

# LA VISTA CITY COUNCIL MEETING AGENDA

December 15, 2015

7:00 P.M.

Harold “Andy” Anderson Council Chamber

La Vista City Hall

8116 Park View Blvd.

- Call to Order
- Pledge of Allegiance
- Announcement of Location of Posted Open Meetings Act
- Service Award – Randy Seffron – 5 years
- Proclamation – Volunteer Recognition
- Appointments - Library Advisory Board - Re-appoint Kim Schmit-Pokorny and Valerie Russell – 2 year term; Park & Recreation Advisory Board – Re-appoint Jeff Kupfer and Greg Johnson – 2 year term

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

## A. CONSENT AGENDA

1. Approval of the Agenda as Presented
2. Approval of the Minutes of the December 1, 2015 City Council Meeting
3. Approval of the Minutes of the November 12, 2015 Library Advisory Board Meeting
4. Approval of the Minutes of the November 19, 2015 Planning Commission Meeting
5. Pay Request – BerryDunn – Professional Services – Financial Information Software System Selection Project - \$3,954.00
6. Pay Request – Theatrical Media Services, Inc. – Professional Services – Portable Sound System - \$13,776.00
7. Pay Request – Upstream Weeds – Professional Services – Stormwater Management - \$1,500.00
8. Pay Request – Anderson Excavating Co. - Construction Services – Thompson Creek Channel Rehabilitation Group B – Channel Reconstruction - \$245,890.02
9. Approval of Claims.

## B. Zoning Text Amendments – Wireless Communication Towers

1. Public Hearing
2. Ordinance

## C. Resolution – Approve Interlocal Agreement – Southern Ridge Wastewater Treatment Study

## D. Resolution – Purchase of Ballistic Helmets

## E. Resolution – Council Policy Statement – Employee Performance Management

## F. Position Description Update

## G. Executive Session - Strategy Session - Potential Real Estate Acquisition

- Reports from City Administrator and Department Heads
- Comments from the Floor
- Comments from Mayor and Council
- Adjournment

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



**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

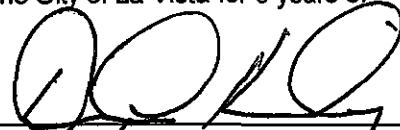
A CERTIFICATE OF APPRECIATION PRESENTED TO **RANDY SEFFRON** OF THE **LA VISTA PUBLIC WORKS DEPARTMENT**, FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Randy Seffron**, has served the City of La Vista since November 22, 2010 and

WHEREAS, **Randy Seffron's** input and contributions to the City of La Vista have contributed to the success of the City.

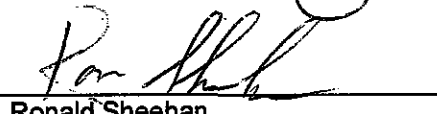
NOW, THEREFORE BE IT RESOLVED that this Certificate of Appreciation is hereby presented to **Randy Seffron** on behalf of the City of La Vista for 5 years of service to the City.

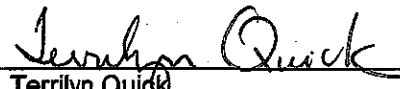
DATED THIS 15TH DAY OF DECEMBER, 2015.

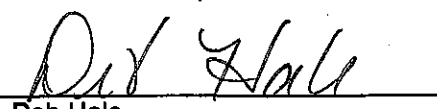
  
Douglas Kindig, Mayor

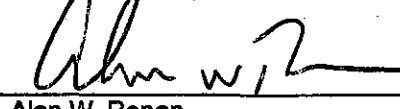
  
Mike Crawford  
Councilmember, Ward I

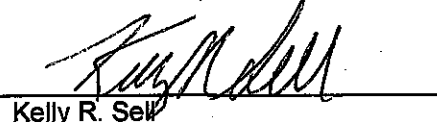
  
Kim J. Thomas  
Councilmember, Ward I

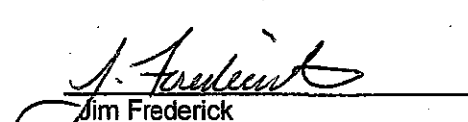
  
Ronald Sheehan  
Councilmember, Ward II

  
Terrilyn Quick  
Councilmember, Ward II

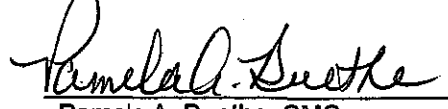
  
Deb Hale  
Councilmember, Ward III

  
Alan W. Ronan  
Councilmember, Ward III

  
Kelly R. Sell  
Councilmember, Ward IV

  
Jim Frederick  
Councilmember, Ward IV

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk





***PROCLAMATION  
IBEW LOCAL 22 RECOGNITION***

WHEREAS, It has long been an initiative of the Mayor and Council of the City of La Vista, Nebraska to provide a unique opportunity for citizens to experience the holiday season; and

WHEREAS, the holiday lights initiative helps achieve one of the City's strategic goals to improve and expand the City's quality of life amenities for residents and visitors; and

WHEREAS, such an initiative not only requires a significant commitment on the part of the City, it also requires the help of volunteers to achieve this strategic goal; and

WHEREAS, volunteers are representatives of the community, uniquely able to foster dynamic partnerships between the community and City to create a positive relationship between the community and the local governments as a whole; and

WHEREAS, the City of La Vista recognizes and appreciates the skills, dedication, and ongoing commitment of volunteers to positively impact La Vista's residents and visitors.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby recognize IBEW Local 22 for their outstanding volunteer efforts installing holiday lights at the City's facilities.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 15th day of December, 2015.

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

# MINUTE RECORD

A-2

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

## LA VISTA CITY COUNCIL MEETING December 1, 2015

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 December 1, 2015. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Director of Administrative Services Pokorny, Director of Public Works Soucie, Recreation Director Stopak, Community Development Director Birch, Finance Director Miserez, Library Director Barcal, Human Resources Manager Garrod, and Assistant Public Works Director/City Engineer Kottmann.

A notice of the meeting was given in advance thereof by publication in the Times on November 18, 2015. 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.

### SERVICE AWARD – MARJIE SHAW – 15 YEARS

Mayor Kindig presented a service award to Marjie Shaw for 15 years of service to the City of La Vista.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE NOVEMBER 17, 2015 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE OCTOBER 21, 2015 PARK & RECREATION ADVISORY COMMITTEE MEETING
4. PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – THOMPSON CREEK - \$2,052.35
5. PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – APPLEWOOD CREEK - \$311.00
6. PAY REQUEST – THOMPSON, DREESSEN & DORNER, INC. – PROFESSIONAL SERVICES – BIG PAPIO CREEK SIPHON REPAIR - \$1,923.65
7. PAY REQUEST – FELSBURG HOLT & ULLEVIG – PROFESSIONAL SERVICES – HELL CREEK CHANNEL IMPROVEMENTS PHASE II - \$1,574.50
8. PAY REQUEST – OLSSON ASSOCIATES – PROFESSIONAL SERVICES – PARKING DISTRICT ACCESS IMPROVEMENTS - \$6,791.12
9. PAY REQUEST – UPSTREAM WEEDS – PROFESSIONAL SERVICES – THOMPSON CREEK RESTORATIONS PROJECT – BIOBLITZ - \$1,000.00
10. APPROVAL OF CLAIMS

A.S.P. ENTERPRISES INC, maint.	\$78.00
ABE'S PORTABLES, services	\$177.63
AED ZONE, supplies	\$398.00
AIM, services	\$5,178.00
AKSARBEN HEATING, refund	\$49.00
ALAMAR UNIFORMS, apparel	\$43.99
ASPHALT & CONCRETE MATERIALS, maint.	\$474.51
ASSURANT EMPLOYEE BENEFITS, payroll	\$544.79
ATLAS AWNING CO, services	\$150.00
B & H PHOTO VIDEO, supplies	\$27.49
BANK OF NEBRASKA, services	\$15.00
BAXTER CHRYSLER DODGE JEEP RAM, maint.	\$132.10
BEACON BUILDING, services	\$5,812.00
BERRY DUNN, services	\$6,918.00
BISHOP BUSINESS EQUIPMENT, services	\$405.06
BLACK HILLS ENERGY, utilities	\$2,888.77

# MINUTE RECORD

December 1, 2015

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

BOB'S RADIATOR REPAIR, maint.	\$123.00
BRIDGESTONE GOLF, supplies	\$112.00
BRODART COMPANY, supplies	\$149.38
BUETHE, P., travel	\$47.15
CALENTINE, J., travel	\$251.70
CATHERINE DEMES MAYDEW, services	\$617.50
CENTER POINT PUBLISHING, books	\$427.20
CENTURY LINK, phones	\$215.91
CHILD'S WORLD INC, books	\$1,079.20
CITY OF OMAHA, utilities	\$150,286.79
COMP CHOICE INC, services	\$984.52
CONSOLIDATED MANAGEMENT, travel	\$28.50
CORNHUSKER INTL TRUCKS INC, maint.	\$274.62
COX COMMUNICATIONS, services	\$303.00
CSP 529, payroll	\$50.00
CULLIGAN OF OMAHA, bld&grnds	\$41.00
CUMMINS CENTRAL POWER, services	\$782.02
D & K PRODUCTS, supplies	\$498.00
DANIELSON/TECH SUPPLY, bld&grnds	\$26,000.00
DASH MEDICAL GLOVES, supplies	\$65.90
DATASHIELD CORP, services	\$16.85
DEARBORN NATIONAL LIFE INS, services	\$5,243.23
DIAMOND VOGEL PAINTS, bld&grnds	\$78.13
DOUGLAS COUNTY SHERIFF, services	\$350.00
EFTPS, payroll	\$64,998.84
EMBLEMS INC, supplies	\$500.00
ENCOM WIRELESS DATA SOLUTIONS, maint.	\$650.00
EXCEL PHYSICAL THERAPY, services	\$100.00
FEDEX, services	\$12.51
FILTER CARE, maint.	\$81.55
FIRE PROTECTION SERVICES, supplies	\$600.00
FIRST NATIONAL BANK FREMONT, bonds	\$1,990,100.00
FLEETPRIDE, maint.	\$7.19
FOCUS PRINTING, services	\$55.00
FUTUREWARE DISTRIBUTING INC, supplies	\$23.00
GALE, books	\$152.19
GALLS LLC, apparel	\$103.00
GARY KEENAN, services	\$900.00
GCR TIRES & SERVICE, maint.	\$623.98
GRAYBAR ELECTRIC CO, services	\$80.69
HAMPTON INN-KEARNEY, travel	\$1,209.45
HANEY SHOE STORE, apparel	\$150.00
HOBBY LOBBY STORES INC, supplies	\$292.25
HONEYMAN RENT-ALL, services	\$865.18
HYDRAULIC EQUIPMENT SERVICE, maint.	\$295.00
ICMA, payroll	\$34,468.45
INDUSTRIAL SALES CO, maint.	\$32.77
J Q OFFICE EQUIPMENT, services	\$90.32
JONES AUTOMOTIVE INC, maint.	\$95.00
KERFORD LIMESTONE CO, maint.	\$1,642.68
KEVIN JONES, services	\$250.00
KIMBALL MIDWEST, maint.	\$205.00
LANDPORT SYSTEMS INC, services	\$125.00
LAUGHLIN, KATHLEEN A, TRUSTEE, payroll	\$116.00
LEAF CAPITAL FUNDING, services	\$700.00
LERNER PUBLISHING GROUP, books	\$463.71
LESLIE BRUCKNER, services	\$550.00
LFOP DUES, payroll	\$1,300.00
LIBRARY IDEAS, media	\$8.50
LOGAN SIMPSON DESIGN, services	\$14,039.02

# MINUTE RECORD

December 1, 2015

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

LV COMM FOUNDATION, payroll	\$55.00
MARK A KLINKER, services	\$200.00
MENARDS-RALSTON, supplies	\$266.10
METHODIST HOSPITAL, services	\$350.00
MID CON SYSTEMS INC, maint.	\$763.53
MIDWEST TAPE, media	\$959.40
MNJ TECHNOLOGIES, services	\$920.00
MONARCH OIL INC, maint.	\$87.50
MSC INDUSTRIAL SUPPLY CO, supplies	\$56.96
MUD, utilities	\$1,653.19
NE CHILD SUPPORT CENTER, payroll	\$966.08
NE DEPT OF REVENUE, sales tax	\$2,627.65
NE STATE INCOME TAX, payroll	\$9,625.99
NEBRASKA ENVIRONMENTAL PRODS, supplies	\$6,960.00
NEBRASKA IOWA SUPPLY, supplies	\$4,175.91
NEBRASKA LAW ENFORCEMENT, services	\$100.00
NEUMAN EQUIPMENT CO, supplies	\$721.90
NEWMAN TRAFFIC SIGNS INC, bld&grnds	\$20.71
NMC EXCHANGE LLC, maint.	\$7.14
NORTON, J., travel	\$76.02
NUTS AND BOLTS INC, supplies	\$13.16
OCLC INC, media	\$123.61
ODEY'S INC, bld&grnds	\$1,319.00
OFFICE DEPOT, supplies	\$387.08
OMAHA SLINGS INC, maint.	\$251.52
OMAHA WORLD-HERALD, services	\$766.27
OMNIGRAPHICS INC, books	\$81.85
ONE CALL CONCEPTS, services	\$228.20
PARAMOUNT LINEN & UNIFORM, services	\$322.96
PAYLESS OFFICE PRODUCTS, supplies	\$281.31
PENWORTHY CO, books	\$1,281.50
PETTY CASH, supplies	\$300.00
PIONEER ATHLETICS, bld&grnds	\$1,745.92
PLAINS EQUIPMENT GROUP, maint.	\$1,259.44
POLICE INSURANCE, payroll	\$261.89
POWER DMS INC, services	\$2,800.00
SAPP BROS PETROLEUM INC, bld&grnds	\$648.60
SEARL S DAVIS, services	\$100.00
SECAP FINANCE, services	\$526.71
SPARTAN NASH LLC, services	\$42.98
SPRINT, phones	\$119.97
STANDARD HEATING AND AIR COND, bld&grnds	\$7,894.00
STANDARD INSURANCE CO, services	\$5,702.56
UNITED HEALTHCARE INS CO, services	\$86,483.46
UNITED RENT-ALL, services	\$255.34
UNITED SEEDS INC, bld&grnds	\$170.00
USB SEWER EQUIPMENT CORP, supplies	\$339.10
USI EDUCATION/GOVT SALES, supplies	\$20.55
VAN RU CREDIT CORP, payroll	\$16.53
VERIZON WIRELESS, phones	\$271.64
WAL-MART, supplies	\$1,255.10
WHITE CAP CONSTR SUPPLY, supplies	\$132.95
WICK'S STERLING TRUCKS, maint.	\$1,772.66

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

# MINUTE RECORD

December 1, 2015

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

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

Assistant City Administrator Ramirez informed Council that details of the Workshop on December 8 would be coming soon.

Police Chief Lausten informed Council that Officer Mike Brown will be leaving the La Vista Police force. Conditional offers have been extended to 3 applicants who will attend the Training academy in the spring.

Director of Public Works Soucie informed Council that Greg Goldman will be retiring from the City on December 11 after 34 years of service to the City.

Recreation Director Stopak informed Council of the Round ball reindeer shootout which will take place December 12.

Library Director Barcal informed Council of a new database called One Click digital.

## **B. RESOLUTION – COUNCIL POLICY STATEMENT – SPECIAL DESIGNATED LIQUOR LICENSE PROCEDURE**

Councilmember Shell introduced and moved for the adoption of Resolution No.15-141; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A COUNCIL POLICY STATEMENT.

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

WHEREAS, a Council Policy Statement entitled "Special Designated Liquor License Procedure" has been established.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement entitled "Special Designated Liquor License Procedure" and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

Seconded by Councilmember Thomas. Council amended procedure to include notification to Council of the application and a memo to Council to inform them of the decision of staff. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

## **C. RESOLUTION – ADDENDUM TO GEOGRAPHIC INFORMATION SYSTEM INTERLOCAL AGREEMENT**

Councilmember Sell introduced and moved for the adoption of Resolution No.15-142; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF AN ADDENDUM TO THE 2013 GEOGRAPHIC INFORMATION SYSTEM (GIS) INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY, PAPIO MISSOURI RIVER NATURAL RESOURCE DISTRICT, THE CITIES OF GRETNA, PAPILLION, BELLEVUE, AND SPRINGFIELD UPDATING THE "AERIAL PHOTO SHARE" FOR THE 2016 AERIAL PHOTOGRAPHY ACQUISITION.

WHEREAS, each Party to the GIS Interlocal Cooperation Agreement is authorized pursuant to the Interlocal Cooperation Act of the State of Nebraska to enter into such Agreement, found at 13-801 et. Seq. Neb. Rev. Stat., '43, Reissue 1991; and

WHEREAS, each Party desires to amend the Geographic Information System (GIS) interlocal cooperation agreement to update the "Aerial Photo Share" for the 2016 aerial photography acquisition; and

WHEREAS, the City of La Vista FY 16 budget provides funding for the update;

# MINUTE RECORD

December 1, 2015

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the La Vista, Nebraska, hereby approves the addendum to the 2013 Geographic Information System (GIS) Interlocal Cooperation Agreement updating the "Aerial Photo Share" for the 2016 aerial photography acquisition and authorize the Mayor and City Clerk to execute said addendum.

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

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Councilmember Sheehan thanked staff for the holiday lights.

Mayor Kindig gave a report on legislative hearings.

At 7:28 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Hale and Sell. Nays: None. Abstain: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF DECEMBER, 2015

CITY OF LA VISTA

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

ATTEST:

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



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

**MINUTES OF MEETING  
November 12, 2015**

Members Present:      Rose Barcal                      Jill Frederick                      Huyen-Yen Hoang  
                                 Valerie Russell                      Kim Schmit-Pokorny                      Carol Westlund

**Agenda Item #1: Call to Order**

The meeting was called to order at 5:31 p.m. It was moved by Russell and seconded by Schmit-Pokorny to add agenda items under Old Business: 7.a.ii. WCF Inc. Knights of Columbus. Snap Circuit Grant; and 7.e. Committee on Programming. Ayes: all. Nays: none. Motion carried.

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

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

**Agenda Item #3: Introductions**

There were no introductions made.

**Agenda Item #4: Approval of Minutes of September 10, 2015 Meeting**

It was moved by Westlund and seconded by Frederick that the September 10, 2015 minutes be accepted as presented. Ayes: all. Nays: none. Motion carried.

