

# MINUTE RECORD

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No. 729 — REEDFIELD & COMPANY, INC., OMAHA E1310558LD

## LA VISTA CITY COUNCIL MEETING March 1, 2016

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on March 1, 2016. Present were Councilmembers: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Clerk Buethe, Police Chief Lausten, Community Development Director Birch, Director of Public Works Soucie, Finance Director Miserez, Library Director Barcal, Human Resources Manager Garrod, Assistant Public Works Director/City Engineer Kottmann and Assistant Recreation Director Karlson.

A notice of the meeting was given in advance thereof by publication in the Times on February 17, 2016. 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.

Council President Thomas, acting in the Mayor's absence, called the meeting to order, led the group in the Pledge of Allegiance and made the announcements.

Mayor Kindig arrived to take his seat at 7:03 p.m.

### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. APPROVAL OF THE MINUTES OF THE FEBRUARY 16, 2016 CITY COUNCIL MEETING
3. APPROVAL OF THE MINUTES OF THE FEBRUARY 8, 2016 LA VISTA/METROPOLITAN COMMUNITY COLLEGE CONDOMINIUM ASSOCIATION
4. APPROVAL OF THE MINUTES OF THE FEBRUARY 18, 2016 PLANNING COMMISSION MINUTES
5. REQUEST FOR PAYMENT – ANDERSON EXCAVATING CO. – CONSTRUCTION SERVICES – THOMPSON CREEK CHANNEL REHABILITATION GROUP B – CHANNEL RECONSTRUCTION - \$97,859.60
6. REQUEST FOR PAYMENT – SUCCESS FACTORS – PROFESSIONAL SERVICES – PERFORMANCE REVIEW SYSTEM - \$9,256.20
7. RESOLUTION NO. 16-019 – FIREWORKS DISPLAY – SALUTE TO SUMMER FESTIVAL - TEMPORARY USE OF HWY 85 (84<sup>TH</sup> STREET) ACCEPTANCE OF DUTIES

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

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

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

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

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

WHEREAS, Section 39-1359 R.R.S. Neb. 2008 was amended on May 24, 2011, by Legislative Bill 589 to provide that a temporary use of a state highway system, including full and partial lane restrictions, can be made for a special event where the roadway is located in the corporate limits of a city, if such city through formal action

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of its governing body acknowledges and accepts the duties set forth in subsection (2) of Section 39-1359 and indemnifies and holds the State of Nebraska harmless against claims made arising out of the special event and provides thirty (30) days advance notice to the State of Nebraska.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of La Vista officially designates the La Vista Daze Fireworks Display as a special event under LB 589 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of State Highway No. 85 (aka 84<sup>th</sup> Street) from Brentwood Drive to Harrison Street between the hours of 9:00 pm and 10:30 pm on May 27, 2016 for traffic control during the fireworks display.

## **8. RESOLUTION NO. 16-020 – PARADE – SALUTE TO SUMMER FESTIVAL - TEMPORARY USE OF HWY 85 (84<sup>TH</sup> STREET) ACCEPTANCE OF DUTIES**

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, that pursuant to Section 39-1359 R.R.S. Neb. 2008, as amended by Legislative Bill 589 on May 24, 2011, the City of La Vista officially designates the La Vista Daze Parade as a special event under LB 589 and hereby notifies the State of Nebraska that it accepts the duties imposed by such law, and, if a claim is made against the state, shall indemnify, defend, and hold harmless the State of Nebraska from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event and the temporary use of State Highway No. 85 (aka 84<sup>th</sup> Street) from Brentwood Drive to Harrison Street between the hours of 12:30 pm and 4:30 pm on May 28, 2016 for traffic control during the parade.

## **9. APPROVAL OF CLAIMS**

4 SEASONS AWARDS, services	\$30.00
AA WHEEL & TRUCK SUPPLY INC, maint.	\$49.06
ACCREDITED COLLECTION SVC, payroll	\$270.09
ACTION BATTERIES, supplies	\$195.38
ALAMAR UNIFORMS, apparel	\$775.00
AMERICAN PLANNING ASSOC, services	\$150.00
ANN TROE, services	\$940.00
ARAMARK UNIFORM SERVICES INC, services	\$120.00

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ARTHUR J GALLAGHER RISK, services	\$4,658.00
ASPHALT & CONCRETE MATERIALS, maint.	\$562.42
B G PETERSON CO, bld&grnds	\$710.50
BADGER BODY, maint.	\$613.64
BEACON BUILDING, services	\$5,812.00
BERRY DUNN, services	\$1,977.00
BEST CARE EMPLOYEE ASST PROGRAM, services	\$2,411.50
BISHOP BUSINESS EQUIPMENT, supplies	\$611.93
BKD LLP, services	\$30,000.00
BLACK HILLS ENERGY, utilities	\$6,284.26
BLUE CROSS BLUE SHIELD OF NEBR, services	\$88,076.23
BRENTWOOD AUTO WASH, maint.	\$120.00
BRITE IDEAS DECORATING, supplies	\$9,388.65
CALLAWAY GOLF CO, supplies	\$446.28
CATHERINE DEMES MAYDEW, services	\$910.00
CDW GOVERNMENT INC, services	\$1,267.03
CENTURY LINK BUSN SVCS, phones	\$18.71
CENTURY LINK, phones	\$739.38
CHRIS MADDEN, services	\$1,500.00
CITY OF OMAHA, services	\$132,891.12
CITY OF PAPILLION, services	\$150,751.77
COMP CHOICE INC, services	\$478.00
CORNHUSKER INTL TRUCKS INC, maint.	\$670.46
COX COMMUNICATIONS, services	\$160.07
CSP 529, payroll	\$50.00
CUMMINS CENTRAL POWER LLC, maint.	\$101.94
DATASHIELD CORP, services	\$13.30
DELL MARKETING, services	\$16,609.80
DISPLAY SALES, services	\$3,845.00
DOUGLAS COUNTY ENGINEER, services	\$2,550.00
ED ROEHR SAFETY PRODUCTS CO, services	\$2,282.00
EFTPS, payroll	\$67,101.57
EMBASSY SUITES HOTEL, services	\$4,340.88
ENVIRO TECH SERVICES INC, maint.	\$5,177.25
FASTENAL COMPANY, maint.	\$11.44
FELSBURG HOLT & ULLEVIG, services	\$2,850.00
FOCUS PRINTING, services	\$133.60
FRED PETERSON, maint.	\$980.00
FUEL CONVERSION SOLUTIONS LLC, services	\$19,607.37
GALLS LLC, apparel	\$437.41
GCR TIRES & SERVICE, maint.	\$944.35
GLACKEN AND ASSOCIATES, services	\$275.00
GRAYBAR ELECTRIC CO, services	\$474.99
HANEY SHOE STORE, apparel	\$131.99
HAWKEYE TRUCK EQUIPMENT, maint.	\$1,302.41
HEARTLAND PAPER, supplies	\$176.00
HIGH POINT MANUFACTURING LLC, services	\$511.62
HOCKENBERGS, supplies	\$19.17
HONEYMAN RENT-ALL, services	\$343.35
ICMA, payroll	\$35,295.50
INGRAM LIBRARY SERVICES, books	\$1,335.52
INLAND TRUCK PARTS, maint.	\$176.28
IVERSON, D., travel	\$50.00
J Q OFFICE EQUIPMENT INC, services	\$88.81
JENNIFER GOSS, services	\$10.63
JULIA M COUCH, services	\$50.00
KRIHA FLUID POWER CO INC, maint.	\$549.63
LA VISTA COMM FOUNDATION, payroll	\$60.00
LANDPORT SYSTEMS INC, services	\$125.00
LEAGUE OF NEBR MUNICIPALITIES, services	\$349.00

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LFOP DUES, payroll	\$1,220.00
LOGAN CONTRACTORS SUPPLY, apparel	\$49.95
MARCO INC, services	\$345.50
MARK A KLINKER, services	\$200.00
MATHESON TRI-GAS INC, supplies	\$140.57
MAX I WALKER UNIFORM RENTAL, services	\$731.98
MENARDS-BELLEVUE, supplies	\$226.16
MENARDS-RALSTON, bld&grnds	\$1,303.12
METRO AREA TRANSIT, services	\$546.00
METROPOLITAN COMMUNITY COLLEGE, services	\$12,755.22
MID-AMERICAN BENEFITS INC, services	\$1,357.00
MIDLANDS COMM FOUNDATION, services	\$125.00
MIDWEST SERVICE AND SALES CO, maint.	\$381.25
MIDWEST TAPE, media	\$374.89
MIDWEST TURF & IRRIGATION, maint.	\$81.96
MOBOTREX MOBILITY & TRAFFIC, maint.	\$2,972.62
MUD, utilities	\$298.14
NAT'L EVERYTHING WHOLESALE, bld&grnds	\$384.67
NE CHILD SUPPORT PYMT CTR, payroll	\$966.08
NE STATE INCOME TAX, payroll	\$10,031.44
NEBRASKA AIR FILTER INC, bld&grnds	\$240.00
NEBRASKA ENVIRONMENTAL PRODS, maint.	\$6,241.33
NEWMAN TRAFFIC SIGNS INC, maint.	\$2,904.50
NOVA FITNESS EQUIPMENT CO, services	\$1,347.00
OCLC INC, media	\$123.61
OFFICE DEPOT INC, supplies	\$395.38
OLSSON ASSOCIATES, services	\$17,081.91
OMAHA WORLD-HERALD, services	\$802.17
ONE CALL CONCEPTS INC, services	\$82.98
PAYLESS OFFICE PRODUCTS, supplies	\$150.14
PDMB INC, services	\$407.52
PINNACLE OPERATIONS CENTER, services	\$15.00
PLAINS EQUIPMENT GROUP, maint.	\$850.18
POLICE INSURANCE, payroll	\$261.89
QUALITY AUTO REPAIR & TOWING, services	\$75.00
QUALITY STRUCTURES INC, bld&grnds	\$1,000.00
RETRIEVEX, services	\$122.00
SARPY COUNTY COURTHOUSE, services	\$4,100.37
SARPY COUNTY LANDFILL, services	\$120.00
SCHEMMER ASSOCIATES INC, services	\$33.75
SCHOLASTIC LIBRARY PUBLISHING, books	\$109.20
SINNETT, HELEN, services	\$140.00
SPRINT, services	\$119.97
STANDARD INSURANCE CO, services	\$5,522.54
TEAM SIDELINE, services	\$599.00
THERMO KING CHRISTENSEN, maint.	\$336.58
THOMPSON DREESSEN & DORNER, services	\$29,420.51
TITAN MACHINERY, maint.	\$108.00
TRANE U S INC, bld&grnds	\$157.93
TRANS UNION RISK, services	\$24.50
TY'S OUTDOOR POWER & SVC INC, maint.	\$468.00
UNITED HEALTHCARE INSURANCE, services	\$745.76
VAN RU CREDIT CORP, payroll	\$13.53
VERIZON WIRELESS, phones	\$272.25
WAL-MART, supplies	\$1,747.46
WARD, D., travel	\$50.00
WICK'S STERLING TRUCKS INC, maint.	\$891.76
ZIMCO SUPPLY CO, bld&grnds	\$465.01
ZOO BOOKS MAGAZINE, books	\$24.95

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

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Community Relations Coordinator Beaumont informed Council that the Easter Egg Hunt is coming up the last Saturday in March.

Assistant Recreation Director Karlson reported on events coming up at the Community Center.

Police Chief Lausten reported that the three new recruit officers will be going to Grand Island for training in the near future. He also reported that the Citizens Academy will be offered again in the near future.

Director of Public Works Soucie reported that the public works intern will be leaving this week as he has found fulltime employment.

## **B. ONE AND SIX YEAR STREET IMPROVEMENT PLAN**

### **1. PUBLIC HEARING**

At 7:06 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the One and Six year Street Improvement Plan. Assistant to the City Administrator Calentine gave an overview of the plan. Discussion was held regarding the 66<sup>th</sup> and Giles Project.

At 7:24 p.m. Councilmember Hale made a motion to close the public hearing. Seconded by Councilmember Crawford. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Sheehan introduced and moved for the adoption of Resolution No.16-021; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

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

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

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

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

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

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

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Council of the City of La Vista be, and the same hereby is, accepted and approved.

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

## C. RESOLUTION – VENDOR SELECTION – FINANCIAL INFORMATION SOFTWARE SYSTEM AND IMPLEMENTATION

Councilmember Sell introduced and moved for the adoption of Resolution No.16-022; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE SELECTION OF A VENDOR AND THE NEGOTIATION OF A CONTRACT FOR IMPLEMENTATION OF A NEW FINANCIAL INFORMATION SOFTWARE SYSTEM FOR THE CITY OF LA VISTA IN AN AMOUNT NOT TO EXCEED \$275,000.

WHEREAS, the City Council of the City of La Vista has determined that the selection of a vendor for a new financial information software system is necessary; and

WHEREAS, the FY 16 Capital Improvement Program contains funding for this project; and

WHEREAS, the Financial Information Software Team has interviewed and recommended the selection of the vendor BS&A, Bath Michigan; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska authorize the selection of a Vendor and the negotiation of a contract for implementation of a new financial information software system for the City of La Vista, subject to any modifications the City Administrator or her designee determines necessary in an amount not to exceed \$275,000.

Seconded by Councilmember Hale. Ryan Doil with Berry Dunn gave an overview of the project and what has been done to get to this point. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## D. RESOLUTION – AUTHORIZE PURCHASE – PICKUP TRUCK - PARKS

Councilmember Quick introduced and moved for the adoption of Resolution No.16-023; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2016 CHEVROLET SILVERADO 4X4 2500HD PICKUP TRUCK FROM SID DILLON CHEVROLET BUICK, WAHOO, NEBRASKA FOR AN AMOUNT NOT TO EXCEED \$55,366.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a pickup truck for the Parks Division is necessary, and

WHEREAS, the FY 16 Park Operating Budget provides funding for the proposed purchase, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of one (1) 2016 Chevrolet Silverado 4x4 2500HD pickup truck from Sid Dillon Chevrolet Buick, Wahoo, Nebraska for an amount not to exceed \$55,366.

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

## E. RESOLUTION – STANDARD OPERATION POLICY

Councilmember Hale introduced and moved for the adoption of Resolution No.16-024; A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING A NEW STANDARD OPERATION POLICY.

WHEREAS, the City Council has determined that it is necessary and desirable to create Standard Operation Policies 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 Standard Operation Policy entitled "City Facilities Response to Active Shooter" has been reviewed and revisions recommended by the Managing Directors.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the changes to Standard Operation Policy entitled "City Facilities Response to Active Shooter" and do further hereby direct the distribution of said Standard Operation Policy to the appropriate City Departments.

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

## F. RESOLUTION – ACCEPT RESIGNATION AND APPOINT DIRECTOR TO THE LA VISTA FACILITIES CORPORATION

Councilmember Hale introduced and moved for the adoption of Resolution No.16-025; RESOLUTION OF THE CITY OF LA VISTA ACCEPTING RESIGNATION OF MARV BIRKEY AS A DIRECTOR AND OFFICER OF THE CITY OF LA VISTA FACILITIES CORPORATION AND APPOINTING JANICE ANDERSON AS A DIRECTOR OF THE CORPORATION TO FILL THE VACANCY.

WHEREAS, Marv Birkey submitted his resignation as a director and Treasurer of the City of La Vista Facilities Corporation ("Resignations"), a nonprofit corporation existing to acquire and lease buildings, equipment and facilities for the City of La Vista ("Corporation"); and

WHEREAS, the Mayor and City Council, pursuant to Article V of the Articles of Incorporation of the Corporation, are authorized to fill vacancies on the Board of Directors of the Corporation; and

WHEREAS, the Mayor and City Council desire to accept the Resignations of Marv Birkey and fill the vacancy on the Board of Directors of the Corporation created by his resignation.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby accept the Resignations of Marv Birkey as a director and Treasurer of the City of La Vista Facilities Corporation.

BE IT FURTHER RESOLVED, that Janice Anderson of 7209 Bess Street, La Vista, Nebraska 68128 has indicated a willingness and desire to serve as a director and Treasurer of the Corporation.

BE IT FURTHER RESOLVED that the Mayor and City Council hereby appoint Janice Anderson to the Board of Directors of the Corporation.

BE IT FURTHER RESOLVED, that the Board of Directors of the Corporation shall appoint Janice Anderson as the Treasurer of the Corporation ("Director Appointment"), and all resignations, acceptances, and appointments to fill vacancies with respect to the Resignations shall be simultaneously effective upon said Director Appointment.

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

## G. POSITION DESCRIPTION UPDATES – RECEIVE AND FILE

Councilmember Sell made a motion to receive and file the updated position descriptions. Seconded by Councilmember Sheehan. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale, and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

Councilmember Crawford made a motion to move *Comments from the Floor* ahead of Item H Executive Session. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## H. EXECUTIVE SESSION – CONTRACT NEGOTIATIONS: PERSONNEL

At 7:47 p.m. Councilmember Crawford made a motion to go into executive for protection of the public to discuss contract negotiations and for the protection of an individual to discuss personnel. Seconded by Councilmember Hale. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion.

At 8:26 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Sell. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of events coming up including Heroes in the Heartland on March 9 and the G. Stanley Hall Carnival on May 6.

At 8:34 p.m. Councilmember Crawford made a motion to adjourn the meeting. Seconded by Councilmember Thomas. Councilmembers voting aye: Frederick, Ronan, Sheehan, Thomas, Crawford, Quick, Hale and Sell. Nays: None. Abstain: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016

CITY OF LA VISTA

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

ATTEST:

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

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City of La Vista  
Park & Recreation Advisory Committee Minutes  
January 20, 2016

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:00 p.m. on January 20, 2016. Present was Recreation Director Scott Stopak, Asst. Director David Karlson, Program Coordinators Ryan South and Rich Carstensen, Golf Course Services Manager Denny Dinan, and Public Works Parks Foreman Jeff Thornburg. Advisory Board Members present were Members Jeff Kupfer, Greg Johnson and Joe Juarez. Absent was Chairperson Pat Lodes.

