

Position	
Accountant	145
Assistant Pool Manager	100
Circulation Clerk I	100
Circulation Clerk II	115
Custodian	105
Evidence Technician	130
Clerical Assistant	115
Intern/Special Projects	115
Lifeguard	100
Pool Manager	110
Recreation Supervisor	100
Seasonal GC Clubhouse & Grounds	100
Seasonal PW All Divisions 1-5 Years	100
Seasonal PW All Divisions 5+ Years	110
Shop Assistant	100
Special Services Bus Driver	110
Temporary/PT Professional (PW)	160

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

Section 8. Pay for Performance. Employees not covered by a collective bargaining agreement or express employment contract shall be subject to the City's Pay for Performance (PFP) compensation system as outlined in Council Policy Statement. PFP salary ranges are set forth in Table 100 and 200 of Section 21 of this Ordinance. The base factor for fiscal year 2015 shall be set at two and one-half percent (2.5%).

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

Section 10. Engineers. Compensation of Engineers for the City shall be, and the same hereby is, fixed in accordance with such schedules of hourly and per diem or percentage rates as shall from

time to time be approved by Resolution of the City Council. Travel allowances respecting same shall be as may from time to time be fixed by Resolution of such City Council.

Section 11. Longevity Pay. Employees of the City in the positions set forth in Section 3 and Table 400 of this Ordinance shall receive longevity pay in an amount equal to the following percentage of the hourly rate set forth in Section 3 and Table 400 of this Ordinance, rounded to the nearest whole cent:

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

Section 12. Health, Dental Life and Long Term Disability Insurance. Subject to the terms, conditions and eligibility requirements of the applicable insurance plan documents and policies, regular full-time employees of the City of La Vista and their families shall be entitled to be enrolled in the group life, health, and dental insurance program maintained by the City. Regular full-time employees shall also be entitled to be enrolled in the long term disability insurance program maintained by the City.

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

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

Section 14. Special Provisions.

- A. Employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska, covering the period from October 1, 2014 through September 30, 2018," shall receive compensation and benefits and enjoy working conditions, as described, provided and limited by such Agreement. The terms of such Agreement shall supersede any provisions of this Ordinance inconsistent therewith, and be deemed incorporated herein by this reference.
- B. Holiday Pay shall be compensated as set forth in the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista for police officers and as set forth in the Personnel Manual for all other full time employees.
- C. Subject to subsection 14.D. hereof, each full time hourly non-exempt employee of the City shall be entitled to receive overtime pay at the rate of one and one half times the employee's regular rate for each hour worked in excess of forty hours during a work week. If called out at any time other than during regular assigned work hours during the pay period, such employee shall be entitled to compensation at the rate of one and one half times the regular rate for each hour so worked, provided that in no case shall an employee receive less than two hours over time pay for such call out work, and further provided there shall be no pyramiding of hours for purposes of computing overtime. For purposes of this subsection an employee's "regular rate" shall be the sum of his or her hourly rate specified in Section 6 of this Ordinance and any longevity pay due under this Ordinance.
- D. Police Department employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska," described in subsection 14.A hereof shall, as provided in such Agreement, be paid overtime at one and one half times the employee's hourly rate (including any longevity allowance) for each hour worked in excess of 80 hours during any 14 day work period coinciding with the pay period established by Section 16 of this Ordinance.
- E. All Management Exempt Employees and all Salaried Exempt Employees are considered to be salaried employees and shall not be eligible for overtime pay, holiday pay, or other special pay as provided by this section.

- F. Public Works Employees who are required to wear protective footwear may submit to the City for reimbursement for the cost of work boots in an amount not to exceed \$120.
- G. Public Works Employees may submit to the City for reimbursement for the difference in cost between a Nebraska Driver's License and a "CDL" driver's license within 30 days of obtaining a CDL license when a CDL license is required as a part of the covered employee's job description.
- H. Public Works Employees shall be provided by the City five safety work shirts in each fiscal year at no cost to the employee.
- I. Employees not covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista" and who are otherwise eligible, shall be paid overtime at the rate of one and one-half times the employee's hourly rate for all hours worked over forty in the pay periods that encompass the annual La Vista Days celebration, except, that if an employee uses any sick leave, vacation leave, personal leave, or comp time during the corresponding pay periods, such leave time shall offset any overtime earned. Overtime earned will not be offset by any holiday that falls during the above referenced pay periods.

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

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

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

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

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

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

Section 20. Vacation Entitlement.

- A. All full-time employees whose employment is governed by the Agreement described in Section 14, Paragraph A. of this Ordinance shall earn, accrue and be eligible for vacation as provided in such Agreement.

- B. All other full-time Hourly Non-Exempt Employees shall earn: six (6) days of paid vacation during the first year of continuous full-time employment; eleven (11) days of paid vacation during the second year of continuous full-time employment; and thereafter, eleven (11) days of paid vacation during each subsequent year of continuous full-time employment, plus one (1) additional day of paid vacation for each year of continuous full-time employment in excess of two years. Notwithstanding the foregoing, no employee shall earn more than twenty-three (23) days of paid vacation per employment year.
- C. All Management Exempt Employees, and Salaried Exempt Employees, shall earn ten (10) days paid vacation during the first year of continuous employment, and one (1) additional vacation day for each additional year of continuous employment not to exceed twenty-six (26) days.
- D. All Permanent Part Time Employees working a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year after six (6) months of employment. Total paid vacation time earned per year shall not exceed forty (40) hours.
- E. Full Time Exempt and Non-Exempt Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours.
- F. Permanent Part Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 110 hours.

Section 21. Wage Tables.

Table 100					
Salaried Exempt Employees					
Hourly Non-Exempt Employees					
Range		Minimum	Maximum	Range	
100	Hourly	9.27	12.04	141	Hourly
	Monthly	1,607	2,087		Monthly
	Annual	19,282	25,043		Annual
105	Hourly	10.99	14.50	145	Hourly
	Monthly	1,905	2,513		Monthly
	Annual	22,859	30,160		Annual
110	Hourly	11.38	14.78	150	Hourly
	Monthly	1,973	2,562		Monthly
	Annual	23,670	30,742		Annual
115	Hourly	12.24	15.90	160	Hourly
	Monthly	2,122	2,756		Monthly
	Annual	25,459	33,072		Annual
120	Hourly	13.16	17.09	165	Hourly
	Monthly	2,281	2,962		Monthly
	Annual	27,373	35,547		Annual
125	Hourly	14.16	18.39	175	Hourly
	Monthly	2,454	3,188		Monthly
	Annual	29,453	38,251		Annual
130	Hourly	14.65	19.02	180	Hourly
	Monthly	2,539	3,297		Monthly
	Annual	30,472	39,562		Annual
140	Hourly	16.03	20.81	190	Hourly
	Monthly	2,779	3,607		Monthly
	Annual	33,342	43,285		Annual

Table 200			
Management Exempt Employees			
Range		Minimum	Maximum
200	Hourly	34.21	43.65
	Monthly	5,930	7,566
	Annual	71,157	90,792
205	Hourly	35.53	45.35
	Monthly	6,159	7,861
	Annual	73,902	94,328
210	Hourly	37.81	48.14
	Monthly	6,554	8,344
	Annual	78,645	100,131
215	Hourly	41.14	52.50
	Monthly	7,131	9,100
	Annual	85,571	109,200

Table 400						
Classification: FOP Collective Bargaining						
Hourly Non-Exempt						
Range	A	B	C	D	E	F
426 Hrly				34.15	35.57	37.82
				5,919	6,165	6,555
				71,032	73,986	78,666
423 Hrly	22.39	23.90	26.26	27.80	30.34	31.92
	3,881	4,143	4,552	4,819	5,259	5,533
	46,571	49,712	54,621	57,824	63,107	66,394

Section 22. Repeal of Ordinance No. 12284. Ordinance No. 1228-4 originally passed and approved on the 16th2nd day of September 2014 is hereby repealed.

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

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

PASSED AND APPROVED THIS 2ND16TH DAY OF DECEMBERSEPTEMBER 22 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
PROFESSIONAL SERVICES AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES

SYNOPSIS

A resolution has been prepared approving an agreement with the firm of Leo A. Daly to provide professional services relative to determining space needs and renovation feasibility for an existing City facility in an amount not to exceed \$10,000.

FISCAL IMPACT

Funding was included in the FY 2015 General Fund budget for planning and design work related to the proposed renovation.

RECOMMENDATION

Approval.

BACKGROUND

The City's current Municipal Facilities Plan was completed by Leo A. Daly in 2008. It originally called for the construction of a new fire station and the use of the old public safety building located at 8110 Park View Blvd. by the Public Works Parks Division. Since that time a number of changes have taken place that impact the potential uses of a number of facilities. The City has contracted with the Papillion Fire Department to provide fire and EMS services and the lower level of the building at 8110 Park View Blvd. has been remodeled for their use. The upper level was being occupied by the Building and Grounds Department. The Parks Division is now housed in a recently purchased facility adjacent to the existing Public Works building. When the City's reorganization effort was implemented in June of 2014, the Building and Grounds Department became a division of Public Works, leaving the upper level of the 8110 building vacant.

During the reorganization discussions it was determined that the now vacant space on the upper level of the old public safety building could potentially be remodeled and refurbished to house the Community Development Department, freeing up some much needed space at City Hall and eliminating any immediate need for an addition to that facility.