**Agenda Item #5: Library Director's Report**

- a. Programs: an overview of programs was given including the teen Potato Club flier, the Fallen Heroes Exhibit, and the end of year programming statistics.
- b. Employee updates were given. New employees are Carolyn Finny and Karen Graff.
- c. Library Meetings were reviewed including the Annual Nebraska Library Association (NLA) Conference staff attended. Jodi Norton was announced as this year's recipient of NLA's School, Children's, & Young People's Mad Hatter Award for excellence in youth services. One particular session resulted in the library joining a co-op group of libraries to save money on the electronic magazines the library already subscribes to and the addition of OneClickDigital: electronic audio books.
- d. General Library Information included the updated gates and distribution of the teen and children calendars, the letter from the Nebraska Library Commission concerning the library's accreditation was shared. The library is accredited at the Silver Level through September of 2018.

**Agenda Item #6: Circulation Report**

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

**Agenda Item #7: Old Business**

- a. Current and future grants were reviewed.
  - i) Created Equal: America's Civil Rights Struggle from Gilder Lehrman Institute of American History. The grant was awarded with four movies to be shown and a discussion held. A display was in the library during October.

- ii) WCF Inc. Knights of Columbus. Jodi Norton submitted a grant for a snap circuit program for \$800. The library received a check for \$800 to support the snap circuit programming.
- b. City Comprehensive Plan Update. Barcal reported that neighborhood meetings were held September 23<sup>rd</sup> and 24<sup>th</sup> in the evenings at local school locations. This information is being compiled in reports which will become a part of the final document.
- c. Summer Reading Programs.
  - i) Teen. The teen summer program closed with 50 sessions and 1,306 attendees.
- d. Amnesty Week. A week of Amnesty was held in September. 193 items were donated which equated to 172 pounds of food for the local food bank. Another Amnesty Week will occur this winter.
- e. Committee on Programming. Barcal reported back from the committee. Their recommendations include a soft opening for the tween programming during spring break to be followed by summer programming with three different calendars: birth to 4<sup>th</sup> grade, 4<sup>th</sup> grade to 6<sup>th</sup> grade and teen. For the young adult programming, Barcal will approach MCC Sarpy Dean about joint programming ideas for the upcoming year. Discussion was held. It was moved by Frederick and seconded by Schmit-Pokorny to take the recommendations from the committee for the tweens and young adults. Ayes: all. Nays: none. Motion carried. Schmit-Pokorny recommended looking at general themes because you can't please all. Frederick mentioned programming tween and adult book clubs. Russell mentioned joint programming with tweens and teens.

#### Agenda Item #8: New Business

- a. Meeting Dates 2016
  - i. January 14.
  - ii. March 10.
  - iii. May 12.
  - iv. July 14.
  - v. September 8.
  - vi. November 10.

It was moved by Hoang and seconded by Westlund that the 2015 meeting dates accepted as presented. Ayes: all. Nays: none. Motion carried.
- b. Policy Review: Food and Drink. After discussion, there are no changes to the Food and Drink Policy.
- c. Policy Review: Bulletin Board. After discussion, there are no changes to the Bulletin Board Policy.
- d. New Grants:
  - i. NAEYC National Conference from Omaha Association for the Education of Young Children. \$1,500 to attend conference in Orlando, FL November 18-21, 2015. Marjorie Shaw was the recipient of the \$1,500 to attend this national conference. She was granted air fare, hotel, conference registration and a daily per diem.
  - ii. Curiosity Creates from American Library Association and the Association for Library Services to Children for teen programming events for \$7,500. Submitted in October 2015 by Lindsey Tomsu. Staff was informed this grant was not awarded to La Vista.
  - iii. Life-Size Games from the Nebraska Library Commission for teen programming events for \$2,250. Submitted in October 2015 by Lindsey Tomsu. This grant was awarded for \$1,500.
  - iv. Growing Community Seed Share Program from PayPal for Seed Sharing Day in January throughout Nebraska libraries for \$7,000. Submitted in October 2015 by Barcal. Staff was informed this grant was not awarded to La Vista.
  - v. Pre-GED and GED and Our Community from the La Vista Community Foundation for supplies for \$2,267.31 by Barcal.

- vi. *Summer Reading Program from Baker and Taylor for teen programming events for \$3,000. Submitted in October 2015 by Lindsey Tomsu. Only one grant will be awarded nationwide.*

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

There were no comments from the Board.

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

The next meeting is scheduled for January 14th, 2016 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.



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

G.O.P.

A-4

PLANNING COMMISSION MINUTES  
NOVEMBER 19, 2015-7:00 P.M.

The City of La Vista Planning Commission held a meeting on Thursday, November 19th, in the Harold "Andy" Anderson Council Chamber at La Vista City Hall, 8116 Park View Boulevard. Chairman John Gahan called the meeting to order at 7:00 p.m. with the following members present: Mike Krzywicki, Gayle Malmquist, John Gahan, Kathleen Alexander, Harold Sargus, Mike Circo, Kevin Wetuski, and Jackie Hill. Members absent were: Jason Dale and Tom Miller. Also in attendance were Chris Solberg, City Planner; Meghan Engberg, Permit Technician; and John Kottmann, City Engineer.

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

**1. Call to Order**

The meeting was called to order by Chairman Gahan at 7:00 p.m. Copies of the agenda and staff reports were made available to the public. Gahan mentioned that due to the absence of a regular member, the alternate will be a voting member for the meeting.

**2. Approval of Meeting Minutes – October 15, 2015**

Sargus moved, seconded by Malmquist to approve the August 20th minutes with corrections. **Ayes: Krzywicki, Sargus, Gahan, Wetuski, Alexander, Malmquist, and Hill.**  
**Nays: None. Abstain: Circo. Absent: Miller and Dale. Motion Carried. (7-0-1)**

**3. Old Business**

**A. Public Hearing for Amendment to Section 7.11 of the Zoning Ordinance-Wireless Communication Towers**

- i. **Staff Report:** Solberg states that based on comments heard at the October 15, 2015 Planning Commission meeting, staff has made two minor edits to the proposed Section 7.11. A typographical error was corrected under 7.11.07.01 and the cancellation of insurance notification period is now 10 days instead of 30 under 7.11.18.04. These changes are shown in red within the [provided document. After reviewing the issue, the Community Development Committee believed that wireless towers should not be added as an allowed conditional use within residential districts and should be left out of the possible zones under section 7.11.07.01. Staff recommends that the Planning Commission recommend approval to City Council of the amendments to the zoning ordinance.

Hill asked to have section 7.11.18.04 state that there is a 10 days' notice of nonpayment and a 60 days' notice for any other reason.

Hill also mentioned the intent statement in reference to the second sentence in regards to mentioning that the "City of La Vista finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare character, and environment of the City and its inhabitants." She asked if the city has ever conducted a study or required a study to be done in reference to wireless towers.

Solberg said no, that it has not been a requirement. It is not part of the application package and there never has been an issue. Most of the towers are high enough and have never posed an issue.

Gahan asked if this is something that is regulated under the federal government and if there have been studies done by them.

Solberg said yes and that he forwarded that information from the consultant to the members of the commission. There are regulations on the federal level that are separate from our zoning regulations. Most of our issues have never been a health issue; it has either been a placement or aesthetic issue.

Gahan recapped that a cell phone tower in a residential area would be the very last option for placement.

Solberg said that the current regulations as proposed exclude commercial and residential areas. The impact is limited to residential properties.

Hill said that she did read the study in regards to the RF factor. She mentions that since that city did not actually do the study or require the study, that the sentence should be changed to say that "federal government studies finds..." She said that removing that puts the burden more on the government and not on the city. She feels that if we leave in the city as the responsible party, it will strengthen the defense of the wireless towers company because we are stating that we knew there was the potential for something to happen.

Solberg says that if the commission wants to change it that he would recommend adding the City of La Vista recognizes the study done by the federal government.

Sargus feels that the way it reads now is the way it should stay.

Gahan also agrees that the way it reads now is also the way it should stay. The city recognizes the studies.

Gahan also asked everyone to remember that the commission is just making a recommendation to the city council and the final decision is up to them.

Krzywicki mentioned that he had made comments in regards to 7.11.07.01. He would like to add areas listed as future land uses.

Solberg said that he is trying to figure out the legality of that. He would have to check with legal before to going to council to see if they would approve it. Solberg mentioned that it can be added into the staff report.

**Recommendation:** *Malmquist* moved, seconded by *Krzywicki* to recommend city council approve the amendments to 7.11.01, with the addition of a 60 day cancellation notice for all other reasons to 7.11.18.04. **Ayes:** *Krzywicki, Malmquist, Gahan, Alexander, Circo, Wetuski and Sargus*. **Nays:** *Hill*. **Abstain:** *None*. **Absent:** *Miller and Dale*. **Motion Carried. (7-1)**

#### 4. New Business

##### A. None

#### 5. Comments from the Floor

Gayle mentioned that there were students from Creighton University at the meeting.

One of the students came up and spoke about what he learned in the meeting that night. He asked about the RF and EMF issues that were discussed in regards to the towers. He was then handed a copy of the study.

#### 6. Comments from Planning Commission

Sargus mentioned that the new tree carving looks great.

Solberg mentioned that public works is making ornaments out of some of the limbs that were cut off from the tree.

Hill explained to the students what had happened to the tree.

Wetuski said that he saw that city council approved Costco.

Solberg said that the final PUD and subdivision agreement did get approved. They just need to have final design review approved.

Krzywicki asked how much additional road work will need to be done by the city before Costco can go in.

Solberg said that Costco will be doing all of the grading and the city will be doing road work at the same time that the building is being done.

Malmquist asked what the status of the Multisport Complex is.

Solberg said that they have purchased the ground a couple of weeks ago. They are in the process of working on the fund raising for the project.

## **7. Comments from Staff**

### **A. Comprehensive Plan Update**

Solberg said that they are still working on the Comprehensive Plan Update. They have been working with the consultants on some significant changes to the document and are hoping to resume meetings soon so they can go over those changes.

Solberg also talked about a few of them attending the Comprehensive Plan Update meeting for Sarpy County and said that they seem to be moving forward with that as well.

## **8. Adjournment**

Reviewed by Planning Commission:

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Planning Commission Secretary

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Planning Commission Chairperson

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Approval Date

\\Lvdcp01\Users\Community Development\Planning Department\Planning Commission\Minutes\2015\5-28-2015PC Minutes - Draft.Docx

A-5



PO Box 1100, 100 Middle Street, Portland, ME 04104-1100

# INVOICE

City of La Vista  
Pam Buehe  
8116 Park View Boulevard  
La Vista, NE 68128

12/03/2015  
Client #: 110382.41  
Invoice #: 354781

\$                       
AMOUNT REMITTED

City of La Vista

BerryDunn  
Invoice #: 354781

12/03/2015

---

Professional services rendered by our Government Consulting Group related to the project to assist the City of La Vista with consulting services for Financial Information Software System Selection.

Task 3: Vendor Evaluation and Selection (75% Complete)

\$3,954.00

Current Amount Due \$ 3,954.00

A late charge of 1.5% per month (18% per annum) is added to the balance after 30 days.  
For your convenience, we accept VISA and MASTERCARD or for information on  
ACH Payments, please send an email to AR@berrydunn.com.

(207)775-2387  
www.berrydunn.com

OK to pay  
05.71.0859.01  
PBuehe  
12/7/2015  
Consent Agenda 12/15/15 ph





**Theatrical Media Services, Inc.**  
**7510 Burlington Street**  
**Omaha, NE 68127**  
**(402) 592-5522 Fax (402) 592-0094**

**A-6**  
**Sales Invoice**


Date	11/30/2015
Invoice #	44722
Tax Status	

**Bill To**

City of La Vista  
ATT: Mitch Beaumont  
8116 Park View Blvd.  
LaVista, NE 68128

**Ship To**

City of La Vista  
ATT: Mitch Beaumont  
8116 Park View Blvd.  
LaVista, NE 68128

Payment Due	Terms	Customer P.O.#	Rep	Date Shipped	Ship Via	Job#		
12/7/2015	Net		PJ	11/30/2015	Installed	4294		
Description				Qty	Qty ship	Qty B/O	Unit Price	Ext. Price
**SENNHEISER WIRELESS SYSTEM W/ 3 SPEAKERS				1	1	0	13,776.00	13,776.00T
Installation via Quote 4394								
Below line items included in total price:								
Sennheiser LSP 500 Pro US Speaker- 2 Way Powered (1) LF 8" (1) HF 3/4" 120 Watts				3	3	0	0.00	0.00T
Sennheiser EW 335 G3-A Wireless System- SKM300 Handheld Mic EM Receiver With GA3 Rack Mount Kit Band A				2	2	0	0.00	0.00T
Sennheiser EM 300 G3-B Wireless System- EM Receiver Band B				2	2	0	0.00	0.00T
Sennheiser SR 300 IEM G3-B Wireless System- EM Transmitter Band B				1	1	0	0.00	0.00T
Sennheiser LAB 500 Speaker- Bag Cover With Wheels And Pull Out Handle				3	3	0	0.00	0.00T
Sennheiser E 835 SMic- Vocal Dynamic Cardioid With Switch				1	1	0	0.00	0.00T
Atlas SS500 Stand- Speaker 53" To 85" Tall Black				3	3	0	0.00	0.00T
Gator Cases GPA-SPKSTDBG-58DLX Stand- Bag For Speaker Stands				2	2	0	0.00	0.00T
Elation EC-123-50 Cable- Extinction 12 AWG Male Edison To Female Edison 50' Black				3	3	0	0.00	0.00T
Whirlwind MKQ50NP-Black Cable- Mic Male XLR To Female XLR Shielded 4 Conductor Black 50'				1	1	0	0.00	0.00T
NetGear- Router- R6050-100PAS- Wireless AC750 Dual band Wifi Gigabit Router				1	1	0	0.00	0.00T
TMS - Labor (hours)				2	2	0	0.00	0.00T
08.81.0610 OK to pay. 								
Received By:					Subtotal		\$13,776.00	
11/2% INTEREST WILL BE ASSESSED ON ALL ACCOUNTS PAST THEIR TERMS PLUS ANY COLLECTION FEES INCURRED					Sales Tax (0.0%)		\$0.00	
					Total		\$13,776.00	
THANK YOU! PLEASE PAY FROM THIS INVOICE								

Consent Agenda 12/15/15

A-7

## Invoice

**Upstream Weeds***Bringing Science to People, &  
People to Science!*3942 N. 66<sup>th</sup> Street  
Omaha, NE 68104  
Phone 402-881-6919  
Email: Chris@upstreamweeds.comINVOICE # 013  
DATE: DECEMBER 1, 2015

NVOICING TERM: 11/01/15- 11/30/15

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

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

DESCRIPTION	QTY	UNIT PRICE	LINE TOTAL
<b>November 1 - 7, 2015</b>			
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	6	25	150.00
Client Account Management and Administration (reporting, documentation, & billing)	15	25	375.00
External meeting (preparation, attendance, & follow-ups)	3	25	75.00
New Contract execution-plan development	4	25	100.00
Social media & online presence (Facebook)	2	25	50.00
<b>November 8 - 14, 2015</b>			
External meeting (preparation, attendance, & follow-ups)	11	25	275.00
Client Account Management and Administration (reporting, documentation, & billing)	7	25	175.00
Social media & online presence (Facebook)	2	25	50.00
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	10	25	250.00
<b>November 15 - 21, 2015</b>			
External meeting (preparation, attendance, & follow-ups)	4	25	100.00
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	12	25	300.00
New Contract execution-plan development	3	25	75.00
Client Account Management and Administration (reporting, documentation, & billing)	10	25	250.00

Social media & online presence (website)	1	25	25.00
<b>November 22 - 28, 2015</b>			
Citizen Science Initiatives (planning, implementation, & maintenance)	2	25	50.00
Partner Correspondence (recruitment, retention, collaboration, and follow-ups)	11	25	275.00
External partnership-promotion & networking opportunities (planning, implementation, & maintenance)	2	25	50.00
Client Account Management and Administration (reporting, documentation, & billing)	6	25	150.00
New Contract execution-plan development	1	25	25.00
Social media & online presence (website)	1	25	25.00
<b>November 29 - 30, 2015</b>			
External partnership-promotion & networking opportunities (planning, implementation, & maintenance)	4	25	100.00
Client Account Management and Administration (reporting, documentation, & billing)	3	25	75.00
SUB TOTAL			3,000.00
50% COST-SHARE PAID BY THE CITY OF PAPILLION			1,500.00
TOTAL DUE			\$1,500.00

Please make all checks payable to Chris Madden.  
THANK YOU FOR YOUR BUSINESS!