A notice of the meeting was given in advance thereof by publication in the Papillion Times on January 13, 2016. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice are attached to the minutes. Availability of the agenda was communicated in the advance notice to the members of the Park and Recreation Advisory Committee of this meeting. All proceedings hereafter were taken while the convened meeting was open to attendance of the public. Further, all the subjects included in said proceedings were contained in the agenda for inspection within ten working days after said meeting, prior to the convened meeting of said body.

**CALL TO ORDER**

Recreation Director Scott Stopak called the meeting to order.

Stopak led the audience in the Pledge of Allegiance.

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

**A. CONSENT AGENDA**

1. Director Stopak asked for a motion to approve the minutes from the November 18, 2015 meeting and the program information. Motion made by Member Kupfer. Seconded by Member Johnson. Motion carried.

**2. REPORTS FROM RECREATION DIRECTOR AND STAFF**

Director Stopak asked the Advisory Board members what they thought of having the monthly meetings at an earlier time, such as 4:00 p.m. Stopak said he had looked at a number of municipalities, and daytime hours seemed to be when meetings were held in many of the cities and counties. All members were okay with a time change with the exception of one member. After discussion, Stopak said meetings would continue to be at 7:00 p.m.

Asst. Recreation Director Karlson discussed special events that occurred in the month of December.

Karlson reported that the Christmas Tree Lighting ceremony, although postponed from November 30<sup>th</sup> to December 3<sup>rd</sup>, drew a record crowd. It was a beautiful night to unveil the new 8' tree totem that was carved from the old Blue Spruce that was used during the holidays, the new lighting of the City Hall/Community Center building, and Santa's lighting of the new Christmas tree. The south campus of the building was also lit up with decorations. Elsewhere, decorations and lights adorned the La Vista Public Library, La Vista Police Station and four huge trees along 78<sup>th</sup> Street at the entrance to City Park. Over 1,000 bowls of soup were served while entertainment was enjoyed. Each family was given a Christmas tree ornament made from the branches of the old Christmas tree. Overall, the night was a huge success!

Santa was busy in December making dozens of calls to children over a three day period. Other activities for kids was the Preschool Playtime Holiday Storytime with Ms. Jen from the Library, which brought in 3 preschoolers and 26 of their family members; 38 kids and 28 family members joined us for the annual Christmas Cookie Decorating in Santa's Village; 18 preschoolers and 15 adults made Christmas card and tree ornaments during the Preschool Craft time; and lastly, we finished up the holiday season with a Friday afternoon holiday movie "The Rise of the Guardians", which was viewed by 38 kids and 20 adults.

Program Coordinator South reported on current sport activities for adult and youth.

Women's Volleyball concluded their fall season on December 30<sup>th</sup>. The winter season began on January 6<sup>th</sup> and will run for 12 weeks.

Youth Basketball League is in full swing. Teams began practicing on December 14<sup>th</sup> and had their first games on January 8<sup>th</sup>. The regular season will conclude on February 28<sup>th</sup> with an end of season tournament beginning the following week.

Youth Basketball Clinic for grades 1<sup>st</sup> and 2<sup>nd</sup> began on January 9<sup>th</sup>. This is a parent participation clinic where the basic fundamentals of basketball are the focus. We have 23 boys & girls participating in the clinic this year.

La Vista 4/5 Youth Soccer Academy & 6/7 League registration is open. We will once again partner with the Phoenix Futbol Club to provide academy training and games to children ages 4 & 5 and 6 & 7.

3 Year Old Soccer Clinic registration is now open. Five, one-hour sessions, will be held on Saturday mornings at the La Vista Community Center beginning in April.

Spring Flag Football League registration is now open. The La Vista Flag Football teams will play in the Sarpy County Flag Football league again this spring.

Youth Softball for ages 7-18 registration is now open. All of our youth softball teams will once again play in the Rainbow Softball League.

Youth Baseball for ages 7-12 registration is now open. All of our youth baseball teams will play with Ralston Area Baseball Association in a cooperative league for all games.

South reported that the Round Ball Reindeer Shootout that took place on Saturday, December 12th at the Community Center was a success. Boys & girls in grades k-4<sup>th</sup> and 5<sup>th</sup>-8<sup>th</sup> competed in our first ever free throw shooting contest! This contest was for children and their parent/guardian or grandparent to compete together as a team. Each team member shot 15 free throws for a chance to win a prize. Eileen's Cookies of Papillion sponsored the event and provided us with 18 half dozen delicious cookies which we awarded to the top finishers in each age group. We had 46 total participants for this event.

Program Coordinator Carstensen reported on activities for the Senior Center and other events.

Wednesday, January 6<sup>th</sup> 10 seniors went to the Sarpy County Museum in Bellevue to see the travelling exhibit "The Way We Worked" from the Smithsonian Institution. This exhibit is sponsored by the Humanities of Nebraska. The display has already been to the Nebraska cities of Gering, Aurora, and now Bellevue. It is heading to Norfolk, Hastings, North Platte, and then will finish up in Columbus, Nebraska.

Wednesday, January 13<sup>th</sup> the seniors went to the movies to see "*The Revenant*".

Tuesday, January 19<sup>th</sup> <sup>twelve</sup> seniors were signed up to go on a lunch outing to China Star. Unfortunately, the weather was not good and roads were slippery, so only four seniors went to lunch.

Wednesday, January 20<sup>th</sup> we were happy to have a musical performance of *Prairie Sound*, who came from the Norfolk area. They performed during lunch for us, and everyone really enjoyed them. We look forward to having them again.

Coming up at the end of this week on Friday, January 22<sup>nd</sup>, we are excited to have Omaha's Joy Johnson come talk to the Senior Center group. Since her retirement seven years ago, Joy writes a comedy book series called the "BOOB Girls" which stands for "Burned Out Old Broads". She gives presentations and loves to visit senior centers to give a humorous look on the lighter side of life. At this time, we have over 25 seniors planning to attend her presentation.

Wednesday, January 27<sup>th</sup> "The Links" will be performing for the seniors after lunch.

Monday, December 21<sup>st</sup> we had over 40 kids and their parents participate in our Winter Hot Wheels Races. There will be other chances to participate in racing on Monday, March 29<sup>th</sup> and Wednesday, April 20<sup>th</sup>.

Golf Course Services Manager Denny Dinan discussed rounds for golf and footgolf in December. He also reported on events and outings scheduled for the month.

Golf Rounds December 2015	= 235 (+113 rounds from December 2014)
FootGolf Rounds December 2015	= 0 (0 rounds in December 2014)
Total Rounds December 2015	= 235 (+113 rounds from December 2014)
Golf Rounds Fiscal Year 15/16 thru December	= 2,123 (+169 golf rounds from fiscal 14/15)
FootGolf Rounds Fiscal Year 15/16 thru December	= 104 (+104 footgolf rounds from fiscal 14/15)
Total Rounds Fiscal Year 15/16 thru December	= 2,227 (+273 total rounds from fiscal 14/15)

There was good stretch of weather from December 4th through December 12th that allowed us to have our second best December in 15 years as temperatures were between 51 and 61 degrees. After that, the temperature dropped and the cold and snow took over for the rest of the month.

La Vista Falls offered discounted Holiday Golf packages again this year. 11 packages were sold, which brought in over \$650. In comparison, only 3 packages were sold last year. In addition to these packages this year, over \$225 worth of gift certificates were sold during the holidays.

The Club House was rented out on December 26th for a Christmas party which brought in over \$250. Currently, the clubhouse is reserved for a birthday party on Jan 16th and a graduation party on Saturday, May 14th.

#### B. COMMEMORATIVE TREE PLAN

Public Works City Engineer John Kottmann presented the Commemorative Tree Program to the Advisory Board. The board members asked how you register and where will the trees will be planted. Staff explained that the registration application would be available on-line and at city facilities. The trees would be planted in City Parks or Trail System with the approval of the Parks Superintendent.

Member Juarez made the motion to accept and forward the Commemorative Tree Program to the City Council for approval. Seconded by Member Johnson. All aye.

#### COMMENTS FROM THE FLOOR

Member Juarez commented that he attended the Tree Lighting festivities and said he thought everyone did a great job and he was really impressed.

#### COMMENTS FROM COMMITTEE MEMBERS

None.

Member Kupfer motioned for adjournment. Seconded by Member Johnson. All ayes. Motion carried. Adjourned at 7:40 p.m.

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the four months ending January 31, 2016**  
**33% of the Fiscal Year 2016**

	<b>General Fund</b>					% of budget Used
	<b>Budget (12 month)</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>		
<b>REVENUES</b>						
Property Taxes	\$ 5,977,668	\$ 272,613	\$ 443,288	\$ (5,534,380)		7%
Sales and use taxes	3,108,225	319,766	1,121,418	(1,986,807)		36%
Payments in Lieu of taxes	275,000	-	-	(275,000)		0%
State revenue	1,461,035	-	394,718	(1,066,317)		27%
Occupation and franchise taxes	1,030,000	82,502	309,479	(720,521)		30%
Hotel Occupation Tax	900,000	56,481	281,240	(618,760)		31%
Licenses and permits	347,800	21,380	140,175	(207,625)		40%
Interest income	11,522	2,330	7,283	(4,239)		63%
Recreation fees	156,100	8,514	34,531	(121,569)		22%
Special Services	22,500	2,233	7,961	(14,539)		35%
Grant Income	215,917	3,756	15,734	(200,183)		7%
Other	234,365	14,128	134,974	(99,391)		58%
<b>Total Revenues</b>	<b>13,740,132</b>	<b>783,703</b>	<b>2,890,801</b>	<b>(10,849,331)</b>		<b>21%</b>
<b>EXPENDITURES</b>						
Current:						
Administrative Services	590,974	42,326	152,910	(438,064)		26%
Mayor and Council	191,343	6,639	39,288	(152,055)		21%
Boards & Commissions	9,160	72	919	(8,241)		10%
Public Buildings & Grounds	510,328	30,448	139,180	(371,148)		27%
Administration	500,043	42,958	147,292	(352,751)		29%
Police and Animal Control	4,346,735	367,781	1,333,855	(3,012,880)		31%
Fire	1,705,949	157,565	602,104	(1,103,845)		35%
Community Development	598,148	45,312	146,919	(451,229)		25%
Public Works	3,372,972	215,192	956,787	(2,416,185)		28%
Recreation	670,345	44,031	159,054	(511,291)		24%
Library	766,945	61,670	221,687	(545,258)		29%
Information Technology	208,485	38,313	81,623	(126,862)		39%
Human Resources	693,497	43,163	194,513	(498,984)		28%
Public Transportation	94,677	6,557	24,825	(69,852)		26%
Capital outlay	493,499	19,607	43,065	(450,434)		9%
<b>Total Expenditures</b>	<b>14,753,100</b>	<b>1,121,634</b>	<b>4,244,021</b>	<b>(10,509,079)</b>		<b>29%</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(1,012,968)</b>	<b>(337,931)</b>	<b>(1,353,220)</b>	<b>(340,252)</b>		<b>134%</b>
<b>OTHER FINANCING SOURCES (USES)</b>						
Operating transfers in (Lottery)	70,663	-	-	(70,663)		0%
Operating transfers out (EDF, OSP, CIP)	(1,265,000)	-	-	1,265,000		0%
Bond/registered warrant proceeds	-	-	-	-		0%
<b>Total other Financing Sources (Uses)</b>	<b>(1,194,337)</b>	<b>-</b>	<b>-</b>	<b>1,194,337</b>		<b>0%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ (2,207,305)</b>	<b>\$ (337,931)</b>	<b>\$ (1,353,220)</b>	<b>\$ 854,085</b>		<b>61%</b>

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
For the four months ending January 31, 2016  
33% of the Fiscal Year 2016

	<b>Debt Service Fund</b>				<b>% of budget Used</b>
	<b>Budget</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>	
<b>REVENUES</b>					
Property Taxes	\$ 1,864,694	\$ 78,290	\$ 86,865	\$ (1,777,829)	5%
Sales and use taxes	1,554,113	159,883	560,709	(993,404)	36%
Payments in Lieu of taxes	30,000	-	-	(30,000)	0%
Interest income	7,002	111	811	(6,191)	12%
Other (Special Assessments; Fire Reimbursmt)	852,796	-	129,717	(723,079)	15%
<b>Total Revenues</b>	<b>4,308,605</b>	<b>238,284</b>	<b>778,102</b>	<b>(3,530,503)</b>	<b>18%</b>
<b>EXPENDITURES</b>					
Current:					
Administration	90,000	778	864	(89,136)	1%
Fire Contract Bond	298,677	24,700	98,800	(199,877)	33%
Debt service					
Principal	2,947,400	-	1,565,000	(1,382,400)	53%
Interest	871,458	-	282,173	(589,285)	32%
<b>Total Expenditures</b>	<b>4,207,535</b>	<b>25,478</b>	<b>1,946,837</b>	<b>(2,260,698)</b>	<b>46%</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>101,070</b>	<b>212,806</b>	<b>(1,168,735)</b>	<b>(1,269,805)</b>	<b>-1156%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in (Lottery Bond)	339,145	-	-	(339,145)	0%
Operating transfers out (CIP)	(12,333,489)	-	-	12,333,489	0%
Bond/registered warrant proceeds	11,500,000	-	-	(11,500,000)	0%
<b>Total other Financing Sources (Uses)</b>	<b>(494,344)</b>	<b>-</b>	<b>-</b>	<b>494,344</b>	<b>0%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ (393,274)</b>	<b>\$ 212,806</b>	<b>\$ (1,168,735)</b>	<b>\$ (775,461)</b>	<b>297%</b>

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
For the four months ending January 31, 2016  
33% of the Fiscal Year 2016

	<b>Capital Fund</b>					<b>% of budget Used</b>
	<b>Budget</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>Over(under) Budget</b>		
<b>REVENUES</b>						
Interest income	\$ -	\$ -	\$ 4	\$ 4		0%
Grant Income	\$ 1,061,000	\$ -	\$ 250,326	\$ (810,674)		24%
Interagency	\$ 926,100	\$ 9,840	\$ 9,840	\$ (916,260)		1%
<b>Total Revenues</b>	<b>\$ 1,987,100</b>	<b>\$ 9,840</b>	<b>\$ 260,170</b>	<b>\$ (1,726,930)</b>		<b>13%</b>
<b>EXPENDITURES</b>						
Current:						
Capital outlay	\$ 30,847,780	\$ 28,896	\$ 317,730	\$ (30,530,050)		1%
<b>Total Expenditures</b>	<b>\$ 30,847,780</b>	<b>\$ 28,896</b>	<b>\$ 317,730</b>	<b>\$ (30,530,050)</b>		<b>1%</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>\$ (28,860,680)</b>	<b>\$ (19,056)</b>	<b>\$ (57,560)</b>	<b>\$ (28,803,120)</b>		<b>0%</b>
<b>OTHER FINANCING SOURCES (USES)</b>						
Operating transfers in	\$ 28,860,680	\$ -	\$ -	\$ (28,860,680)		0%
Operating transfers out	\$ -	\$ -	\$ -	\$ -		0%
Bond/registered warrant proceeds	\$ -	\$ -	\$ -	\$ -		0%
<b>Total other Financing Sources (Uses)</b>	<b>\$ 28,860,680</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (28,860,680)</b>		<b>0%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ \$ -</b>	<b>\$ \$ (19,056)</b>	<b>\$ \$ (57,560)</b>	<b>\$ \$ 57,560</b>		<b>0%</b>

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
**For the four months ending January 31, 2016**  
**33% of the Fiscal Year 2016**

<b>Lottery Fund</b>						
	<b>Budget</b> <b>(12 month)</b>	<b>MTD</b> <b>Actual</b>	<b>YTD</b> <b>Actual</b>	<b>Over(under)</b> <b>Budget</b>	<b>% of budget</b> <b>Used</b>	
<b>REVENUES</b>						
Lottery Rev/Community Betterment	\$ 925,000	\$ 133,852	\$ 365,682	\$ (559,318)	40%	
Lottery Tax Form 51	350,000	30,231	111,909	(238,091)	32%	
Event Revenue	30,500		225	(30,275)	1%	
Interest income	2,972	42	753	(2,219)	25%	
<b>Total Revenues</b>	<b>1,308,472</b>	<b>164,125</b>	<b>478,569</b>	<b>(829,903)</b>	<b>37%</b>	
<b>EXPENDITURES</b>						
Current:						
Professional Services	233,261	17,865	67,572	(165,689)	29%	
Salute to Summer	22,535	-	-	(22,535)	0%	
50th Year Celebration	-	-	473	473	0%	
Community Events	9,290	11	6,653	(2,637)	72%	
Events - Marketing	22,600	255	724	(21,876)	3%	
Recreation Events	10,000	-	-	(10,000)	0%	
Concert & Movie Nights	9,800	-	-	(9,800)	0%	
Travel & Training	13,420	-	-	(13,420)	0%	
State Taxes	350,000	30,231	111,909	(238,091)	32%	
Other	-	-	-	-	0%	
Capital outlay	14,000	-	13,776	(224)	98%	
<b>Total Expenditures</b>	<b>684,906</b>	<b>48,362</b>	<b>201,107</b>	<b>(483,799)</b>	<b>29%</b>	
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>623,566</b>	<b>115,763</b>	<b>277,462</b>	<b>346,104</b>	<b>44%</b>	
<b>OTHER FINANCING SOURCES (USES)</b>						
Operating transfers out	(1,461,999)	-	-	1,461,999	0%	
Bond/registered warrant proceeds	-	-	-	-	0%	
<b>Total other Financing Sources (Uses)</b>	<b>(1,461,999)</b>	<b>-</b>	<b>-</b>	<b>1,461,999</b>	<b>0%</b>	
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ (838,433)</b>	<b>\$ 115,763</b>	<b>\$ 277,462</b>	<b>\$ 1,808,103</b>	<b>-33%</b>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
For the four months ending January 31, 2016  
33% of the Fiscal Year 2016