The upper level of the building at 8110 Park View Blvd. needs extensive renovation in order to make it viable as office and conference space for Community Development. Leo A. Daly has submitted a proposal for professional architectural, engineering and planning services related to the revision of the City's Municipal Facilities Plan and to determine space needs and renovation feasibility for this building.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF AN AGREEMENT WITH LEO A DALY FOR PROFESSIONAL ARCHITECTURAL, ENGINEERING AND PLANNING SERVICES IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, Council has determined that a need exists for additional space at its City Hall facility; and

WHEREAS, the City currently has vacant space available in an existing facility located at 8110 Park View Blvd., adjacent to the existing City Hall facility; and

WHEREAS, discussions have been held regarding the potential of moving the Community Development Department out of City Hall and into this adjacent facility; and

WHEREAS, the vacant space needs extensive renovation in order to make it viable as office and conference space; and

WHEREAS, Leo A Daly completed the City's original Municipal Facilities Plan in 2008 and is familiar with the City's facilities; and

WHEREAS, Leo A Daly has submitted a proposal to provide professional services relative to revising the City's Municipal Facilities Plan and determining space needs and renovation feasibility for this building.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of La Vista, Nebraska, hereby approves the agreement with Leo A Daly in an amount not to exceed \$10,000 and authorizes the Mayor to execute said agreement.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

LEO A DALY

PLANNING

November 25, 2014

ARCHITECTURE

ENGINEERING

INTERIORS



EST. 1915

BU DHABI

ATLANTA

AUSTIN

BEIJING

CHICAGO

COLLEGE STATION

DALLAS

DENVER

FORT WORTH

HONG KONG

HONOLULU

HOUSTON

ISTANBUL

LAS VEGAS

LOS ANGELES

MIAMI

MINNEAPOLIS

MOSCOW

OMAHA

PHOENIX

RIYADH

SACRAMENTO

SAN ANTONIO

SAN MARCOS

TAMPA

WACO

WASHINGTON, DC

WEST PALM BEACH

City of La Vista
La Vista City Hall
8116 Park View Boulevard
La Vista, NE 68128

Attention: Rita Ramirez

Subject: Revised La Vista City Hall and Fire Station Renovation Feasibility Study Proposal

This letter will serve as an Agreement between the City of La Vista (the Owner) and the LEO A DALY Company for professional architectural, engineering and planning services related to the revision of the City of La Vista Facilities Master Plan (Facilities Master Plan), dated October 2008, and to study space needs and renovation feasibility for the existing District 1 Fire Station for use by the Community Development Division.

1. Proposed Scope of Work.

a. Renovation Feasibility Study including:

i. **Meeting with Users** – Team will meet with representatives from the City of La Vista Administration, Community Development Division, and any other future users to clarify programmatic and system needs.

ii. **Building Investigation** – Investigate current condition of District 1 Fire Station to establish a baseline condition of the space. Investigations will include:

1. Review of building drawings, specifications and any available studies or recent remodels.
2. Non-destructive investigations of building systems including mechanical, electrical, plumbing and structure.
3. Interior finishes
4. Exterior walls, roof and window investigation
5. Identify building code deficiencies and life safety issues

iii. **Renovation Alternatives** – Team will develop up to two (2) renovation concepts with preliminary opinion of probable costs. Alternatives will be based on the following priorities:

1. Scenario A – Essential Renovations: minimal renovations required primarily due to building code and/or life safety upgrades and minimal renovations interior renovations including paint and flooring upgrades. Moving and/or removing weight-bearing or structural interior walls will not be included in this scenario.
2. Scenario B – Intermediate Renovations: Building on Scenario A, plus alternative functional layout and upgrades to building systems. Moving and/or removing weight-bearing or structural interior walls may be included in this alternative. Some alterations to parking lot, vehicle circulation, pedestrian wayfinding and connections to City Hall are also expected to be included in this alternative.

iv. **Project Scope Summary** – Team will provide systems and design narratives for the proposed renovation scenario including opinion of probable construction costs. Due to the limited project budget, our team will work with the City of La

Subject: Revised La Vista City Hall And Fire Station Renovation Feasibility Study Fee Proposal
Attention: Rita Ramirez
Page 2 of 4

Vista to refine the scope of renovations and identify possible phasing plans for renovations.

- v. **Project Schedule** – Team will provide input and guidance in developing a realistic project schedule for construction.
- vi. **Opinion of Probable Project Cost** – Team will provide estimate of probable project costs for the proposed project.
- vii. **Concept Diagrams** – Team will provide concept graphics/diagrams to illustrate the renovation concept to assist project decisions and cost estimating.

2. Anticipated Deliverables.

- a. Revised space program for Community Development Division
- b. Conceptual Floor Plans
 - i. Up to two alternatives will be developed
- c. Building system narratives
- d. Estimate of Probable Construction
 - i. Up to two cost alternatives and/or phasing for interior renovations and supporting systems.
- e. Phasing plan for preferred renovation alternative, if necessary

3. Our Project Team.

- a. Chris Rupert, AICP – Project Manager
- b. Erin Froschheiser, NCARB – Architect
- c. Diane Honeyman, NCIDQ – Interior Designer
- d. Dan Karnes, PE – Mechanical Engineer
- e. Kristi Nohavec, PE – Structural Engineer
- f. Meagan McColloch – Intern

4. Assumptions/Exclusions.

- a. Study is limited to the upper portion of the District 1 Fire Station (aka Old Police Station). And it is assumed original construction drawing and documented renovations will be made available to Leo A Daly for review and scanning for us as baseline for development of conceptual drawing.
- b. Our team will review existing drawings, documents, plans and studies in addition to building investigations to inform the renovation study. If the creation of these data, drawing or studies is necessary, Leo A Daly can perform these tasks or coordinate outside consultants for an additional fee. The following is **excluded** from our scope of work and associated fee proposal:
 - i. Alta Boundary and Topographic Survey including all public and private utilities, building footprints, vegetation and tree masses, legal description, roadways, paths and sidewalks, natural features and easements.
 - ii. A comprehensive property survey and utilities condition assessment. We have excluded the following related tasks for our fee proposals:
 - 1. As-built drawings for buildings, site features and utilities.
 - iii. Subsurface survey or investigations including soils and geologic.
 - iv. Environmental and hazardous material assessments and/or testing.
- c. Drawings are limited to concept level detail only. Drawings developed for this study are not construction documents and should not be the basis for construction or contractor bids.

The fees for this work will be billed on an hourly basis, with a Ten Thousand Dollars (\$10,000) maximum, including reimbursable expenses.

See Exhibit A, General Conditions (attached). These General Conditions are incorporated into and made a part of this Agreement by this reference.

November 25, 2014

Subject:

Revised La Vista City Hall And Fire Station Renovation Feasibility Study Fee Proposal

Attention: Rita Ramirez

Page 3 of 4

We are happy to tailor the effort and fee to meet your budget. Please let me know if you have any questions or wish to further review the scope, expectations or professional fees. If this meets with your approval, please sign and return one (1) copy of this letter to us either by email or mail. Thank you for this opportunity to serve you.

Very truly yours,
LEO A DALY COMPANY



Christine M. Rupert, AICP
Senior Associate, Director of Planning

ACCEPTED:

Approved by:


Christopher Johnson
Vice President

By: _____

Title: _____

Date: _____

November 25, 2014

Subject: Revised La Vista City Hall And Fire Station Renovation Feasibility Study Fee Proposal
Attention: Rita Ramirez
Page 4 of 4

EXHIBIT A – GENERAL CONDITIONS

DIRECT PERSONNEL EXPENSE

Direct Personnel Expense is defined as the direct salaries of Leo A Daly's personnel engaged on the Project and the portion of the cost of their mandatory and customary contributions and benefits related thereto, such as employment taxes and other statutory employee benefits, insurance, sick leave, holidays, vacations, pensions and similar contributions and benefits.

REIMBURSABLE EXPENSES

Reimbursable Expenses are in addition to compensation for Services and include expenses incurred by the Leo A Daly Company and their employees and subconsultants in the interest of the Project, plus ten (10) percent administrative costs, as identified in the following Clauses:

Expense of transportation in connection with the Project; expenses in connection with authorized in and out-of-town travel; long-distance communications; electronic communications; and fees paid for securing approval of authorities having jurisdiction over the Project.

Expense of reproductions, postage and handling of Drawings, Specifications and other documents.

Expense of renderings (Basic: \$500-each, Intermediate: \$1,000-each, Intricate: \$2,500-each), models and mock-ups.

Expense of computer-aided design, drafting and word processing equipment time when used in connection with the Project.

PAYMENTS

Payments are due and payable fifteen (15) days from the date of Leo A Daly's monthly invoice. Amounts unpaid thirty (30) days after the invoice date shall bear interest at the rate of 12 percent (12%) per annum.

OWNERSHIP AND USE OF DOCUMENTS

The Drawings, Specifications and other documents prepared by Leo A Daly for this Project are instruments of Leo A Daly's service for use solely with respect to this Project and Leo A Daly shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

Upon receipt of payment for Leo A Daly's services as provided herein, the Owner shall be permitted to retain copies, including reproducible copies, of Leo A Daly's Drawings, Specifications and other documents for information and reference in connection with the Owner's use and occupancy of the Project. Leo A Daly's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others, except by agreement in writing and with appropriate compensation to Leo A Daly.

LIMIT OF LIABILITY

Neither the Leo A Daly Company, their consultants, nor their agents or employees shall be jointly, severally or individually liable to the Owner in excess of the compensation to be paid pursuant to this Agreement, by reason of any act or omission, including breach of contract or negligence not amounting to a willful or intentional wrong. In no event shall the Leo A Daly Company, their consultants, nor their agents or employees be responsible or liable for damages or loss of profits, loss of use, loss of revenue, or for any other special, indirect, incidental or consequential damages of any kind arising in any way in connection with this Agreement or the Project.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS COUNCIL CHAMBERS TECHNOLOGY UPDATE	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG CITY PLANNER

SYNOPSIS

A resolution has been prepared authorizing the advertisement of request for proposals (RFP) for professional services to update the technology of the Harold "Andy" Anderson Council Chamber.

FISCAL IMPACT

The FY 15 Capital Fund Budget provides funding for the proposed project.

RECOMMENDATION

Approval.

BACKGROUND

The technology utilized in the council chamber has not been updated since City Hall was constructed in 1995. The City's Information Technology Strategic Plan has identified this project as a priority.

A subcommittee of the IT Committee has been working on this project. This subcommittee has held four meetings with city staff and council members to gather input on the deficiencies of the current technology in the chamber and to recommend possible improvements. An RFP was approved in 2013, however the bids received were significantly higher than the amount budgeted and the bids were rejected.

The committee has since reassessed the project and developed changes to the original RFP to efficiently complete this project within the amount budgeted.

Proposals will be due January 6, 2015 at noon with the approximate contract award date of January 20, 2015.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUESTS FOR PROPOSALS FOR PROFESSIONAL SERVICES TO UPDATE THE TECHNOLOGY OF THE LA VISTA COUNCIL CHAMBERS.