O.K. to pay  
JMK 12-4-2015  
02.43.0505

Consent Agenda  
12/15/15 Rk

A-8

TD2 File No. 171-408.99  
December 8, 2015

**PAYMENT RECOMMENDATION NO. 6 ON CONTRACT FOR THOMPSON CREEK CHANNEL  
REHABILITATION GROUP B – CHANNEL RECONSTRUCTION**

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

Contractor: Anderson Excavating Co.  
1920 Dorcas Street  
Omaha, NE 68108

ORIGINAL CONTRACT AMOUNT: \$1,332,728.50

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATIONS: \$ 449,309.70

Item	Description	Approx. Quantities	Unit Price	Amount
<b>Demolition and Grading:</b>				
1	Clearing and Grubbing	0.9 L.S.	\$42,000.00 / L.S.	\$ 37,800.00
2	Stockpile and Redistribute Topsoil (6,500 C.Y. Moved Twice), Established Quantity	11,000 C.Y.	\$ 10.00 / C.Y.	\$110,000.00
3	Common Earthwork, In Place, Established Quantity	16,667 C.Y.	\$ 6.00 / C.Y.	\$100,002.00
4	Haul Excess Soil to NRD Levee Site	13,750 C.Y.	\$ 8.00 / C.Y.	\$110,000.00
5	Haul Excess Soil Off Site and Dispose	0 C.Y.	\$ 9.00 / C.Y.	\$ 0.00
6	Remove and Dispose Existing Headwall Structure and Railing	1 EA.	\$ 3,000.00 / EA.	\$ 3,000.00
7	Remove Existing Gabion Baskets and Salvage Stone On Site	155 C.Y.	\$ 15.00 / C.Y.	\$ 2,325.00
8	Remove and Dispose 24" - 30" Storm Sewer	150 L.F.	\$ 30.00 / L.F.	\$ 4,500.00
9	Remove and Dispose 48" Storm Sewer	8 L.F.	\$ 45.00 / L.F.	\$ 360.00
10	Remove and Dispose P.C.C. Pavement	235 S.Y.	\$ 4.50 / S.Y.	\$ 1,057.50
11	Remove and Dispose 4' Tall Chain Link Fence	0 L.F.	\$ 5.00 / L.F.	\$ 0.00
12	Remove, Salvage and Relocate 4' Tall Chain Link Fence	0 L.F.	\$ 12.00 / L.F.	\$ 0.00
13	Remove and Salvage Playground Equipment	1 EA.	\$ 8,000.00 / EA.	\$ 8,000.00
14	Remove and Dispose Sand Volleyball Court and Equipment	1 EA.	\$ 2,000.00 / EA.	\$ 2,000.00
<b>Infrastructure Installation:</b>				
15	30" Storm Sewer Plug, In Place	2 EA.	\$ 800.00 / EA.	\$ 1,600.00
16	Flowable Fill In Abandoned Storm Sewer, In Place	25 C.Y.	\$ 240.00 / C.Y.	\$ 6,000.00
17	Construct 5' x 5' Junction Box w/ Weir, In Place	1 EA.	\$11,000.00 / EA.	\$ 11,000.00
18	Construct 54" I.D. Storm Sewer Manhole, In Place	30 V.F.	\$ 750.00 / V.F.	\$ 22,500.00
19	Construct 54" I.D. Flat Top Storm Sewer Manhole, In Place	0 V.F.	\$ 800.00 / V.F.	\$ 0.00

20	Construct 60" I.D. Flat Top Storm Sewer Manhole, In Place	0	V.F.	\$ 850.00	/	V.F.	\$ 0.00
21	Standard Manhole Ring and Cover, In Place	5	EA.	\$ 500.00	/	EA.	\$ 2,500.00
22	Construct 24" - 30" Concrete Collar, In Place	3	EA.	\$ 1,600.00	/	EA.	\$ 4,800.00
23	Construct 24" HDPE Storm Sewer w/ Bedding, In Place	87	L.F.	\$ 175.00	/	L.F.	\$ 15,225.00
24	Construct 30" HDPE Storm Sewer w/ Bedding, In Place	110	L.F.	\$ 125.00	/	L.F.	\$ 13,750.00
25	Construct 30" RCP Storm Sewer, Class III, W/ Bedding, In Place	220	L.F.	\$ 200.00	/	L.F.	\$ 44,000.00
26	Construct 42" HDPE Storm Sewer w/ Bedding, In Place	17	L.F.	\$ 225.00	/	L.F.	\$ 3,825.00
27	Construct Type II Curb Inlet, In Place	1	EA.	\$ 7,500.00	/	EA.	\$ 7,500.00
28	Construct Type III Curb Inlet, In Place	1	EA.	\$ 7,500.00	/	EA.	\$ 7,500.00
29	Construct Edgewood Boulevard Culvert Dissipation Structure	1	EA.	\$20,000.00	/	EA.	\$ 20,000.00
30	Storm Sewer Anchor System, In Place	0	EA.	\$ 1,000.00	/	EA.	\$ 0.00
31	Construct SAFL Baffle System, In Place	0	EA.	\$ 1,800.00	/	EA.	\$ 0.00
32	Type "B" Riprap w/ Geotextile Fabric, In Place	56	TON	\$ 36.00	/	TON	\$ 2,016.00
33	Construct 4" P.C.C. Sidewalk Pavement, In Place	0	S.Y.	\$ 5.00	/	S.Y.	\$ 0.00
34	Construct 6" P.C.C. Driveway Pavement, In Place	0	S.Y.	\$ 6.00	/	S.Y.	\$ 0.00
35	Construct 7" P.C.C. Pavement, In Place	0	S.Y.	\$ 12.00	/	S.Y.	\$ 0.00
<b>Special Treatments:</b>							
36	Geo-Wrapped Soil Lifts, In Place	1,110	S.F.	\$ 25.00	/	S.F.	\$ 27,750.00
37	Creek Toe Stone Revetment and Bedding, In Place	0	L.F.	\$ 35.00	/	L.F.	\$ 0.00
38	Wetland Soil Amendment, In Place	0	C.Y.	\$ 10.00	/	C.Y.	\$ 0.00
39	Cross-Vane Grade Control Structure, In Place	0	EA.	\$ 5,000.00	/	EA.	\$ 0.00
40	Gabion Baskets W/ Recycled Stone, In Place	41	C.Y.	\$ 105.00	/	C.Y.	\$ 4,305.00
41	Tensar Bionet C125BN (Or Approved Equal, In Place	0	S.Y.	\$ 2.75	/	S.Y.	\$ 0.00
42	Tensar Bionet SC150BN (Or Approved Equal), In Place	0	S.Y.	\$ 2.00	/	S.Y.	\$ 0.00
<b>Erosion Control:</b>							
43	Maintain and Remove Stabilized Construction Entrance	0	EA.	\$ 1,500.00	/	EA.	\$ 0.00
44	Maintain and Remove Inlet Filters	0	EA.	\$ 125.00	/	EA.	\$ 0.00
45	Maintain Fabric Silt Fence, In Place	0	L.F.	\$ 2.50	/	L.F.	\$ 0.00
46	Remove and Dispose Fabric Silt Fence	0	L.F.	\$ 1.00	/	L.F.	\$ 0.00
47	Water Management, Complete	0.55	L.S.	\$98,400.00	/	L.S.	\$ 54,120.00
48	United Seed Super Turf 2 Permanent Seed w/ Straw Mulch	0.5	AC.	\$ 3,000.00	/	AC.	\$ 1,500.00
49	Maintain and Remove Orange Safety Fence	0	L.F.	\$ 1.00	/	L.F.	\$ 0.00
<b>Planting:</b>							
50	Stream Bank Seeding, In Place	0	AC.	\$ 3,500.00	/	AC.	\$ 0.00
51	Low Prairie Seeding, In Place	0	AC.	\$ 2,800.00	/	AC.	\$ 0.00

52	Upland Prairie Seeding, In Place	0	AC.	\$ 2,000.00	/	AC.	\$	0.00
53	Wet Meadow Seeding, In Place	0	AC.	\$ 3,000.00	/	AC.	\$	0.00
54	Access Path Seeding, In Place	0	AC.	\$20,000.00	/	AC.	\$	0.00
55	Willow Live Stakes, In Place	1,600	EA.	\$ 20.00	/	EA.	\$	32,000.00
56	Install 1-1/2" Caliper trees, In Place	0	EA.	\$ 450.00	/	EA.	\$	0.00
57	Install Six Feet Tall Conifer Trees, In Place	0	EA.	\$ 450.00	/	EA.	\$	0.00
58	Deep Cell Plugs, In Place	0	EA.	\$ 10.00	/	EA.	\$	0.00
59	Year One Maintenance For Project Area	0	L.S.	\$15,000.00	/	L.S.	\$	0.00
60	Year Two Maintenance For Project Area	0	L.S.	\$10,000.00	/	L.S.	\$	0.00
61	Year Three Maintenance For Project Area	0	L.S.	\$ 8,000.00	/	L.S.	\$	0.00

**Parkland Amenities:**

62	Reinstall Salvaged Playground Equipment at Triangle Park	1	EA.	\$72,500.00	/	EA.	\$	72,500.00
63	Construct Volleyball Court, In Place	0	EA.	\$14,000.00	/	EA.	\$	0.00
64	Install New 42" Tall Galvanized Chain Link Fence, In Place	0	L.F.	\$ 12.00	/	L.F.	\$	0.00
65	Install Six Feet Tall, White PVC Privacy Fence, In Place	0	L.F.	\$ 20.00	/	L.F.	\$	0.00

**Hourly Rates:**

66	Labor	0	HRS	\$ 40.00	/	HRS	\$	0.00
67	CAT 257B (Or Equivalent) W/ Operator	0	HRS	\$ 95.00	/	HRS	\$	0.00
68	CAT 225 (Or Equivalent) W/ Operator	16	HRS	\$ 150.00	/	HRS	\$	2,400.00
69	CAT D7 (Or Equivalent) W/ Operator	16	HRS	\$ 140.00	/	HRS	\$	2,240.00
70	CAT 977 (Or Equivalent) W/ Operator	16	HRS	\$ 140.00	/	HRS	\$	2,240.00
71	Side Dump Truck (Or Equivalent) W/ Operator	0	HRS	\$ 110.00	/	HRS	\$	0.00

**TOTAL**

**\$740,315.50**

**LESS 5% RETAINED**

**\$ 37,015.78**

**LESS PREVIOUS PAYMENT**

**RECOMMENDATIONS**

**\$449,309.70 ✓**

**Deductions per Change Order No. 1:**

October 9, 2015 Completion Date

October 19 to December 8

51 days

\$ 100.00 / day -\$ 5,100.00

November 1, 2015 Completion Date

November 9 to December 8

30 days

\$ 100.00 / day -\$ 3,000.00

**TOTAL DEDUCTION TO DATE**

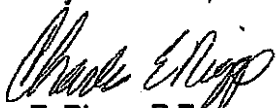
**-\$ 8,100.00**

**AMOUNT DUE CONTRACTOR**

**\$245,890.02 ✓**

We recommend that payment in the amount of \$245,890.02 be made to Anderson Excavating Co.

Respectfully submitted,



Charles E. Riggs, P.E.

Contract Engineer

THOMPSON, DREESSEN & DORNER, INC.

CER/tjp

cc: Anderson Excavating Co.

O.K. to pay

PMK 12-9-2015

Splits to:

05.71.0871.03 (NET) \$113,109.41

05.71.0855.03 (City) \$132,780.61

Consent Agenda 12/15/15 p6

APCHCKRP  
10.30.14

Wed Dec 9, 2015 3:25 PM

\*\*\*\* City of Lavista \*\*\*\*  
ACCOUNTS PAYABLE CHECK REGISTER

OPER: AKH

A-9  
PAGE 1

BANK NO CHECK NO	BANK NAME DATE	VENDOR NO VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----						
1 BK NE CKG MAIN (600-873)						
Payroll Checks						
46412						
Thru 46413						
Gap in Checks						
46414						
Thru 119711						
119712	12/02/2015	3254 HUSKER AUTO GROUP INC/	34,756.00			**MANUAL**
119713	12/02/2015	4867 VAN RU CREDIT CORPORATION	11.72			**MANUAL**
119714	12/02/2015	143 THOMPSON DRESSEN & DORNER	4,287.00			**MANUAL**
119715	12/02/2015	3739 FELSBERG HOLT & ULLEVIG	1,574.50			**MANUAL**
119716	12/02/2015	2995 OLSSON ASSOCIATES	6,791.12			**MANUAL**
119717	12/02/2015	147 CHRIS MADDEN	1,000.00			**MANUAL**
Gap in Checks Voided check used for ACH setup-not entered in system						
119718						
119719	12/15/2015	571 ALAMAR UNIFORMS	536.67			
119720	12/15/2015	536 ARAMARK UNIFORM SERVICES INC	158.70			
119721	12/15/2015	188 ASPHALT & CONCRETE MATERIALS	149.31			
119722	12/15/2015	3058 BAXTER CHRYSLER DODGE JEEP RAM	211.58			
119723	12/15/2015	4781 BISHOP BUSINESS EQUIPMENT	745.13			
119724	12/15/2015	249 BKD LLP	2,160.00			
119725	12/15/2015	196 BLACK HILLS ENERGY	433.46			
119726	12/15/2015	1294 CAPSTONE PRESS INC	1,563.14			
119727	12/15/2015	2625 CARDMEMBER SERVICE-ELAN	3,475.32			
119728	12/15/2015	219 CENTURY LINK	155.08			
119729	12/15/2015	2540 CENTURY LINK BUSN SVCS	109.61			
119730	12/15/2015	301 CITY OF PAPILLION	150,654.00			
119731	12/15/2015	23 CUMMINS CENTRAL POWER LLC	175.82			
119732	12/15/2015	2433 DANIELSON/TECH SUPPLY INC	177.85			
119733	12/15/2015	846 DATA TECHNOLOGIES INC	11,844.71			
119734	12/15/2015	3084 EBSCO INFORMATION SERVICES	3,827.68			
119735	12/15/2015	2061 FERGUSON ENTERPRISES INC	33.51			
119736	12/15/2015	1344 GALE	163.43			
119737	12/15/2015	3656 GENERAL FIRE & SAFETY EQUIP CO	989.80			
119738	12/15/2015	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
119739	12/15/2015	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
119740	12/15/2015	966 GENUINE PARTS COMPANY-OMAHA	1,380.51			
119741	12/15/2015	4487 GIBSON, JOHN	150.00			
119742	12/15/2015	252 JENNIFER GOSS	19.95			
119743	12/15/2015	367 JENNIFER HARBOUR	100.00			
119744	12/15/2015	362 HIGH POINT MANUFACTURING LLC	1,671.38			
119745	12/15/2015	2888 HOME DEPOT CREDIT SERVICES	41.38			
119746	12/15/2015	892 HONEYMAN RENT-ALL #1	659.93			
119747	12/15/2015	1498 INDUSTRIAL SALES COMPANY INC	3.43			
119748	12/15/2015	2323 INGRAM LIBRARY SERVICES	2,551.70			
119749	12/15/2015	788 KINDIG, DOUGLAS	60.00			
119750	12/15/2015	2394 KRIHA FLUID POWER CO INC	399.08			
119751	12/15/2015	3198 LEAGUE OF NEBR MUNICIPALITIES	200.00			
119752	12/15/2015	4784 LIBRARY IDEAS LLC	1,095.00			

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO CHECK NO	BANK NAME DATE	VENDOR NO VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
119753	12/15/2015	3913 LITTLE FALLS MACHINE INC	470.54			
119754	12/15/2015	155 MANAGEMENT EDUCATION GROUP INC	5,200.00			
119755	12/15/2015	346 MAX I WALKER UNIFORM RENTAL	1,433.88			
119756	12/15/2015	4943 MENARDS-RALSTON	183.06			
119757	12/15/2015	153 METRO AREA TRANSIT	448.00			
119758	12/15/2015	553 METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
119759	12/15/2015	553 METROPOLITAN UTILITIES DIST.	1,621.29			
119760	12/15/2015	2299 MIDWEST TAPE	144.21			
119761	12/15/2015	1050 MILLER PRESS	640.00			
119762	12/15/2015	4085 MNJ TECHNOLOGIES	521.00			
119763	12/15/2015	3871 NATIONAL RESEARCH CENTER INC	8,900.00			
119764	12/15/2015	373 NATIONAL SEMINARS TRAINING	298.00			
119765	12/15/2015	370 NEBRASKA LAW ENFORCEMENT	200.00			
119766	12/15/2015	132 NEBRASKA SALT & GRAIN COMPANY	30,578.36			
119767	12/15/2015	179 NUTS AND BOLTS INCORPORATED	30.66			
119768	12/15/2015	1014 OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
119769	12/15/2015	1014 OFFICE DEPOT INC	741.38			
119770	12/15/2015	195 OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
119771	12/15/2015	195 OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
119772	12/15/2015	195 OMAHA PUBLIC POWER DISTRICT	47,524.21			
119773	12/15/2015	109 OMNIGRAPHICS INC	81.85			
119774	12/15/2015	3935 ORIENTAL TRADING COMPANY	258.32			
119775	12/15/2015	3039 PAPILLION SANITATION	2,579.15			
119776	12/15/2015	4654 PAYFLEX SYSTEMS USA INC	250.00			
119777	12/15/2015	1769 PAYLESS OFFICE PRODUCTS INC	234.80			
119778	12/15/2015	1821 PETTY CASH-PAM BUETHE	.00	**CLEARED**	**VOIDED**	
119779	12/15/2015	1821 PETTY CASH-PAM BUETHE	342.26			
119780	12/15/2015	1784 PLAINS EQUIPMENT GROUP	5,247.88			
119781	12/15/2015	2387 PROFESSIONAL GROUNDS MGMT SOC	175.00			
119782	12/15/2015	172 Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
119783	12/15/2015	172 Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
119784	12/15/2015	172 Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
119785	12/15/2015	172 Q P ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
119786	12/15/2015	172 Q P ACE HARDWARE	1,908.80			
119787	12/15/2015	3139 RECORDED BOOKS, LLC	606.71			
119788	12/15/2015	3774 RETRIEVEX	117.10			
119789	12/15/2015	1783 RON TURLEY ASSOCIATES INC	1,375.00			
119790	12/15/2015	4228 RUNZA RESTAURANT	1,125.00			
119791	12/15/2015	4045 SHRM-SOCIETY FOR HUMAN	190.00			
119792	12/15/2015	738 SIGN IT	275.00			
119793	12/15/2015	3838 SPRINT	642.40			
119794	12/15/2015	4993 SUNSET LAW ENFORCEMENT LTD	972.50			
119795	12/15/2015	822 THERMO KING CHRISTENSEN	132.13			
119796	12/15/2015	161 TRACTOR SUPPLY CREDIT PLAN	10.49			
119797	12/15/2015	4979 UNITE PRIVATE NETWORKS LLC	3,850.00			
119798	12/15/2015	4800 USBORNE BOOKS & MORE	384.18			
119799	12/15/2015	766 VIERREGGER ELECTRIC COMPANY	1,490.00			
119800	12/15/2015	3150 WHITE CAP CONSTR SUPPLY/HDS	197.26			
119801	12/15/2015	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
119802	12/15/2015	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
119803	12/15/2015	2625 CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
119804	12/15/2015	2625 CARDMEMBER SERVICE-ELAN	6,588.79			
119805	12/15/2015	2888 HOME DEPOT CREDIT SERVICES	245.03			



APCHCKRP  
10.30.14

Wed Dec 9, 2015 3:25 PM

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

OPER: AKH

PAGE 3

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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2394201  
Thru 2410001

Payroll Checks

1260623	12/04/2015	5017	EFTPS (Federal Payroll Taxes)	71,553.18	**E-PAY**
1260624	12/04/2015	5018	NE STATE INCOME TAX	10,920.18	**E-PAY**
1260625	12/04/2015	5019	ICMA PAYROLL (Pension)	37,022.17	**E-PAY**
1260626	12/04/2015	5020	NE CHILD SUPPORT CENTER	966.08	**E-PAY**
1260627	12/04/2015	5023	LFOP DUES	1,300.00	**E-PAY**
1260628	12/04/2015	5024	POLICE INSURANCE	261.89	**E-PAY**
1260629	12/04/2015	5025	529 CSP (College Savings Plan)	50.00	**E-PAY**
1260647	12/15/2015	3105	MARCO INCORPORATED	194.67	**E-PAY**
1260648	12/15/2015	3105	MARCO INCORPORATED	159.00	**E-PAY**

BANK TOTAL	484,958.91
OUTSTANDING	484,958.91
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
01 GENERAL FUND	413,824.92	413,824.92	.00	.00
02 SEWER FUND	15,017.97	15,017.97	.00	.00
04 BOND(S) DEBT SERVICE FUND	24,700.00	24,700.00	.00	.00
05 CONSTRUCTION	12,010.38	12,010.38	.00	.00
08 LOTTERY FUND	15,212.18	15,212.18	.00	.00
09 GOLF COURSE FUND	2,770.48	2,770.48	.00	.00
15 OFF-STREET PARKING	1,422.98	1,422.98	.00	.00

REPORT TOTAL	484,958.91
OUTSTANDING	484,958.91
CLEARED	.00
VOIDED	.00

+ Gross Payroll 12/04/15	388,666.01
- Payroll ACH Payments	122,073.50
GRAND TOTAL	\$751,551.42

APPROVED BY COUNCIL MEMBERS 12/15/15

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COUNCIL MEMBER

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COUNCIL MEMBER

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COUNCIL MEMBER

ITEM B

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 15, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENTS — WIRELESS COMMUNICATION TOWERS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and ordinances prepared to amend Section 7.11 of the Zoning Ordinance regarding wireless communication towers.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled to consider amendments to Section 7.11 of the Zoning Ordinance regarding wireless communication towers.