	<b>Economic Development</b>				
	<u>Budget</u> (12 month)	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	Over( <u>under</u> ) <u>Budget</u>	% of budget <u>Used</u>
<b>REVENUES</b>					
JQH Payment	1,186,573	-	593,287	(593,286)	50%
Interest income	266	-	-	(266)	0%
<b>Total Revenues</b>	<b>1,186,839</b>	<b>-</b>	<b>593,287</b>	<b>(593,552)</b>	<b>50%</b>
<b>EXPENDITURES</b>					
Current:					
Professional Services	10,000	-	-	-	0%
Debt service: (Warrants)					0%
Principal	685,000	-	685,000	-	100%
Interest	1,311,427	-	666,639	(644,788)	51%
<b>Total Expenditures</b>	<b>2,006,427</b>	<b>-</b>	<b>1,351,639</b>	<b>(654,788)</b>	<b>67%</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>(819,588)</b>	<b>-</b>	<b>(758,352)</b>	<b>61,236</b>	<b>93%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	600,000	-	-	(600,000)	0%
Operating transfers out	-	-	-	-	0%
Bond/registered warrant proceeds	-	-	-	-	0%
<b>Total other Financing Sources (Uses)</b>	<b>600,000</b>	<b>-</b>	<b>-</b>	<b>(600,000)</b>	<b>0%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ (219,588)</b>	<b>\$ -</b>	<b>\$ (758,352)</b>	<b>\$ (538,764)</b>	<b>345%</b>

**CITY OF LAVISTA, NEBRASKA**  
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**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
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	<b>Off Street Parking</b>				
	<u>Budget</u> (12 month)	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>
<b>REVENUES</b>					
Interest income	45	-	4	(41)	9%
<b>Total Revenues</b>	<b>45</b>	<b>-</b>	<b>4</b>	<b>(41)</b>	<b>9%</b>
<b>EXPENDITURES</b>					
Current:					
General & Administrative	19,467	-	5,882	(13,585)	30%
Professional Services		-			0%
Maintenance	19,500	776	976	(18,524)	5%
Debt service: (Warrants)					
Principal	430,000	-	430,000	-	100%
Interest	144,580	-	4,730	(139,850)	3%
<b>Total Expenditures</b>	<b>613,547</b>	<b>776</b>	<b>441,588</b>	<b>(171,959)</b>	<b>72%</b>
<b>EXCESS OF REVENUES OVER (UNDER)</b> <b>EXPENDITURES</b>	<b>(613,502)</b>	<b>(776)</b>	<b>(441,584)</b>	<b>171,918</b>	<b>72%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in	615,000		-	(615,000)	0%
Operating transfers out					0%
Bond/registered warrant proceeds		-	-	-	0%
<b>Total other Financing Sources (Uses)</b>	<b>615,000</b>	<b>-</b>	<b>-</b>	<b>(615,000)</b>	<b>0%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING</b> <b>SOURCES OVER (UNDER) EXPENDITURES</b> <b>AND OTHER FINANCING USES</b>	<b>\$ 1,498</b>	<b>\$ (776)</b>	<b>\$ (441,584)</b>	<b>\$ (443,082)</b>	<b>-29478%</b>

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**  
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	<b>Redevelopment Fund</b>				
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	Over( <u>under</u> ) <u>Budget</u>	% of budget <u>Used</u>
<b>REVENUES</b>					
Sales and use taxes	1,554,113	159,883	560,709	(993,404)	36%
Interest income	3,583	359	1,323	(2,260)	37%
<b>Total Revenues</b>	<b>1,557,696</b>	<b>160,242</b>	<b>562,032</b>	<b>(995,664)</b>	<b>36%</b>
<b>EXPENDITURES</b>					
Current:					
Community Development	30,000	-	-	(30,000)	0%
Professional Services	150,000	-	-	(150,000)	0%
Financial / Legal Fees	50,000	-	-	(50,000)	0%
Debt service: (Warrants)					
Principal	-	-	-	-	0%
Interest	307,500	-	-	(307,500)	0%
<b>Total Expenditures</b>	<b>537,500</b>	<b>-</b>	<b>-</b>	<b>(537,500)</b>	<b>0%</b>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	<b>1,020,196</b>	<b>160,242</b>	<b>562,032</b>	<b>(458,164)</b>	<b>55%</b>
<b>OTHER FINANCING SOURCES (USES)</b>					
Operating transfers in			-	-	0%
Operating transfers out	(15,550,000)	-	-	15,550,000	0%
Bond/registered warrant proceeds	15,000,000	-	-	(15,000,000)	0%
<b>Total other Financing Sources (Uses)</b>	<b>(550,000)</b>	<b>-</b>	<b>-</b>	<b>550,000</b>	<b>0%</b>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	<b>\$ 470,196</b>	<b>\$ 160,242</b>	<b>\$ 562,032</b>	<b>\$ 91,836</b>	<b>120%</b>

**CITY OF LAVISTA, NEBRASKA**  
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**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**  
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**33% of the Fiscal Year 2016**

<b>Sewer Fund</b>						
	<b>Budget</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>(Under) Budget</b>	<b>% of Budget Used</b>	
<b>REVENUES</b>						
User fees	\$ 3,629,271	\$ 226,988	\$ 958,214	\$ (2,671,057)	26%	
Service charge and hook-up fees	200,000	1,100	60,445	(139,555)	30%	
Grant Income	22,918	-	22,918	-	100%	
Miscellaneous	450	6	105	(345)	23%	
<b>Total Revenues</b>	<b>3,852,639</b>	<b>228,094</b>	<b>1,041,682</b>	<b>(2,810,957)</b>	<b>27%</b>	
<b>EXPENDITURES</b>						
General & Administrative	533,968	40,618	149,231	(384,737)	28%	
Maintenance	2,854,687	317,041	609,040	(2,245,647)	21%	
Storm Water Grant	27,502	1,500	3,006	(24,496)	11%	
Capital Outlay	405,300	-	-	(405,300)	0%	
<b>Total Expenditures</b>	<b>3,821,457</b>	<b>359,159</b>	<b>761,277</b>	<b>(3,060,180)</b>	<b>20%</b>	
<b>OPERATING INCOME (LOSS)</b>	<b>31,182</b>	<b>(131,065)</b>	<b>280,405</b>	<b>249,223</b>	<b>899%</b>	
<b>NON-OPERATING REVENUE (EXPENSE)</b>						
Interest income	3,311	16	372	(2,939)	11%	
	<u>3,311</u>	<u>16</u>	<u>372</u>	<u>(2,939)</u>	<u>11%</u>	
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<b>34,493</b>	<b>(131,049)</b>	<b>280,777</b>	<b>246,284</b>	<b>814%</b>	
<b>OTHER FINANCING SOURCES (USES)</b>						
Operating transfers out (CIP)	(50,000)	-	-	50,000	0%	
<b>NET INCOME (LOSS)</b>	<b>\$ (15,507)</b>	<b>\$ (131,049)</b>	<b>\$ 280,777</b>	<b>\$ 296,284</b>	<b>-1811%</b>	

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**  
**For the four months ending January 31, 2016**  
**33% of the Fiscal Year 2016**

	<b>Golf Course Fund</b>					<b>% of Budget Used</b>
	<b>Budget</b>	<b>MTD Actual</b>	<b>YTD Actual</b>	<b>(Under) Budget</b>		
<b>REVENUES</b>						
Greens Fees	\$ 138,000	\$ 100	\$ 15,732	\$ (122,268)		11%
Carts	50,000	-	4,962	(45,038)		10%
Concessions	33,500	191	4,042	(29,458)		12%
<b>Total Golf Proceeds</b>	<b>221,500</b>	<b>291</b>	<b>24,736</b>	<b>(196,764)</b>		<b>11%</b>
Pro-Shop Merchandise	4,750	7	640	(4,110)		13%
Fee Income	200	6	92	(108)		46%
Miscellaneous	100	-	2	(98)		2%
<b>Total Other Revenue</b>	<b>5,050</b>	<b>13</b>	<b>734</b>	<b>(4,316)</b>		<b>15%</b>
<b>Total Revenue</b>	<b>226,550</b>	<b>304</b>	<b>25,470</b>	<b>(201,080)</b>		<b>11%</b>
<b>EXPENDITURES</b>						
General & Administrative	156,591	7,027	32,776	(123,815)		21%
Cost of merchandise sold	18,664	446	1,843	(16,821)		10%
Maintenance	160,288	8,207	30,304	(129,984)		19%
Capital Outlay	22,000	-	21,500	(500)		98%
<b>Total Expenditures</b>	<b>357,543</b>	<b>15,680</b>	<b>86,423</b>	<b>(271,120)</b>		<b>24%</b>
<b>OPERATING INCOME (LOSS)</b>	<b>(130,993)</b>	<b>(15,376)</b>	<b>(60,953)</b>	<b>70,040</b>		<b>47%</b>
<b>NON-OPERATING REVENUE (EXPENSE)</b>						
Interest income	503	22	93	(410)		18%
	<b>503</b>	<b>22</b>	<b>93</b>	<b>(410)</b>		<b>18%</b>
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	<b>(130,490)</b>	<b>(15,354)</b>	<b>(60,860)</b>	<b>69,630</b>		<b>47%</b>
<b>OTHER FINANCING SOURCES (USES)</b>						
Operating transfers in (Lottery)	125,000	-	-	(125,000)		0%
<b>NET INCOME (LOSS)</b>	<b>\$ (5,490)</b>	<b>\$ (15,354)</b>	<b>\$ (60,860)</b>	<b>\$ 55,370</b>		<b>1109%</b>

A-5

## Invoice



FELSBURG  
HOLT &  
ULLEVIG

connecting and enhancing communities

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

February 15, 2016  
Project No: 115453-02  
Invoice No: 16050

Mr. John Kottmann, PE  
City Engineer  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

Project 115453-02 Nebraska Multisport

Professional Services for the Period: December 29, 2015 to January 31, 2016

**Professional Personnel**

		Hours	Rate	Amount
Engineer V				
Meisinger, Mark		3.00	150.00	450.00
Engineer II				
Denney, Adam		1.50	100.00	150.00
Labor		4.50		600.00
<b>Total Labor</b>				<b>600.00</b>

**Reimbursable Expenses**

Mileage				
1/11/2016	Meisinger, Mark	scoping	6.48	
	<b>Total Reimbursables</b>		<b>6.48</b>	<b>6.48</b>

**In-House Units**

B&W Printing		35.0 B&W Prints @ 0.12	4.20	
Color Printing		1.0 Print @ 0.19	.19	
<b>Total In-House</b>			<b>4.39</b>	<b>4.39</b>

**TOTAL AMOUNT DUE** **\$610.87**

**Billed-To-Date Summary**

	Current	Prior	Total
Labor	600.00	0.00	600.00
Expense	6.48	0.00	6.48
In-House	4.39	0.00	4.39
<b>Totals</b>	<b>610.87</b>	<b>0.00</b>	<b>610.87</b>

O.K. to pay

JK 3-1-2016

05.71.0900.01

Consent Agenda 3/15/16 p6



**Management Education**  
Group, Inc.

A-6

**Invoice**

Date	Invoice #
02/27/2016	2016-06
Terms	Due Date
Net 30	03/28/2016

**Bill To:**

Mandy Garrod  
City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128

Amount Due	Enclosed
\$6,868.56	

Please detach top portion and return with your payment.

Date	Activity	Quantity	Rate	Amount
02/26/2016	Balance due for performance management consulting and training Per letter of agreement, dated October 21, 2014	0.25	20,800.00	5,200.00
02/27/2016	Painless Performance Evaluations books for books required beyond initial number in the letter of agreement	10	20.00	200.00
02/27/2016	Travel expenses Airfare: \$447.70 Hotel charges: \$617.95 Ground Transportation: \$45.00 Car rental: \$270.38 Meals: \$87.53	1	1,468.56	1,468.56

Contact: Marnie Green at 480-705-9394 or  
mgreen@managementeducationgroup.com

**Total:**

**\$6,868.56**

Remit to: Management Education Group, Inc.  
1211 North Dustin Lane  
Chandler, AZ 85226

Approved  
Karin Z. Sherry  
01-28-0314  
02-41-0314  
2-29-2016

Page 1 of 1 on 3/15/2016



**CITY OF PAPILLION**  
122 E 3rd St.

Papillion NE 68046  
Phone: 402-597-2024 Fax: 402-827-6614

**INVOICE**

Date	Number	Page
01/22/2016	2009120	1

**Bill To:** City of La Vista  
9900 Portal Rd  
Attn: Joe Soucie  
La Vista NE 68128

**Customer No.** 344  
**Contact:** Cindy Miserez  
**Terms:** Due Upon Receipt

Quantity	Description	Unit Price	Net Amount
1.0000	2016 Salt storage/fueling	50000.0000	50,000.00

Thank you!

Amount	50,000.00
Freight	
Balance Due	<u>50,000.00</u>

Consent Agenda 3/15/16 (D)

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
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1 BK NE CKG MAIN (600-873)

Thru 46416 Payroll Checks  
46418

Thru 46419 Gap in Checks  
120442

120443	3/02/2016	2705 ANDERSON EXCAVATING COMPANY		97,859.60		**MANUAL**
120444	3/02/2016	4090 SUCCESS FACTORS INCORPORATED		9,256.20		**MANUAL**
120445	3/08/2016	397 ACCREDITED COLLECTION SVC INC		162.08		**MANUAL**
120446	3/11/2016	156 CREDIT MANAGEMENT SVCS		7.68		**MANUAL**
120447	3/08/2016	4867 VAN RU CREDIT CORPORATION		52.91		**MANUAL**
120448	3/15/2016	762 ACTION BATTERIES UNLTD INC		29.94		**MANUAL**
120449	3/15/2016	571 ALAMAR UNIFORMS		.00	**CLEARED** **VOIDED**	
120450	3/15/2016	571 ALAMAR UNIFORMS		.00	**CLEARED** **VOIDED**	
120451	3/15/2016	571 ALAMAR UNIFORMS		.00	**CLEARED** **VOIDED**	
120452	3/15/2016	571 ALAMAR UNIFORMS		.00	**CLEARED** **VOIDED**	
120453	3/15/2016	571 ALAMAR UNIFORMS		.00	**CLEARED** **VOIDED**	
120454	3/15/2016	571 ALAMAR UNIFORMS		2,941.60		
120455	3/15/2016	680 ARBOR DAY FOUNDATION		15.00		
120456	3/15/2016	163 ARTHUR J GALLAGHER RISK		192,518.00		
120457	3/15/2016	188 ASPHALT & CONCRETE MATERIALS		1,779.30		
120458	3/15/2016	55 BADGER BODY		200.00		
120459	3/15/2016	201 BAKER & TAYLOR BOOKS		1,276.01		
120460	3/15/2016	2554 BARCAL, ROSE		66.44		
120461	3/15/2016	4037 BAXTER FORD 144TH & I-80		66.73		
120462	3/15/2016	4781 BISHOP BUSINESS EQUIPMENT		.00	**CLEARED** **VOIDED**	
120463	3/15/2016	4781 BISHOP BUSINESS EQUIPMENT		1,663.26		
120464	3/15/2016	196 BLACK HILLS ENERGY		1,604.23		
120465	3/15/2016	2757 BOBCAT OF OMAHA		668.38		
120466	3/15/2016	3760 BUETHE, PAM		91.80		
120467	3/15/2016	2625 CARDMEMBER SERVICE-ELAN		.00	**CLEARED** **VOIDED**	
120468	3/15/2016	2625 CARDMEMBER SERVICE-ELAN		.00	**CLEARED** **VOIDED**	
120469	3/15/2016	2625 CARDMEMBER SERVICE-ELAN		7,016.09		
120470	3/15/2016	4910 CAVENDISH SQUARE PUBLISHING		258.38		
120471	3/15/2016	2078 CAVLOVIC, PAT		139.74		
120472	3/15/2016	1370 CDW GOVERNMENT INC		6,852.37		
120473	3/15/2016	2285 CENTER POINT PUBLISHING		427.20		
120474	3/15/2016	219 CENTURY LINK		159.27		
120475	3/15/2016	29 CIACCIO ROOFING CORPORATION		336.42		
120476	3/15/2016	301 CITY OF PAPILLION		.00	**CLEARED** **VOIDED**	
120477	3/15/2016	301 CITY OF PAPILLION		.00	**CLEARED** **VOIDED**	
120478	3/15/2016	301 CITY OF PAPILLION		8,735.35		
120479	3/15/2016	4615 CONSOLIDATED MANAGEMENT		23.25		
120480	3/15/2016	707 CULLIGAN OF OMAHA		5.00		
120481	3/15/2016	4981 DATASHIELD CORPORATION		19.05		
120482	3/15/2016	3132 DEARBORN NATIONAL LIFE INS CO		.00	**CLEARED** **VOIDED**	
120483	3/15/2016	3132 DEARBORN NATIONAL LIFE INS CO		5,191.01		
120484	3/15/2016	954 DHHS REG/LIC-POOL PERMIT		40.00		
120485	3/15/2016	77 DIAMOND VOGEL PAINTS		297.72		