WHEREAS, the Mayor and Council have determined that requesting proposals for professional services to update the technology of the Harold "Andy" Anderson Council Chamber is necessary, and

WHEREAS, the FY 15 Capital Fund Budget provides funding for this project; and

WHEREAS, Proposals will be due January 6, 2015 with the approximate contract award date of January 20, 2015;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertising of requests for proposals for professional services to update the technology of the Harold "Andy" Anderson Council Chamber.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Bueth, CMC
City Clerk

CITY OF LA VISTA
REQUEST FOR PROPOSAL
COUNCIL CHAMBERS TECHNOLOGY UPDATE

NOT AN ORDER

From: City of La Vista
City Clerk
8116 Park View Blvd.
La Vista, Nebraska 68128

Published: December 10, 2014

PROPOSALS DUE:
January 6, 2015 at 12:00pm
(Noon)
La Vista City Hall
8116 Park View Blvd.

(Contract Award Scheduled for 1/20/2015)

The City of La Vista is requesting proposals for the *Council Chambers Technology Update*. The proposal should *consist of an update to the City Council Chambers located within the La Vista City Hall*. There are basic specifications attached.

GENERAL CONDITIONS AND INSTRUCTIONS FOR BIDDERS
(Incorporated herein and made part of these specifications)

1. Any discount quoted will be deducted from the price when bill is paid. All appropriate government discounts should apply.
2. The City of La Vista (hereinafter referred to as the "City") reserves the right to reject any or all bids, to waive informalities or irregularities in the bidding, and to negotiate contract terms with the various bidders when such is deemed by the City to be in its best interest. The right is also reserved to accept or reject any part of bid unless otherwise indicated by Contractor.
3. Instructions, manufacturer's catalog numbers, etc., where shown herein are for descriptive purposes to guide the bidder in interpreting the standard, quality, design, and performance desired and shall not be construed to exclude proposals based on furnishing other types of materials.
4. Any substitutions must equal or surpass the specifications. When submitting a substitute article as equal, the full name and description must be given, the City reserving the right, however, of deciding upon its suitability for the purpose intended.
5. BID PRICE ON EQUIPMENT TO BE F.O.B. CITY OF LA VISTA, NEBRASKA AND SHOULD INCLUDE ALL SHIPPING AND DELIVERY CHARGES.
6. Equipment must be of current date (latest model) and meet specifications. The equipment bid shall meet all current Federal Government and State of Nebraska Safety Regulations. Bidder shall be either a manufacturer, factory branch, or agent, engaged in the business of selling,

leasing and servicing the equipment offered. All equipment provided shall be equipped with all factory standard equipment for the model bid. The successful bidder must maintain a full line of replacement parts in order to render the machine serviceable to the City and be able to maintain a service response time of three hours or less.

7. Prices quoted shall not be subject to increase during the entire term of the contract. However, should there be a reduction in the price of any one or more items covered by the contract, during the period of the contract, the price to the City of La Vista shall be reduced to equal the revised list price less the discount herein quoted.
8. The City shall have the right to inspect any material or services specified herein. Equipment, supplies or services that fail to comply with the specification herein in regard to design, material, or workmanship are subject to rejection at the option of the City. Any materials rejected shall be removed from the premises of the City of La Vista at the expense of the Contractor.
9. Warranties for the products purchased as part of this project shall be provided to the City.
10. Each bidder shall submit all necessary catalogs, descriptive literature, etc. needed to describe fully the material the contractor has proposed to furnish.
11. Any bidder's exceptions to those terms and conditions or deviations from the written specifications shall be shown in writing on the attached bid form exception sheets. However, such exceptions may be cause for rejection of the bid.
12. All prices and notations must be in ink or typewritten. Mistakes may be crossed out, with corrections typed adjacent and must be initialed in ink by person signing the proposal.
13. No bid may be withdrawn after the scheduled bid due date for at least sixty (60) days.
14. Bids must be submitted on the forms provided in a sealed envelope plainly marked "**SEALED BID**" with material description, date and time of closing written thereon. All bid proposals must be signed by an authorized officer or employee of the company and include the Contractor name.
14. **Questions should be directed to Pam Buethe, City Clerk, at 402-331-4343 or by e-mail to pbuethe@cityoflavista.org before quotation is submitted.** As required by State Law, neither the Contractor nor his subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of this contract, with respect to their hire, tenure, terms, conditions, or privileges of employment or because of their race, color, religion, sex, disability, or natural origin.

ADDITIONAL REQUIREMENTS

Notwithstanding anything in these specifications to the contrary:

1. Purchase Order. The City shall issue a purchase order to the successful bidder that contains "Terms of Purchase." By submitting its bid, each bidder agrees to be bound by all terms and conditions of said purchase order if it becomes the successful bidder.

2. Taxes. Purchases by the City are exempt from the payment of federal excise taxes and Nebraska sales and use taxes and all such taxes shall be excluded from bids. Tax exemption certificates will be provided upon request.

3. Modifications. Bidder understands, acknowledges and agrees that no employee, agent or representative of the City has any authority to make any representations, statements, warranties, agreements or modifications to, of, or regarding these specifications or any contract of the City without the written approval of the City Administrator; provided, however, that any representation, statement, warranty, agreement or modification that has any actual or potential impact to the City of more than \$5,000 shall require the prior written approval of the Mayor and City Council of the City of La Vista.

4. Fair Labor Standards. Pursuant to Neb. Rev. Stat. Section 73-102, by submitting a bid, supplier hereby represents and certifies to the City of La Vista that supplier is complying with, and will continue to comply with, fair labor standards in the pursuit of its business and, if supplier is the successful bidder, in the execution and performance of the contract on which it is bidding; and in the execution and performance of said contract, fair labor standards will be maintained.

Section 1

Introduction and Instructions

1.01 Purpose of the RFP

This Request for Proposal (RFP) is issued by the City. The purpose of this RFP is to establish a contract with a qualified Contractor to provide a high-definition technology upgrade for the Council Chambers video projection, presentation, and broadcasting equipment necessary to meet the future needs of the City.

1.02 Contact Person, Telephone, Fax Number, and Email

Pam Buethe, City Clerk, is the point of contact for this RFP. Unauthorized contact regarding the RFP with other City employees may result in the Contractor being disqualified.

Pam Buethe, City Clerk
Phone: 402-331-4343
Fax: 402-331-4375
Email: pbuethe@cityoflavista.org

1.03 RFP Schedule of Events

This schedule of events represents the City's best estimate of the schedule that will be followed for this RFP. If a component of this schedule, such as the deadline for receipt of proposals, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate RFP schedule is as follows:

- | | |
|---|---------------------------|
| • RFP approval: | December 2, 2014 |
| • RFP published: | December 10, 2014 |
| • Preproposal meetings: | Week of December 15, 2014 |
| • Deadline for questions: | December 22, 2014 |
| • Proposals due (12:00-Noon): | January 6, 2015 |
| • City awards a Contract approximately: | January 20, 2015 |
| • City issues contract approximately: | January 27, 2015 |
| • Work to be complete by: | April 13, 2015 |

1.04 Return Mailing Address and Deadline for Receipt of Proposals

Contractors must submit one (1) original hard copy marked "Original" and six (6) hard copies of the proposal in a sealed envelope or package and one copy on CD or DVD.

Cost proposals are to be submitted in a separate sealed envelope or package clearly labeled "Cost Proposal."

Envelopes or packages containing proposals must be clearly addressed as described below to ensure proper delivery and to avoid being opened by the City before the deadline for receipt.

Envelopes or packages must be addressed as follows:

City of La Vista
Attention: Pam Buethe
Request for Proposals (RFP: Council Chambers Technology Update)
8116 Park View Blvd.
La Vista, NE 68128

Proposals must be received by the City Clerk's Office at the location specified no later than **12:00 (Noon), Central Standard Time, on January 6, 2015.**

Proposals will not be publicly read at the opening. Proposals may not be delivered orally, by facsimile transmission, by other telecommunication, or electronic means.

Contractors assume the risk of the method of dispatch chosen. The City of La Vista ("City") assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt by the City. A Contractor's failure to submit its proposal prior to the deadline will cause the proposal to be rejected. Late proposals or amendments will not be opened or accepted for evaluation.

1.05 Questions and Addendum

Questions regarding this RFP shall be submitted in writing to Pam Buethe, City Clerk, at pbuethe@cityoflavista.org. Answers to questions will be posted on the City's website. The deadline for questions is 12:00 (Noon) Central Standard Time, December 22, 2014.

Preproposal meetings will be held on a reservation basis at the La Vista City Hall, 8116 Park View Blvd., La Vista, NE, during the week of December 15, 2014, to answer questions and walk through the facility.

If deemed necessary, an addendum to the RFP will be issued and will be emailed to the proposers. No addenda will be issued after 5 p.m., December 29, 2014.

Responding Contractors are prohibited from communicating in any other manner about this project with any other City employee from the date of issuance of this proposal until the final selection, unless otherwise directed by the City Clerk. Other means of communications or contact may disqualify the submitting Contractor.

Section 2 Scope of Work

2.01 Introduction

The City Council Chamber is the facility where elected officials, City staff, and the public meet to conduct official City business. The primary use of this facility is to host Regular and Special City Council meetings, City Council Informational meetings, City Council Committee meetings, and Planning Commission meetings. A secondary use of this facility is as a meeting center for other City meetings.

The Chamber has a curved front desk that seats up to 11. Two desks behind the chamber desk seat a total of three. All desks face a public seating area that seats 92.

This project will replace most of the current presentation and broadcasting equipment, which was originally installed in 1995. The original equipment includes 16 microphones, one large and two small desks, podium, an undersized retractable projection screen, sound system mounted in a rack in a cabinet, six speakers projecting in to the chambers and two in the foyer, tape recorder and press feeds tied in to the sound system, and floor-mounted electrical outlets at the front of the room.

2.02 Scope of Work—General Specifications

- This project includes an engineered system design, equipment/furniture selection, installation, and integration of various presentation, and audio visual (AV) equipment located in the City Council Chamber. The La Vista City Hall is located at 8116 Park View Blvd., La Vista, NE.
- This upgrade will:
 - Create a high-quality, high-definition, state-of-the-art presentation system to facilitate meetings and presentations held in the Council Chamber. Create a user-friendly City Council Chamber that will facilitate AV presentations for City employees and the public.
 - To the extent possible, integrate some of the existing AV equipment/furniture with proposed AV equipment/furniture; however, quality of performance of the system will not be sacrificed.
 - Contractor should evaluate City Council Chamber and provide a cost proposal for a solution to replace the systems currently in place and upgrade the room with high-definition video and presentation equipment.
 - Contractor will be responsible for the installation, programming, and configuring of equipment.