In November of 2014, the City Council approved a contract to hire The Center for Municipal Solutions (CMS) to assist staff through on-call services for review of applications for wireless telecommunication facilities. The review process for these applications is highly technical and include issues that require professional review. CMS is an independent consultant with significant experience in reviewing applications for these facilities.

Utilizing a model ordinance provided by CMS, staff has prepared a major amendment to Section 7.11 of the Zoning Ordinance that replaces the city's current regulations regarding wireless communication towers with a modified version of this model.

The Planning Commission, in their discussion over the amendments, sited a desire to prohibit wireless communications towers in future residential districts, as delineated on the Future Land Use Map, but not by the Zoning Map. However enforcement of zoning regulations does not occur through the Future Land Use Map, so that proposed amendment is not proposed.

See the attached copy of the proposed amendments; a red-line version has not been provided due to the extent of the changes.

The Planning Commission held a public hearing on November 19, 2015 and voted by a vote of seven in favor and one opposed to recommend approval of the amendments to City Council.

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

AN ORDINANCE TO AMEND SECTION 7.11 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 7.11 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 7.11. Section 7.11 of the Ordinance No. 848 is hereby amended to read as follows:

**Section 7.11 Wireless Communication Towers**

**7.11.01 Purpose and Legislative Intent.**

The Telecommunications Act of 1996 affirmed the City of La Vista's authority concerning the placement, construction, and modification of wireless telecommunications facilities. The City of La Vista finds that wireless telecommunications facilities may pose significant concerns to the health, safety, public welfare, character, and environment of the City and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to ensure that the placement, construction, or modification of wireless telecommunications facilities is consistent with the City's land use policies, the City is adopting a single, comprehensive, wireless telecommunications facilities application and permit process. The intent of this section is to minimize impact of wireless telecommunications facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of environmental impacts of such facilities, and protect the health, safety and welfare of the residents of the City of La Vista.

**7.11.02 Definitions.**

For purposes of this section, and where not inconsistent with the context of a particular subsection, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given here. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

- 7.11.02.01 "Accessory Facility or Structure" means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- 7.11.02.02 "Applicant" means any wireless service provider submitting an application for a conditional use permit for wireless telecommunications facilities.
- 7.11.02.03 "Antenna" means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- 7.11.02.04 "Co-location" means the use of an existing tower or structure to support antennae for the provision of wireless services. A replacement tower that is constructed on the same site as an existing tower will be considered a co-location as long as the new tower is no taller than the old tower and that the old tower is removed in a reasonable short time frame after the new tower is constructed.
- 7.11.02.05 "Commercial Impracticability" or "Commercially Impracticable" means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the

financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercially impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

- 7.11.02.06 "Completed Application" means an application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.
- 7.11.02.07 "Distributed Antenna System or DAS" means a network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure.
- 7.11.02.08 "FAA" means the Federal Aviation Administration, or its duly designated and authorized successor agency.
- 7.11.02.09 "FCC" means the Federal Communications Commission, or its duly designated and authorized successor agency.
- 7.11.02.10 "Height" means, when referring to a tower or structure, the distance measured from the pre-existing grade level to the highest point on the tower or structure, including antennas or lightening protection devices.
- 7.11.02.11 "Modification" or "Modify" means, the addition, removal or change of any of the physical and visually discernible components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernible components, vehicular access, parking and/or an upgrade or change out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- 7.11.02.12 "NIER" means Non-Ionizing Electromagnetic Radiation.
- 7.11.02.13 "Personal Wireless Facility" See definition for 'Wireless Telecommunications Facilities.'
- 7.11.02.14 "Personal Wireless Services" or "PWS" or "Personal Telecommunications Service" or "PCS" shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- 7.11.02.15 "Repairs and Maintenance" means the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernible components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.
- 7.11.02.16 "Stealth" or "Stealth Technology" means to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless Telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

- 7.11.02.17 "Telecommunications" means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
  - 7.11.02.18 "Telecommunication Site" See definition for Wireless Telecommunications Facilities.
  - 7.11.02.19 "Telecommunications Structure" means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities.'
  - 7.11.02.20 "Temporary" means, in relation to all aspects and components of this section, something intended to, or that does not exist for more than ninety (90) days.
  - 7.11.02.21 "Tower" means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
  - 7.11.02.22 "Wireless Telecommunications Facilities" means and includes a "Telecommunications Site" and "Personal Wireless Facility". It means a structure, facility or location designed, or intended to be used as, or used to support antennas or other transmitting or receiving devices. This includes without limit, towers of all types and kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.
- 7.11.03 Overall Policy and Desired Goals for Conditional Use Permits for Wireless Telecommunications Facilities. In order to ensure that the placement, construction, and modification of wireless telecommunications facilities does not negatively impact the health and safety of the public, environmental features, the nature and character of the community and neighborhood, and other aspects of the quality of life specifically listed elsewhere in this section, the City hereby adopts an overall policy with respect to a conditional use permit for wireless telecommunications facilities for the express purpose of achieving the following goals:
- 7.11.03.01 Requiring a conditional use permit for any new, co-location or modification of a wireless telecommunications Facility.
  - 7.11.03.02 Implementing an application process for person(s) seeking a conditional use permit for wireless telecommunications facilities.
  - 7.11.03.03 Establishing a policy for examining an application for and issuing a conditional use permit for wireless telecommunications facilities that is both fair and consistent.
  - 7.11.03.04 Promoting and encouraging, wherever possible, the sharing and/or co-location of wireless telecommunications facilities among service providers.
  - 7.11.03.05 Promoting and encouraging, wherever possible, the placement, height and quantity of wireless telecommunications facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

- 7.11.03.06 That in granting a conditional use permit, the City has found that the facility shall be the most appropriate site insofar as it is the least visually intrusive among those available in the City.

7.11.04 Exceptions from a Conditional Use Permit for Wireless Telecommunications Facilities.

- 7.11.04.01 Except as otherwise provided by this ordinance no person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of, wireless telecommunications facilities as of the effective date of this ordinance without having first obtained a conditional use permit for wireless telecommunications facilities. Notwithstanding anything to the contrary in this section, no conditional use permit shall be required for those non-commercial exclusions noted in Section 7.11.05.
- 7.11.04.02 All legally permitted wireless telecommunications facilities, constructed as permitted, existing on or before the effective date of this section shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless telecommunications Facility will require the complete facility and any new installation to comply with this ordinance.
- 7.11.04.03 Repair and Maintenance of a Wireless Facility does not require an application for a conditional use permit.

7.11.05 Exclusions. The following shall be exempt from Section 7.11:

- 7.11.05.01 The City's fire, police, public works or other public service facilities owned and operated by the local government and/or public entities in partnership with the local government.
- 7.11.05.02 Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multichannel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception.
- 7.11.05.03 Facilities exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial telecommunications.
- 7.11.05.04 Facilities used exclusively for providing unlicensed spread spectrum technology i.e. Bluetooth or a 'Hot Spot', where the facility does not require a new tower, where the service is not to be used for commercial purposes, where there is no fee or charge for the use of the service and where the service is intended to be useable for less than a distance of 200 feet.

7.11.06 Conditional Use Permit Application and Other Requirements

- 7.11.06.01 Unless noted elsewhere in this section, all tower Development permits are governed by the regulations in Article 6: conditional use permits.
- 7.11.06.02 No wireless telecommunications facilities shall be installed, constructed or modified until the application is reviewed and approved by the City, and the conditional use permit has been issued.
- 7.11.06.03 Any and all representations made by the applicant to the City on the record during the application process, whether written or verbal, shall be deemed a part of the application and may be relied upon in good faith by the City.
- 7.11.06.04 The applicant shall include a statement in writing:

1. That the applicant's proposed wireless telecommunications facilities shall be maintained in a safe manner, and in compliance with all conditions of the conditional use permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal laws, rules, and regulations;
2. That the construction of the wireless telecommunications facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the State.

7.11.06.05

In addition to all other required information as stated in Section 6 of this ordinance, all applications for the construction or installation of new wireless telecommunications facilities or modification of an existing facility shall contain the information hereinafter set forth.

1. A completed City of La Vista Planning and Zoning Application Form;
2. A descriptive statement of the objective(s) for the new facility or modification including and expanding on a need such as coverage and/or capacity requirements;
3. Documentation that demonstrates and proves the need for the wireless telecommunications facility to provide service primarily and essentially within the City. Such documentation shall include propagation studies of the proposed site and all adjoining planned, proposed, in-service or existing sites that demonstrate a significant gap in coverage and/or if a capacity need, including an analysis of current and projected usage;
4. The location of nearest residential structure;
5. The location, size and height of all existing and proposed structures on the property which is the subject of the application;
6. The azimuth, size and center-line height location of all proposed and existing antennae on the supporting structure;
7. The number, type and model of the antenna(s) proposed with a copy of the specification sheet;
8. The make, model, type and manufacturer of the tower and design plan stating the tower's capacity to accommodate multiple users
9. A site plan describing the proposed tower and antenna(s) and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
10. The frequency, modulation and class of service of radio or other transmitting equipment;
11. The actual intended transmission power stated as the maximum effective radiated power (ERP) in watts;
12. Signed documentation such as the "Checklist to Determine Whether a Facility is Categorically Excluded" to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC RF Emissions guidelines (NIER). *If not categorically excluded, a complete RF Emissions study is required to provide verification;*
13. A signed statement that the proposed installation will not cause physical or RF interference with other telecommunications devices;
14. A copy of the FCC license applicable for the intended use of the wireless telecommunications facilities;
15. A copy of the geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for a proposed or existing tower site and if existing tower or water tank site, a copy of the installed foundation design.

7.11.06.06

The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also

be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

- 7.11.06.07 In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the City. Copies of written requests and responses for shared use shall be provided to the City in the application, along with any letters of rejection stating the reason for rejection.
- 7.11.06.08 In order to better inform the public, in the case of a new Telecommunication tower, the applicant shall, prior to the public hearing on the application, hold a "balloon test". The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a three (3) foot in diameter brightly colored balloon at the maximum height of the proposed new tower. The dates, (including a second date, in case of poor visibility on the initial date) times and location of this balloon test shall be advertised by the applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City. The applicant shall inform the City, in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four consecutive hours sometime between 7:00 am and 4:00 pm on the dates chosen. The primary date shall be on a weekend, but in case of poor weather on the initial date, the secondary date may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the application.
- 7.11.06.09 The applicant shall examine the feasibility of designing the proposed tower to accommodate future demand for at least four (4) additional commercial applications, for example, future co-locations. The tower shall be structurally designed to accommodate at least four (4) additional antenna arrays equal to those of the applicant, and located as close to the applicant's antenna as possible without causing interference. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
1. The foreseeable number of FCC licenses available for the area;
  2. The kind of wireless telecommunications facilities site and structure proposed;
  3. The number of existing and potential licenses without wireless telecommunications facilities spaces/sites;
  4. Available space on existing and approved towers.
- 7.11.06.10 The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed tower by other Wireless service providers in the future, and shall:
1. Respond within 60 days to a request for information from a potential shared-use applicant;
  2. Negotiate in good faith concerning future requests for shared use of the new tower by other Telecommunications providers;
  3. Allow shared use of the new tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference.
  4. Failure to abide by the conditions outlined above may be grounds for revocation of the conditional use permit.



- 7.11.06.11 The applicant shall provide certification with documentation (structural analysis) including calculations that the Telecommunication Facility tower and foundation and attachments, rooftop support structure, water tank structure, and any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, City, State and Federal structural requirements for loads, including wind and ice loads.
- 7.11.06.12 If the proposal is for a co-location or modification on an existing tower, the applicant is to provide signed documentation of the tower condition such as an ANSI report as per Annex E, tower Maintenance and Inspection Procedures, ANSI/TIA/EIA-222F or most recent version. The inspection report must be performed every three (3) years for a guyed tower and five (5) years for monopoles and self-supporting towers.
- 7.11.06.13 All proposed wireless telecommunications facilities shall contain a demonstration that the Facility will be sited so as to minimize visual intrusion as much as possible, given the facts and circumstances involved and will thereby have the least adverse visual effect on the environment and its character and on the residences in the area of the wireless telecommunications facility.
- 7.11.06.14 If the proposal is for a new tower, an antenna attachment to an existing structure, or modification adding to a visual impact, the applicant shall furnish a Visual Impact Assessment, which shall include:
1. If a new tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure, with and without foliage shall be provided to illustrate locations from which the proposed installation may be seen.
  2. Pictorial representations of "before and after" (photo simulations) views from key viewpoints both inside and outside of the City as may be appropriate, including but not limited to State highways and other major roads; parks; other public lands; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided, concerning the appropriate key sites at the pre-application meeting. Provide a map showing the locations of where the pictures were taken and distance from the proposed structure.
  3. A written description of the visual impact of the proposed facility including; and as applicable the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- 7.11.06.15 The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed wireless telecommunications facility.
- 7.11.06.16 The wireless telecommunications facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings, this shall include the utilization of stealth or concealment technology as may be required by the City.
- 7.11.06.17 All utilities at a wireless telecommunications facilities site shall be installed underground whenever possible and in compliance with all laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- 7.11.06.18 At a Telecommunications Site, an access road, turn-around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation.

Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

- 7.11.06.19 All wireless telecommunications facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.
- 7.11.06.20 A holder of a conditional use permit granted under this ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the City or other governmental entity or agency having jurisdiction over the applicant.
- 7.11.06.21 There shall be a pre-application meeting. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit if there has not been a prior site visit for the requested site.
- 7.11.06.22 An applicant shall submit to the City the number of completed applications determined to be needed at the pre-application meeting. Written notification of the application shall be provided to the legislative body of all adjacent municipalities as applicable and/or requested.
- 7.11.06.23 The holder of a conditional use permit shall notify the City of any intended modification of a wireless telecommunication facility and shall apply to the City to modify, relocate or rebuild a wireless telecommunications facility.

#### 7.11.07 Location of Wireless Telecommunications Facilities

- 7.11.07.01 Applicants for wireless telecommunications facilities shall locate, site and erect said wireless telecommunications facilities in accordance with the following priorities, one (1) being the highest priority and six (6) being the lowest priority.
1. On existing towers or other structures on city owned properties, including the right-of-way.
  2. On existing towers or other structures on other property in the City
  3. A new tower on City-owned properties
  4. A new tower on properties in areas zoned for Heavy Industrial use
  5. A new tower on properties in areas zoned for Light Industrial use
  6. A new tower on properties in areas zoned for Transitional Agricultural use
- 7.11.07.02 If the proposed site is not proposed for the highest priority listed above, then a detailed explanation must be provided as to why a site of a higher priority was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the applicant if the permit were not granted for the proposed site.
- 7.11.07.03 An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why co-location is commercially or otherwise impracticable. Agreements between

providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.

- 7.11.07.04 Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood.
- 7.11.07.05 The applicant shall submit a written report demonstrating the applicant's review of the above locations in order of priority, demonstrating the technological reason for the site selection. If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application.
- 7.11.07.06 Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an application for any of the following reasons.
1. Conflict with safety and safety-related codes and requirements;
  2. Conflict with the nature or character of a neighborhood or district;
  3. The use or construction of wireless telecommunications facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
  4. The placement and location of wireless telecommunications facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
  5. Conflicts with the provisions of this ordinance.

#### 7.11.08 Shared Use of Wireless Telecommunications Facilities and Other Structures

- 7.11.08.01 The City, as opposed to the construction of a new tower, shall prefer locating on existing towers or others structures without increasing the height. The applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within two (2) miles of the location of any proposed new tower, unless the applicant can show that some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.
- 7.11.08.02 An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.
- 7.11.08.03 Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

#### 7.11.09 Height of Telecommunications Tower(s)

- 7.11.09.01 The applicant shall submit documentation justifying the total height of any tower, facility and/or antenna requested and the basis therefore. Documentation in the form of propagation studies must include all backup data used to perform at requested height and a minimum of ten (10') feet lower height to allow verification of this height need. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.
- 7.11.09.02 No tower constructed after the effective date of this section, including allowing for all attachments, shall exceed that height which shall permit operation without required

artificial lighting of any kind in accordance with City, State, and/or any Federal statute, law, local law, city ordinance, code, rule or regulation.

#### 7.11.10 Visibility of Wireless Telecommunications Facilities.

- 7.11.10.01 Wireless telecommunications facilities shall not be artificially lighted or marked, except as required by law.
- 7.11.10.02 Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this ordinance.
- 7.11.10.03 If lighting is required, applicant shall provide a plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations.

#### 7.11.11 Security of Wireless Telecommunications Facilities.

- 7.11.11.01 All wireless telecommunications facilities and antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:
  - 1. All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and
  - 2. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

#### 7.11.12 Signage

- 7.11.12.01 Wireless telecommunications facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site as applicable is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

#### 7.11.13 Lot Size and Setbacks

- 7.11.13.01 All proposed towers and any other proposed wireless telecommunications facility structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed tower or wireless telecommunications Facility structure plus ten percent (10%) of the height of the tower or structure, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated.

#### 7.11.14 Retention of Expert Assistance and Reimbursement by applicant

- 7.11.14.01 The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections.

#### 7.11.15 Application Fee

At the time that a person submits an application for a conditional use permit for a new tower, such person shall pay a non-refundable fee as established in the Master Fee Schedule.

#### 7.11.16 Performance Security

The applicant and the owner of record of any proposed wireless telecommunications facilities property site shall, at its cost and expense, be jointly required to execute and file with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least \$75,000.00 for a tower facility and \$25,000 for a co-location on an existing tower or other structure and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this ordinance and conditions of any conditional use permit issued pursuant to this ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the conditional use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original conditional use permit.