APCHCKRP  
10.30.14

Thu Mar 10, 2016 4:07 PM

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

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OPER: AKH

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BANK NO CHECK NO	BANK NAME DATE	VENDOR NO VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
120486	3/15/2016	3193 ED ROEHR SAFETY PRODUCTS CO	9,322.00			
120487	3/15/2016	4663 EN POINTE TECHNOLOGIES SALES	196.47			
120488	3/15/2016	726 ENCYCLOPAEDIA BRITANNICA INC	800.00			
120489	3/15/2016	3310 FBINAA-FBI NATL ACAD ASSOCS	300.00			
120490	3/15/2016	1235 FEDEX KINKO'S	72.90			
120491	3/15/2016	1245 FILTER CARE	48.20			
120492	3/15/2016	399 JEANNIE FINKE	100.00			
120493	3/15/2016	142 FITZGERALD SCHORR BARMETTLER	.00	**CLEARED**	**VOIDED**	
120494	3/15/2016	142 FITZGERALD SCHORR BARMETTLER	36,863.10			
120495	3/15/2016	1344 GALE	289.38			
120496	3/15/2016	53 GCR TIRES & SERVICE	488.52			
120497	3/15/2016	3656 GENERAL FIRE & SAFETY EQUIP CO	440.00			
120498	3/15/2016	966 GENUINE PARTS COMPANY-OMAHA	.00	**CLEARED**	**VOIDED**	
120499	3/15/2016	966 GENUINE PARTS COMPANY-OMAHA	1,291.28			
120500	3/15/2016	403 MATTHEW JOHN GOLT	1,550.00			
120501	3/15/2016	285 GRAYBAR ELECTRIC COMPANY INC	578.76			
120502	3/15/2016	625 H W WILSON COMPANY INC	345.00			
120503	3/15/2016	2888 HOME DEPOT CREDIT SERVICES	83.63			
120504	3/15/2016	3477 HSMC ORIZON LLC	10,602.83			
120505	3/15/2016	2323 INGRAM LIBRARY SERVICES	474.33			
120506	3/15/2016	162 INLAND TRUCK PARTS	101.17			
120507	3/15/2016	84 LARRY'S BOILER SERVICE	2,396.31			
120508	3/15/2016	346 MAX I WALKER UNIFORM RENTAL	.00	**CLEARED**	**VOIDED**	
120509	3/15/2016	346 MAX I WALKER UNIFORM RENTAL	485.32			
120510	3/15/2016	4943 MENARDS-RALSTON	1,347.64			
120511	3/15/2016	553 METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
120512	3/15/2016	553 METROPOLITAN UTILITIES DIST.	1,744.62			
120513	3/15/2016	2299 MIDWEST TAPE	219.95			
120514	3/15/2016	1071 NE DEPT OF LABOR	198.00			
120515	3/15/2016	1805 NEBRASKA CONCRETE & AGGREGATES	290.00			
120516	3/15/2016	370 NEBRASKA LAW ENFORCEMENT	285.00			
120517	3/15/2016	132 NEBRASKA SALT & GRAIN COMPANY	6,900.31			
120518	3/15/2016	3924 NEW YORK TIMES	488.80			
120519	3/15/2016	179 NUTS AND BOLTS INCORPORATED	16.08			
120520	3/15/2016	1968 O'KEEFE ELEVATOR COMPANY INC	50.91			
120521	3/15/2016	1014 OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
120522	3/15/2016	1014 OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
120523	3/15/2016	1014 OFFICE DEPOT INC	.00	**CLEARED**	**VOIDED**	
120524	3/15/2016	1014 OFFICE DEPOT INC	919.63			
120525	3/15/2016	195 OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
120526	3/15/2016	195 OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
120527	3/15/2016	195 OMAHA PUBLIC POWER DISTRICT	82,916.83			
120528	3/15/2016	109 OMNIGRAPHICS INC	364.95			
120529	3/15/2016	3039 PAPILLION SANITATION	935.34			
120530	3/15/2016	4654 PAYFLEX SYSTEMS USA INC	276.30			
120531	3/15/2016	1821 PETTY CASH-PAM BUETHE	266.94			
120532	3/15/2016	1784 PLAINS EQUIPMENT GROUP	291.04			
120533	3/15/2016	3743 PROGRESSIVE BUSINESS	175.00			
120534	3/15/2016	3362 PUBLIC AGENCY TRAINING COUNCIL	2,950.00			
120535	3/15/2016	172 QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
120536	3/15/2016	172 QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
120537	3/15/2016	172 QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	
120538	3/15/2016	172 QP ACE HARDWARE	.00	**CLEARED**	**VOIDED**	

APCHCKRP  
10.30.14

Thu Mar 10, 2016 4:07 PM

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

OPER: AKH

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BANK NO CHECK NO	BANK NAME DATE	VENDOR NO VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
120539	3/15/2016	172 QP ACE HARDWARE	1,139.68	APPROVED BY COUNCIL MEMBERS		
120540	3/15/2016	3880 REMINGTON ARMS CO LLC	450.00	3/15/16		
120541	3/15/2016	4411 SAFARILAND LLC	450.00			
120542	3/15/2016	292 SAM'S CLUB	114.92			
120543	3/15/2016	150 SARPY COUNTY TREASURER	2,500.00			
120544	3/15/2016	369 SECAP FINANCE	526.71			
120545	3/15/2016	461 SIMPLEX GRINNELL LP	446.78			
120546	3/15/2016	115 SIRCHIE FINGER PRINT LABS	163.41			
120547	3/15/2016	3838 SPRINT	643.40			
120548	3/15/2016	4601 TIGHTON FASTENER & SUPPLY INC	76.50	COUNCIL MEMBER		
120549	3/15/2016	386 TRAFFIC CONTROL CORPORATION	4,200.00			
120550	3/15/2016	1122 TURF CARS LTD	163.54			
120551	3/15/2016	4979 UNITE PRIVATE NETWORKS LLC	3,850.00			
120552	3/15/2016	766 VIERREGGER ELECTRIC COMPANY	689.75			
120553	3/15/2016	968 WICK'S STERLING TRUCKS INC	520.40			

2624601  
Thru 2640101

## Payroll Checks

1260774	3/11/2016	5017 EFTPS	65,323.52	**E-PAY**
1260775	3/11/2016	5018 NE STATE INCOME TAX	9,594.06	**E-PAY**
1260776	3/11/2016	5019 ICMA PAYROLL	34,290.30	**E-PAY**
1260777	3/11/2016	5020 NE CHILD SUPPORT PAYMENT CTR	966.08	**E-PAY**
1260778	3/11/2016	5023 LFOP DUES	1,220.00	**E-PAY**
1260779	3/11/2016	5024 POLICE INSURANCE	261.89	**E-PAY**
1260780	3/11/2016	5025 529 CSP	50.00	**E-PAY**

BANK TOTAL	634,867.49
OUTSTANDING	634,867.49
CLEARED	.00
VOIDED	.00

FUND	TOTAL	OUTSTANDING	CLEARED	VOIDED
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01 GENERAL FUND	493,838.84	493,838.84	.00	.00
02 SEWER FUND	25,441.99	25,441.99	.00	.00
05 CONSTRUCTION	105,076.08	105,076.08	.00	.00
08 LOTTERY FUND	5,223.64	5,223.64	.00	.00
09 GOLF COURSE FUND	4,437.69	4,437.69	.00	.00
15 OFF-STREET PARKING	849.25	849.25	.00	.00

REPORT TOTAL	634,867.49
OUTSTANDING	634,867.49
CLEARED	.00
VOIDED	.00

+Gross Payroll 3/11/16	358,520.64
-Payroll ACH Payments	<u>111,705.85</u>
GRAND TOTAL	<u>\$881,682.28</u>

COUNCIL MEMBER

COUNCIL MEMBER

ITEM B

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
FY 2014/2015 AUDIT REPORT — BKD, LLP	◆ RESOLUTION ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared to accept the audit for the twelve months ending September 30, 2015. The Council will also be accepting the audit for the Economic Development Fund – LB840.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The certified public accountants, BKD, LLP have submitted to the City their *Accountants' Report and General Purpose Financial Statement*. The audit states that the City's financial statements were tested and disclosed no instances of noncompliance with *Government Auditing Standards*.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA,  
NEBRASKA APPROVING THE FISCAL YEAR 2014-2015 MUNICIPAL AUDIT AS PREPARED  
BY THE AUDITING FIRM OF BKD, LLP, OMAHA, NEBRASKA.**

**WHEREAS, the City of La Vista has contracted with the firm of BKD, LLP, Omaha, Nebraska, to complete an audit of the City's fiscal year 2014-2015 municipal operations; and**

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

**NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska,  
that the 2014-2015 municipal audit is hereby accepted and approved.**

**PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016.**

**CITY OF LA VISTA**

---

**Douglas Kindig, Mayor**

**ATTEST:**

---

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

# **City of La Vista, Nebraska**

Independent Auditor's Reports and Financial Statements

September 30, 2015



# City of La Vista, Nebraska

September 30, 2015

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## Independent Auditor's Report

The Mayor and City Council  
City of La Vista, Nebraska

### Report on the Financial Statements

We have audited the accompanying basic financial statements of the governmental activities, the business-type activities and each major fund of the City of La Vista, Nebraska (the City), as of and for the year ended September 30, 2015 and the related notes to the basic financial statements, which collectively comprise the City's basic financial statements listed in the table of contents.

#### *Management's Responsibility for the Financial Statements*

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

#### *Auditor's Responsibility*

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

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

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

### ***Opinions***

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities and each major fund of the City of La Vista, Nebraska as of September 30, 2015, and the respective changes in financial position and cash flows, where applicable, thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### ***Other Matters***

#### ***Required Supplementary Information***

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

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

#### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated March 10, 2016, on our consideration of the City's internal control over financial reporting and our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements and other matters.

The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City's internal control over financial reporting and compliance.

***BKD, LLP***

Omaha, Nebraska  
March 10, 2016

# City of La Vista, Nebraska

## Statement of Net Position

September 30, 2015

	Governmental Activities	Business-type Activities	Total
<b>Assets</b>			
Cash and cash equivalents	\$ 10,637,230	\$ 685,208	\$ 11,322,438
Cash at County Treasurer	79,515	-	79,515
Certificates of deposit	3,604,825	250,441	3,855,266
Investments	3,360,500	-	3,360,500
Receivables	19,190,143	407,508	19,597,651
Due from other funds	-	892,732	892,732
Prepaid expenses	263,575	-	263,575
Capital assets			
Nondepreciable	14,619,245	9,524	14,628,769
Depreciable, net	<u>40,112,672</u>	<u>5,622,690</u>	<u>45,735,362</u>
Total assets	<u>91,867,705</u>	<u>7,868,103</u>	<u>99,735,808</u>
<b>Deferred Outflows of Resources</b>			
Deferred charge on refunding	<u>628,860</u>	<u>-</u>	<u>628,860</u>
<b>Liabilities</b>			
Accounts payable	1,089,467	521,407	1,610,874
Due to other funds	892,732	-	892,732
Accrued expenses	1,299,725	412,317	1,712,042
Sales tax refunds payable	2,191,775	-	2,191,775
Compensated absences			
Payable within one year	1,100,000	90,000	1,190,000
Payable in more than one year	167,252	16,568	183,820
Notes payable			
Due within one year	36,795	14,316	51,111
Due in more than one year	112,897	-	112,897
Bonds payable			
Due within one year	4,015,000	-	4,015,000
Due in more than one year	<u>45,077,459</u>	<u>-</u>	<u>45,077,459</u>
Total liabilities	<u>55,983,102</u>	<u>1,054,608</u>	<u>57,037,710</u>
<b>Net Position</b>			
Net investment in capital assets	22,643,751	5,613,220	28,256,971
Restricted for community development	1,848,042	-	1,848,042
Restricted for community betterment	1,655,971	-	1,655,971
Unrestricted	<u>10,365,699</u>	<u>1,200,275</u>	<u>11,565,974</u>
Total net position	<u>\$ 36,513,463</u>	<u>\$ 6,813,495</u>	<u>\$ 43,326,958</u>

**City of La Vista, Nebraska**  
**Statement of Activities**  
**Year Ended September 30, 2015**

	Expenses	Program Revenues			Net Revenues (Expenses) and Changes in Net Position		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total
<b>Primary Government</b>							
Governmental activities							
General government	\$ 3,042,745	\$ 663,837	\$ 502,110	\$ -	\$ (1,876,798)	\$ -	\$ (1,876,798)
Public safety	6,369,785	-	310,441	-	(6,059,344)	-	(6,059,344)
Public works	3,710,503	-	1,550,192	718,596	(1,441,715)	-	(1,441,715)
Culture and recreation	2,641,524	283,575	-	-	(2,357,949)	-	(2,357,949)
Community betterment	471,751	1,389,381	-	-	917,630	-	917,630
Community development	579,238	-	-	-	(579,238)	-	(579,238)
Interest on long-term debt	2,275,121	-	-	-	(2,275,121)	-	(2,275,121)
Total governmental activities	19,090,667	2,336,793	2,362,743	718,596	(13,672,535)	-	(13,672,535)
Business-type activities							
Sewer	3,021,293	2,979,124	22,918	-	-	(19,251)	(19,251)
Golf	367,118	248,149	-	-	-	(118,969)	(118,969)
Total business-type activities	3,388,411	3,227,273	22,918	-	-	(138,220)	(138,220)
<b>Total Primary Government</b>	<b>\$ 22,479,078</b>	<b>\$ 5,564,066</b>	<b>\$ 2,385,661</b>	<b>\$ 718,596</b>	<b>(13,672,535)</b>	<b>(138,220)</b>	<b>(13,810,755)</b>
<b>General Revenues</b>							
Property taxes				6,878,134	-	6,878,134	
Sales and use taxes				7,722,672	-	7,722,672	
Occupation taxes				1,821,521	-	1,821,521	
Motor vehicle taxes				402,999	-	402,999	
Interest income				1,481,807	4,033	1,485,840	
Miscellaneous				1,225,768	-	1,225,768	
Sales tax refunds				(2,325,035)	-	(2,325,035)	
Transfers				(131,575)	131,575	-	
Total general revenues and transfers				<b>17,076,291</b>	<b>135,608</b>	<b>17,211,899</b>	
<b>Change in Net Position</b>				<b>3,403,756</b>	<b>(2,612)</b>	<b>3,401,144</b>	
<b>Net Position, Beginning of Year</b>				<b>33,109,707</b>	<b>6,816,107</b>	<b>39,925,814</b>	
<b>Net Position, End of Year</b>				<b>\$ 36,513,463</b>	<b>\$ 6,813,495</b>	<b>\$ 43,326,958</b>	

**City of La Vista, Nebraska**  
**Balance Sheet –**  
**Governmental Funds**  
**September 30, 2015**

	<b>General Fund</b>	<b>Debt Service Fund</b>	<b>Keno Fund</b>	<b>Capital Improvements Fund</b>	<b>Economic Development Fund</b>	<b>84th Street Redevelopment Fund</b>	<b>Total Governmental Funds</b>
<b>Assets</b>							
Cash and cash equivalents	\$ 2,800,119	\$ 5,378,351	\$ 527,800	\$ 201,026	\$ 236,134	\$ 1,493,800	\$ 10,637,230
Cash at County Treasurer	74,649	4,866	-	-	-	-	79,515
Certificates of deposit	2,753,501	-	851,324	-	-	-	3,604,825
Investments	2,508,885	35,270	816,345	-	-	-	3,360,500
Due from other funds	266,596	-	-	275,902	-	-	542,498
Receivables	1,582,590	1,027,021	116,080	-	16,107,335	357,117	19,190,143
Prepaid expenses	263,575	-	-	-	-	-	263,575
<b>Total assets</b>	<b>\$ 10,249,915</b>	<b>\$ 6,445,508</b>	<b>\$ 2,311,549</b>	<b>\$ 476,928</b>	<b>\$ 16,343,469</b>	<b>\$ 1,850,917</b>	<b>\$ 37,678,286</b>
<b>Liabilities</b>							
Accounts payable	\$ 680,828	\$ 9,352	\$ 155,853	\$ 240,559	\$ -	\$ 2,875	\$ 1,089,467
Accrued expenses	348,000	347	87,568	-	-	-	435,915
Due to other funds	-	1,023,073	412,157	-	-	-	1,435,230
<b>Total liabilities</b>	<b>1,028,828</b>	<b>1,032,772</b>	<b>655,578</b>	<b>240,559</b>	<b>-</b>	<b>2,875</b>	<b>2,960,612</b>
<b>Deferred Inflows of Resources</b>							
Unavailable revenues	59,153	666,241	10,000	-	-	-	735,394
<b>Fund Balances</b>							
Nonspendable	263,575	-	-	-	-	-	263,575
Restricted for:							
Debt service	-	4,746,495	-	-	-	-	4,746,495
Community betterment	-	-	1,645,971	-	-	-	1,645,971
Economic development	-	-	-	-	16,343,469	-	16,343,469
84th street redevelopment	-	-	-	-	-	1,848,042	1,848,042
Committed for:							
Capital improvements	-	-	-	236,369	-	-	236,369
Unassigned	8,898,359	-	-	-	-	-	8,898,359
<b>Total fund balances</b>	<b>9,161,934</b>	<b>4,746,495</b>	<b>1,645,971</b>	<b>236,369</b>	<b>16,343,469</b>	<b>1,848,042</b>	<b>33,982,280</b>
<b>Total liabilities, deferred inflows and fund balances</b>	<b>\$ 10,249,915</b>	<b>\$ 6,445,508</b>	<b>\$ 2,311,549</b>	<b>\$ 476,928</b>	<b>\$ 16,343,469</b>	<b>\$ 1,850,917</b>	<b>\$ 37,678,286</b>

**City of La Vista, Nebraska**  
**Reconciliation of the Balance Sheet**  
**of Governmental Funds to the**  
**Statement of Net Position**  
**September 30, 2015**

<b>Total Fund Balances - Total Governmental Funds</b>	\$ 33,982,280
<p>Amounts reported for governmental activities in the statement of net position are different because:</p>	
Capital assets, net of accumulated depreciation used in governmental activities, are not financial resources and, therefore, are not reported in the funds.	54,731,917
Long-term liabilities, including bonds payable, are not due and payable in the current period and, therefore, are not reported in the funds. Other related amounts include interest payable of \$814,234, bond premiums of \$147,459 and deferred charges on refunding of \$628,860.	(49,477,101)
Compensated absences are not due and payable in the current period and, therefore, are not reported in the funds.	(1,267,252)
Sales tax refunds payable are not due and payable in the current period and, therefore, are not reported in the funds.	(2,191,775)
Deferred inflows represents funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds.	<u>735,394</u>
<b>Net Position of Governmental Activities</b>	<u><u>\$ 36,513,463</u></u>

**City of La Vista, Nebraska**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances –**  
**Governmental Funds**  
**Year Ended September 30, 2015**