- Contractor will work with the City's public works department (at the city's discretion) for modification of furniture, any and all installed cabling, and mounting hardware required for installed equipment.
- Contractor will provide staff training on the use of the entire system.
- Contractor must be able to provide onsite service within 48 hours for service calls and a fix within four business days, as well as three years ongoing support and maintenance for all installed equipment. Contractor shall also provide any firmware and software updates.

2.03 Contractor—Installation

- The Contractor shall be responsible for the storage, handling, and installation of the systems in accordance with these specifications and the conditions of the manufacturer's specifications and warranty.
- At the time of installation, systems will be rejected if they have defects, flaws, or damage incurred during manufacture, transportation, storage, or handling. Damaged material shall be removed and replaced at no additional cost to the City.
- Contractor shall state how long installation will take. System shall be installed according to manufacturer's guidelines and recommendations. This also includes mounting of hardware.
- Contractor shall work with staff to accommodate the various meetings held in the chambers while construction is underway. The chamber shall be fully or near fully functional during these meetings.
- Contractor must be able to provide a complete high-definition video projection and presentation solution and be able to attend meetings on site as required. Installation and training must be provided to the City's satisfaction. Include warranty information in proposal.

2.04 Subcontracting

A list of all contractor's subcontractors shall be made available to the City upon request, along with information regarding the which tasks will be assigned to them.

2.05 Equipment Requirements/Specifications

1. Video System.

The video system will include the following items listed, as well as all needed cabling, connectors, distribution equipment, routing switcher(s), and any other equipment needed to make the system functional.

- **Two (2) High-definition Monitors:**
 - Monitors will be LED or LCD that are approximately 80" in size when measured diagonally.

- Monitors will be mounted flush onto the two structural columns located left and right, behind the council seating position.
 - Monitors must be mounted above head height, and provide optimum viewing from the audience position.
 - Monitors will display sources located at the podium, chamber desk, and city clerk's position. These monitors will share the source that is routed to them.
 - Video sources will include, but are not limited to: (2) computers, document camera, as well as additional A/V inputs located at the podium, and chamber desk. Location of sources will be determined by the city.
- **Eleven (11) monitors, providing one monitor between each council member chair on the Chamber desk and an auxiliary viewing location at the southwestern desk within the chambers.**
 - Monitors will be mounted in manner as to not block the view of persons in council member chairs to the persons addressing the council from the Chamber's' floor in front of the Chamber desk.
 - Monitors will be fed from a source router located at the City Clerk's position. These monitors will share the same feed from the source router.
 - Monitors shall be LED, or LCD, and be between approximately 19" and 21" in size when measured diagonally.
 - All cabling, and video distribution equipment will be installed in a professional, aesthetically pleasing manner.

2. Audio System.

The audio system will include the following items listed, as well as any cabling, connectors, amplifiers, processing equipment, and any other needed equipment to make the system functional.

- If possible, re-use existing microphones located in the Chamber.
- Install shock mount microphone holders onto existing microphones.
- Install an audio processor(s) capable of auto-mixing the Inputs, as well as having assignable outputs. Inputs will include the existing (15) microphones, and video playback device(s) as determined by the city, and contractor. Audio outputs will be assigned to the recording device, loudspeakers in the Council Chamber, loudspeakers in the foyer, and (4) existing press feeds.
- Replace existing cassette recorder with a digital recorder capable of accessing audio recordings remotely through the network.
- Re-use existing amplifier, currently used to power the chamber loudspeakers, to power the existing foyer loudspeakers.

- Install loudspeaker(s) in the Council Chamber. The loudspeaker(s) should be of a low-impedance, point source type device. Installed loudspeakers should be 'flown', and aimed towards the audience seating positions. The loudspeakers should cover the space evenly, and provide clear, and intelligible reinforcement of speech as well as recorded media. **Contractor must work with city building personnel in determining proper rigging spots for loudspeakers.**

3. Voting System.

Replace existing voting system, with a four-button type, voting panel located at each council member location (11 locations total). This system will replace the existing wall mounted voting results tally board; results should be displayed on the new video presentation system.

- New voting system shall be fully configurable for the different councils, commissions, and committees that use the chamber.
- Control of the system shall be held at the City Clerk's desk behind the main council desk.

4. Podium replacement:

Contractor will work with the city in finding a podium suitable for the space. The proper podium will be determined by both the aesthetic nature, and functionality.

- The selected / approved podium will need to be aesthetically pleasing. The podium's style and finish should match as closely as possible with the furnishings pre - existing in the space.
- Functionality is equally as important as the aesthetic quality. The podium will need to be easily moved within the space for storage, or positioning. Items that will be installed into the podium include:
 - A wireless keyboard and mouse mounted within easy reach of the presenter.
 - External laptop hookup at podium with network access.
 - A document camera.
 - A microphone (if possible use pre – existing microphone with an installed shock mount).
 - Provide Audio and Video connections for external playback devices. Connections should be capable of accepting a variety of formats.
 - Provide an 'umbilical' that will allow for quick and simple connections of electrical, audio, data, and video lines going to, or coming from the podium.

5. Audio / Video Control:

- Control shall be located at City Clerk's position at southeast desk.
- Functions to include:

- Control presentation equipment located in City Council Chamber and entryway, including selection of monitors, A/V sources, and audio level control, and routing.
- Control should be configured to provide simple and reliable service and operation to the end user.
- Provide necessary equipment to control power sequencing of the components of the audio and video systems.

6. Miscellaneous equipment:

- VGA/DVI and HDMI connection at the City Clerk's desk, the center of the Chamber's main desk, and podium. Audio inputs should also be provided for playback devices at these locations.
- Any additional hardware and cabling required for complete installation.
- All cables, connectors, equipment, and miscellaneous products not specified in the RFP, but are necessary for project completion, will be provided by the contractor.
- Provide backup power (UPS), and/or surge suppression system. Contractor to provide recommendation on what equipment should be protected. The primary objective is to protect the equipment from power outages and spikes. The backup power system, during a power outage, should sustain equipment run time for a minimum of 15 minutes.

7. If the following current equipment/furniture located in the City Council Chamber isn't compatible with the overall solution being proposed, provide new replacement equipment/furniture for the following:

- Video/audio cabling.
- Racks, shelves, cabling, and desks.

8. Complete installation, programming, and labor costs for all software and equipment. All operating and maintenance manuals shall be included. Contractor shall provide documentation and drawings of configuration.

9. Include information describing the maintenance support you are able to provide (include average turnaround time).

Alternate 1: High-definition televisions in foyer:

- (2) High-definition televisions to be installed immediately outside of the City Council Chamber, in the foyer to display presentations during times of overflow audiences.
- Monitors should be between 46" and 50" in size, and mounted underneath the existing JBL loudspeakers.
- Installed with a digital media controller allowing connection to the content displayed in the City Council Chamber or independent media.

2.06 Cost Proposal

The City is requesting a complete itemized cost proposal including all options. All prices should include equipment, software, cabling, electrical, any necessary drywall repairs, installation, labor, shipping, performance bond, and surcharges, etc. Based on the available budget, the City reserves the right to ask for revised pricing from the awarded contractor to modify the needs of the City.

Section 3 Proposal Format and Content

3.01 Submittal Requirements

The submittal must contain the following information:

1. **Cover Letter.** Provide name and address of the Contractor(s) and project contact person with address, telephone number, and email address. Acknowledge receipt of any addendum if applicable. Summarize your understanding of the project scope and services being required. Provide a statement indicating your ability to provide timely services for this project and to meet the requirements of the proposed schedule. Indicate your acceptance of the requirements of this RFP. Provide a one-page summary of the benefits you believe the City would receive from selecting your Contractor.

The cover letter **must be signed** by a duly authorized official of the Contractor. Consortiums, joint ventures, or teams submitting proposals must establish contractual responsibility rests solely with one company or one legal entity. Each submittal should indicate the entity responsible for execution on behalf of the proposal team. The Contractor's offer must be good for 60 days.

2. **References.** Contractor shall provide a list with contact information of agencies that your company is currently providing video projection, presentation, and broadcasting equipment.
3. **Experiences.** Provide examples/references for past performance on similar projects including integrating video projection, presentation, and broadcast equipment as outlined in this document.
4. **Understanding of Project.** State your understanding of what the project entails and provide an itemized listing with pricing for all equipment and installation.
5. **Statement of Work and Project Approach.** Discuss how your organization accomplishes the scope of work. Include details of how and when you will interact with staff throughout the process from planning to implementation and training.
6. **Project Schedule.** Provide your schedule for performing the work, including major milestones and deliverables.

Section 4

Review of Proposals and Selection of Finalists for Interviews

4.01 Selection Criteria

Upon receipt of the proposals, an evaluation team will determine the best proposal deemed most qualified based on the following criteria. The evaluation team will rely on the qualitative information contained and presented in the proposals and reference checks in making the decision to select the most qualified Contractor to provide services for the City. Selection criteria will be based on:

Evaluation Criteria (100 Point Potential Score)

- Degree that Contractor demonstrates an understanding of the project objectives and proposes a solution to accomplish those objectives and is able to meet these objectives and project timetable. **25 points**
- Project team experience including references. **20 points**
- Reasonableness of proposed equipment and implementation cost. **30 points**
- Examples of and references of similar projects designing, integrating, implementing, and supporting video projection, presentation, and broadcast equipment. **10 points**
- Customer service during installation and after the sale is extremely important. Contractor's availability to provide onsite service within 24 hours. **15 points**

4.02 Interviews

The City may interview the highest ranked Contractor(s). The order of interviews will be determined by the City. The interview will consist of up to a 30-minute interview with the Contractor and a question-and-answer session. The proposed key Contractor personnel must participate in the interview. Only Contractor personnel who will have an active key role in providing the solution should participate in the interview. Interviews may be conducted in person, via teleconference, or by video conference.

4.03 Special Conditions

Excluding proprietary information, the proposal for the equipment and software contract of the Contractor awarded the contract is deemed public record and shall be available to the public upon request.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
AUTHORIZE DIRECTIONAL BORING - PARKS FACILITY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing a contract with TJ Cable & Underground Services, 902 South Street, Gretna, Nebraska, for directional boring services at the Parks Facility, 9810 Hupp Drive, in an amount not to exceed \$7,200.00.

FISCAL IMPACT

The FY 15 Capital Fund Budget includes funding for the proposed project.