#### 7.11.17 Reservation of Authority to Inspect Wireless Telecommunications Facilities

In order to verify that the holder of a conditional use permit for wireless telecommunications facilities and any and all lessees, renters, and/or licensees of wireless telecommunications facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

#### 7.11.18 Liability Insurance

- 7.11.18.01 A holder of a conditional use permit for wireless telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the conditional use permit in amounts as set forth below
1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate;
  2. Automobile Coverage: \$1,000,000 per each accident;
  3. Workers Compensation and Disability: Statutory amounts
- 7.11.18.02 For a wireless telecommunications facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, Councils, employees, committee members, attorneys, agents and consultants as additional insureds.
- 7.11.18.03 The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.
- 7.11.18.04 The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least ten (10) days prior written notice in advance of the cancellation of the insurance for non-payment or 60 days for all other reasons.
- 7.11.18.05 Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- 7.11.18.06 Before construction of a permitted wireless telecommunications facilities is initiated, but in no case later than fifteen (15) days after the granting of the conditional use permit, the

holder of the conditional use permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

#### 7.11.19 Indemnification

7.11.19.01 Any application for wireless telecommunication facilities that is proposed for City property, pursuant to this ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, Councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

7.11.19.02 Notwithstanding the requirements noted in Section 7.11.19.01, an indemnification provision will not be required in those instances where the City itself applies for and secures a conditional use permit for wireless telecommunications facilities.

#### 7.11.20 Default and/or Revocation.

If a Wireless telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this ordinance or of the conditional use permit, then the City shall notify the holder of the conditional use permit in writing of such violation. A permit holder in violation may be considered in default and subject to fines as in Section 25 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time the conditional use permit is subject to revocation.

#### 7.11.21 Removal of Wireless Telecommunications Facilities.

7.11.21.01 Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of wireless telecommunications facilities.

1. Wireless telecommunications facilities with a permit have been abandoned (i.e. not used as wireless telecommunications facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
2. Permitted wireless telecommunications facilities fall into such a state of disrepair that it creates a health or safety hazard;
3. Wireless telecommunications facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required conditional use permit, or any other necessary authorization and the conditional use permit may be revoked.

7.11.21.02 If the City makes such a determination as noted in Section 7.11.21.01, then the City shall notify the holder of the conditional use permit for the wireless telecommunications facilities within forty-eight (48) hours that said wireless telecommunications facilities are

to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the wireless telecommunications facilities.

- 7.11.21.03 The holder of the conditional use permit, or its successors or assigns, shall dismantle and remove such wireless telecommunications facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or Commercial Impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the wireless telecommunications facilities are located wishes to retain any access roadway to the wireless telecommunications facilities, the owner may do so with the approval of the City.
- 7.11.21.04 If wireless telecommunications facilities are not removed or substantial progress has not been made to remove the wireless telecommunications facilities within ninety (90) days after the permit holder has received notice, then the City may order officials or representatives of the City to remove the wireless telecommunications facilities at the sole expense of the owner or conditional use permit holder.
- 7.11.21.05 If, the City removes, or causes to be removed, wireless telecommunications facilities, and the owner of the wireless telecommunications facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the wireless telecommunications facilities abandoned, and sell them and their components.
- 7.11.21.06 Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the wireless telecommunications facilities, for no more ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected wireless telecommunications facilities shall be developed by the holder of the conditional use permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the conditional use permit and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected wireless telecommunications facilities in the manner provided in this Section.

#### 7.11.22 Relief

Any applicant desiring relief, waiver or exemption from any aspect or requirement of this ordinance may request such, provided that the relief or exemption is contained in the submitted application for either a conditional use permit, or in the case of an existing or previously granted conditional use permit a request for modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The applicant shall bear all costs of the City in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents and other service providers.

#### 7.11.23 Periodic Regulatory Review by the City

- 7.11.23.01 The City may at any time conduct a review and examination of this entire ordinance.
- 7.11.23.02 If after such a periodic review and examination of this ordinance, the City determines that one or more provisions of this ordinance should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable law in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal this entire ordinance at any time.

7.11.23.03 Notwithstanding the provisions of Sections 7.11.23.01 and 7.11.23.02, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this ordinance.

7.11.24 Adherence to State and/or Federal Rules and Regulations

7.11.24.01 To the extent that the holder of a conditional use permit for wireless telecommunications facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a conditional use permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

7.11.24.02 To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a conditional use permit for wireless telecommunications facilities, then the holder of such a conditional use permit shall conform the permitted wireless telecommunications facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

SECTION 2. Repeal of Section 7.11 as Previously Enacted. Section 7.11 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 3. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

SECTION 5. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF DECEMBER 2015.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:



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Pamela A. Buethe, CMC  
City Clerk

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**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 15, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPROVE INTERLOCAL AGREEMENT SOUTHERN RIDGE WASTEWATER TREATMENT STUDY	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared to approve an Interlocal Agreement with Sarpy County, City of Papillion, City of La Vista, City of Gretna and City of Springfield for the continuation of the Southern Ridge Wastewater Treatment Study.

**FISCAL IMPACT**

The FY 16 Sewer Fund Budget provides funding for the City's proposed contribution of \$25,000.

**RECOMMENDATION**

Approval

**BACKGROUND**

The purpose of this Interlocal Cooperation Act Agreement is to create a mechanism for the continuation of the Sarpy County Southern Ridge Wastewater Treatment Study. Under a separate agreement signed on February 3, 2015 by Sarpy County and HDR Engineering, Inc, Phase 1A of the Study was conducted. City of La Vista staff was involved in Phase 1A and has continued to participate in Phase 1B.

Sarpy County has been looking for solutions to provide sanitary sewer south of the ridge line in Sarpy County. Last year Sarpy County approached the United Cities and requested that cities cost share in the study. A viable sewer solution is critical to the development in Sarpy County.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY, CITY OF PAPILLION, CITY OF GRETNA AND CITY OF SPRINGFIELD FOR THE CONTINUATION OF THE SOUTHERN RIDGE WASTEWATER TREATMENT STUDY.**

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

WHEREAS, FY 16 Sewer Fund Budget provides funding for La Vista's contribution of \$25,000; and

WHEREAS, the participants agree that this Interlocal Cooperation Agreement in no manner expands or restricts the authority otherwise granted to them by law; and

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby approve and authorize the execution of an Interlocal Cooperation Agreement with Sarpy County, City of Papillion, City of Gretna and City of Springfield for the continuation of the Southern Ridge Wastewater Treatment Study.

PASSED AND APPROVED THIS 15TH DAY OF DECEMBER, 2015.

CITY OF LA VISTA

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

ATTEST:

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

**INTERLOCAL COOPERATION ACT AGREEMENT**  
**FOR CONTINUATION OF THE**  
**SOUTHERN RIDGE WASTEWATER TREATMENT STUDY**  
**SARPY COUNTY, NEBRASKA**

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The purpose of this **Interlocal Cooperation Act Agreement ("Agreement")** is to create a mechanism for the continuation of the Sarpy County Southern Ridge Wastewater Treatment Study ("Study"). Under a separate agreement signed on February 3, 2015 by Sarpy County and HDR Engineering, Inc (HDR), Phase 1A of the Study was conducted. It is the intent of the undersigned public agencies to continue to the next phase of the Study (Phase 1B) as set out in this Agreement with the Study to be performed by HDR. This Agreement is made and entered as an Interlocal Cooperation Act Agreement by the public agencies as evidenced by signature below which have been duly authorized by ordinance, resolution or otherwise pursuant to law. The undersigned public agencies ("Parties") to this Agreement signify their intent to participate and contribute necessary resources as described in this Agreement. The Parties enter into this Agreement as a means of making the most efficient use of their taxing authority and other powers as authorized by Neb. Rev. Stat. §13-802.

**WHEREAS**, the undersigned public agencies recognize the need to further study wastewater infrastructure needs in the southern Sarpy County area based upon initial determinations made in the Phase 1A Study, and

**WHEREAS**, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, *et seq.* (Reissue 2014), the Parties find that such Act affords the most efficient and effective means by which to cooperate as affected public agencies to conduct such a study, and

**WHEREAS**, in a regulatory review and in discussions with the Nebraska Department of Environmental Quality (NDEQ) Phase 1A of the Study identified no issues that would preclude regulatory approval for a regional wastewater treatment plant discharging to the Platte River in southern Sarpy County as proposed in the *2006 Final Study Report on Water Quality Issues Related to Water and Wastewater Systems*, and

**WHEREAS**, although the Phase 1A environmental review identified the likelihood of threatened and endangered species along the Platte River in southern Sarpy County, there would be a viable strategy to avoid terrestrial threatened and endangered species and there were no significant impacts on aquatic threatened and endangered species identified, and

**WHEREAS**, Phase 1A of the Study found that conservation lands can likely be avoided, Clean Water Act jurisdictional waters ("wetlands") may not be unavoidable but can be successfully mitigated, water wells and Wellhead Protection Areas will be siting considerations

but are not anticipated to prevent regional wastewater facilities in southern Sarpy County, and

**WHEREAS**, a review conducted in Phase 1A of the Study of the available statutory authority for developing adequate governance of a regional wastewater treatment facility in southern Sarpy County identified two Nebraska statutory acts, the Interlocal Cooperation Act and the Joint Public Agency Act, as adequate governance authority, and

**WHEREAS**, various state and federal permits/approvals for a regional wastewater treatment facility in southern Sarpy County will take one to three years to obtain with the most significant being: the National Pollutant Discharge Elimination System (NPDES); Endangered Species Act (ESA); Clean Water Act "dredge and fill" or "wetlands" permits under Section 404; and National Environmental Policy Act (NEPA), and

**NOW, THEREFORE**, in consideration of the foregoing recitals and their mutual covenants hereinafter expressed, the undersigned public agencies agree to contribute financially and through in-kind services in order to continue the Study and to enter into Phase 1B as follows:

**PHASE 1B STUDY:** The Study shall include the following minimum elements which shall be incorporated into an appropriately adopted Task Order agreement between HDR and Sarpy County (see Administration provisions below):

1. An update of prior growth areas (population and areas) for Sarpy County and its municipalities.
2. Identify current capabilities of existing wastewater facilities within Sarpy County.
3. Update the previously proposed regional wastewater treatment system concept, costs, and timeline to reflect current and anticipated growth forecasts.
4. Forecast the financial implications on Sarpy County and its municipalities and on the State of Nebraska and others of having a regional wastewater treatment system and on not having such a system.
5. Analyze the relative cost effectiveness of the previously proposed regional wastewater treatment system concept as compared to other alternative approaches including a) conveyance to an expanded Omaha Papillion Creek wastewater treatment plant, b) conveyance to an expanded Springfield wastewater treatment plant, c) conveyance of a regional wastewater treatment plant effluent to the Missouri River rather than the Platte River, and d) various combinations of these alternatives.
6. Identify key objectives and goals of the undersigned public agencies in providing wastewater service in southern Sarpy County.
7. Other elements as outlined or contained in the Phase 1B Project Scope which is attached hereto and incorporated as Attachment A.

8. Determine the costs of a regional wastewater treatment plant south of Springfield, in lieu of the 3 intermediate plants proposed for the 3 sub-basins. The cost estimate shall include the itemized cost for the interceptor sewer to the regional plant site. Costs should be presented in a phased approach, including incremental capacity additions to the treatment plant to meet growth in flow and incremental construction of interceptor sewers to meet the growth.
9. Option and cost of construction of a regional transfer pumping station, in lieu of the proposed regional treatment plant. The station will be designed to pump sewage to an expanded City of Omaha, Papillion Creek Wastewater Treatment Plant for processing.
10. Spell out funding sources for each concept
11. Spell out income sources for paying the debt for each concept.

**ADMINISTRATION:** An integral part of Phase 1B will be the creation of Stakeholder and Technical Committees. Each public agency which is a party to this Agreement shall be qualified to be a member of any oversight committee as appropriate. The Parties to this Agreement hereby authorize Sarpy County to enter into such contracts, agreements, Task Order arrangements, and Memoranda of Understanding as are necessary to carry out the day-to-day completion of a Phase 1B Study. Sarpy County agrees to make such periodic reports as are necessary or requested on study progress or financial status of the project. In lieu of the establishment of a joint board or separate administrator, Sarpy County shall serve that function under this Agreement.

**DELIVERABLE:** It is the expectation of the Parties that upon completion of the Phase 1B Study there shall be a written report or document summarizing the results of the Study including recommendations.

**FINANCIAL:** The cost of the Phase 1B Study will be approximately \$256,185. Such fees shall be paid by Sarpy County. The Cities of Papillion, LaVista and Gretna will contribute \$25,000 each which shall be nonrefundable. The City of Springfield has contributed their Wastewater Treatment and Collection System Evaluation, which was finalized in February 2015, to Phase 1B. The City of Springfield shall be an equal participant to Phase 1B, with the contribution of their study serving as an in-kind contribution to the Phase 1B Study. Any remaining costs will be paid by Sarpy County and other entities as appropriate. Sarpy County shall maintain a budget and accounting of the costs of the Study and report to the Parties each quarter or more frequently if needed. No real or personal property will be obtained as a result of this Agreement.

**DURATION:** This Agreement shall remain in force and effect until such time as the Phase 1B Study is satisfactorily delivered to the Parties or for one year. The anticipated completion period for the Phase 1B Study is six (6) months of the execution of this Agreement.

**TERMINATION:** Involvement of any Party member and its responsibilities under this Agreement may be terminated by such member without cause effective upon 60 days written notice to the other member Parties. Termination of a member's involvement in this Agreement

shall not operate to terminate this Agreement for the remaining Parties. Any amendment to this Agreement must be in writing and agreed to by all Parties.

**LIABILITY:** Nothing in the performance of this Agreement shall impose any liability for claims against any public agency other than claims for which liability may be imposed by the Political Subdivisions Tort Claims Act.

**IN WITNESS WHEREOF,** this Agreement is entered into by the Parties pursuant to resolutions duly adopted by their respective governing boards.

**[SIGNATURE PAGES FOLLOW]**

**IN WITNESS WHEREOF**, we the Parties, by our respective duly authorized agents, hereby enter into this Interlocal Agreement. Executed on the dates indicated with the signatures below.

Executed by Sarpy County this \_\_\_\_ day of \_\_\_\_\_, 2015.

**COUNTY OF SARPY, NEBRASKA**

By the Sarpy County Board of Commissioners

\_\_\_\_\_  
Chairman

Attest:

(SEAL)

\_\_\_\_\_  
County Clerk



Executed by the City of Papillion this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF PAPILLION, NEBRASKA**

By \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

(SEAL)

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

Executed by the City of La Vista this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF LA VISTA, NEBRASKA**

By \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

(SEAL)

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

Executed by the City of Gretna this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF GRETNA, NEBRASKA**

By \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

(SEAL)

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

Executed by the City of Springfield this \_\_\_\_ day of \_\_\_\_\_, 2015.

**CITY OF SPRINGFIELD, NEBRASKA**

By \_\_\_\_\_

\_\_\_\_\_  
Mayor

Attest:

(SEAL)

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

ITEM D

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 15, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PURCHASE OF BALLISTIC HELMETS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of ballistic helmets for the police department.

**FISCAL IMPACT**

The Asset Forfeiture Account provides funding for the proposed purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

In training exercises this past year involving active shooter scenarios, Police Department trainers and staff have identified a need for ballistic level helmets for officers. The department currently has an inventory of 25 non-ballistic type helmets (riot type) that have been in use since the 1980s. Law enforcement tactics, technology, threats and equipment have changed since then.

Ballistic helmets will provide protection currently unavailable to officers during high risk activities and afford a greater protection from gunfire to officers during those incidents of high risk, such as active shooter situations and search-warrant service. During the IACP conference this past October, staff met with vendors and determined the Safariland ProTech ballistic helmet best meets the department's needs. We received price quotes from the two distributors for our region, GT Distributors (\$13,252.50) and Ed Roehr Safety Products (\$11,615.00). We recommend purchasing via Ed Roehr Safety Products.

On July 21, 2015, the City Council adopted Council Policy Statement #116 regarding Police Department Asset Forfeiture expenditures. As part of the Policy Statement, an "Asset Forfeiture Expenditure Master Plan" was developed proposing purchases from the account in the FY16 budget. The Master Plan approved by the City Council included the purchase helmets front-line law enforcement.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING THE PURCHASE OF 30 SAFARILAND BALLISTIC HELMETS FOR THE POLICE DEPARTMENT FROM ED ROEHR SAFETY PRODUCTS, ST. LOUIS, MO, IN AN AMOUNT NOT TO EXCEED \$11,615.00.**

**WHEREAS,** the City Council of the City of La Vista has determined that the acquisition of ballistic helmets is a necessary officer-safety piece of equipment, and

**WHEREAS,** Ed Roehr Safety Products, St. Louis, MO, submitted the lowest quote on the helmets, and

**WHEREAS,** Paragraph 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 30 Safariland ballistic helmets for the police department from Ed Roehr Safety Products, St. Louis, MO, in an amount not to exceed \$11,615.00.

**PASSED AND APPROVED THIS 15TH DAY OF DECEMBER, 2015.**

**CITY OF LA VISTA**

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

**ATTEST:**

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

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 15, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
COUNCIL POLICY STATEMENT EMPLOYEE PERFORMANCE MANAGEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA RAMIREZ ASSISTANT CITY ADMINISTRATOR/ DIRECTOR OF COMMUNITY SERVICES

**SYNOPSIS**

A resolution has been prepared to approve a Council Policy Statement regarding the Employee Performance Management Program.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval

**BACKGROUND**

As you know, over the last several months a team of employees has been working with a consultant from the Management Education Group on a project to update the City's employee performance management program. Following meetings with employee groups, City leadership, and the project team, the consultant made a number of recommendations, which the City Administrator has discussed with the Mayor and Council. The project team has been working on creating the necessary documents and outlining the logistics that will be needed to implement changes to the performance management program.

The City currently has a Council Policy Statement regarding Pay for Performance. It was recommended that this policy be split into two components—one policy that outlines the purpose and objectives of the City's performance management program and another policy that addresses the compensation component. A proposed performance management policy is attached for your consideration. Major changes to the City's current program include the establishment of a rating scale that is defined by descriptors rather than numbers, changing the employee self-evaluation to a narrative format, requiring quarterly performance conversations with all employees, and establishing a common rating date for all employees as well as a common salary increase date. Staff is still working on the Council Policy Statement regarding compensation and will bring that forth at a later date.

Also included is a draft of a Guide for Supervisors and Employees relative to the performance management process. This is a new document that was created in conjunction with this project and is provided for your information.