	General Fund	Debt Service Fund	Keno Fund	Capital Improvements Fund	Economic Development Fund	84th Street Redevelopment Fund	Total
<b>Revenues</b>							
Property tax	\$ 6,115,724	\$ 796,599	\$ -	\$ -	\$ -	\$ -	\$ 6,912,323
Sales and use tax	3,861,955	1,930,056	-	-	-	1,930,661	7,722,672
Occupation tax	1,821,521	-	-	-	-	-	1,821,521
Motor vehicle tax	400,846	2,153	-	-	-	-	402,999
Licenses and permits	663,837	-	-	-	-	-	663,837
Intergovernmental	2,497,144	-	-	580,471	-	-	3,077,615
Charges for services	283,575	-	-	-	-	-	283,575
Keno	-	-	1,389,381	-	-	-	1,389,381
Interest income	16,635	303,721	4,108	125	1,187,535	1,362	1,513,486
Special assessments	-	731,673	-	-	-	-	731,673
Miscellaneous	242,289	869,294	19,935	75,000	-	-	1,206,518
Total revenues	<u>15,903,526</u>	<u>4,633,496</u>	<u>1,413,424</u>	<u>655,596</u>	<u>1,187,535</u>	<u>1,932,023</u>	<u>25,725,600</u>
<b>Expenditures</b>							
Current							
General government	2,353,972	356,436	27,962	-	-	-	2,738,370
Public works	2,109,913	-	-	-	-	-	2,109,913
Public safety	5,726,842	-	-	-	-	-	5,726,842
Culture and recreation	2,305,979	-	-	-	-	-	2,305,979
Community betterment	-	-	471,751	-	-	-	471,751
Community development	553,337	-	-	-	-	25,901	579,238
State sales tax refunds	116,160	58,080	-	-	-	58,080	232,320
Capital outlay	373,628	-	-	2,276,814	-	-	2,650,442
Debt service							
Principal retirement	-	13,342,623	-	-	645,000	-	13,987,623
Interest	-	925,891	-	-	1,353,854	-	2,279,745
Total expenditures	<u>13,539,831</u>	<u>14,683,030</u>	<u>499,713</u>	<u>2,276,814</u>	<u>1,998,854</u>	<u>83,981</u>	<u>33,082,223</u>
<b>Excess (Deficiency) of Revenues</b>							
Over (Under) Expenditures	<u>2,363,695</u>	<u>(10,049,534)</u>	<u>913,711</u>	<u>(1,621,218)</u>	<u>(811,319)</u>	<u>1,848,042</u>	<u>(7,356,623)</u>
<b>Other Financing Sources (Uses)</b>							
Proceeds from refunding of bonds payable	-	11,035,000	-	-	-	-	11,035,000
Proceeds from bond premium	-	132,398	-	-	-	-	132,398
Transfers	(1,396,076)	15,834	(484,686)	1,155,484	600,000	-	(109,444)
Total other financing sources (uses)	<u>(1,396,076)</u>	<u>11,183,232</u>	<u>(484,686)</u>	<u>1,155,484</u>	<u>600,000</u>	<u>-</u>	<u>11,057,954</u>
<b>Net Change in Fund Balances</b>							
<b>Fund Balances, Beginning of Year</b>	<b>8,194,315</b>	<b>3,612,797</b>	<b>1,216,946</b>	<b>702,103</b>	<b>16,554,788</b>	<b>-</b>	<b>30,280,949</b>
<b>Fund Balances, End of Year</b>	<b>\$ 9,161,934</b>	<b>\$ 4,746,495</b>	<b>\$ 1,645,971</b>	<b>\$ 236,369</b>	<b>\$ 16,343,469</b>	<b>\$ 1,848,042</b>	<b>\$ 33,982,280</b>

## City of La Vista, Nebraska

### Reconciliation of the Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds to the Changes in Net Position of Governmental Activities

Year Ended September 30, 2015

<b>Net Change in Fund Balances - Total Governmental Funds</b>	<b>\$ 3,701,331</b>
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Amounts reported for governmental activities in the statement of activities are different because:

Governmental funds report capital outlays as expenditures. However, in the statement of activities, the cost of those assets is allocated over their useful lives as depreciation expense. This is the amount by which depreciation exceeded capital outlay in the current period. (201,616)

The issuance of long-term debt provides current financial resources to governmental funds, but increases long-term liabilities in the statement of net position. Also, governmental funds report the effect of premiums, discounts and similar items when the debt is first issued, whereas these amounts are deferred and amortized in the statement of activities. (11,104,192)

Repayment of bond, note and warrant principal is an expenditure in the governmental funds, but the repayment reduces long-term liabilities in the statement of net position. 13,987,623

In the statement of activities, interest is accrued on outstanding bonds and warrants, whereas in governmental funds, an interest expenditure is reported when due. 4,624

Compensated absences do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. (116,732)

Sales tax refunds do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds until the refunds are paid. This is the amount by which refunds accrued in the statement of activities exceed payments made in the governmental funds. (2,092,715)

Deferred inflows represent funds not available in the current period and, therefore, are not recognized as revenue in the governmental funds. (774,567)

<b>Change in Net Position of Governmental Activities</b>	<b>\$ 3,403,756</b>
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# City of La Vista, Nebraska

## Balance Sheet – Proprietary Funds September 30, 2015

	Golf Fund	Sewer Fund	Total
<b>Assets</b>			
<b>Current Assets</b>			
Cash and cash equivalents	\$ 309,279	\$ 375,929	\$ 685,208
Certificates of deposit	-	250,441	250,441
Accounts receivable	-	407,508	407,508
Due from other funds	-	899,162	899,162
 Total current assets	 309,279	 1,933,040	 2,242,319
<b>Non-Current Assets</b>			
Land	-	9,524	9,524
Equipment and furniture	195,489	1,192,969	1,388,458
Utility systems	-	7,697,042	7,697,042
Vehicles	108,643	378,062	486,705
Buildings and improvements	1,623,903	9,365	1,633,268
Accumulated depreciation	(1,525,905)	(4,056,878)	(5,582,783)
 Capital assets - net of depreciation	 402,130	 5,230,084	 5,632,214
 Total assets	 \$ 711,409	 \$ 7,163,124	 \$ 7,874,533
<b>Liabilities and Net Position</b>			
<b>Current Liabilities</b>			
Accounts payable	\$ 16,000	\$ 505,407	\$ 521,407
Accrued expenses	9,188	403,129	412,317
Due to other funds	6,430	-	6,430
Compensated absences - current portion	8,921	81,079	90,000
Notes payable - current portion	-	14,316	14,316
 Total current liabilities	 40,539	 1,003,931	 1,044,470
<b>Non-Current Liabilities</b>			
Compensated absences	1,546	15,022	16,568
 Total non-current liabilities	 1,546	 15,022	 16,568
<b>Net Position</b>			
Net investment in capital assets	397,452	5,215,768	5,613,220
Unrestricted	271,872	928,403	1,200,275
 Total net position	 669,324	 6,144,171	 6,813,495
 Total liabilities and net position	 \$ 711,409	 \$ 7,163,124	 \$ 7,874,533

**City of La Vista, Nebraska**  
**Statement of Revenues, Expenses, and Changes in Net Position –**  
**Proprietary Funds**  
**Year Ended September 30, 2015**

	<b>Golf Fund</b>	<b>Sewer Fund</b>	<b>Total</b>
<b>Operating Revenues</b>			
User fees	\$ 205,570	\$ 2,800,098	\$ 3,005,668
Permits and hookups	-	179,026	179,026
Grant income	-	22,918	22,918
Merchandise sales	40,810	-	40,810
Other revenue	1,769	-	1,769
Total operating revenues	<u>248,149</u>	<u>3,002,042</u>	<u>3,250,191</u>
<b>Operating Expenses</b>			
General and administrative	95,613	541,750	637,363
Cost of merchandise sold	24,080	-	24,080
Maintenance	176,332	2,250,466	2,426,798
Depreciation and amortization	71,093	228,015	299,108
Total operating expenses	<u>367,118</u>	<u>3,020,231</u>	<u>3,387,349</u>
<b>Operating Loss</b>	<u>(118,969)</u>	<u>(18,189)</u>	<u>(137,158)</u>
<b>Nonoperating Revenues (Expenses)</b>			
Interest income	214	3,819	4,033
Interest on notes payable	-	(1,062)	(1,062)
Total nonoperating revenues (expenses)	<u>214</u>	<u>2,757</u>	<u>2,971</u>
<b>Loss Before Transfers and Capital Contributions</b>	<u>(118,755)</u>	<u>(15,432)</u>	<u>(134,187)</u>
<b>Capital Contributions</b>	<u>-</u>	<u>22,131</u>	<u>22,131</u>
<b>Operating Transfers</b>	<u>125,000</u>	<u>(15,556)</u>	<u>109,444</u>
<b>Change in Net Position</b>	<u>6,245</u>	<u>(8,857)</u>	<u>(2,612)</u>
<b>Net Position, Beginning of Year</b>	<u>663,079</u>	<u>6,153,028</u>	<u>6,816,107</u>
<b>Net Position, End of Year</b>	<u><b>\$ 669,324</b></u>	<u><b>\$ 6,144,171</b></u>	<u><b>\$ 6,813,495</b></u>

# City of La Vista, Nebraska

## Statement of Cash Flows – Proprietary Funds September 30, 2015

	Golf Fund	Sewer Fund	Total
<b>Cash Flows from Operating Activities</b>			
Receipts from customers	\$ 248,149	\$ 2,864,656	\$ 3,112,805
Payments to suppliers	(96,090)	(1,716,286)	(1,812,376)
Payments to employees	(193,477)	(732,735)	(926,212)
Grant income	<u>—</u>	<u>22,918</u>	<u>22,918</u>
Net cash provided by (used in) operating activities	<u>(41,418)</u>	<u>438,553</u>	<u>397,135</u>
<b>Cash Flows from Noncapital Financing Activities</b>			
Transfers	125,000	(15,556)	109,444
Net borrowings between funds	<u>6,430</u>	<u>(899,162)</u>	<u>(892,732)</u>
Net cash provided by (used in) noncapital financing activities	<u>131,430</u>	<u>(914,718)</u>	<u>(783,288)</u>
<b>Cash Flows from Capital and Related Financing Activities</b>			
Acquisition of capital assets	(5,472)	(57,009)	(62,481)
Principal paid on notes	<u>—</u>	<u>(33,346)</u>	<u>(33,346)</u>
Interest paid on notes	<u>(1,987)</u>	<u>(1,062)</u>	<u>(3,049)</u>
Net cash used in capital and related financing activities	<u>(7,459)</u>	<u>(91,417)</u>	<u>(98,876)</u>
<b>Cash Flows from Investing Activities</b>			
Proceeds from sales and maturities of investments	<u>—</u>	<u>750,000</u>	<u>750,000</u>
Interest income	<u>214</u>	<u>4,607</u>	<u>4,821</u>
Net cash provided by investing activities	<u>214</u>	<u>754,607</u>	<u>754,821</u>
<b>Net Increase in Cash and Cash Equivalents</b>	<b>82,767</b>	<b>187,025</b>	<b>269,792</b>
<b>Cash and Cash Equivalents, Beginning of Year</b>	<b>226,512</b>	<b>188,904</b>	<b>415,416</b>
<b>Cash and Cash Equivalents, End of Year</b>	<b><u>\$ 309,279</u></b>	<b><u>\$ 375,929</u></b>	<b><u>\$ 685,208</u></b>
<b>Reconciliation of Operating Loss to Net Cash Provided by (Used in) Operating Activities</b>			
Operating loss	\$ (118,969)	\$ (18,189)	\$ (137,158)
Adjustments to reconcile operating loss to net cash provided by (used in) operating activities:			
Depreciation and amortization	71,093	228,015	299,108
Increase in receivables	<u>—</u>	<u>(114,468)</u>	<u>(114,468)</u>
Decrease in prepaid expenses	1,478	7,652	9,130
Increase in payables and accrued expenses	<u>4,980</u>	<u>335,543</u>	<u>340,523</u>
<b>Net Cash Provided by (Used in) Operating Activities</b>	<b><u>\$ (41,418)</u></b>	<b><u>\$ 438,553</u></b>	<b><u>\$ 397,135</u></b>

# **City of La Vista, Nebraska**

## **Notes to Financial Statements**

**September 30, 2015**

### **Note 1: Summary of Significant Accounting Policies**

#### ***Introduction***

The accounting and reporting framework and the more significant accounting principles and practices of the City of La Vista, Nebraska (the “City”) are discussed in the subsequent section of this Note. The remainder of the Notes are organized to provide explanations, including required disclosures, of the City’s financial activities for the fiscal year ended September 30, 2015.

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

#### ***Financial Reporting Entity***

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

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

#### ***Measurement Focus, Basis of Accounting and Financial Statement Presentation***

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

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

# **City of La Vista, Nebraska**

## **Notes to Financial Statements**

**September 30, 2015**

### **Note 1: Summary of Significant Accounting Policies - Continued**

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

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

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

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

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

#### ***Basis of Presentation***

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

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

# **City of La Vista, Nebraska**

## **Notes to Financial Statements**

**September 30, 2015**

### **Note 1: Summary of Significant Accounting Policies - Continued**

#### ***Basis of Presentation - Continued***

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

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

#### ***Fund Types and Major Funds***

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

The City reports the following major governmental funds:

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

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

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

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

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

## **City of La Vista, Nebraska**

### **Notes to Financial Statements**

**September 30, 2015**

#### **Note 1: Summary of Significant Accounting Policies - Continued**

##### ***Fund Types and Major Funds - Continued***

84<sup>th</sup> Street Redevelopment Fund is used to account for revenues and expenditures to support the redevelopment of the 84<sup>th</sup> Street corridor between Harrison Street and Giles Street to improve the economic viability of a town center and central park. A voter approved sales tax levy provides the revenue for this fund.

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

The City reports the following major proprietary funds:

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

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

##### ***Cash and Investments***

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

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

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

##### ***Special Assessments***

Special assessments are recorded as revenue in the year the assessments become current. Annual installments not yet due are reflected as special assessments receivables and deferred revenues.

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 1: Summary of Significant Accounting Policies - Continued**

***Unbilled Sewer Revenue***

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

***Capital Assets and Depreciation***

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

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

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

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

***Deferred Outflows/Inflows of Resources***

In addition to assets, the statement of financial position or balance sheet will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to future periods and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City has one item that qualifies for reporting in this category, the deferred charge on refunding reported in the government-wide statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

# **City of La Vista, Nebraska**

## **Notes to Financial Statements**

**September 30, 2015**

### **Note 1: Summary of Significant Accounting Policies - Continued**

#### ***Deferred Outflows/Inflows of Resources - Continued***

In addition to liabilities, the statement of financial position or balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period and so will not be recognized as an inflow of resources (revenue) until that time. The City has one item, which arises only under a modified accrual basis of accounting, that qualifies for reporting in this category and is reported in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes, special assessments, and grants that are deferred and recognized as an inflow of resources in the period that the amounts become available.

#### ***Long-Term Obligations***

In government-wide and proprietary fund financial statements, long-term debt and other long-term obligations are reported as liabilities. Bond discounts or premiums are amortized over the terms of the respective bonds using a method that approximates the effective interest method.

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

#### ***Compensated Absences***

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

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

# **City of La Vista, Nebraska**

## **Notes to Financial Statements**

**September 30, 2015**

### **Note 1: Summary of Significant Accounting Policies - Continued**

#### ***Sales Tax Refunds Payable***

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

#### ***Net Position***

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

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

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

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

#### ***Fund Balance Classification***

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

*Nonspendable* – Nonspendable fund balances are not in a spendable form or are required to be maintained intact.

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

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 1: Summary of Significant Accounting Policies - Continued**

***Fund Balance Classification - Continued***

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

*Assigned* – Assigned fund balances are intended to be used by the City for specific purposes as determined by management. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be used for the purpose of that fund. At September 30, 2015, the City did not have any assigned funds.

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

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

***Use of Estimates***

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

***Implementation of New Accounting Principle***

In 2015, the City implemented the provisions of GASB Statement No. 68, *Accounting and Financial Reporting for Pensions – an amendment of GASB Statement No. 27*. This standard established accounting and financial reporting standards that improve accounting and financial reporting by state and local governments providing useful information and providing additional transparency. This standard modified Note 10 of the financial statements, but did not have a significant impact on the City's financial statements.

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 2: Budget and Budgetary Accounting**

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

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

**Note 3: Deposits and Investments**

***Deposits***

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

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

At September 30, 2015, all of the City's deposits in excess of FDIC limits are covered by collateral held in a Federal Reserve pledge account or by an agent of the City.

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 3: Deposits and Investments - Continued**

***Investments***

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

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

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

*Credit Risk* – Credit risk is the risk that the issuer or other counterparty to an investment will not fulfill its obligations. The City's only investments are units of participation in the short-term investment pool of the Nebraska Public Agency Investment Trust ("NPAIT"). NPAIT is a special purpose government established under Nebraska statute. The investment pool or trust is not registered and is not rated for credit risk. The City limits its interest rate risk by investing only in the short-term pool, which consists primarily of government agency or government securitized investments with maturities of less than one year. The amount invested in the NPAIT pool was \$3,360,500 at September 30, 2015.

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

***Summary of Carrying Values***

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

<b>Carrying Values</b>	
Cash at County Treasurer	\$ 79,515
Deposits	15,177,704
Investments	<u>3,360,500</u>
	<u><u>\$ 18,617,719</u></u>

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 3: Deposits and Investments - Continued**

***Summary of Carrying Values - Continued***

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

Cash and cash equivalents	\$ 11,322,438
Cash at Country Treasurer	79,515
Certificates of deposit	3,855,266
Investments	<u>3,360,500</u>
	<u><u>\$ 18,617,719</u></u>

**Note 4: Property Taxes**

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

The tax rate to finance governmental services other than the payment of principal and interest on long-term debt for the year ended September 30, 2015, was \$0.4900 per \$100 of assessed valuation and the debt service requirement was \$0.0600 per \$100 of assessed valuation. The assessed valuation for the 2014-2015 tax year was \$1,269,085,286.