RECOMMENDATION

Approval

BACKGROUND

With the purchase of the property at 9810 Hupp Drive, it is necessary to install fiber service to the building in order to get the facility online for city computer and phone service. The fiber line will be installed from the current Public Works Facility at 9900 Portal Road to the new Parks Facility. The internal data port and cable work will be completed by the Building Maintenance Division and Parks Division. TJ Cable & Underground Services is the company Sarpy County IT contracts with for this type of work.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING A CONTRACT WITH TJ CABLE & UNDERGROUND SERVICES, GRETNA, NEBRASKA FOR DIRECTIONAL BORING SERVICES AT THE PARKS FACILITY IN AN AMOUNT NOT TO EXCEED \$7,200.00

WHEREAS, the City Council of the City of La Vista has determined that the directional boring at the parks facility on Hupp Drive is necessary; and

WHEREAS, the FY 15 Capital Fund Budget provides funding for the proposed project; and

WHEREAS, TJ Cable & Underground Services is the company Sarpy County IT contracts with for work, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize a contract with TJ Cable & Underground Services, Gretna Nebraska in an amount not to exceed \$7,200.00.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

TJ Cable & Underground Services

902 South St.
P.O. Box 563
Gretna, NE 68028

Estimate

Date	Estimate #
3/26/2014	4

Name / Address
Sarpy County

			Project
Description	Qty	Rate	Total
Directional Bore/ place conduit. Bore from 9810 Hupp Road to Existing 4" entry duct to 9900 Portal Rd.pull in 12 count fiber to both locations. price includes materials(fiber, fiber trays, pigtailes W/ LC connectors, duct, riser at 9810 Hupp & vault at 9900, terminations and splicing.	1	7,200.00	7,200.00
Total			\$7,200.00

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 2, 2014 AGENDA**

Subject:	Type:	Submitted By:
APPROVAL TO PURCHASE MARKED POLICE VEHICLES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRYAN WAUGH POLICE CAPTAIN

SYNOPSIS

A resolution has been prepared to approve the purchase two (2) 2015 Ford Police Interceptor Utility vehicles from Anderson Ford, Lincoln, Nebraska and up-fitting from 911 Custom, Overland Park, KS, in an amount not to exceed \$80,000.

FISCAL IMPACT

The FY 15 General Fund Budget provides funding for the proposed purchase.

RECOMMENDATION

Approval

BACKGROUND

The purchase is being made off of the Nebraska State Contract. Expected delivery of the vehicle will be in approximately 120 days (April 2015).

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA
AWARDING A CONTRACT TO ANDERSON FORD, LINCOLN, NEBRASKA FOR THE
PURCHASE OF TWO (2) 2015 FORD POLICE INTECEPTOR UTILITY VEHICLES ALONG WITH
UP-FITTING FROM 911 CUSTOM, OVERLAND PARK, KANSAS, IN AN AMOUNT NOT TO
EXCEED \$80,000.

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

WHEREAS, the FY 15 General Fund budget includes funds for proposed purchase, and

WHEREAS, the State of Nebraska did receive bids for 2015 police vehicles, and

WHEREAS, Anderson Ford, Lincoln, Nebraska, was awarded the state bid for Nebraska for the
2015 Ford Police Interceptor Utility Vehicle and will extend that price to the City of
La Vista, and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska,
do hereby authorize the purchase of two (2) 2015 Ford Police Interceptor Utility
Police vehicles from Anderson Ford, Lincoln, Nebraska and up-fitting from 911
Customs, Overland Park, Kansas, in an amount not to exceed \$80,000.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

G

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 SHAKTI FUELS LLC DBA LA VISTA SINCLAIR IN LA VISTA, NEBRASKA.

WHEREAS, Shakti Fuels LLC dba La Vista Sinclair, 8307 Park View Boulevard, 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 Shakti Fuels LLC dba La Vista Sinclair, 8307 Park View Boulevard, La Vista, Sarpy County, Nebraska.

PASSED AND APPROVED THIS 2ND DAY OF DECEMBER, 2014.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



LA VISTA POLICE DEPARTMENT INTER-DEPARTMENT MEMO

TO: Pam Buethe, City Clerk

FROM: Chief Robert S. Lausten

DATE: November 17, 2014

RE: LOCAL BACKGROUND- LIQUOR LICENSE- CORPORATE &
MANAGER-SHAKTI FUEL, LLC. DBA SINCLAIR GAS STATION

CC:

The police department conducted a check of computerized records regarding the applicant for the Corporate and Manager applications. Maulin Patel (Shakti Fuel, LLC, DBA SINCLAIR GAS STATION). Matras has no criminal record in Nebraska. The manager applicant, Manoj Desai, also has no entries in Sarpy and Douglas counties.

RECEIPT

From: NLCC Randy.Seybert@nebraska.gov
Phone: 402/471-4885
Fax: 402/471-2814

To: CLERK-OF LA VISTA

Subject: SHAKTI FUELS LLC. dba LA VISTA SINCLAIR D-110675
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.

11-12-14

DATE OF RECEIPT

M. Bawed - 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)

November 12, 2014

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

RE: SHAKTI FUELS LLC. dba LA VISTA SINCLAIR D-110675

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 Wiebusch
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: November 12, 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:

**LA VISTA CITY CLERK
8116 PARK VIEW BLVD
LA VISTA NE 68128 2198
DUE: 12/29/2014**

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

RECOMMENDATION OF THE NEBRASKA LIQUOR CONTROL COMMISSION

RS

Date Mailed from Commission Office: November 12, 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:

**LA VISTA SINCLAIR
8307 PARK VIEW BLVD
LA VISTA NE 68128
DUE: 12/29/2014**

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

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

RECEIVED		
NOV 4 2014		
NEBRASKA LIQUOR CONTROL COMMISSION		
QA	Repl 088429	
Class Type D	LI 110675	Initial RS

Applicant name Shakti Fuels LLC

Trade name La Vista Sinclair

Previous trade name N / A

Contact email address sinclv14@gmail.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)

☒ 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

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

Office use only	
PAYMENT TYPE	<u>CK No #</u>
AMOUNT:	<u>\$ 400</u>
RECEIPT #	<u>168220</u>
Received:	<u>mm</u>

 1400025089
--

FORM 100
REV 12/2013
PAGE 1

RECEIVED
mp

X 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. 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).

X 5. If building is owned or being purchased send a copy of the deed or purchase agreement in the name of the applicant.

X 6. If buying the business of a current liquor license holder:

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

X 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.

X 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>


X 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.

X 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.

Signature

Date

RECEIPT	DATE <u>11-4-2014</u> No. <u>168220</u>
	FROM <u>Shakti Fuels LLC</u>
	FOR <u>New App</u>
	<div style="display: flex; align-items: center;"><div style="flex: 1;"><div><input type="checkbox"/> CASH <input checked="" type="checkbox"/> CHECK # <u>No Number</u> <input type="checkbox"/> MONEY# ORDER</div></div><div style="flex: 1; text-align: right;"><div style="border: 1px solid black; padding: 2px; display: inline-block;">\$ <u>2150</u></div><div style="margin-top: 10px;"><u>Andy Seiden</u> Received by</div></div></div>

**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/

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NOV 4 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

**CLASS OF LICENSE FOR WHICH APPLICATION IS MADE AND FEES
CHECK DESIRED 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 YEAR

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

**CHECK TYPE OF LICENSE FOR WHICH YOU ARE APPLYING
(CHECK 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 ATTORNEY OR FIRM ASSISTING WITH APPLICATION (if applicable)
Commission will call this person with any questions we may have on this application**

Name Jennifer M. Tomka Phone number: 402.475.3865
Firm Name Boucher Law Firm

PREMISE INFORMATIONTrade Name (doing business as) La Vista SinclairStreet Address #1 8307 Park View Blvd.

Street Address #2 _____

City La VistaCounty SARPYZip Code 68128Premise Telephone number 402-331-4145Business e-mail address sinclv14A@gmail.com

Is this location inside the city/village corporate limits:

☒

YES

☐

NO

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

Name Manoj K. DesaiStreet Address #1 400 Dakota Avenue

Street Address #2 _____

City S. Sioux CityState NEZip Code 68776**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**

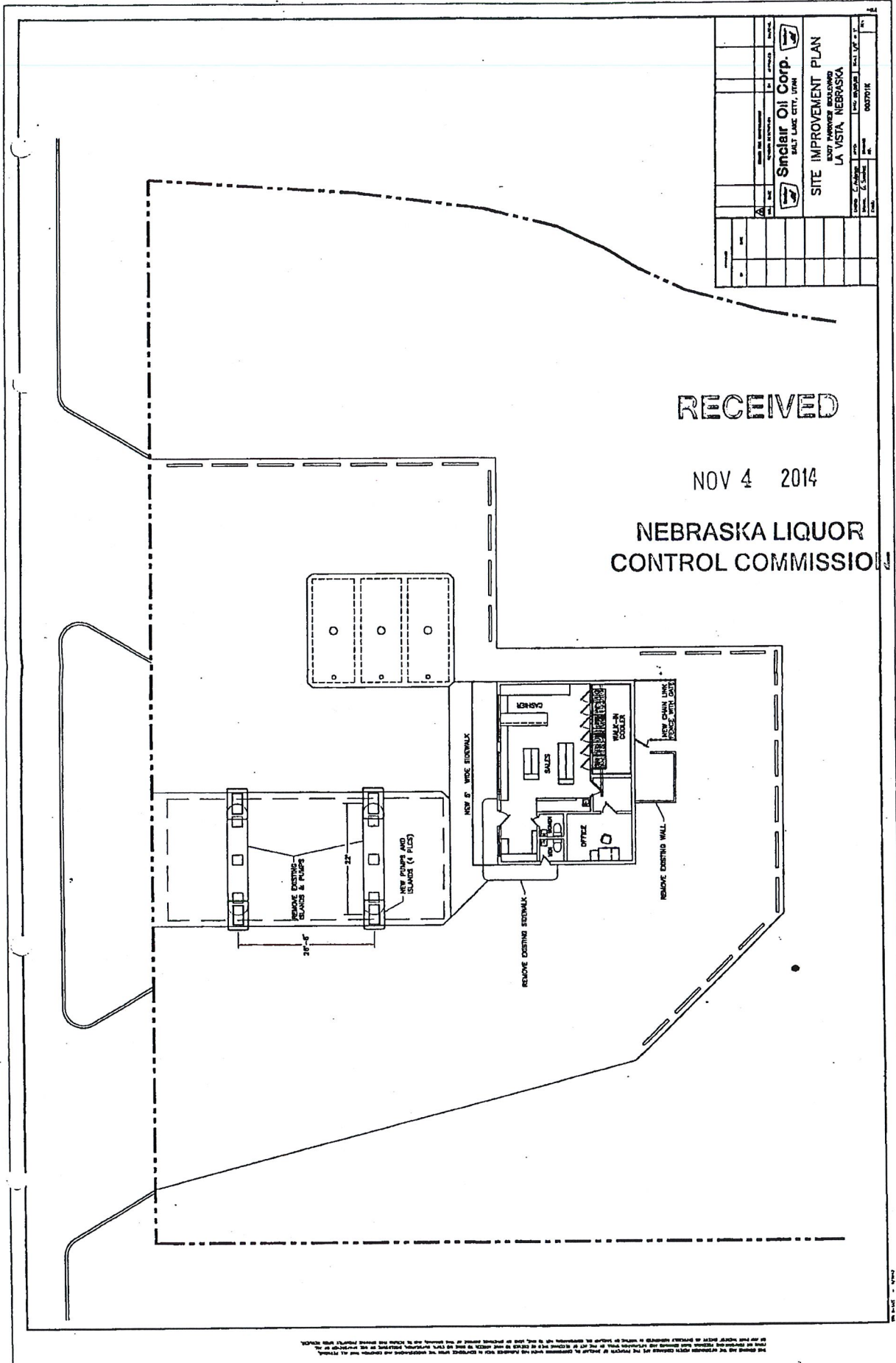
Building: length 37 x width 27 in feetIs there a basement to be licensed? Yes _____ No X If yes, length _____ x width _____ in feetIs there an outdoor area? Yes _____ No X If yes, length _____ x width _____ in feet