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

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

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

WHEREAS, changes to the City's employee Performance Management Program are being recommended; and

WHEREAS, a Council Policy Statement entitled "Employee Performance Management Policy" has been created and reviewed by Management Education Group, the consultant engaged to assist the City in revising the performance management program.

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

PASSED AND APPROVED THIS 15TH DAY OF DECEMBER 2015.

CITY OF LA VISTA

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

ATTEST:

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



**CITY OF LA VISTA  
COUNCIL POLICY STATEMENT**

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**Employee Performance Management Policy**

Issued:  
Resolution No.

**Purpose**

The City's Performance Management Program is designed to foster a dialogue between managers and employees throughout the year in support of the City of La Vista's objectives and goals.

**Objectives**

The primary objectives of the performance management process are to:

1. Ensure employees perform work that accomplishes the business needs of the City of La Vista.
2. Ensure the employee is clearly aware of the performance measures and results expected for the job; including goals as prescribed.
3. Confirm employees receive ongoing feedback about how effectively they are performing relative to expectations.
4. Continually monitor employee's progress and communicate any ongoing issues to assist the employee in aligning performance with the expected outcomes for the job.
5. Acknowledge and address employee performance that does not meet expectations.
6. Assign salary increases that are consistent with the employee's performance.

**Applicability**

The Performance Management program shall apply to all employment positions in the City with the following exclusions:

- a. Any temporary employment position such as seasonal positions.
- b. Any employment position covered by an express employment contract, except to the extent otherwise provided in the contract.

## **Provisions**

### **1. Annual Performance Management Process**

The City Administrator or his/her designated representative shall be responsible for administering the Performance Management Program according to the following process:

	<b>Annual Performance Cycle April 1 through March 31</b>
Expectation-Setting (By April 30)	<p>By April 30 of each year, the supervisor and the employee will meet to discuss goals (if applicable) and expectations for the upcoming evaluation period. (This discussion can also take place as part of the annual evaluation which occurs in March.)</p> <p>Employees should understand the application of the City's core values to their job, the additional job-related competencies and performance goals (if applicable) as the components they will be evaluated on.</p> <p>Discussion should be documented on the Assessment Meetings Form. Goals should be documented on the Performance Evaluation Form, which will be launched on April 1<sup>st</sup> of each year.</p>
1 <sup>st</sup> Quarter Assessment (April-June)	<p>By June 30 the supervisor and employee will meet to discuss the employee's overall performance progress.</p> <p>Discussion should be documented on the Assessment Meetings Form.</p>
2 <sup>nd</sup> Quarter Assessment (July-September)	<p>By September 30 the supervisor and employee will meet to discuss the employee's overall performance progress.</p> <p>Discussion should be documented on the Assessment Meetings Form.</p>
3 <sup>rd</sup> Quarter Assessment (October-December)	<p>By December 31 the supervisor and employee will meet to discuss the employee's overall performance progress.</p> <p>Discussion should be documented on the Assessment Meetings Form.</p>
4 <sup>th</sup> Quarter - Annual Evaluation	<p>By February 1 employee completes the Performance Summary Form and submits it to the supervisor.</p> <p>By March 31 the supervisor completes the annual performance evaluation and meets with each employee.</p>

Prior to the completion of the annual performance evaluation, employees will be required to complete a Performance Summary, which shall be considered by the supervisor. This opportunity is meant to provide for open communication between the employee and the supervisor on measurements of performance.

Direct supervisors are responsible for completing employee performance evaluations. The performance evaluation shall be reviewed and approved by additional department/division supervisors, if appropriate, as well as the Department Head before presenting to the employee. After the evaluation is presented to the employee a Personnel Action Form (PAF) shall be completed and sent to Human Resources.

## **2. *Performance Evaluation Appeal Process***

The City believes that managers and supervisors are in the best position to evaluate an employee's work performance and work behavior. For this reason, Human Resources will not attempt to substitute its judgment for the supervisor's unless an employee can demonstrate that the evaluation was arbitrary, capricious, illegally discriminatory or not factual based on solid data. The appeal process can still be helpful, however because it involves a neutral third party who can help to facilitate a better understanding or resolve a dispute between an employee and a supervisor.

An employee who is dissatisfied with his or her performance evaluation should request a follow-up meeting with his/her supervisor to discuss the evaluation candidly, express any disagreements the employee may have with the review and provide additional information/documentation to support his/her case.

If the employee still disagrees with his/her evaluation after follow-up discussion with the supervisor, the employee may submit a formal, written appeal to the Department Head within 15 working days of the follow-up meeting with the supervisor. The appeal must include (1) a written memo stating the employee's intent to appeal and listing the specific parts of the evaluation with which the employee disagrees, explaining the nature and extent of the disagreement; (2) a copy of the performance evaluation with the employee's comments; and (3) any relevant supporting documentation.

The Department Head will review and respond in writing to the employee within 15 working days.

If the employee continues to disagree with their performance evaluation, he/she may then appeal to Human Resources within 15 working days. The appeal must include all of the information submitted on appeal to the Department Head and the Department Head's written response.

Human Resources' response to appeals of an employee performance evaluation may include some or all of the following actions:

- a. Review the evaluation, appeal, and supporting documentation.
- b. Contact the employee and/or the supervisor to obtain clarification or additional information.
- c. Contact the Department Head to obtain clarification or additional information.
- d. Collect additional information from other relevant sources.
- e. Make a decision and inform the employee in writing with a copy to the supervisor and the Department Head. If applicable, take any necessary action to implement the decision.

Human Resources shall present a final recommendation to the City Administrator for approval. This decision shall be final.

### 3. ***Performance Ratings***

The City's performance evaluation system is based on the following rating scale:

**Exceptional** – Consistently demonstrates the highest level of performance of a quality and/or quantity that provides superior results and makes additional contributions and suggestions. This rating is reserved for employees who continue to stand out in every area or for those who have consistently gone above and beyond standard expectations on their goals, competencies and the City's organizational values to achieve the highest level of results.

Note: Receipt of the "Exceptional" level of overall performance rating is rare and should be reserved for only those employees that routinely out perform all others, or where circumstances during the evaluation period allowed an employee to truly distinguish him/herself. Employees receiving this rating would typically be a small percentage of the total workforce.

**Excels**– Frequently demonstrates high levels of performance in terms of quality and/or quantity and makes contributions that are above and beyond what is expected. It is appropriate for employees who have achieved and frequently exceeded expectations on their goals, competencies and the City's organizational values. This rating is an indication that performance expectations have been exceeded on a frequent basis.

**Successful** – Is successful in meeting job expectations, performing all duties in a manner that meets performance standards established for the job. Makes ongoing contributions and is dependable.

**Needs Improvement** – Performance is clearly below the minimum standards of the position. Immediate improvement is required.

Note: Any employee who receives a performance evaluation with an overall rating of “Needs Improvement” will be placed on a Performance Improvement Plan (PIP) for a minimum of 90 days. A PIP is a document that may include, but is not limited to, levels of performance that must be achieved to obtain a “Successful” rating, current performance deficiencies, support that may be provided by the department or City, actions the employee must take to address the performance deficiencies, and a timeline for completion of the actions. If the employee’s performance does not improve, the employee will be subject to termination.

These ratings are applied to each of the competencies, as well as to an overall summary rating.

#### 4. ***Performance Competencies***

*All employees, regardless of level in the organization, will receive a rating and objective feedback on the City’s three organizational values:*

**a. Accountability**

Accept responsibility for job performance, decisions, actions, behavior, and the resources entrusted to you.

**b. Integrity**

Keep your word, honor your commitments, practice loyalty and doing what is right.

**c. Public Service**

Provide high quality service through communications, teamwork, and professionalism. Practice courtesy and respect at all times.

In addition to the organizational values described above, additional job-specific competencies may be rated.

#### 5. ***Performance Goals***

All employees at the manager level and above will be assigned SMART goals (specific, measurable, attainable, realistic, time-oriented), during the Expectation Setting meeting. Goals will factor into the employee’s overall rating and should be clearly linked to a goal in the City’s strategic plan. Establishment of goals for supervisors and individual contributors will be an option that will be decided at the department level.

6. ***Introductory Period***

Employees in their introductory period will receive feedback on a quarterly basis. In order to get new hires into the annual assessment schedule, the evaluation period for employees hired during the months of January through March will begin on April 1<sup>st</sup> (their first evaluation period will vary from 13-15 months depending on their start date). For employees hired in April through December the evaluation period will begin with their employment and the first evaluation will take place the following April (the first evaluation period will vary from 4-12 months depending on their start date). All new employees, regardless of start date and due to the variance in the initial evaluation period, will receive a pay increase on the October 1<sup>st</sup> that falls during their introductory period at a rate established by Council during the budget process.



# **PERFORMANCE EVALUATION SYSTEM**

## **GUIDE FOR SUPERVISORS AND EMPLOYEES**

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# Performance Evaluation System (PES) Overview

The City of La Vista is dedicated to providing employees with prompt and accurate feedback about their performance. The goal of the PES is to provide guidance and feedback to employees so that they can be as productive and successful on the job as possible.

This guide has been developed to assist both supervisors and employees (regular full-time and part-time employees) in using the PES as a tool for better communication resulting in improved individual and organizational performance.

## Roles in the PES

For the PES to be successful and beneficial to the City, everyone involved must play a role in the success of the system. Supervisors, employees, and the City all play a role in effective performance management. The following is a brief description of the roles each party is expected to play.

### Supervisor's Role

Supervisors are expected to:

- Use the City's strategic plan as a guide for developing individual performance goals
- Clearly communicate expectations for performance to the employee
- When applicable, set realistic performance goals in conjunction with the employee
- Support employees' pursuit of their performance goals
- Meet with employees quarterly to discuss and review their performance relative to expectations including progress toward the completion of the goals, if applicable
- Adjust any goals and expectations throughout the year as appropriate and when necessary
- Objectively evaluate the employee's performance
- Solicit the employee's feedback and input prior to completing the annual evaluation
- Prepare the year-end performance evaluation using accurate and objective data
- Present the year-end performance evaluation to the employee and conduct an open and honest discussion about the evaluation
- Listen attentively to the employee's ideas and concerns
- Encourage employees to maintain a personal file of their own achievements

# Performance Evaluation System Overview

Continued

## Employee's Role

Employees also play a role in making the PES process successful and rewarding. To get maximum benefit from the performance evaluation process, employees should:

- Actively participate in any goal setting and the quarterly performance evaluation meetings with their supervisor by offering ideas and suggestions
- Keep their supervisor informed of any problems they have reaching the supervisor's expectations or any established performance goals
- Maintain accurate documentation of their own performance achievements
- Clearly and accurately complete the Employee Performance Summary and give it to the supervisor prior to the year-end performance evaluation
- Complete the employee comments section of the performance evaluation with honest feedback

## The Human Resources Department's Role

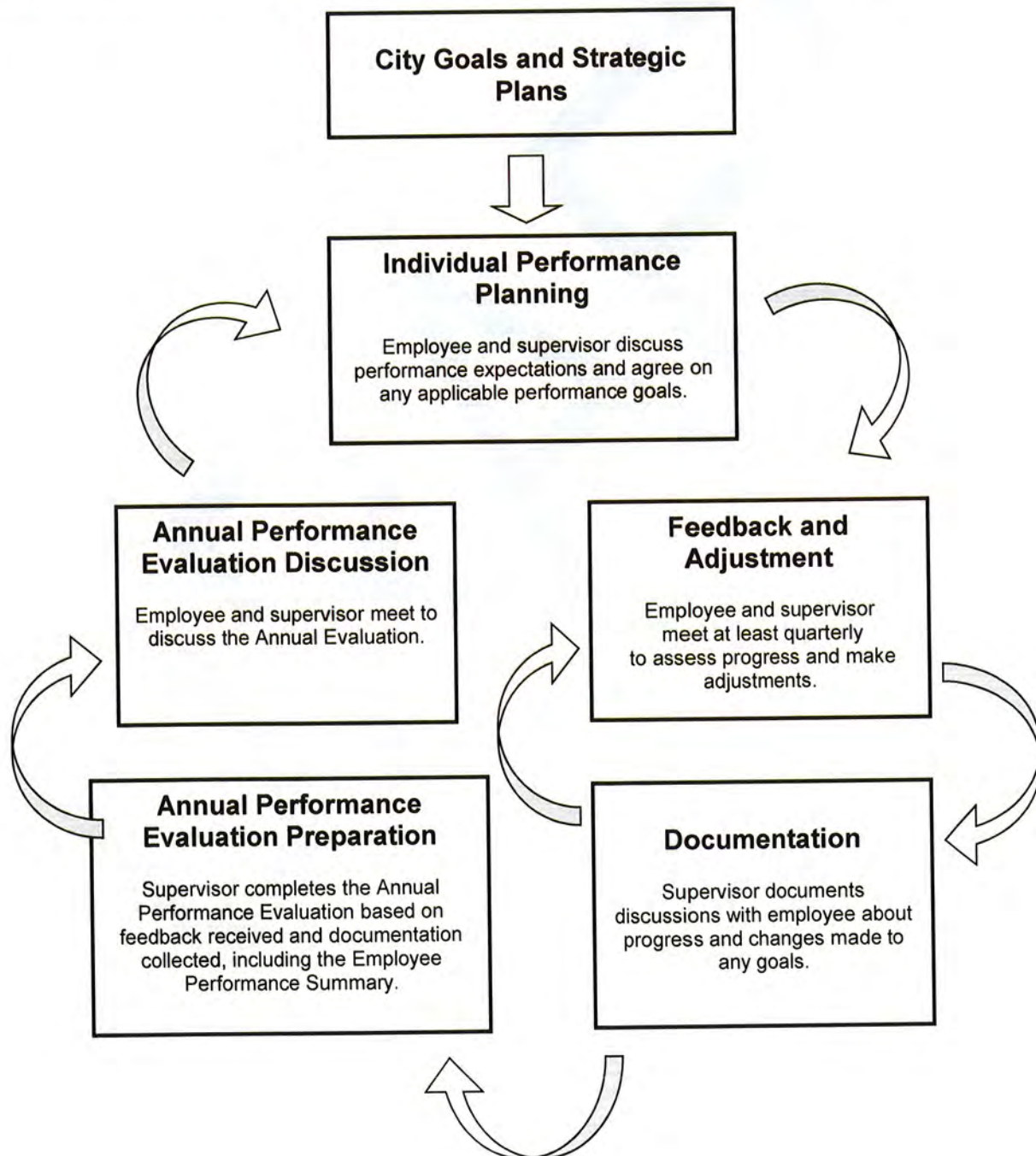
Under the direction of the La Vista City Administrator, the Human Resources Department is responsible to:

- Provide a useful and easy to understand performance evaluation system
- Clearly communicate expectations about the system through training and supplementary materials
- Give feedback and guidance to supervisors and employees as they use the system
- Maintain legally defensible employee performance files

# Performance Management Cycle

The PES is designed to improve the performance management practices of the City's leaders as well as to improve individual, team, and organizational performance. It should enhance communication and allow employees and supervisors to maintain an open dialogue about performance.

Effective performance management follows a defined and complete cycle as illustrated below.





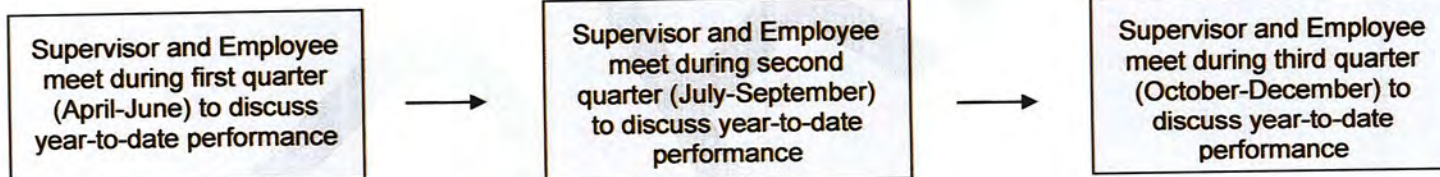
# PES Process and Timeline

The PES at the City of La Vista is an annual process that has five phases: Initial Meeting and Goal-setting, First, Second and Third Quarter Assessment Meetings, and Year-End Evaluation. Meetings must be document on the Assessment Meetings Form and signed by the Supervisor and the Employee.

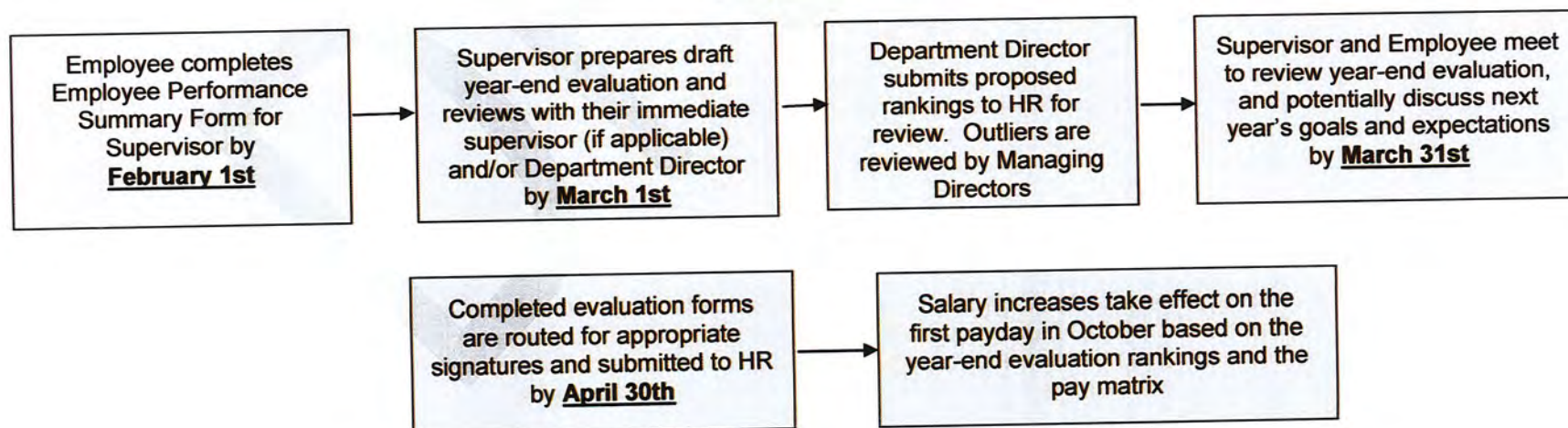
## Initial Meeting and Goal Setting

Supervisor and Employee meet to discuss expectations and new goals by **April 30<sup>th</sup>**  
(This discussion can also take place as part of the annual evaluation which occurs in March.)