**Note 5: Receivables**

Receivables at September 30, 2015, consist of the following:

Fund	Taxes	Accounts Receivable	Special Assessments	Interest	Note Receivable	Gross Receivables	Allowance for Uncollectibles	Net Receivables
General	\$ 793,287	\$ 789,303	\$ -	\$ -	\$ -	\$ 1,582,590	\$ -	\$ 1,582,590
Debt Service	366,997	-	632,473	165,999	-	1,165,469	138,448	1,027,021
Keno	-	116,080	-	-	-	116,080	-	116,080
84th Street Redevelopment	357,117	-	-	-	-	357,117	-	357,117
Economic Development	-	-	-	296,643	15,810,692	16,107,335	-	16,107,335
Sewer	-	407,508	-	-	-	407,508	-	407,508
	<u>\$ 1,517,401</u>	<u>\$ 1,312,891</u>	<u>\$ 632,473</u>	<u>\$ 462,642</u>	<u>\$ 15,810,692</u>	<u>\$ 19,736,099</u>	<u>\$ 138,448</u>	<u>\$ 19,597,651</u>

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 5: Receivables - Continued**

**Note Receivable**

The City has a note receivable from a developer for an economic development project. As of September 30, 2015, the balance of the loan with the developer was \$15,810,692 with an interest rate equal to the average coupon rate of the bonds issued to fund the loan. The balance of the note is due in a single balloon payment on July 31, 2017. Accrued interest receivable on the loan amounted to \$296,643 at September 30, 2015.

**Note 6: Capital Assets and Depreciation**

Capital asset activity for the year ended September 30, 2015, was as follows:

	<b>Beginning Balance</b>	<b>Increases</b>	<b>Decreases</b>	<b>Transfers</b>	<b>Ending Balance</b>
<b>Governmental Activities</b>					
Land, not being depreciated	\$ 11,344,222	\$ -	\$ -	\$ -	\$ 11,344,222
Construction in progress	2,020,754	2,050,975	-	(796,706)	3,275,023
Total capital assets, not being depreciated	<u>13,364,976</u>	<u>2,050,975</u>	<u>-</u>	<u>(796,706)</u>	<u>14,619,245</u>
Capital assets, being depreciated					
Buildings	18,930,700	-	-	-	18,930,700
Improvements/infrastructure	53,047,418	173,239	-	774,575	53,995,232
Equipment/furniture/vehicles	8,759,894	636,734	(18,797)	-	9,377,831
Total capital assets, being depreciated	<u>80,738,012</u>	<u>809,973</u>	<u>(18,797)</u>	<u>774,575</u>	<u>82,303,763</u>
Accumulated Depreciation					
Buildings	(9,719,549)	(732,871)	-	-	(10,452,420)
Improvements/infrastructure	(23,267,288)	(1,518,504)	-	-	(24,785,792)
Equipment/furniture/vehicles	(6,487,154)	(484,522)	18,797	-	(6,952,879)
Total accumulated depreciation	<u>(39,473,991)</u>	<u>(2,735,897)</u>	<u>18,797</u>	<u>-</u>	<u>(42,191,091)</u>
Capital assets being depreciated, net	<u>41,264,021</u>	<u>(1,925,924)</u>	<u>-</u>	<u>774,575</u>	<u>40,112,672</u>
Governmental activities capital assets, net	<u>\$ 54,628,997</u>	<u>\$ 125,051</u>	<u>\$ -</u>	<u>\$ (22,131)</u>	<u>\$ 54,731,917</u>

Depreciation was charged to functions/programs as follows:

<b>Governmental Activities</b>	
General government	\$ 160,398
Public safety	670,590
Culture and recreation	270,600
Public works	1,634,309
Total governmental activities depreciation expense	<u>\$ 2,735,897</u>

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 6: Capital Assets and Depreciation - Continued**

	<b>Beginning Balance</b>	<b>Increases</b>	<b>Decreases</b>	<b>Ending Balance</b>
<b>Business-type Activities</b>				
Land, not being depreciated	\$ 9,524	\$ -	\$ -	\$ 9,524
Capital assets, being depreciated				
Golf course	1,623,903	-	-	1,623,903
Building and improvements	9,365	-	-	9,365
Sewer line system	7,674,911	22,131	-	7,697,042
Equipment and furniture	1,812,682	62,481	-	1,875,163
Total capital assets, being depreciated	<u>11,120,861</u>	<u>84,612</u>	<u>-</u>	<u>11,205,473</u>
Accumulated depreciation				
Golf course	(1,199,147)	(56,268)	-	(1,255,415)
Building and improvements	(9,365)	-	-	(9,365)
Sewer line system	(2,862,418)	(150,334)	-	(3,012,752)
Equipment and furniture	(1,212,745)	(92,506)	-	(1,305,251)
Total accumulated depreciation	<u>(5,283,675)</u>	<u>(299,108)</u>	<u>-</u>	<u>(5,582,783)</u>
Capital assets being depreciated, net	<u>5,837,186</u>	<u>(214,496)</u>	<u>-</u>	<u>5,622,690</u>
Business-type activities capital assets, net	<u>\$ 5,846,710</u>	<u>\$ (214,496)</u>	<u>\$ -</u>	<u>\$ 5,632,214</u>

Depreciation was charged to functions/programs as follows:

<b>Business-type Activities</b>	
Golf	\$ 71,093
Sewer	<u>228,015</u>
Total business-type activities depreciation expense	<u>\$ 299,108</u>

## **City of La Vista, Nebraska**

### **Notes to Financial Statements**

**September 30, 2015**

#### **Note 7: Long-term Liabilities**

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

The following is a summary of long-term debt activity of the City for the year ended September 30, 2015:

	<b>Beginning Balance</b>		<b>Additions</b>		<b>Reductions</b>		<b>Ending Balance</b>		<b>Due Within One Year</b>
<b>Governmental Activities</b>									
Long-term debt									
General obligation bonds	\$ 51,780,000		\$ 11,035,000		\$ 13,870,000		\$ 48,945,000		\$ 4,015,000
Installment notes payable	17,892		171,111		39,311		149,692		36,795
Premium on bonds issued	32,002		132,397		16,940		147,459		-
Other long-term liabilities									
Compensated absences	<u>1,150,520</u>		<u>1,229,211</u>		<u>1,112,479</u>		<u>1,267,252</u>		<u>1,100,000</u>
Governmental activities long-term liabilities	<u>\$ 52,980,414</u>		<u>\$ 12,567,719</u>		<u>\$ 15,038,730</u>		<u>\$ 50,509,403</u>		<u>\$ 5,151,795</u>
<b>Business-type Activities</b>									
Long-term debt									
Installment notes payable	\$ 47,662		\$ -		\$ 33,346		\$ 14,316		\$ 14,316
Other long-term liabilities									
Compensated absences	<u>98,719</u>		<u>101,712</u>		<u>93,863</u>		<u>106,568</u>		<u>90,000</u>
Business-type activities long-term liabilities	<u>\$ 146,381</u>		<u>\$ 101,712</u>		<u>\$ 127,209</u>		<u>\$ 120,884</u>		<u>\$ 104,316</u>

The compensated absences reported as governmental activities will be paid from the General Fund. The compensated absences of the business-type activities will be paid from the Sewer Fund and the Golf Fund.

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 7: Long-term Liabilities - Continued**

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

	Interest Rate	Maturity Date	Date Callable	Ending Balance
<b>Governmental Activities</b>				
General obligation bonds				
July 7, 2007, EDP taxable bonds	6.000-7.730%	10/15/2029	10/15/2012	\$ 17,835,000
June 29, 2011, various purpose refunding bonds	1.500-4.050%	12/15/2026	06/29/2016	2,800,000
June 29, 2011, refunding bonds for off-street parking	1.500-3.800%	12/15/2024	06/29/2016	4,900,000
July 15, 2011, refunding bonds for fire facility	2.000-4.150%	12/15/2026	07/15/2016	3,955,000
June 28, 2012, GO refunding bonds	0.300-3.250%	12/15/2032	06/28/2017	7,695,000
April 15, 2011, SID 195 refunding bonds	1.250-4.800%	04/15/2025	04/15/2016	1,185,000
December 31, 2014, GO refunding bonds	1.750-2.450%	08/15/2023	12/31/2019	6,240,000
December 31, 2014, highway allocation refunding bonds	1.850-3.250%	11/15/2028	12/31/2019*	790,000
December 31, 2014, public safety tax anticipation refunding bonds	1.850-2.350%	11/15/2022	12/31/2019	835,000
December 31, 2014, facilities corp refunding bonds	1.750-3.650%	03/15/2035	12/31/2019	2,710,000
Total general obligation bonds				<u>\$ 48,945,000</u>
Installment notes payable				
January 5, 2015, dump truck note payable	2.89%	01/05/2020		\$ 149,692
<b>Business-type Activities</b>				
Installment notes payable				
March 4, 2011, sewer jet note payable	2.98%	03/04/2016		\$ 14,316

\* Bonds are subject to mandatory redemption in various amounts prior to maturity beginning November 15, 2015.

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

**Governmental Activities**

Year Ending September 30,	General Obligation Bonds		Installment Notes	
	Principal	Interest	Principal	Interest
2016	\$ 4,015,000	\$ 2,080,233	\$ 36,795	\$ 2,663
2017	3,860,000	1,975,388	34,821	1,974
2018	3,955,000	1,865,202	35,524	1,271
2019	4,070,000	1,745,128	36,241	554
2020	3,875,000	1,614,226	6,311	25
2021-2025	17,140,000	5,840,476	-	-
2026-2030	11,445,000	1,979,557	-	-
2031-2035	585,000	41,279	-	-
	<u>\$ 48,945,000</u>	<u>\$ 17,141,489</u>	<u>\$ 149,692</u>	<u>\$ 6,487</u>

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 7: Long-term Liabilities - Continued**

**Business-type Activities**

<b>Year Ending September 30,</b>	<b>Installment Notes</b>	
	<b>Principal</b>	<b>Interest</b>
2016	\$ 14,316	\$ 151

In December 2014, the City issued \$6,475,000 of General Obligation Refunding Bonds, Series 2014, to refund the outstanding principal of \$5,105,000 and \$1,410,000 of the General Obligation Various Purpose Refunding Bonds, Series 2009, and General Obligation Refunding Bonds, Series, 2009, issued by Sanitary and Improvement District No. 59. In the same offering, the City also issued \$790,000 of Highway Allocation Pledge Refunding Bonds, Series 2014, to refund the outstanding principal of \$780,000 of Highway Allocation Pledge Bonds, Series 2008. That same offering also included the issuance of \$835,000 of Public Safety Refunding Bonds, Series 2014, to refund the outstanding principal of \$830,000 of Public Safety Tax Anticipation Bonds, Series 2007. The City completed the refundings to reduce its total debt service payments by approximately \$629,000, which resulted in an economic gain of approximately \$584,000.

In December 2014, the City also issued \$2,935,000 of Building and Refunding Bonds, Series 2014, to refund the outstanding principal of \$2,020,000 Refunding Bonds, Series 2009, and to finance the acquisition and renovation of the City's Public Works facility. The City completed the refunding to reduce its total debt service payments by approximately \$144,000, which resulted in an economic gain of approximately \$118,000.

**Note 8: Interfund Balances and Activity**

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

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

## City of La Vista, Nebraska

### Notes to Financial Statements

September 30, 2015

#### **Note 8: Interfund Balances and Activity - Continued**

Transfer To/From Other Funds at September 30, 2015, consists of the following cash and capital asset transfers:

Transfer To	Transfer From					Total
	General Fund	Debt Service Fund	Keno Fund	Sewer Fund		
General Fund	\$ -	\$ -	\$ 86,845	\$ -	\$ 86,845	
Debt Service	615,000	-	-	-	-	615,000
Keno	-	599,166	-	-	-	599,166
Capital Improvements	267,921	-	872,007	15,556	-	1,155,484
Economic Development	600,000	-	-	-	-	600,000
Golf	-	-	125,000	-	-	125,000
	<u>\$ 1,482,921</u>	<u>\$ 599,166</u>	<u>\$ 1,083,852</u>	<u>\$ 15,556</u>	<u>\$ 3,181,495</u>	

As of September 30, 2015, the balance due to/from other funds primarily resulted from the respective funds overdrawing its share of pooled cash. The balance due from the Keno Fund to the Capital Improvement Fund totaled \$412,157 for capital improvement expenditures incurred prior to year-end.

#### **Note 9: Reconciliation of Budget Basis to GAAP**

Amounts presented on a non-GAAP budget basis of accounting differ from those presented in accordance with GAAP due to the treatment afforded accruals, encumbrances, and funds for which legally adopted annual budgets are not established. A reconciliation for the year ended September 30, 2015, which discloses the nature and amount of the adjustments necessary to convert the actual GAAP data to the budgetary basis, is presented below:

	General Fund	Keno Fund	Economic Development Fund
Net change in fund balance			
Balance on a GAAP basis	\$ 967,619	\$ 429,025	\$ (211,319)
Basic differences (accruals) occur because the cash basis of accounting used for budgeting differs from the modified accrual basis of accounting prescribed for governmental funds	240,987	18,113	-
Balance on a budget basis	<u>\$ 1,208,606</u>	<u>\$ 447,138</u>	<u>\$ (211,319)</u>

## **City of La Vista, Nebraska**

### **Notes to Financial Statements**

**September 30, 2015**

#### **Note 10: Retirement Plans**

The employees of the City are covered by several defined contribution retirement plans as detailed below. All plans are administered by outside trustees and, therefore, are not included in the City's basic financial statements. Any plan provisions or amendments are reviewed and approved by the Mayor and City Council.

##### ***City Administrator's Retirement Plan***

The City has a defined contribution pension plan covering the City Administrator. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The City's and plan member's contributions to the plan for the year ended September 30, 2015, were \$8,252 each.

##### ***Civilian Employee Retirement Plan***

The City has a defined contribution pension plan covering all civilian employees who are eligible. The plan requires that both the employee and the City contribute an amount equal to 6% of the employee's base salary per pay period. The plan allows for forfeitures to be used to pay administration costs of the plan and then used to reduce the City's contributions. Employees are fully vested in their contributions and begin vesting in employer contributions after four years and are fully vested after seven years. The City's and plan members' contributions to the plan for the year ended September 30, 2015, were \$210,347 each. The City used forfeitures of \$8,253 to offset the City's contributions to the plan in 2015.

##### ***Police Retirement Plan***

The City has a defined contribution pension plan for its full time employees in the Police Department. The plan was converted effective January 1, 1984, from a defined benefit plan to a defined contribution plan. The plan requires that both the employee and the City contribute an amount equal to 6.5% of the employee's base salary per pay period. The plan allows for forfeitures to be used to pay administration costs of the plan and then used to reduce the City's contributions. Employees are fully vested in their contributions and begin vesting in employer contributions after four years and are fully vested after seven years. The City's and plan members' contributions to the plan for the year ended September 30, 2015, were \$177,892 each. The City used forfeitures of \$29,982 to offset the City's contributions to the plan in 2015.

## **City of La Vista, Nebraska**

### **Notes to Financial Statements**

**September 30, 2015**

#### **Note 10: Retirement Plans - Continued**

##### ***Fire Retirement Plan***

The City has a defined contribution pension plan for its full time employees in the Fire Department. The plan was effective June 2007. The plan requires that the employee contribute an amount equal to 6.5% and the City contribute an amount equal to 13% of the employee's base salary per pay period. The plan allows for forfeitures to be allocated to the Unallocated Employer Account and if the Unallocated Employer Account is sufficient to meet plan liabilities, then forfeitures shall first be used to pay expenses of administration and then reduce City contributions. Employees are fully vested in their own contributions and begin vesting in employer contributions after four years and are fully vested after seven years. The City's contributions to the plan for the year ended September 30, 2015, were \$12,276 and the plan members' contributions to the plan for the year ended September 30, 2015 were \$6,138.

##### ***Deferred Compensation Plan***

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

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

#### **Note 11: Keno Fund Operations**

The following data summarizes the Keno (Special Revenue) Fund's activity for the year ended September 30, 2015:

Gross sales	\$ 17,131,891
Less: prizes paid	(13,609,454)
Operator's commission	(2,129,874)
Deposits to progressive games	<u>(3,182)</u>
Net Keno revenue	<u>\$ 1,389,381</u>

## **City of La Vista, Nebraska**

### **Notes to Financial Statements**

**September 30, 2015**

#### **Note 12: Risk Management**

The City is exposed to various risks of loss related to torts, theft, damage to, or destruction of assets, errors or omissions, injuries to employees, or natural disasters. These risks are transferred to independent insurance carriers and no self-insurance program is maintained by the City. City management believes adequate coverage exists for potential exposures as of September 30, 2015. The City did not pay any settlement amounts which exceeded its insurance coverage for any of the three preceding years.

#### **Note 13: Commitments and Contingencies**

##### ***Commitments***

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

##### ***Claims and Litigation***

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

##### ***Government Grants***

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

##### ***Community Development Block Grant Program***

The City is participating in the State of Nebraska Department of Economic Development Community Development Block Grant ("CDBG") program. Under this program, the City has received federal funds from the State of Nebraska to undertake community development activities, as authorized. As of September 30, 2015, the City has entered into loan agreements with three businesses to provide CDBG funds. Since fiscal year 2010, the City has loaned a total of \$1,097,362 to these businesses, of which \$0 was loaned in fiscal year 2015. Under the agreements with these businesses, if the businesses meet certain criteria, some or all of their loans may be forgiven. As any repayments on these loans would be returned to the State, the City charges these loans to expense in the year advanced.

## **City of La Vista, Nebraska**

### **Notes to Financial Statements**

**September 30, 2015**

#### **Note 13: Commitments and Contingencies - Continued**

##### ***Sales Tax Refunds***

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

As of September 30, 2015, the City had been notified of \$2,191,775 of sales tax refunds due, which are to be repaid starting in December 2015 through December 2016. This amount is recognized on the government-wide statement of net position.

#### **Note 14: Interlocal Agreement**

In October 2013, the City entered into an interlocal agreement with the City of Papillion (“Papillion”) and the Papillion Rural Fire District (“RFD”) to allow Papillion to expand its fire department operations to provide fire and emergency medical services (“EMS”) for all of the participants to the agreement and areas within each participants’ boundaries beginning April 1, 2014. In consideration for these services, the City and RFD each contribute proportionate funding and use of their respective fire and EMS equipment, fire apparatuses, EMS medic units and other fire or EMS vehicles and fire department real property. The agreement will terminate on September 30, 2033, with optional ten-year terms thereafter.