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

[illegible]

NOV 4 2014

NEBRASKA LIQUOR
CONTROL COMMISSION



APPLICANT INFORMATION**1. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY §53-125(5)**

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

NOV 4 2014

NEBRASKA LIQUOR

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (city & state)	Description of Charge	CONTROL 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 " B " 088429

- 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 _____

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)

RECEIVED

NOV 4 2014

No silent partners

NEBRASKA LIQUOR
CONTROL COMMISSION

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.

Great Western Bank - Maulin N Patel

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.

Shakti Petroleum, Inc. 1009 W, Mission Avenue, Bellevue, NE 68005 "D" 086870

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

NLCC certified training program completed:

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
Maulin N. Patel	10/2014	RBST
		RECEIVED

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
		NOV 4 2014
		NEBRASKA LIQUOR
		CONTROL COMMISSION

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 _____
- ☒ Deed
- ☐ Purchase Agreement

14. When do you intend to open for business? 10/24/14

15. What will be the main nature of business? C- Store with Gas Station

16. What are the anticipated hours of operation? 5 am to 11 pm, 5 am to 1 am on weekends

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


RESIDENCES FOR THE PAST 10 YEARS, APPLICANT AND SPOUSE MUST COMPLETE					
APPLICANT: CITY & STATE	YEAR		SPOUSE: CITY & STATE	YEAR	
	FROM	TO		FROM	TO
Sioux City, IA	2003	till date	unmarried		

If necessary attach a separate sheet.

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 causes of action that said applicant(s) or spouse(s) may have against the Nebraska Liquor Control Commission, the Nebraska State Patrol, and any other individual disclosing or releasing said information. Any documents or records for the proposed business or for any partner or stockholder that are needed in furtherance of the application investigation of any other investigation shall be supplied immediately upon demand to the Nebraska Liquor Control Commission or the Nebraska State Patrol. The undersigned understand and acknowledge that any license issued, based on the information submitted in this application, is subject to cancellation if the information contained herein is incomplete, inaccurate or fraudulent.

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

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

 _____ Signature MAULIN NIRAJ PATEL _____ Print Name	RECEIVED _____ Signature NOV 4 2014 NEBRASKA LIQUOR _____ Print Name CONTROL COMMISSION
_____ Signature of Spouse _____ Print Name	_____ Signature of Spouse _____ Print Name

ACKNOWLEDGEMENT

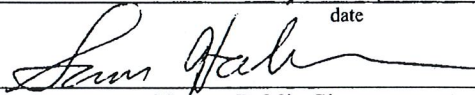
State of Nebraska

County of Douglas

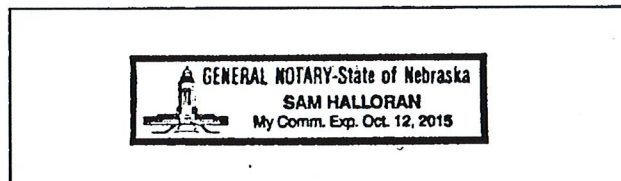
The foregoing instrument was acknowledged before me this

Nov 3, 2014 by _____
date

Maulin Niraj Patel
name of person(s) acknowledged (individual(s) signing)



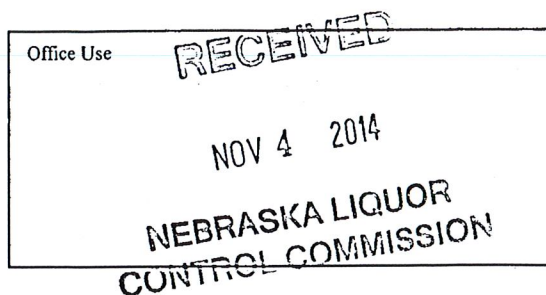
Notary Public Signature



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.

**APPLICATION FOR TEMPORARY
OPERATING PERMIT (TOP)**

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



- ☒ Application for a temporary operation permit (TOP) must be included with the application for liquor license. TOP will not be considered without the completed application for a liquor license.
- ☒ Enclose documentation showing sale of business; document may be in the form of a purchase agreement/contract, management agreement or promissory note. Sale of business document must include the following: name of business being sold, purchase date or closing date within 2-3 weeks of requesting TOP and must be signed by the seller and buyer.
- ☒ TOP's are valid for 90 days from date of issuance and cannot be extended past the expiration date (no exceptions).
- ☒ Seller's liquor license will terminate upon issuance of the TOP.
- ☒ If the seller's liquor license is up for renewal during the TOP it will not be necessary for the seller to renew.

NAME OF CURRENT LICENSEE (SELLER):

SELLER'S LICENSE #:

AVP LLC

088429

On (date) 09/29/14 seller and buyer entered into a contract for sale of the

business known as (TRADE NAME):

AVP Energy # 5

Buyer seeks to obtain a temporary operating permit (TOP) to allow buyer to operate the business under the same terms and conditions of the current licensee; subject to approval by the Nebraska Liquor Control Commission (NLCC) for a period not to exceed 90 days (no exceptions).

Seller hereby declares that they are current on all accounts with all Nebraska licensed wholesalers under section §53-123.02. Any seller who provides false information regarding such accounts is guilty of a Class IV misdemeanor for each offense.



1400025107

Lawrence M. Rogers

Signature of **SELLER**

Lawrence M. Rogers

Print Name

State of Nebraska, County of Douglas

The foregoing instrument was acknowledged before me

this 23rd day of October, 2014 (date)

by Lawrence M. Rogers

Name(s) of Person(s) Acknowledged (individual(s) signing document)

Theresa L. Wyant
Notary Public signature



Maulin N. Patel

Signature of **BUYER**

Maulin N. Patel

Print Name

State of ~~Nebraska~~ ^{Iowa}, County of Woodbury

The foregoing instrument was acknowledged before me

this October 31, 2014 (date)

by Maulin N. Patel

Name(s) of Person(s) Acknowledged (individual(s) signing document)

Mark Cord
Notary Public signature



ADMINISTRATIVE REVIEW - Office use only			
Date: <u>11/5/14</u>	Rep: <u>RS</u>	Lic. Class: <u>D</u>	Lic. # <u>110675</u>
<input type="checkbox"/> Approved	<input checked="" type="checkbox"/> Denied <u>mm</u>		
Reason for Denial: <u>No purchase agreement for business</u>			

11/7/2014 New purchase agreement dated 9/26/14
ok to issue TOP - mm

Temporary Operating Permit

Nebraska Liquor Control Commission

14 – 675

Class D

Issued: 11/07/2014 – Expires: 02/05/2015

SHAKTI FUELS LLC

DBA: La Vista Sinclair, 8307 Park View Blvd, La Vista, 68128

Description: Single Story Bldg. Approx. 37' x 27'

Hobert B Rupe - Executive Director
Nebraska Liquor Control Commission
301 Centennial Mall South, 5th Floor
Lincoln, NE 68509
(402) 471 – 2571



* NO EXTENSIONS OF THIS PERMIT WILL BE ALLOWED*

APPLICATION FOR LIQUOR LICENSE
CORPORATION
INSERT - FORM 3a

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

Office Use

RECEIVED

NOV 4 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

Officers, directors and stockholders holding over 25% shares of stock, including spouses, are required to adhere to the following requirements:

- 1) All officers, directors and stockholders must be listed
- 2) President/CEO and stockholders holding over 25% and their spouse(s) (if applicable) must submit fingerprints (2 cards per person)
- 3) Officers, directors and stockholders holding over 25 % shares of stock and their spouse (if applicable) must sign the signature page of the Application for License form 100 (even if a spousal affidavit has been submitted)

Attach copy of Articles of Incorporation (Articles must show barcode receipt by Secretary of States Office)

Name of Registered Agent:

Niraj Patel

Name of Corporation that will hold license as listed on the Articles

Shakti Fuels LLC

010150223

Corporation Address: 4305 46th Street

City: Sioux City

State: IA

Zip Code: 51108

Corporation Phone Number: 712-490-8054

Fax Number

Total Number of Corporation Shares Issued: 100

Name and notarized signature of President/CEO (Information of president must be listed on following page)

Last Name: Patel

First Name: Maulin

MI: N

Home Address: 4305 46th Street

City: Sioux City

State: IA

Zip Code: 51108

Home Phone Number: 712-202-1371

Signature of President/CEO

ACKNOWLEDGEMENT

State of ~~Nebraska~~ Iowa
County of ~~Woodbury~~

10/20/14

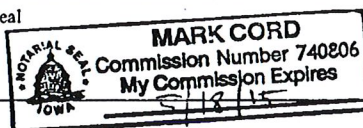
Date

Mark Cord

The foregoing instrument was acknowledged before me this

by Maulin N Patel
name of person acknowledge

Affix Seal



List names of all officers, directors and stockholders including spouses (even if a spousal affidavit has been submitted)

Last Name: Patel First Name: Maulin MI: N

Social Security Number: _____ Date of Birth: _____

Title: President Number of Shares 100

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

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: _____

List names of all officers, directors and stockholders including spouses (Even if a spousal affidavit 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: _____

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NEBRASKA LIQUOR
CONTROL 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: _____

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: _____

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: January Ending Date: December

Is this a Non-Profit Corporation?