## First, Second and Third Quarter Assessment



## Year-End Evaluation



# PES Forms

The PES at the City of La Vista consists of six forms. Not every form is used with every employee.

- Annual Evaluation Form
- Annual Evaluation Form - Supervisory
- Annual Evaluation Form - Managerial
- Annual Evaluation Form - Executive
- Employee Performance Summary
- Assessment Meetings Form

## Access to the Forms

The City of La Vista uses an electronic performance management system to facilitate the evaluation forms associated with the PES. Evaluation Forms for all employees will be launched and available to supervisors on April 1<sup>st</sup> of each year. The Employee Performance Summary and the Assessment Meetings Forms will be available electronically at all times.

## Employee Performance Summary

The purpose of the Employee Performance Summary is to give the employee an opportunity to provide input to the supervisor prior to the supervisor completing the employee's year-end performance evaluation. Employees should use the Employee Performance Summary to share the highlights of their accomplishments and performance since the last evaluation. The Employee Performance Summary can also be used to convey challenges they have faced during the evaluation period or new goals they would like to propose for the next year. The Employee Performance Summary should be attached to the Annual Evaluation Form as record of the employee's input.

When completing the Employee Performance Summary, employees should keep in mind the following:

- Completing the Employee Performance Summary is an opportunity to remind the supervisor of accomplishments achieved throughout the year.
- The Employee Performance Summary is a tool for sharing expectations and thoughts, prior to the year-end evaluation.
- Providing specific examples of projects and accomplishments will make the Employee Performance Summary more valuable to the supervisor.
- The Employee Performance Summary is a great place to offer suggestions for making the job more efficient or customer-friendly.

Supervisors should not tell employees how to complete the Employee Performance Summary, nor should they complete the form for employees. Employees are encouraged to provide input through the form in their own words.

# Annual Evaluation Form

The City of La Vista's PES has been designed to meet the needs of employees at all levels within the organization. To address the variety of competencies required at each level, four Annual Evaluation forms have been created. Each form has the same sections but includes different competencies depending on the level of the position being assessed. The four Annual Evaluation Forms are:

- Annual Evaluation Form – applies to most non-supervisory employees
- Annual Evaluation Form – Supervisory – applies to all supervisory employees
- Annual Evaluation Form – Managerial – applies to all managerial employees
- Annual Evaluation Form – Executive – applies to all executive employees

Each of the Annual Evaluation Forms includes: Organizational Values, Competencies, Employee Goals, if applicable, Year-End Performance Rating, and Comments. The Annual Evaluation Form will be available for supervisors to work on throughout the year beginning with the establishment of goals, the two quarterly assessments and the year-end evaluation. The following describes how each section is expected to be used.

## PES Rating Scale

Throughout the form, ratings of *Needs Improvement*, *Successful*, *Excels* and *Exceptional* are used to rate Organizational Values, Competencies, Goals, and the employee's overall year-end performance. **Ratings are not required at the quarterly assessments but supervisors are expected to provide comments, document their discussion and sign the Assessment Meetings Form.** Ratings are to be applied only at the year-end performance review.

The rating scale is defined as:

### Exceptional

This rating should be interpreted as consistently demonstrating the highest level performance of a quality and/or quantity that provides superior results and making additional contributions and suggestions. It is reserved for employees who continue to stand out in every area or for those who have consistently gone above and beyond standard expectations on their goals, competencies and the City's organizational values to achieve the highest level of results. **This rating means that performance expectations have been exceeded on a consistent basis.**

**Note:** The "Exceptional" rating is rare and should be reserved for only those employees that routinely outperform all others, or where circumstances during the evaluation period allowed an employee to truly distinguish him/herself. Employees receiving this rating would typically be a small percentage of the total workforce.

### Excels

This rating should be interpreted as frequently demonstrating high levels of performance in terms of quality and/or quantity and making contributions that are above and beyond what is expected. It is appropriate for employees who have achieved and frequently exceeded expectations on their goals, competencies and the City's organizational values. **This rating means that performance expectations have been exceeded on a frequent basis.**

# Annual Evaluation Form

Continued

## Successful

This is appropriate for employees who are successful in meeting job expectations on their goals, competencies and the City's organizational values. They perform all duties in a manner that meets performance standards established for the job, make ongoing contributions and are dependable. **This rating means that performance expectations have been met on a consistent basis.**

## Needs Improvement

An overall rating of *Needs Improvement* is intended to focus the employee's attention on improving or changing performance that is clearly below the minimum standards of the position. A rating of *Needs Improvement* on an individual goal or competency means that the goal or competency was not achieved as expected. A Performance Improvement Plan is required for an **overall** year-end performance rating of *Needs Improvement* and may be used for individual goal or competency ratings of *Needs Improvement*.

## Organizational Values

The Organizational Values Section reminds us that employees at all levels are expected to consistently demonstrate behaviors which support the City's organizational values: Accountability, Integrity and Public Service. Supervisors are encouraged to provide specific, meaningful feedback to employees via the comments during the quarterly and year-end assessments to illustrate how the employee supports the organizational values. Organizational values are rated collectively on the standard PES rating scale of *Exceptional*, *Excels*, *Successful*, and *Needs Improvement*.

## Competencies

The City of La Vista has developed a competency-based performance management model which defines the performance expectations of employees at four levels within the organization: 1) Foundational Competencies; 2) Supervisory Competencies; 3) Managerial Competencies and 4) Executive Competencies

The competency model has as its foundation three competencies that apply to all employees: **Use Technical/Functional Expertise, Communicate Effectively, Work Safely.**

Supervisors will be assessed on the foundational competencies as a whole as well as an additional three competencies that apply to their role as supervisors. The supervisory competencies are: **Foster Teamwork, Prioritize Work and Commitments, and Manage Employee Performance.**

Managers will be assessed on the foundational competencies and the supervisory competencies as a whole as well as an additional three competencies that apply to their role as managers. The managerial competencies are: **Develop Staff for the Future, Manage Financial and Human Resources Effectively, and Display Organizational Savvy.**

Executives will be assessed on the foundational competencies, the supervisory and managerial competencies as a whole as well as an additional three competencies that apply to their role as executives. The executive competencies are: **Manage to the Future, Has a Global Perspective and Display Political and Business Acumen.**

# Annual Evaluation Form

## Continued

A full description of the competency model, along with definitions of each competency, appears in the appendix of this guide.

Discussion regarding goals and competencies should be documented by the supervisor at the quarterly and year-end assessments. Ratings of the competencies on the standard PES rating scale of *Exceptional*, *Excels*, *Successful*, and *Needs Improvement* are only required at the year-end review.

## Employee Goals

Goals are required to be established for employees at the Manager and Executive level. Goals for supervisors and other employees are optional and the use thereof shall be determined at the department level. The goals section is used to document and track the employee's progress on any goals. Employee goals should be derived from City-wide initiatives and linked to the Strategic Plan.

At the beginning of the evaluation period, the supervisor and employee will meet to establish goals that the employee will pursue in the coming year. Goal progress and/or goal revisions should be documented at the quarterly assessment meetings. Accomplishment of the goals will be reflected in the overall year-end performance rating.

Goals should be developed consistent with a position's responsibilities and written using the SMART format. This means that goals should be:

- S** pecific in nature – the exact activity to be pursued should be defined.
- M** easurable and/or observable – a method for determining completion of the goal must be determined.
- A** ttainable – the goal should be within the employee's reach in terms of time and resources.
- R** ealistic – the goal should be achievable within the defined rating period and the appropriate resources should be made available for the employee to successfully complete the goal.
- T** ime-oriented – the goal should have a deadline or frequency attached.

For example, if the supervisor and employee agree that the employee wants to learn more about using Microsoft Excel to track project files, they might agree on a goal like this:

**Not SMART:** Attend a class on Microsoft Excel.

**SMART:** Attend a training class on Microsoft Excel and use the information learned to create a spreadsheet that tracks the elements of each project by March 1<sup>st</sup>.

Goals are rated using the rating scale that was described earlier in this guide. The end result of a goal will be *Exceptional*, *Excels*, *Successful*, or *Needs Improvement*. The supervisor is expected to



# Annual Evaluation Form

Continued

determine this year-end rating based on the end results achieved, considering any relevant information or extenuating circumstances.

For example, if a goal is partially completed, but circumstances beyond the employee's control prevented the goal from being fully accomplished, the supervisor may still choose to rate the goal as *Successful* or *Excels*, depending on the employee's efforts. Just because a goal is not fully completed as initially agreed upon does not mean the year-end rating must be a *Needs Improvement*. Supervisors are expected to explain and justify each rating in the comments section for each goal.

## Employee's Overall Year-End Performance Rating

Job performance is measured not only in what we do (tasks and goals), but in how we do it (competencies). Overall year-end ratings indicate the level of the employee's total performance, taking into account accomplishment of any goals and the ratings on the competencies.

The overall year-end performance rating is used at the end of the year to summarize the employee's collective performance and to assign an annual rating. The year-end performance rating is intended to serve as a review section of the employee's performance for the rating period. As such, the final rating should not include issues or concerns that have not been previously discussed with the employee.

## Comments

The comments section provides an opportunity for employees and supervisors to express themselves in an unstructured way. Comments should be related to the employee's job performance and should be written in narrative form.

Supervisors are required to provide comments that summarize the overall performance on an annual basis. Examples of specific accomplishments or job activities should be included to illustrate the employee's behaviors. Supervisors are encouraged to write their comments in an informal way, as if they were writing to the employee. Comments should be conversational in tone and specific and objective in nature. When possible, the supervisor should refer to pre-determined standards or expectations.

Employees are encouraged to provide comments on the annual evaluation form, but are not required to do so. Employee comments should include mention of any work-related accomplishments that were not mentioned by the supervisor. After the initial evaluation meeting between the supervisor and the employee, the evaluation form will be routed to the employee for any comments and signature.

The supervisor and/or the employee may attach additional pages in order to have room to provide sufficient comments.

# Performance Improvement Plan

The purpose of the Performance Improvement Plan (PIP) is to assist employees who are not meeting the standards and/or expectations of performance for the job. The goal of the PIP is to provide a specific plan for the employee so that they can improve their performance. The PIP is to be completed in conjunction with the Year-End Evaluation, and should include a timeline for when the employee is expected to improve performance. Should an employee not meet the criteria established in the Performance Improvement Plan, disciplinary action may be taken.

A PIP is required when an employee's overall year-end performance rating is *Needs Improvement*. A PIP may also be used, but is not required, when the rating of a specific competency or a goal is *Needs Improvement*.



# Tracking Performance

Keeping track of performance on a regular basis, both as a supervisor and as an employee, is an important component of an effective performance evaluation system. This can be accomplished in a number of ways.

Supervisors will have year-round access to the evaluation forms for their employees in the electronic evaluation system. Comments can be logged directly onto the form regarding goals, observations, and may include specific examples of performance, both positive and negative, summaries of conversations you have had with the employee, and agreements that have been reached about the work. These comments and observations can then be referenced during the quarterly meeting discussions and during the completion of the annual performance evaluation.

The Employee Performance Summary Form will be available online and includes a page for employees to use to create notes regarding their performance throughout the year. These notes can then be used to complete the Performance Summary and prepare the employee to participate in the annual evaluation with specific, meaningful details.

There is also a "Notes" feature in the current electronic evaluation system that is available to all employees and can be used by both supervisors and employees to document discussions and performance examples for personal reference. The overriding theme is that all employees should be tracking their own performance in some manner and supervisors should be tracking both their own performance and that of their employees. The manner in which you choose to keep performance reference notes is not as important as the fact that you are actually keeping notes in some fashion.

## Tips for Keeping Track of Performance:

- Supervisors should document various aspects of the employee's performance as suggested above. Comments can be a note about a successful citizen interaction, about an error that was made, or about a work-related conversation they had with the employee. Supervisors can make entries as often as desired/necessary but it is recommended that this be done on a regular basis and following each quarterly meeting discussion. This will result in a collection of specific information that can be used at performance evaluation time.
- Supervisors should not put anything in their comments that the employee would be surprised to see. If an observation or incident has not been discussed with the employee, it should not appear in the annual evaluation. The reference notes should be used to record factual, specific details about the work that has been discussed with the employee.
- The performance notes maintained by the supervisor are a working file, and are to be used to prepare the year-end Performance Evaluation. They are not a part of the permanent personnel record maintained by Human Resources.
- Employees can also track their own accomplishments, ideas, and concerns. This is highly encouraged and will help employees complete the Performance Summary Form and facilitate a productive annual performance evaluation discussion.

# Tracking Performance

Continued

## Sample Performance Notes

Employee Name: Geoffrey Giraffe, Municipal Service Worker

Supervisor Name: Carrie Cougar, Municipal Administrator

Date	Details of the Situation	Outcome, Results, or Agreement
March 1	As part of Geoffrey's orientation, I reviewed the Department's expectations for attendance and breaks. Today, Geoffrey arrived 15 minutes later than expected and took a 25-minute break from 10:00 to 10:25. Citizen calls were not returned during that time.	Geoffrey said his car wouldn't start today and will arrive on time from now on. He also agreed to limit break time to 15 minutes.
March 8	Jack Rockefeller, City Councilmember, told me he was very impressed with Geoffrey's quick response to his request for information about the remodel.	Passed the compliment on to Geoffrey.
April 10	Geoffrey is responsible for preparing end-of-month reports. Today Harry Hyena of the Public Works Department called to say that he received the report for the wrong department.	Talked with Geoffrey about the importance of paying attention while stuffing the monthly reports envelopes. He said he got distracted and made the error. He'll be more careful next time.
April 28	At our monthly one-on-one, Geoffrey agreed to a revised objective. Instead of revising the new project binder format, he will focus on consolidating plat information into the city's new database by June 30.	We modified the goal on his PES form.



# Tips for Supervisors

The supervisor's role in managing performance goes beyond writing the Annual Evaluation. Below are some tips to consider in making this process easier and more beneficial for the supervisor and the employee:

- Set realistic and mutually agreed upon goals at the beginning of the rating period.
- Meet with each employee regularly to discuss their progress toward meeting the expectations for performance on the job. The City of La Vista expects that the supervisor and employee will meet at least initially, once each subsequent quarter and at year-end to discuss and document progress towards the accomplishment of goals, organizational values, and competencies.
- Regularly document the performance issues you have discussed with the employee.
- Keep a performance file that includes letters of commendation, discipline, and other performance-related notes for each employee.
- Address concerns about an employee's performance immediately. Don't wait until the last minute to convey your concerns to an employee about their behavior.
- Follow this rule: No surprises!! Regular communication with each employee will ensure that the annual performance evaluation is only a review of your previous conversations.
- When an employee is reassigned to a new supervisor mid-way through the rating period, the previous supervisor should pass any performance-related notes and files to the new supervisor.
- When a new supervisor is assigned to a group of employees, they should obtain the previous supervisor's performance-related notes and files for each of the employees they will now be supervising.
- Begin preparing the Annual Evaluation at least three weeks before it is due to ensure a timely submission of the evaluation.
- Use the employee's input from the Employee Performance Summary.
- Gather additional data relative to the employee's performance. Such information may come from other supervisors, employees, or customers of the employee. Other data may come from quantitative performance records and your supervisor's file.
- Conduct the initial expectation discussion and goal-setting, the quarterly meetings and year-end evaluation meeting in private and ensure that there will be no interruptions. Schedule adequate time to have a thorough discussion. Use open-ended questions to solicit the employee's input into the discussion. Listen more than you talk.



# Tips for Supervisors

## Continued

- Have a plan for performance-related discussions. Discussions without a plan are doomed to wander off the subject.
- Avoid subjective opinions or personality judgments; base your comments on facts and use specific examples to qualify your ratings.
- During the discussion about areas where improvement is needed, give the employee a chance to reveal any problems or obstacles that may keep him/her from performing at their highest level. Discuss expectations and how they can be achieved.
- Encourage employees to provide written comments, including relevant information and achievements based on performance expectations and established goals.

In addition to these tips, supervisors should be aware that there are common errors made during the rating of employees' performance. These errors are natural and part of human nature, but can be avoided by being aware of them. The following are the most common errors supervisors make when rating their employees' performance:

- **The Leniency Error**

The leniency error means that the rater evaluates everyone too easily or too high. When the leniency error is being committed, everyone rated gets a high rating. In this case, the rater is unjustifiably lenient by assigning similar ratings to an individual or to the group.

How to avoid the leniency error: Clearly justify every rating with performance examples that show why the employee deserves the higher rating. Without specific examples of exceptional performance, the employee may not deserve the high rating.

- **The Severity Error**

The severity error means that the rater evaluates everyone too critically or too low. When the severity error is being committed, everyone gets a low rating. In this case, the rater is unjustifiably strict in assigning all ratings to an individual or a group.

How to avoid the severity error: Ensure that performance standards are realistic and comparable with those of other supervisors in the same line of work.

- **The Central Tendency Error**

The central tendency error means that the supervisor does not rate anyone exceptionally high or low. All employees rated get a middle rating. In this case, the rater is unable or unwilling to assign high or low ratings to an individual who deserves such ratings. Instead, the rater "plays it safe" by using mid-scale ratings even when not justifiable by the facts.

How to avoid the central tendency error: Set clear performance standards and apply those standards to everyone being rated. If an employee exceeds the standards, reward them with higher ratings. If an employee does not meet the standards, a lower rating should reflect this performance.

# Tips for Supervisors

Continued

- **The Recency Error**

The recency error, the most common rater error, occurs when the rater places too much emphasis on recent events, and does not consider the employee's performance for the entire rating period.

How to avoid the recency error: Maintain accurate and clear performance notes throughout the rating period. Frequent employee communication that is documented will help to prevent the recency error.

- **The "Halo" Effect Error**

The "halo" effect error occurs when the rater lets one favorable factor or incident distort the overall evaluation. A rater commits the "halo" effect error when they form a generally favorable impression of the employee and assigns ratings to that individual's performance based on their general impression, rather than on specific job-related behaviors.

How to avoid the "halo" effect error: By considering the full range of possible ratings, the rater can avoid the "halo" effect. Also, if the rater identifies the most prominent factor that they associate with the employee they can more easily set that factor aside and then consider other issues more fairly.

- **The "Pitchfork" Effect Error**

The "pitchfork" effect error occurs when the rater lets one unfavorable factor influence their overall rating of the employee. A rater commits the "pitchfork" effect error when they form a generally unfavorable impression of the employee and allow this impression to affect their overall rating of the employee.

How to avoid the "pitchfork" effect error: By considering the full range of possible ratings, the rater can avoid the "pitchfork" effect. Also, the rater should document individual performance examples to support their overall rating, rather than letting one overall impression determine the rating.