Under the terms of the agreement, the participants have created a mutual finance organization as authorized under the Nebraska Municipal Finance Assistance Act, known as the Papillion Fire Protection Mutual Finance Organization (“MFO”). The MFO is responsible for transacting business for financing the operation and equipment needs of the fire department or MFO; having charge and custody of and managing all funds of the MFO; and seeking funding from the Nebraska Mutual Finance Assistance Fund or other potential funding organizations. The participants in the MFO are required to levy a general fund property tax at an equal rate for the purpose of jointly funding the single fire department operations. The rate must have unanimous approval from all participants and exclude levies for bonded indebtedness and lease-purchase contracts in existence on July 1, 1998. The Papillion Finance Director serves as the fiscal agent of the MFO. As of September 30, 2015, the MFO has not issued debt nor acquired title to any assets. Any debt or assets of the MFO would be split amongst the participants.

**City of La Vista, Nebraska**  
**Notes to Financial Statements**  
**September 30, 2015**

**Note 14: Interlocal Agreement - Continued**

During the year ended September 30, 2015, the City paid \$1,612,020 to Papillion in consideration of services rendered. The City received \$691,655 from the MFO, as determined by the terms of the interlocal agreement.

**Note 15: Subsequent Events**

In December 2015, the City issued \$8,240,000 of General Obligation Refunding Bonds, Series 2015, to refund the outstanding principal of \$2,560,000, \$4,470,000 and \$1,080,000 of the General Obligation Various Purpose Refunding Bonds, Series 2011A date of original issue June 29, 2011; General Obligation Refunding Bonds (Off-Street Parking Project), Series 2011B date of original issue June 29, 2011; and General Obligation Refunding Bonds, Series 2011, issued by Sanitary and Improvement District No. 159 dated April 15, 2011. Interest rates on the General Obligation Series 2015 bonds range from 0.50% to 2.35% and have a final maturity of December 2026. The City completed the refunding to reduce its total debt service payments by approximately \$608,000, which resulted in an economic gain of approximately \$556,000.

In January 2016, the City was notified by the State of approximately \$93,000 of additional sales tax refunds due in January 2017.

## **Required Supplementary Information**

**City of La Vista, Nebraska**  
**Statement of Revenues, Expenditures, and Changes in**  
**Fund Balances – Budget and Actual (Budget Basis) –**  
**General Fund**  
**Year Ended September 30, 2015**

	<b>Original Budget</b>	<b>Final Budget</b>	<b>Actual</b>	<b>Variance With Final Budget Positive (Negative)</b>
<b>Revenues</b>				
Taxes	\$ 10,773,840	\$ 10,773,840	\$ 11,928,256	\$ 1,154,416
Licenses and permits	389,850	389,850	663,837	273,987
Intergovernmental revenues	1,832,956	1,832,956	2,041,156	208,200
Charges for services	276,500	276,500	283,575	7,075
Grant income	206,230	206,230	40,744	(165,486)
Interest income	15,000	15,000	16,635	1,635
Miscellaneous	183,933	183,933	235,503	51,570
Total revenues	<u>13,678,309</u>	<u>13,678,309</u>	<u>15,209,706</u>	<u>1,531,397</u>
<b>Expenditures</b>				
General government	2,534,254	2,534,254	2,270,842	263,412
Public works	2,221,248	2,221,248	1,861,734	359,514
Public safety	5,766,028	5,766,028	5,651,013	115,015
Culture and recreation	1,804,809	1,804,809	1,483,056	321,753
Public library	736,275	736,275	623,006	113,269
Community development	574,868	574,868	513,602	61,266
Capital outlay	428,465	428,465	332,795	95,670
Total expenditures	<u>14,065,947</u>	<u>14,065,947</u>	<u>12,736,048</u>	<u>1,329,899</u>
<b>Excess (Deficiency) of Revenues Over (Under) Expenditures</b>	<b>(387,638)</b>	<b>(387,638)</b>	<b>2,473,658</b>	<b>2,861,296</b>
<b>Other Financing Sources (Uses)</b>				
Operating transfers	(1,305,400)	(1,305,400)	(1,265,052)	40,348
<b>Net Change in Fund Balances</b>	<b>\$ (1,693,038)</b>	<b>\$ (1,693,038)</b>	<b>\$ 1,208,606</b>	<b>\$ 2,901,644</b>

**City of La Vista, Nebraska**  
**Statement of Revenues, Expenditures, and Changes in**  
**Fund Balances – Budget and Actual (Budget Basis) –**  
**Keno Fund**  
**Year Ended September 30, 2015**

	<b>Original Budget</b>	<b>Final Budget</b>	<b>Actual</b>	<b>Variance With Final Budget Positive (Negative)</b>
<b>Revenues</b>				
Keno	\$ 1,236,700	\$ 1,236,700	\$ 1,414,619	\$ 177,919
Interest income	10,000	10,000	4,108	(5,892)
Total revenues	<u>1,246,700</u>	<u>1,246,700</u>	<u>1,418,727</u>	<u>172,027</u>
<b>Expenditures</b>				
General government	39,000	39,000	28,324	10,676
Community betterment	483,179	483,179	485,823	(2,644)
Total expenditures	<u>522,179</u>	<u>522,179</u>	<u>514,147</u>	<u>8,032</u>
<b>Excess of Revenues Over Expenditures</b>	<b>724,521</b>	<b>724,521</b>	<b>904,580</b>	<b>180,059</b>
<b>Other Financing Sources (Uses)</b>				
Transfers in - bond proceeds	900,000	900,000	842,296	(57,704)
Operating transfers out	(1,613,113)	(1,613,113)	(1,299,738)	313,375
Total other financing sources	<u>(713,113)</u>	<u>(713,113)</u>	<u>(457,442)</u>	<u>255,671</u>
<b>Net Change in Fund Balances</b>	<b>\$ 11,408</b>	<b>\$ 11,408</b>	<b>\$ 447,138</b>	<b>\$ 435,730</b>

**City of La Vista, Nebraska**  
**Statement of Revenues, Expenditures, and Changes in**  
**Fund Balances – Budget and Actual (Budget Basis) –**  
**Economic Development Fund**  
**Year Ended September 30, 2015**

	<b>Original Budget</b>	<b>Final Budget</b>	<b>Actual</b>	<b>Variance With Final Budget Positive (Negative)</b>
<b>Revenues</b>				
Interest income	\$ -	\$ -	\$ 962	\$ 962
Other income	<u>1,186,573</u>	<u>1,186,573</u>	<u>1,186,573</u>	-
Total revenues	<u>1,186,573</u>	<u>1,186,573</u>	<u>1,187,535</u>	962
<b>Expenditures</b>				
Debt service principal retirement	645,000	645,000	645,000	-
Debt service interest	<u>1,353,853</u>	<u>1,353,853</u>	<u>1,353,854</u>	1
Total expenditures	<u>1,998,853</u>	<u>1,998,853</u>	<u>1,998,854</u>	1
<b>Deficiency of Revenues Under Expenditures</b>				
	<u>(812,280)</u>	<u>(812,280)</u>	<u>(811,319)</u>	<u>961</u>
<b>Other Financing Sources</b>				
Operating transfers	600,000	600,000	600,000	-
Total other financing sources	<u>600,000</u>	<u>600,000</u>	<u>600,000</u>	-
<b>Net Change in Fund Balances</b>	<u><u>\$ (212,280)</u></u>	<u><u>\$ (212,280)</u></u>	<u><u>\$ (211,319)</u></u>	<u><u>\$ 961</u></u>

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

The Mayor and City Council  
City of La Vista, Nebraska

We have audited, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities and each major fund of the City of La Vista, Nebraska ("the City"), as of and for the year ended September 30, 2015, and the related notes to the financial statements, which collectively comprise the City's basic financial statements, and have issued our report thereon dated March 10, 2016, which contained an "Other Matter" paragraph regarding omission of required supplementary information.

***Internal Control Over Financial Reporting***

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

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

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify certain deficiencies in internal control, described in the accompanying schedule of findings and responses as item 2015-001, that we consider to be a significant deficiency in internal control.

### ***Compliance and Other Matters***

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

### ***Management's Response to Finding***

The City's response to the finding identified in our audit is described in the accompanying schedule of findings and responses. The City's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

### ***Purpose of this Report***

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

*BKD, LLP*

Omaha, Nebraska  
March 10, 2016

**City of La Vista, Nebraska**  
**Schedule of Findings and Responses**  
**September 30, 2015**

<b>Reference Number</b>	<b>Finding</b>
2015-001	<p><b>Criteria or Specific Requirement</b> – Management is responsible for the preparation of financial statements in accordance with accounting principles generally accepted in the United States of America.</p> <p><b>Condition</b> – Monthly bank account reconciliations and financial statements were not prepared on a timely basis for a portion of the year and the preparation of the City's financial statements required auditor proposed adjusting entries for the proper financial statement presentation.</p> <p><b>Context</b> – Procedures were not maintained throughout the year that allowed for the proper evaluation of potential adjustments that, individually or in the aggregate, had a significant effect on the financial statements.</p> <p><b>Effect</b> – Financial information was not available for review at various points during the year and auditor proposed adjustments were necessary for proper financial statement presentation.</p> <p><b>Cause</b> – The City experienced significant turnover in the Finance Department during the year. Multiple people were involved in the preparation of various aspects of the financial statements which led to some miscommunication and due to timing, a lack of overall review did not allow for all potential adjustments to be identified.</p> <p><b>Recommendation</b> – Management should modify procedures to ensure that controls and resources are in place that will allow for timely completion of the monthly bank reconciliations and financial statements as well as the preparation of the financial statements in accordance with accounting principles generally accepted in the United States of America.</p> <p><b>Views of Responsible Officials and Planned Corrective Actions (Management's Response)</b> – The part-time Accountant position was filled October 2015. The Finance Director will be in place one year as of April 2016. Effective FY2016, bank reconciliations are completed monthly and all corrections are made in the current month. Review of and approval procedures for account transactions, reconciliations and client-prepared work papers have been enhanced to ensure timeliness and accuracy. Conversion to an enterprise wide financial system will occur in FY2016. This will provide greater report capability allowing additional management review and oversight.</p>

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

Independent Auditor's Report and Financial Statements  
September 30, 2015 and 2014



**Economic Development Fund  
City of La Vista, Nebraska  
September 30, 2015 and 2014**

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## Independent Auditor's Report

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

We have audited the accompanying financial statements of the Economic Development Fund of the City of La Vista, Nebraska, which comprise the balance sheets as of September 30, 2015 and 2014, and the related statements of revenues, expenditures, and changes in fund balance for the years then ended, and the related notes to the financial statements.

### *Management's Responsibility for the Financial Statements*

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

### *Auditor's Responsibility*

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

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

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

***Opinion***

In our opinion, the financial statements referred to above present fairly, in all material aspects, the financial position of the Economic Development Fund of the City of La Vista, Nebraska as of September 30, 2015 and 2014, and its changes in financial position for the years then ended in accordance with accounting principles generally accepted in the United States of America.

***Emphasis of Matter***

As discussed in Note 1, the financial statements of the Economic Development Fund are intended to present the financial position and changes in financial position of only that portion of the governmental activities and each major fund of the City of La Vista, Nebraska that is attributable to the transactions of the Economic Development Fund. They do not purport to, and do not, present fairly the financial position of the City of La Vista, Nebraska as of September 30, 2015 and 2014, and its changes in financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

*BKD, LLP*

Omaha, Nebraska  
March 10, 2016

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

**Balance Sheets**

**September 30, 2015 and 2014**

	<b>2015</b>	<b>2014</b>
<b>Assets</b>		
Cash and cash equivalents	\$ 236,134	\$ 448,383
Note receivable	15,810,692	15,810,692
Accrued interest receivable	<u>296,643</u>	<u>296,643</u>
 Total assets	 <u>\$ 16,343,469</u>	 <u>\$ 16,555,718</u>
 <b>Liabilities</b>	 <u>\$ -</u>	 <u>\$ 930</u>
 <b>Fund Balance</b>		
Restricted for economic development	<u>16,343,469</u>	<u>16,554,788</u>
 Total liabilities and fund balances	 <u>\$ 16,343,469</u>	 <u>\$ 16,555,718</u>

**Economic Development Fund**  
**City of La Vista, Nebraska**  
**Statements of Revenues, Expenditures, and**  
**Changes in Fund Balance**  
**Years Ended September 30, 2015 and 2014**

	<b>2015</b>	<b>2014</b>
<b>Interest Income</b>	<u>\$ 1,187,535</u>	<u>\$ 1,186,746</u>
<b>Expenditures</b>		
Community development	-	8,714
Debt service	645,000	605,000
Principal retirement	1,353,854	1,393,396
Interest	<u>1,998,854</u>	<u>2,007,110</u>
<b>Deficiency of Revenues Under Expenditures</b>	<u>(811,319)</u>	<u>(820,364)</u>
<b>Transfers</b>	<u>600,000</u>	<u>600,000</u>
<b>Net Change in Fund Balance</b>	<u>(211,319)</u>	<u>(220,364)</u>
<b>Fund Balance, Beginning of Year</b>	<u>16,554,788</u>	<u>16,775,152</u>
<b>Fund Balance, End of Year</b>	<u>\$ 16,343,469</u>	<u>\$ 16,554,788</u>

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

## **Notes to Financial Statements September 30, 2015 and 2014**

### **Note 1: Summary of Significant Accounting Policies**

#### ***Organization***

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

#### ***Financial Reporting Entity***

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

The financial statements present only the Economic Development Fund and do not purport to, and do not, present fairly the financial position of the City as of September 30, 2015 and 2014, and the changes in its financial position for the years then ended in conformity with accounting principles generally accepted in the United States of America.

#### ***Basis of Accounting***

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

#### ***Use of Estimates***

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

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

## **Notes to Financial Statements September 30, 2015 and 2014**

### **Note 1: Summary of Significant Accounting Policies - Continued**

#### ***Cash and Cash Equivalents***

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

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

The Economic Development Fund participates in the pooled cash accounts maintained by the City. The Fund's share of this pool was \$236,134 and \$448,383 at September 30, 2015 and 2014, respectively.

### **Note 2: Note Receivable**

The City has a note receivable from a developer for an economic development project. As of September 30, 2015 and 2014, the balance of the loan with the developer was \$15,810,692 with an interest rate equal to the average coupon rate of the bonds issued to fund the loan. The balance of the note is due in a single balloon payment on July 31, 2017. Accrued interest receivable on the loan amounted to \$296,643 at both September 30, 2015 and 2014.

### **Note 3: Long-term Debt**

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

<b>Description</b>	<b>Interest Rate</b>	<b>Maturity Date</b>	<b>Original Balance</b>	<b>2015 Principal Outstanding</b>	<b>2014 Principal Outstanding</b>
Economic Development Fund Bonds, Series 2007	6.00-7.73%	10/15/2029	\$20,695,000	\$ 17,835,000	\$ 18,480,000

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

### **Notes to Financial Statements September 30, 2015 and 2014**

#### **Note 3: Long-term Debt - Continued**

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

The annual debt service requirements to maturity for bonded debt as of September 30, 2015, is as follows:

<b><u>Year Ending September 30,</u></b>	<b>Principal</b>	<b>Interest</b>	<b>Total</b>
2016	\$ 685,000	\$ 1,311,427	\$ 1,996,427
2017	730,000	1,265,741	1,995,741
2018	780,000	1,216,439	1,996,439
2019	835,000	1,162,459	1,997,459
2020	890,000	1,103,548	1,993,548
2021-2025	5,630,000	4,355,777	9,985,777
2026-2030	<u>8,285,000</u>	<u>1,700,304</u>	<u>9,985,304</u>
Total	<u>\$ 17,835,000</u>	<u>\$ 12,115,695</u>	<u>\$ 29,950,695</u>

#### **Note 4: City Transfer**

The general fund of the City transferred \$600,000 to the Economic Development Fund in both 2015 and 2014 to assist in funding debt service payments.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
1 AND 6 YEAR STREET IMPROVEMENT PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to approve the 1 and 6 Year Street Improvement Plan for highway, road and street improvements for the City of La Vista.

**FISCAL IMPACT**

The 1 and 6 Year Plan establishes prioritization and cost estimates for street improvements. Funding for the projects in the 1 and 6 Year plan are now requested in the Capital Improvement Program (CIP). Both the 1 & 6 Year Plan and CIP are living documents that will possibly change as unforeseen issues or opportunities arise.

**RECOMMENDATION****Approval**

This item was presented and approved at the March 1, 2016 meeting but the public hearing had not been published, therefore publication was done for this meeting in order to meet the necessary requirements.

**BACKGROUND**

On February 18, 2016, the Planning Commission reviewed the Plan and recommended approval to the City Council.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE ONE-AND-SIX-YEAR PLAN FOR HIGHWAY, ROAD AND STREET IMPROVEMENTS FOR THE CITY OF LA VISTA AS SUBMITTED BY THE CITY PUBLIC WORKS DIRECTOR.