☐ YES

☒ NO

If yes, provide the Federal ID # _____

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.

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

MUST BE:

- ✓ **Citizen of the United States. Include copy of US birth certificate, naturalization paper or current US passport**
- ✓ **Nebraska resident. Include copy of voter registration in the State of Nebraska**
- ✓ **Fingerprinted. Two cards per person, fees of \$38 per person, made payable to Nebraska State Patrol. If printed at NSP mail check only.**
- ✓ **21 years of age or older**

Corporation/LLC information

Name of Corporation/LLC: Shakti Fuels LLC

Premise information

Liquor License Number: _____ Class Type " D "
(if new application leave blank)

Premise Trade Name/DBA: La Vista Sinclair

Premise Street Address: 8307 Park View Blvd.

City: La Vista County: Sarpy Zip Code: 68128

Premise Phone Number: 402-331-4145

Email address: sinclv@gmail.com

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


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

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NOV 4 2014
Form 103
Rev 9/2013
Page 2 of 6
**NEBRASKA LIQUOR
CONTROL COMMISSION**

**MANAGER APPLICATION
INSERT - FORM 3c**

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

Office Use

Manager must:

- Complete all sections of the application – make sure it is signed by a **corporate officer***
*corporate officer must be an individual on file with the Liquor Control Commission
- Include two signed, completed fingerprint cards with a check for \$38 payable to the NE State Patrol (unless you have fingerprints on file with us that are less than two years old, you must indicate that on the application). If fingerprints were rolled at Nebraska State Patrol indicate cards to be mailed by NSP.
- Provide a copy of one of the following: US birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the State of Nebraska, include a copy of voter card with application

Spouse who will not participate in the business, spouse must:

- Complete the Spousal Affidavit of Non Participation Insert (must be notarized). The non-participating spouse completes the top half; the manager completes the bottom half. **Be sure to complete both halves of this form.**
- Need not answer question #1 of the application

Spouse who will participate in the business, the spouse must:

- Sign the application
- Include two signed, completed fingerprint cards with a check for \$38 payable to the NE State Patrol (unless you have fingerprints on file with us that are less than two years old, you must indicate this on the application). If fingerprints were rolled at Nebraska State Patrol indicate cards to be mailed by NSP.
- Provide a copy of one of the following: birth certificate, naturalization papers or current US passport (even if you have provided this before)
- Be a registered voter in the state of Nebraska, include a copy of voter card with application
- Spousal Affidavit of Non Participation Insert **not** required

Manager's information must be completed below PLEASE PRINT CLEARLY

Last Name: Desai First Name: Manoj MI: K
Home Address (include PO Box if applicable): 400 Dakota Avenue
City: S. Sioux City County: Dakota Zip Code: 68776
Home Phone Number: _____ Business Phone Number: 402-331-4145
Social Security Number: _____ Drivers License Number & State: _____
Date Of Birth: _____ Place Of Birth: India
Email address: mmdesai@yahoo.com

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

☒ YES

☐ NO

Spouse's information

Spouses Last Name: Desai First Name: Mayuri MI: M
Social Security Number: _____ Drivers License Number & State: _____
Date Of Birth: _____ Place Of Birth: India

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

CITY & STATE	YEAR FROM	YEAR TO	CITY & STATE	YEAR FROM	YEAR TO
South Sioux City	2003	till date			

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Form 103
Rev 9/2013
Page 3 of 6

NEBRASKA LIQUOR
CONTROL COMMISSION

MANAGER'S LAST TWO EMPLOYERS

YEAR FROM	TO	NAME OF EMPLOYER	NAME OF SUPERVISOR	TELEPHONE NUMBER
2003	2010	Regency Inn	Mayuri Desai	402-494-3226
2010	till date	Shakti Petroleum Inc	Nick Patel	402-293-1644

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
Manoj Desai	01/2009	S. Sioux City, NE	No Valid Reg.	Plea via Waiver w/ fine (Same)
" "	" "	" "	" " "	

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

☒ YES ☐ NO

IF YES, list the name of the premise(s):

Shakti Petroleum, Inc. - Bellevue

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

*NLCC Training Certificate Issued: 10/14/14 Name on Certificate: Manoj K. Desai

Applicant Name	Date (mm/yyyy)	Name of program (attach copy of course completion certificate)
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		NOV 4 2014
		NEBRASKA LIQUOR CONTROL COMMISSION

*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:
Manager	05/21/2010	Bellevue Sinclair 1009 W. Mission Ave. Bellevue, NE 68005

5. 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

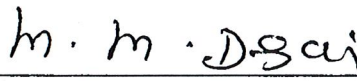
PERSONAL OATH AND CONSENT OF INVESTIGATION

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


Signature of Spouse

ACKNOWLEDGEMENT

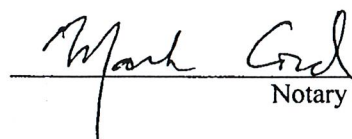
State of ~~Nebraska~~ Iowa

County of Woodbury

10/20/14
date

The foregoing instrument was acknowledged before me this

by Manojk Desai & Mayuri M. Desai
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.

SPOUSAL AFFIDAVIT OF NON PARTICIPATION INSERT

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

Office Use

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NEBRASKA LIQUOR
CONTROL COMMISSION

I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will have not have any 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 any information on all applications needed to process this application.

M. M. Desai

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

Mayuri M. Desai

Printed name of spouse asking for waiver

State of Iowa

County of Woodbury

October 31, 2014

date

Mark Cord

Notary Public signature

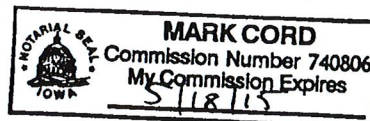
The foregoing instrument was acknowledged before me this

by

Mayuri M. Desai

name of person acknowledged

Affix Seal



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.

Manoj K. Desai

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

Manoj K. Desai

Printed name of applying individual

State of Iowa

County of Woodbury

October 31, 2014

date

Mark Cord

Notary Public signature

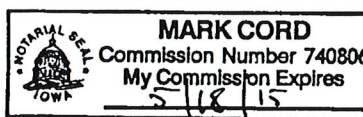
The foregoing instrument was acknowledged before me this

by

Manoj K. Desai

name of person acknowledged

Affix Seal



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 requested in writing to produce the alternate format.

Copy to: Michael P. Earl
c/o The Lund Company
450 Regency Parkway, Ste 220
Omaha, NE 68114
C-402-669-1874
Email- mearl@lundco.com

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NOV 4 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

Copy to: PURCHASER'S ATTORNEY
Mark C. Cord III
Berenstein, Moore, Heffernan, Moeller & Johnson, LLP
501 Pierce Street, #300
Sioux City, IA 51101
(712) 252-0020
mcord@berensteinlawfirm.com

14.12 Due Diligence Investigation and Confidentiality. Except as may be required by applicable governmental authorizes, Purchaser shall hold in confidence and cause his employees, agents and contractors to hold in confidence the terms of this Agreement and all engineering, environmental and other reports he cause to be made with respect to the Covered Property.

14.13 Assignment. Purchaser shall be permitted, prior to Closing, only upon written consent of Seller, which shall not be unreasonably withheld, to assign and transfer Purchaser's rights under this Agreement, or any part of it; provided, however, no such assignment shall release, reduce or otherwise affect Purchaser's obligations under this Agreement.

14.14 Cooperation. The parties hereto agree to cooperate with each other in every reasonable way in carrying out the transactions contemplated hereby, in obtaining and delivering all required Closing documents, and obtaining the required governmental approvals, and agree to use their best efforts to expeditiously accomplish same.

14.15 Agency. The Broker(s) involved in this transaction is/are:

Purchaser is represented by The Lund Company and Michael Earl as Broker/Agent in this transaction. Seller is represented by Sooner Investments and Dean Ingram as its Broker/Agent in this transaction.

14.16 RESERVED.

14.17. Broker(s) Compensation. Purchaser and Seller acknowledge that Dean Ingram of Sooner Investment, as Agent of Seller and Mike Earl of The Lund Co. as Agent of Purchaser will equally split 6% of the Purchase Price paid by Seller at the time of payment. At Closing, \$6,000 of the initial \$100,000 down payment will be paid with remainder paid as payments are made pursuant to the Contract for Deed and Real Estate Contract – Installments. Both Purchaser and Seller warrant to each other that neither of them has engaged any broker or agent, except as referenced above, and each will indemnify the other against and hold the other harmless from any claims for fees or commissions from any other broker or agent.

14.18 Execution of this Agreement. This Agreement may be executed via facsimile transmission with originals to follow in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

14.19 Personal Guaranty. Niraj Patel, by his signature below, hereby personally guarantees to Seller all amounts owed by Purchaser pursuant to this Agreement.

14.20 Effective Date. The "Effective Date" of this Agreement shall be September 26, 2014.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the date set forth above.

AVP Energy, LLC
"Seller"

By: Larry M. Rogers
Larry M. Rogers, its Manager

By: Mike Gramm
Mike Gramm, its Manager

Date Executed: September 29, 2014

Shakti Fuels, LLC, a Nebraska limited liability company, and or assigns
"Purchaser"

By: Niraj Patel
Niraj Patel, its Agent

Date Executed: September 28, 2014

By: Niraj Patel
Niraj Patel, Personal Guarantor

Date Executed: September 28, 2014

By: Maulin Patel
Maulin Patel, Personal Guarantor

Date Executed: September 28, 2014

EXHIBIT "A"
Legal Description – Nebraska

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

EXHIBIT "C"
Due Diligence Materials

To the extent any of the below are in Seller's possession, Seller shall deliver to Purchaser the following:

1. Real Estate tax bills for the current year and the last two (2) years and copies of all correspondence regarding any tax reassessment.
2. Copies of fully executed service contracts, if any, including without limitation the following:

- a) Waste disposal
- b) Fuel
- c) Landscape/gardening
- d) Snow removal
- e) Fire equipment maintenance
- f) General maintenance (janitorial)
- g) Security
- h) Roof maintenance
- i) Heating and air conditioning service and repair
- j) Water/sewer plan
- k) Pest control
- l) Any and all other service contracts.