# Tips for Employees



Employees play a critical role in the PES process. Here are some tips to make goal setting and the annual evaluation process more productive:

- Offer ideas for strategic goals you would like to pursue in the coming year.
- Take the Employee Performance Summary seriously and contribute as much specific and detailed information about your performance as possible. Include examples of your work and reminders about projects you completed throughout the year.
- Be honest in your Performance Summary. Note the highlights and the lowlights of the current year.
- Keep your own performance file. Record examples of tough projects you've completed and goals you've achieved.
- Come to the performance evaluation meetings prepared to discuss your ideas in a productive way.
- Accept positive criticism that will help you to be more effective on the job. If the supervisor does not provide specific examples of how you can improve, ask for help in a productive manner.
- Take time to write complete and thoughtful comments on the evaluation. Comments are your opportunity to have your perspectives documented. Use comments to your fullest advantage.

Writing comments related to the performance rating is sometimes challenging. Learn to respond to your review by considering these tips:

- Read the review very carefully. Don't respond immediately, but give yourself at least a day to think about the comments and ratings before you write your own comments. Nothing gets handled well in the heat of the moment.
- Acknowledge any points that you agree with.
- Use clear examples to contradict those points that you feel are not justified. Without specific and clear examples it is hard to prove your point.
- Keep a file of everything you do so that you can come up with the specific examples you'll need to discuss your performance with facts. Use the performance log to keep your notes.
- Acknowledge your supervisor, co-workers or any other people that gave you support or guidance throughout the rating period.
- Balance your comments with positive and constructive ideas.
- Keep an open mind. The Employee's Year-End Performance Evaluation is an opportunity to reflect on the past and plan for the future. Use it to your benefit.



# **Appendix**



## **CITY OF LA VISTA ORGANIZATIONAL VALUES**

The City of La Vista recognizes that the prosperity of our community is a direct result of the interaction, trust and teamwork between its citizens, elected officials and employees. To that end, La Vista is committed to the following organizational values:

### **Accountability**

We will be responsible for our decisions and actions as stewards of the financial, informational, physical, environmental, and human resources entrusted to us.

- Meet or exceed agreed upon expectations
- Admit mistakes
- Admit limitations or lack of knowledge
- Recognize problems and respond appropriately

### **Integrity**

We will maintain high ethical standards in our personal and professional conduct.

- We guard the public trust by keeping our word, honoring our commitments, practicing loyalty and doing what is right.
- Utilize work time efficiently
- Lead by example
- Maintain confidentiality
- Support the mission and vision of the City of La Vista

### **Public Service**

We are committed to providing high quality public service to the citizens through communication, teamwork, professionalism, dedication to duty, courtesy and respect.

- Display a positive demeanor
- Cooperate with others
- Listen and value the ideas of others



## **Job-Related Competency Library**

### **EXECUTIVE COMPETENCIES**

- **Manage to the Future**
- **Has a Global Perspective**
- **Display Political and Business Acumen**

### **MANAGER COMPETENCIES**

- **Develop Staff for the Future**
- **Manage Financial and Human Resources Effectively**
- **Display Organizational Savvy**

### **SUPERVISOR COMPETENCIES**

- **Foster Teamwork**
- **Prioritize Work and Commitments**
- **Manage Employee Performance**

### **FOUNDATIONAL COMPETENCIES**

- **Use Technical/Functional Expertise**
- **Communicate Effectively**
- **Work Safely**

**Accountability**

**Integrity**

**Public Service**





## Organizational Value, Definition & Behavioral Examples – All Levels

Organizational Value	Accountability
Level	All
Definition	We accept responsibility for our job performance, decisions, actions, behavior and the resources entrusted to us.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Meets or exceeds agreed upon expectations</li> <li>• Admits mistakes</li> <li>• Admits limitations of knowledge</li> <li>• Recognizes problems and responds appropriately</li> </ul>

Organizational Value	Integrity
Level	All
Definition	We guard the public trust by keeping our word, honoring our commitments, practicing loyalty and doing what is right.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Utilizes work time efficiently</li> <li>• Leads by example</li> <li>• Maintains confidentiality</li> <li>• Supports the Mission and Vision of the City of La Vista</li> </ul>

Organizational Value	Public Service
Level	All
Definition	We have a passion for public service and are committed to providing high quality service through communication, teamwork and professionalism.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Displays a positive demeanor</li> <li>• Practices courtesy and respect at all times</li> <li>• Cooperates with others</li> <li>• Listens and values the ideas of others</li> </ul>



## Competency, Definition & Behavioral Examples – Foundational Level

Competency	Use Technical/Functional Expertise
Level	Individual
Definition	Displays an appropriate depth of knowledge and skills as required for the position and relative to the time in the position. Produces results of the expected quality and quantity.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Possesses the ability needed to perform assigned tasks</li> <li>• Competently applies knowledge and skills to perform assigned tasks</li> <li>• Communicates knowledge and skills in an understandable fashion</li> <li>• Stays educated on the developments in their field</li> </ul>

Competency	Communicate Effectively
Level	Individual
Definition	Ensures that information is successfully shared throughout the organization. Demonstrates ability to build rapport and facilitates mutual understanding.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Is able to express ideas in an understandable way</li> <li>• Participates in group discussions in a productive manner</li> <li>• Listens to and encourages the feedback of others</li> <li>• Acknowledges the opinions of others even if it is different</li> </ul>

Competency	Work Safely
Level	Individual
Definition	To work in a manner that does not cause harm to themselves, others or property.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Possesses and demonstrates knowledge of safe working practices</li> <li>• Takes responsibility for personal and team safety</li> <li>• Drives defensively</li> <li>• Follows accepted safety procedures as prescribed in the Safety Manual</li> </ul>





## Competency, Definition & Behavioral Examples – Supervisor Level

Competency	Foster Teamwork
Level	Supervisor
Definition	Builds effective teams committed to organizational goals.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Clearly establishes team goals and objectives</li> <li>• Constructs teams with the right players</li> <li>• Keeps personal conflicts in check</li> <li>• Effectively delegates responsibility</li> <li>• Rewards teamwork and cooperation</li> <li>• Foster open communication between all members of the team</li> </ul>

Competency	Prioritize Work and Commitments
Level	Supervisor
Definition	Develops short- and long-range plans that are appropriately comprehensive, realistic, and effective in meeting goals.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Establishes and monitors work plans that focus on the groups goals and objectives</li> <li>• Aligns work unit's goals with the strategic direction of the organization</li> <li>• Adjusts work plans to address priority changes</li> <li>• Coordinates with other parts of the organization to accomplish goals</li> </ul>

Competency	Manage Employee Performance
Level	Supervisor
Definition	Guides employees to achieve the highest levels of performance.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Has clearly established expectations for performance</li> <li>• Holds employees accountable for meeting established expectations</li> <li>• Coaches employees to improve performance</li> <li>• Consistently demonstrates appreciation for a job well done</li> <li>• Accurately identifies strengths and development needs in others</li> <li>• Creates a climate in which mistakes are viewed as opportunities for learning</li> </ul>



## Competency, Definition & Behavioral Examples – Manager Level

<b>Competency</b>	<b>Displays Organizational Savvy</b>
<b>Level</b>	Manager
<b>Definition</b>	Identifies the internal and external politics of the organization; perceives organization and political reality and acts accordingly.
<b>Behavioral Examples</b>	<ul style="list-style-type: none"> <li>• Displays a deep understanding of how individuals, teams and the organization function</li> <li>• Builds trusting relationships with political and community leaders</li> <li>• Establishes mutually beneficial relationships with others to accomplish goals</li> <li>• Builds coalitions to achieve results</li> </ul>
<b>Competency</b>	<b>Manage Financial and Human Resources Effectively</b>
<b>Level</b>	Manager
<b>Definition</b>	Effectively applies the organization's assets. Provides expectations for resource allocation to ensure service is balanced with fiscal responsibility.
<b>Behavioral Examples</b>	<ul style="list-style-type: none"> <li>• Matches resources and level of service demand for maximum effectiveness</li> <li>• Manages employees with strategic goals in mind</li> <li>• Maintains staffing levels to meet organizational needs</li> <li>• Considers the strategic plan when allotting resources</li> <li>• Ensures purchases comply with city policy</li> <li>• Monitors expenditures and resources to ensure spending is within budget</li> </ul>
<b>Competency</b>	<b>Develop Staff for the Future</b>
<b>Level</b>	Manager
<b>Definition</b>	Encourages growth and career development of employees by coaching and helping employees achieve their personal best.
<b>Behavioral Examples</b>	<ul style="list-style-type: none"> <li>• Clearly defines roles and responsibilities for employees</li> <li>• Motivates and challenges employees</li> <li>• Delegates appropriately</li> <li>• Rewards contributions</li> <li>• Provides feedback and coaching on a regular basis to improve performance</li> <li>• Recognizes employee strengths and builds upon them</li> <li>• Uses mistakes as learning opportunities</li> </ul>





## Competency, Definition & Behavioral Examples – Executive Level

Competency	Manage to the Future
Level	Executive
Definition	Understands and communicates a clear vision and path to the future and takes appropriate steps to guide the organization in that direction. Champions new ideas and initiatives and creates an environment that supports continuous improvement.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Challenges the status quo and champions new initiatives</li> <li>• Identifies efforts that will have the greatest strategic impact</li> <li>• Paves the way for needed change</li> <li>• Builds the vision with others</li> <li>• Maintains commitment to the vision in the face of obstacles and challenges</li> <li>• Spots opportunities to move the organization toward the vision</li> </ul>

Competency	Display Political and Business Acumen
Level	Executive
Definition	Manages operations and initiatives with an understanding of the agendas and perspectives of others. Recognizes and balances the interests and needs of one's own group in the context of the broader organization and community.
Behavioral Examples	<ul style="list-style-type: none"> <li>• Builds trusting relationships with political officials</li> <li>• Maintains strong ties with community leaders</li> <li>• When taking action, demonstrates an understanding and consideration of how the action will impact stakeholders and affected areas in the organization</li> <li>• Leverages influence within the community and with other organizations to benefit the City</li> </ul>

Competency	Has a Global Perspective
Level	Executive
Definition	Recognizes and addresses issues that are outside departmental or municipal scope. Views issues without any preset biases or limitations. Receives information objectively. Sees the "big picture".
Behavioral Examples	<ul style="list-style-type: none"> <li>• Manages complex and changing systems</li> <li>• Considers problems and opportunities from a larger than departmental or municipal perspective</li> <li>• Aligns "big picture" strategy and tactics with local considerations</li> <li>• Keeps abreast of regional, national, and cross cultural influences on local business and municipal decisions and takes these impacts into account when making organizational decisions</li> </ul>



# City of La Vista

## EMPLOYEE PERFORMANCE SUMMARY

EMPLOYEE NAME: \_\_\_\_\_

EMPLOYEE NUMBER \_\_\_\_\_

ASSESSMENT PERIOD: \_\_\_\_\_

The Employee Performance Summary should be completed and submitted to your supervisor by February 1<sup>st</sup> for consideration as part of the year-end performance assessment.

1. What do you consider to be your most significant accomplishments relative to your performance expectations and established goals for the current year?

2. What were your greatest challenges relative to your performance expectations and established goals for the current year? What steps did you take to address these challenges?

**3. What professional and personal achievements would you like to accomplish during the next rating period? How can your supervisor help you accomplish these goals?**

**4. What can you do to help improve your performance in the next rating period? What can our organization do to help you improve your performance in the next rating period?**

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

## **Employee Notes**

For Employee Documentation and Reference  
(Do not submit to Supervisor with Employee Performance Summary)

# CITY OF LA VISTA

## ASSESSMENT MEETINGS FORM

<b>Employee Name:</b>		<b>Employee Number:</b>	
<b>Job Title:</b>		<b>Department/Division:</b>	

### Signatures

(Signatures are required throughout the PES process in the order listed below)

### Initial Expectations and Goal Setting Meeting (Can be done in conjunction with the annual performance evaluation)

Comments:

<b>Supervisor/Division Manager:</b>	Date:
<b>Employee:</b>	Date:
<b>Department Director:</b>	Date:

Employee Name:

### First Quarter Assessment Discussion

Comments:

Supervisor/Division Manager:

Date:

Employee:

Date:

Department Director:

Date:

### Second Quarter Assessment Discussion

Comments:

Supervisor/Division Manager:

Date:

Employee:

Date:

Department Director:

Date:

**Employee Name:**

**Third Quarter Assessment Discussion**

**Comments:**

**Supervisor/Division Manager:**

**Date:**

**Employee:**

**Date:**

**Department Director:**

**Date:**

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
DECEMBER 15, 2015 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
POSITION DESCRIPTION UPDATE	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

The position description for the part time Receptionist position has been updated.

**FISCAL IMPACT**

The FY16 General Fund Budget provides funding for the position of part time Receptionist at a salary range of 115.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The approval of the FY16 budget included moving the part time position from human resources to administrative services in the City Clerk's office. The part time Receptionist position description has not been used or updated for a number of years and as a result requires updates to match the needs of the City Hall front office.

This part time clerical position has been utilized in various capacities over the years based on the needs of the organization at the time. The part time human resources position has been vacant since January of 2014 and we have held off on filling the position until our needs could be more thoroughly evaluated.

The Reorganization has required that additional responsibilities be taken on by members of the front office team which were previously done by the Deputy City Clerk and in anticipation of the move of the Permit Tech who assists in covering phones and the counter, it is has become apparent that assistance is necessary to allow members of the team to complete their work assignments and maintain continuous coverage for service to citizens contacting City Hall in person and via the phone.

## POSITION DESCRIPTION CITY OF LA VISTA

**POSITION TITLE:** Receptionist  
**POSITION REPORTS TO:** City Clerk  
**POSITION SUPERVISES:**

### **DESCRIPTION:**

Under the direction of the City Clerk, serves as the front receptionist responsible for answering incoming calls, directing calls to appropriate contacts, greeting and directing guests, and minimal clerical duties.

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

1. Answers and directs telephone calls. Will transfer caller to a voice mailbox when the contact is unavailable.
2. Greets and directs visitors to the City.
3. Receives and responds to citizen inquiries.
4. Provide callers or visitors with information such as City addresses, directions to City buildings, City phone or fax numbers, City website, and other related information.
5. Performs general filing assignments.
6. Opens and processes incoming mail. Oversees out-going mail as relates to postage meter operation.

### **NONESSENTIAL FUNCTIONS:**

1. May order and manage office supplies and make necessary arrangement for office equipment repair as needed.
2. Performs administrative staff backup as needed.
3. Conducts or assists with special projects as needed.

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

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

- Work is performed mostly in office settings. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.
- While performing the duties of this job, the employee is occasionally asked to stand or sit; walk; use hands to finger, handle, feel or operate objects, tools or controls and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; talk and hear. Hearing abilities correctable to normal levels.
- The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

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

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

1. Graduation from an accredited high school or GED.
2. Secretarial/receptionist experience preferred.



**KNOWLEDGE, SKILLS AND ABILITIES**

1. Knowledge of standard office policies and procedures.
2. Basic knowledge of word-processing, spreadsheets and databases, preferably MS Office, Word, Excel and Access.
3. Telephone and customer service skills.
4. Basic alphabetization and filing skills.
5. Basic money changing skills.
6. Ability to type 45 words per minute.
7. Basic mathematical skills.
8. Ability to follow instruction.
9. Ability to read and write proficiently.
10. Ability to work independently without direct supervision.
11. Ability to operate office equipment such as personal computer, postage meter, photocopier and fax machine.
12. Ability to establish and maintain effective working relations with City officials, fellow employees and patrons.
13. Ability to maintain regular and dependable attendance on the job.

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

---

(Signature)

---

(Date)

## POSITION DESCRIPTION CITY OF LA VISTA

POSITION TITLE: Receptionist

POSITION REPORTS TO: City Clerk

POSITION SUPERVISES:

### DESCRIPTION:

Under the direction of the City Clerk, serves as lead the front receptionist and performs a wide variety of clerical functions, responsible for answering incoming calls, directing calls to appropriate contacts, greeting and directing guests, and minimal clerical duties.

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

1. Answers and directs telephone calls, calls. Will transfer caller to a voice mailbox when the contact is unavailable.
2. Greets and directs visitors to the City.
- 2.3. Receives and responds to citizen inquiries.
- 2.4. Provide callers or visitors with information such as City addresses, directions to City buildings, City phone or fax numbers, City website, and other related information.
- 2.5. Performs general filing assignments.
3. Responsible for computerized receipts of all money for permits, parking violations, etc.
- 4.6. Opens and processes incoming mail, and Oversees out-going mail as relates to postage meter operation.
4. Assists with the issuance of various city permits.
6. Performs data entry as assigned to include parking violation payments and rescue billing payments.
7. Orders and manages office supplies and makes necessary arrangements for office equipment repair.
8. Provides support for Administrator, Assistant Administrator, Treasurer and Building Inspector.
9. Separates vendor checks, files pink copies and prepares checks for mailing.
10. Receives, processes and reports on handicap applications.
11. In the absence of Secretary/Receptionist, performs duties including: issuing permits and licenses, processing billings and general clerical support of the Building Department.
12. Performs general filing assignments, including time cards and pink slips.
13. Stuffs payroll checks for distribution.
14. Performs administrative staff backup as required.
15. Conducts or assists with special projects as required.
15.

### NONESSENTIAL FUNCTIONS:

1. May order and manage office supplies and make necessary arrangement for office equipment repair as needed.
2. Performs administrative staff backup as needed.
3. Conducts or assists with special projects as needed.

### ESSENTIAL PHYSICAL AND ENVIRONMENTAL DEMANDS

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

- Work is performed mostly in office settings. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

**Receptionist—Part-timeSecretary/Receptionist**

Position Description

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- While performing the duties of this job, the employee is occasionally asked to stand or sit; walk; use hands to finger, handle, feel or operate objects, tools or controls and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; talk and hear. Hearing abilities correctable to normal levels.
- The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

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

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

1. Graduation from an accredited high school or GED.
2. Secretarial/receptionist experience preferred.

**KNOWLEDGE, SKILLS AND ABILITIES**

1. Knowledge of standard office policies and procedures.
2. Basic knowledge of word-processing, spreadsheets and databases, preferably MS Office, Word, Excel and Access.
3. Telephone and customer service skills.
4. Basic alphabetization and filing skills.
5. Basic money changing skills.
6. Ability to type 45 words per minute.
7. Basic mathematical skills.
8. Ability to follow instruction.
9. Ability to read and write proficiently.
10. Ability to work independently without direct supervision.
11. Ability to operate office equipment such as personal computer, postage meter, photocopier and fax machine.
12. Ability to establish and maintain effective working relations with City officials, fellow employees and patrons.
13. Ability to maintain regular and dependable attendance on the job.

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

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)