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NEBRASKA LIQUOR
CONTROL COMMISSION

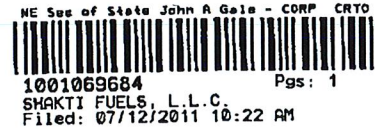
3. Copies of existing engineering and geological studies for the Property.
4. Details regarding any litigation threatened or pending against the Property and/or Seller with respect to the Property during the last three (3) years and copies of all insurance policies.
5. Copies of any existing environmental reports, memoranda or documents with regard to the Property.
6. Copies of licenses and permits, including the following: a) Certificate of Occupancy for the Building; b) Water/sewer, c) Certificates of Occupancy for tenant spaces, d) beer and liquor licenses.
7. Copies of Seller's existing contracts with Sinclair.
8. An inventory of all tangible personal property owned and used in connection with operation of the Property, including without limitation: a) office equipment and furniture; b) appliances, c) maintenance equipment, tools and supplies inventory.

9. Copies of construction, engineering, architectural, and building plans and specifications for the Property.
10. Copies of existing title insurance commitments or policies and surveys.
11. Copies of such other documents, information and materials reasonably requested by Purchaser.

STATE OF NEBRASKA

SHAKTI FUELS, L.L.C.

CERTIFICATE OF ORGANIZATION
Submit in Duplicate



- First:** The name of the limited liability company is **SHAKTI FUELS, L.L.C.**
- Second:** The address of the initial designated office is 1009 West Mission, Bellevue, NE 68005.
- Third:** The address of its registered office in the State of Nebraska is 1009 West Mission, Bellevue, NE 68005. The name of the registered agent at such address is Niraj Patel.

In Witness Whereof, the undersigned has executed this Certificate of Organization this 8th day of July, 2011

By: _____

Mark C. Cord III, Organizer

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**NEBRASKA LIQUOR
CONTROL COMMISSION**

STATE OF NEBRASKA ♦ SECRETARY OF STATE'S OFFICE
1445 "K" STREET, STATE CAPITOL SUITE 1301 • LINCOLN, NE • 68509
BUSINESS SERVICES DIVISION

CORPORATIONS

P.O. BOX 94608
(402) 471-4079
FAX: 471-3666

UNIFORM COMMERCIAL CODE

P.O. BOX 95104
(402) 471-4080
FAX: 471-4429

NOTARY

P.O. BOX 95104
(402) 471-2558
FAX: 471-4429

JOHN A. GALE
Secretary of State

www.sos.state.ne.us

JUDY JOBMAN
Deputy Secretary of State

BERENSTEIN, MOORE, ET AL
ATTN: MARK C. FORD
P.O. BOX 3207
SIOUX CITY, IA 511023207

July 12, 2011

ACKNOWLEDGEMENT OF FILING

The document(s) listed below were filed with the Nebraska Secretary of State's Office, Corporation Division. A label has been affixed to each filing signifying the filing stamp for the Nebraska Secretary of State's Office, Corporation Division. This filing label indicates the date and time of the filing and also references a document number that can be used to reference this filing in the future.

Please remember it is your responsibility to notify the Secretary of State's office of any change(s) in the information you filed.

ACKNOWLEDGEMENT OF FILING FEES RECEIVED

Action/Service	Company/Entity Name	Fee Received
Certificate of Organization	SHAKTI FUELS, L.L.C.	100.00
Per Page Charge	SHAKTI FUELS, L.L.C.	5.00
	Total Fees Received	\$105.00

Paige S
Filing Officer





General	Credential	Number	Earned	Expires
Manoj K Desai 400 dakota ave South sioux city NE 68776	RBST GENERAL	RB-0038016	10-14-2014	10-14-2017

PRECINCT: _____ WARD: _____

NE NEBRASKA

MIDDLE NAME OR INITIAL: _____

DATE: _____ PRIMARY ELECTION: _____

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3280891 Nebraska Voter Registration Application 2

Please Print

Election Office Use Only: 0107

- Are you a citizen of the United States of America? Yes ☒ No ☐
- Are you at least 18 years of age, or will you be 18 years of age on or before the 1st Tuesday following the 1st Monday in November of this year? Yes ☒ No ☐

System ID Number: _____ Precinct: 2 Split: 001
Congressional: _____ Commissioner/Supervisor District: _____
Legislative: _____ NRD: _____ Fire: _____
Other Districts: _____

IF YOU CHECKED "NO" IN RESPONSE TO EITHER OF THE QUESTIONS ABOVE; DO NOT COMPLETE THIS APPLICATION

3. Personal Information:

Last Name: DESAI First Name: Manoj M Name/MI: K Suffix: _____ Maiden Name (if applicable): _____

Nebraska Drivers Lic. #: _____; If none last 4 digits SS #: _____ Date of Birth: _____ Place of Birth: INDIA Phone Number: _____ Home ☒ Unlisted ☐ Work ☐

4. Current Residence Address:

Address example: 1612 N Michigan Avenue SW Apt. 322 Oakdale, NE 68104

House Number: 400 Direction: DAKOTA AVE Street/Road Name: _____ Street Type: _____ Direction: _____ Unit Type: _____ Unit #: _____ City/Town: SIOUX CITY State: NE Zip: 687

If no numeric street or road address, provide directions from nearest town:

Postal address, if different than residence address:

School Dist: _____ County: Dakota Inside city limits Yes ☒ No ☐ If no, provide Section/Township/Range: _____/_____/_____

If previously registered, provide - Name:

Address:

5. Party Affiliation: Democrat ☒ Republican ☐ Nebraska ☐ Green ☐ Non-Partisan (No Party Affiliation) ☐
- Other ☐ (If checking other, print the name of the party) _____

Note: If you wish to vote in both partisan and non-partisan primary elections for state and local offices, you must indicate a political party affiliation on the registration application. If you register without a political party affiliation (non-partisan) you will receive only non-partisan ballots for state and local offices at the primary elections. If you register without a political party affiliation, you may vote in partisan primary elections for congressional offices.

Applicant's Oath: To the best of my knowledge and belief, I declare under penalty of election falsification that: I live in the State of Nebraska at the address provided in this application. I have not been convicted of a felony or, if convicted it has been at least two years since I completed my sentence for the felony including any parole term; I have not been officially found to be non compos mentis (mentally incompetent); and I am a citizen of the United States.

IMPORTANT: Any registrant who signs this application knowing that any of the information on the application is false shall be guilty of a Class IV felony under section 32-1502 of the statutes of Nebraska. The penalty for such is up to 5 years imprisonment, a fine of up to \$10,000.00 or both.

6. Applicant's Signature: _____ Date Applicant Signed: 9/19/08

(Full name or mark. If unable to sign, include name & address of person providing assistance)

7. Registration taken by:

Date Election Office Received



STATE OF NEBRASKA)
SS)

DAKOTA COUNTY)

I, the undersigned County Clerk in and for Dakota County, NE, do hereby certify this is a true and correct copy as the same appears of record in this office

Dated this 9th day of October, 2014

Shirley R. Rupp County Clerk

For Co.
Clerk's Use
Only

ID Required
Y/N

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NEBRASKA LIQUOR
CONTROL COMMISSION

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NOV 4 2014

NEBRASKA LIQUOR
CONTROL COMMISSION

1/2

MAULIN N PATEL

has earned a

Certificate of Achievement

- for those who serve or sell alcohol in Nebraska

RB-0038103

Expires: 10-16-2017 Amount Paid: \$

 Responsible Beverage Service Training
N E B R A S K A 



General	Credential	Number	Earned	Expires
Maulin N Patel 4305 46th st Sioux city IA 51108	RBST GENERAL	RB-0038103	10-16-2014	10-16-2017
RBST	Nebraska	Wallet	Card	

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NOV 7 2014

ADDENDUM TO ASSET PURCHASE AGREEMENT

NEBRASKA LIQUOR
CONTROL COMMISSION

THIS ADDENDUM TO ASSET PURCHASE AGREEMENT is made and entered into by and between AVP ENERGY, L.L.C., a Oklahoma limited liability company (hereinafter referred to as "Seller") and Shakti Fuels, L.L.C., a Nebraska limited liability company (hereinafter referred to as "Purchaser").

RECITALS

WHEREAS, Seller and Purchaser wish to clarify and confirm certain terms contained in the Asset Purchase Agreement dated September 26, 2014 and accepted September 29, 2014, (hereinafter referred to as "Asset Purchase Agreement") more particularly that Purchaser is purchasing the convenience store operating business located at 8307 Parkview Blvd, La Vista, Sarpy County, Nebraska (operating under the trade name and hereinafter referred to as "AVP ENERGY #5"), and

WHEREAS, Purchaser is in the process of performing and ready to perform the obligations and duties as Purchaser in connection with such Asset Purchase Agreement as to the business of AVP ENERGY #5,

IT IS THEREFORE HEREBY AGREED between the undersigned parties, in consideration of their mutual promises each to the other, as follows:

1. **Transfer of Business.** Seller hereby transfers all of its rights, duties and obligations under the terms and conditions of the Asset Purchase Agreement as to the operating business AVP ENERGY #5 to Purchaser.
2. **Acceptance of Transfer of Business.** Purchaser hereby accepts this transfer and agrees to perform all of the terms and conditions required as Purchaser under the terms of said Asset Purchase Agreement as to the operating business of AVP ENERGY #5, and agrees that all of the terms and conditions are binding upon it.
3. **Binding Agreement.** This Addendum is valid as executed with binding effect upon Seller and Purchaser.
4. **Mutual Cooperation.** Seller and Purchaser agree that they will cooperate with and execute such documents as may be necessary or required to carry out the terms, conditions and intent of the parties described in the Asset Purchase Agreement and this Addendum to sell and transfer the business of AVP ENERGY #5 to Purchaser.

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**NEBRASKA LIQUOR
CONTROL COMMISSION**


Effective September 29, 2014.

SHAKTI FUELS, L.L.C., a Nebraska
limited liability company

By: 

BUYER

AVP ENERGY, L.L.C., an Oklahoma
limited liability company

By: 

SELLER