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

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

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

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

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

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

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

Board of Public Roads Classifications and Standards  
**Form 8 Summary of One- Year Plan**

Year Ending 2016 Sheet 1 of 1

COUNTY:		CITY:	VILLAGE:	
<b>LA VISTA</b>				
PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
1	M376 (189)	<b>66<sup>th</sup> Street</b> (Harrison Street to Giles Road)  <b>Giles Road</b> (66 <sup>th</sup> Street to 69 <sup>th</sup> Street) Short Term Repairs	1.30	157.3 s.c. 262.1 l.v. <hr/> 419.4
2	M376 (190)	<b>Intersection of 132<sup>nd</sup> Street</b> <b>and West Giles Road</b> Engineering/ROW	0.20	15.0 s.c. 15.0 l.v. 120.0 fed. <hr/> 150.0
SIGNATURE:		TITLE:	DATE:	
		STREET SUPERINTENDENT (S-1046)	03/01/2016	

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2021**

COUNTY:		CITY:		VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2016	1	M376 (189)	<b>66<sup>th</sup> Street</b> (Harrison Street to Giles Road) and <b>Giles Road</b> (66 <sup>th</sup> Street to 69 <sup>th</sup> Street) Short Term Repairs	1.30	157.3 s.c. 262.1 l.v. <u>419.4</u>
2016	2	M376 (190)	<b>Intersection of 132<sup>nd</sup> Street</b> <b>and West Giles Road</b> Engineering/ROW	0.20	15.0 s.c. 15.0 l.v. <u>120.0</u> fed. <u>150.0</u>
2017	3	M376 (190)	<b>Intersection of 132<sup>nd</sup> Street</b> <b>and West Giles Road</b> Construction	0.20	258.5 s.c. 258.5 l.v. <u>2,068.0</u> fed. <u>2,585.0</u>
2017	4	M376 (220)	<b>84<sup>th</sup> Street</b> (From Harrison Street to Giles Road) Adaptive Traffic Signals	1.00	79.0 l.v. 271.0 Other <u>3,150.0</u> fed. <u>3,500.0</u>
2017	5	M376 (222)	<b>Intersection of 96<sup>th</sup> Street</b> <b>and Brentwood Drive</b> Install Traffic Signals at Intersection	0.01	210.0
2017	6	M376 (379)	<b>66<sup>th</sup> Street</b> (Harrison Street to Giles Road) and <b>Giles Road</b> (66 <sup>th</sup> Street to 69 <sup>th</sup> Street) Engineering for the Reconstruction of Giles Road and 66 <sup>th</sup> Street	1.30	148.0 s.c. 98.7 l.v. <u>987.0</u> fed. <u>1,233.7</u>
2017	7	M376 (202)	<b>Harrison Street Bridge</b> (At Approximately 92 <sup>nd</sup> Street) Concrete Bridge Repair	0.02	115.0
SIGNATURE:			TITLE:		
			STREET SUPERINTENDENT (S-1046)	03/01/2016	

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2021**

COUNTY:			CITY:	VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2017	8	M376 (201)	<b>Harrison Street</b> (La Vista Drive to Interstate 80 Right of Way) Replace Concrete Panels in Various Locations	2.80	300.0
2017	9	M376 (219)	<b>Giles Road</b> (Harrison Street to Interstate 80) Asphalt Overlay	0.29	395.0
2017	10	M376 (230)	<b>Giles Road Widening</b> (Eastport Parkway to I-80 Ramps) Design and Traffic Study	1.20	200.0
2018	11	M376 (379)	<b>66<sup>th</sup> Street</b> (Harrison Street to Giles Road) and <b>Giles Road</b> (66 <sup>th</sup> Street to 69 <sup>th</sup> Street) ROW Acquisition/Engineering for Reconstruction of 66 <sup>th</sup> Street and Giles Road	1.30	18.9 s.c. 12.6 l.v. 126.1 fed. 157.6
2018	12	M376 (230)	<b>Giles Road Widening</b> (Eastport Parkway to I-80 Ramps) Engineering	1.20	306.0
2019	13	M376 (217)	<b>84<sup>th</sup> Street</b> (Harrison Street to Giles Road) 4" Bonded Concrete Overlay	1.00	500.0 l.v. 500.0 neb. 1,000.0
2019	14	M376 (376)	<b>Applewood Creek Trail</b> (BNSF Railroad to Giles Road) Engineering for the Construction of a Hiking and Biking Trail	0.57	32.5 l.v. 130.0 fed. 162.5
2019	15	M376 (228)	<b>East La Vista</b> (From Harrison Street to Thompson Creek; 69 <sup>th</sup> Street to 72 <sup>nd</sup> Street) Engineering	2.56	125.0
SIGNATURE:			TITLE:	DATE:	
			STREET SUPERINTENDENT (S-1046)	03/01/2016	

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2021**

COUNTY:		CITY:		VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2019	16	M376 (230)	<b>Giles Road Widening</b> (Eastport Parkway to I-80 Ramps) Construction	1.20	2,484.0
2019	17	M376 (226)	<b>Park View Boulevard</b> (72 <sup>nd</sup> Street to 84 <sup>th</sup> Street) <b>78<sup>th</sup> Street</b> (Harrison Street to Park View Boulevard) <b>Edgewood Boulevard</b> (Giles Road to Park View Boulevard) Asphalt Microsurfacing	2.16	345.0
2019	18	M376 (227)	<b>Park View Boulevard</b> (86 <sup>th</sup> Street to Thornapple Lane) <b>89<sup>th</sup> Street</b> (Valley View Drive to Granville Parkway) <b>88<sup>th</sup> Street</b> (Park View Boulevard to Granville Parkway) <b>87<sup>th</sup> Street</b> (Giles Road to Bayberry Road) <b>Granville Parkway</b> (Brentwood Drive to Elm Drive) <b>Plaza Boulevard</b> (Harrison Street to 85 <sup>th</sup> Street) <b>86<sup>th</sup> Street</b> (Park View Boulevard to Plaza Boulevard) <b>Valley View Drive</b> (Park View Boulevard to Elm Drive) Replace Concrete Panels in Various Locations	1.50	300.0
2019	19	M376 (229)	<b>Storm Sewer Inlet Top Repair</b> (72nd Street, 96th Street, Harrison Street, Giles Road) Replace Damaged and Deteriorated Storm Inlet Tops	N/A	75.0
2020	20	M376 (376)	<b>Applewood Creek Trail</b> (BNSF Railroad to Giles Road) ROW Acquisition	0.57	2.5 L.V. 10.0 Fed. 12.5
SIGNATURE:		TITLE:		DATE:	
		STREET SUPERINTENDENT (S-1046)		03/01/2016	

**Board of Public Roads Classifications and Standards**  
**Summary of Six- Year Plan**  
**Six-Year Period Ending – 2021**

COUNTY:		CITY:		VILLAGE:	
<b>LA VISTA</b>					
PROJECT YEAR	PRIORITY NUMBER	PROJECT NUMBER	PROJECT DESCRIPTION	LENGTH Nearest Tenth (MILES)	ESTIMATED COST (THOUSANDS)
2020	21	M376 (228)	<b>East La Vista</b> (From Harrison Street to Thompson Creek; 69 <sup>th</sup> Street to 72 <sup>nd</sup> Street) Construction	2.56	2,696.2
2020	22	M376 (379)	<b>66<sup>th</sup> Street</b> (Harrison Street to Giles Road) and <b>Giles Road</b> (66 <sup>th</sup> Street to 69 <sup>th</sup> Street) Reconstruction of 66 <sup>th</sup> Street and Giles Road	1.30	1,244.5 sc 829.6 L.V. 8,296.4 Fed. 10,370.5
2021	23	M376 (376)	<b>Applewood Creek Trail</b> (BNSF Railroad to Giles Road) Construct Hiking and Biking Trail	0.57	333.5 L.V. 1,334.0 Fed. 1,667.5
2021	24	M376 (378)	<b>Various Locations</b> Street Maintenance	1.50	400.0
SIGNATURE:		TITLE:		DATE:	
		STREET SUPERINTENDENT (S-1046)		03/01/2016	

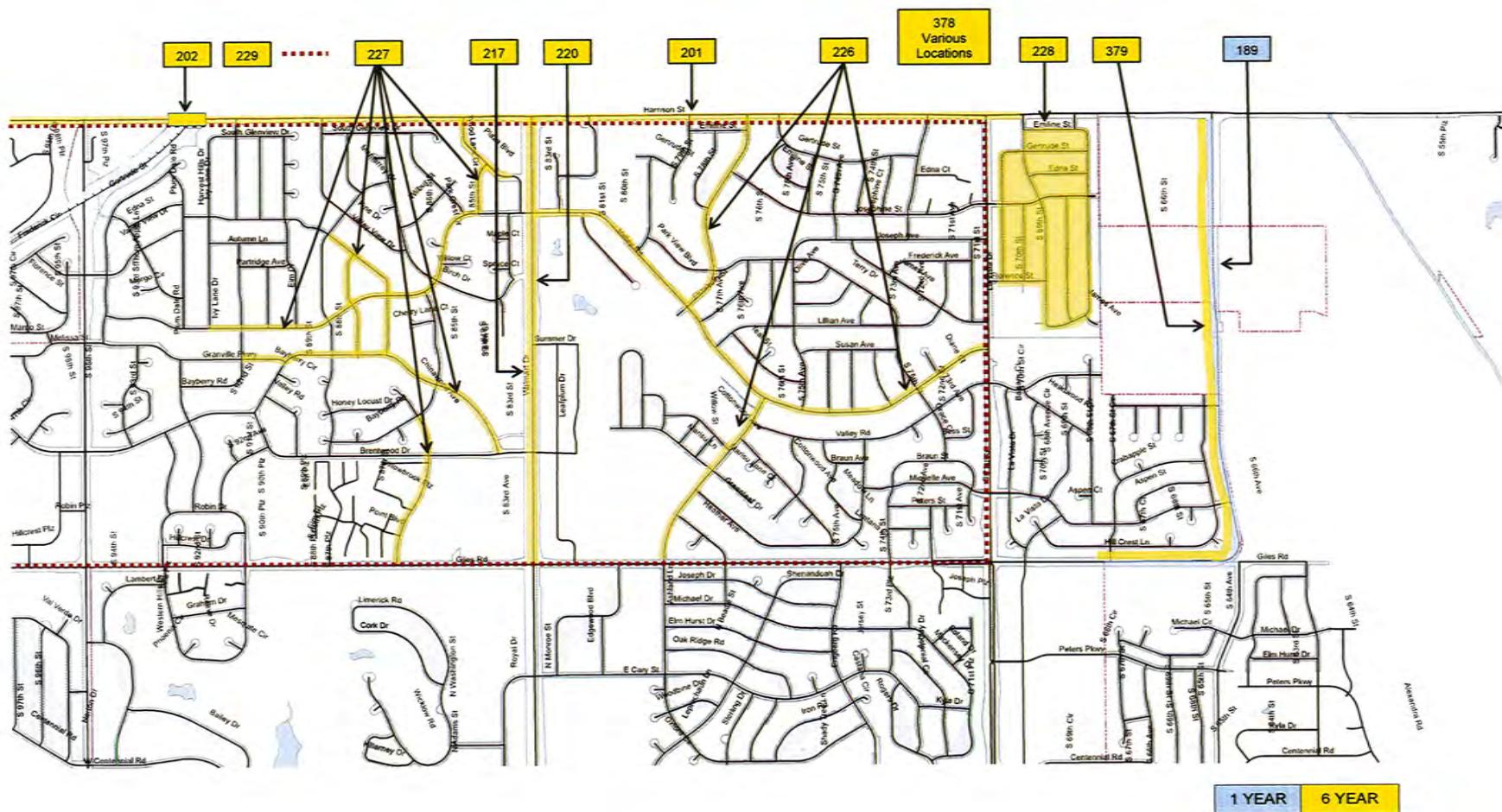
Board of Public Roads Classifications and Standards  
**Form 11 Report of Previous Year**  
**Highway or Street Improvement**

Year Ending 2015 Sheet 1 of 1

COUNTY:	CITY: <b>LA VISTA</b>			VILLAGE:
PROJECT NUMBER & DESCRIPTION	LENGTH Nearest Tenth (MILES)	PROJECTED COST (THOUSANDS)	CONTRACT PROJECT	DATE COMPLETED (ACTUAL OR ESTIMATED)
M376 (190) Intersection of 132 <sup>nd</sup> Street and West Giles Road Engineering/ROW	0.20	15.0	Yes	Delayed Until 2016
M376 (224) Intersection of Eastport Parkway and Harrison Street Install Traffic Signal at Intersection	0.01	150.0	Yes	Completed March 2015
M376 (215) 120 <sup>th</sup> Street and Giles Road Install Traffic Signal and Add Additional Turn Bays	0.01	240.0	Yes	Completed February 2015
M376 (225) West Papio Trail (90 <sup>th</sup> Street to Giles Road) Extend Trail Along West Papio Creek	1.50	885.0	Yes	Completed August 2015
M376 (189) 66 <sup>th</sup> Street and Giles Road Short Term Road Repairs	1.30	419.4	Yes	In Progress Completion July 2016
SIGNATURE:	TITLE: <b>STREET SUPERINTENDENT (S-1046)</b>			DATE: <b>03/01/2016</b>

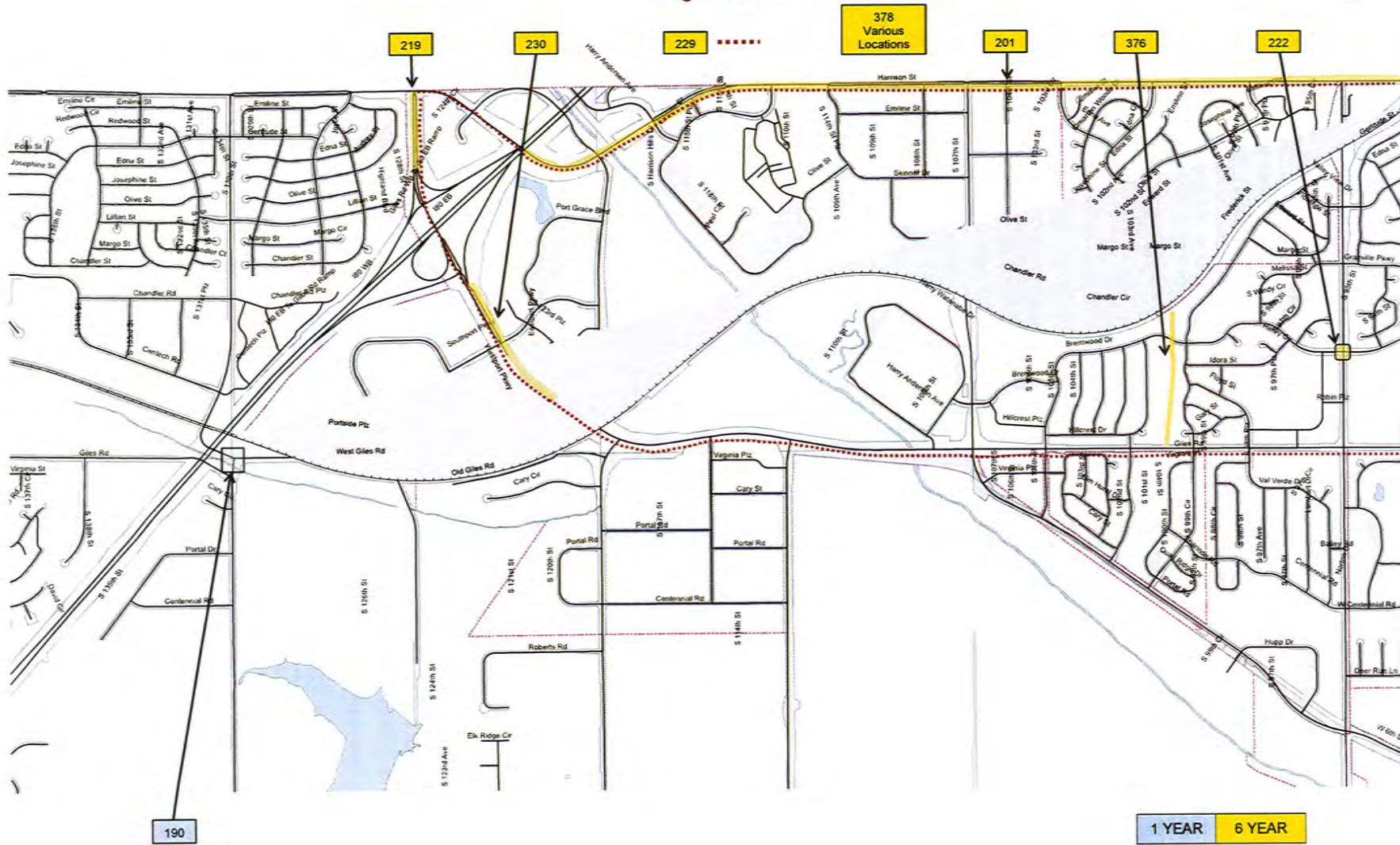
# City of La Vista

Page 1 of 2



# City of La Vista

Page 2 of 2



**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ADOPTION OF NEW BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, & MAINTENANCE CODES WITH AMENDMENTS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared to adopt the 2012 I-Codes, with amendments, and the 2014 National Electrical Code. A draft of the proposed building code amendments was discussed at the February 16<sup>th</sup> City Council meeting.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled and an ordinance prepared to consider the adoption of the 2012 I-Codes, which consist of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Energy Conservation Code, the International Property Maintenance Code, and the 2014 National Electrical Code.

The adoption of these codes are the same codes recommended to be adopted by the building officials of the other metro-area communities (although La Vista may be the first in line). The Chief Building Official is recommending certain **amendments to the I-Codes which are noted in red on the attached draft ordinance**. These amendments will not compromise building safety or add any unnecessary costs to buildings. Of particular note are the changes proposed on pages 17 and 18 relating to vacant, residential structures. The current code allows for windows and doors to be boarded over. The proposed amendments would require permanent window and door coverings after 60 days, and a new provision which requires compliance for all repairs of vacant structures to be completed within 6 months of a notice.

The Planning Commission held a public hearing on February 18, 2016, and unanimously recommended approval of the proposed adoption of the 2012 I-Codes with amendments recommended by the Chief Building Official as they will be consistent with codes of surrounding jurisdictions and will provide for the health, safety and welfare of the community.

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

AN ORDINANCE TO AMEND SECTIONS 150.01, 150.02, 150.03, 150.04 and 15.05 OF THE LA VISTA MUNICIPAL RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS, STRUCTURES, MECHANICAL PLUMBING, ELECTRICAL AND RELATED WORK, MATERIALS AND REQUIREMENTS: TO REPEAL SECTIONS 105.01, 150.02, 150.03 150.04 AND 150.05 AS PREVIOUSLY ENACTED, TO PROVIDE FOR SEVERABILITY AND TO PROVIDE FOR THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

**Section 1: Amendment of Section 150.01.** Section 150.01 of the La Vista Municipal Code is hereby amended to read as follows:

**§ 150.01 BUILDING CODE.**

(A) Portions of standard codes and additional requirements, rules and regulations specified below are hereby adopted as the Building Code of the City of La Vista for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefor. Provisions of the standard codes and additional requirements, rules and regulations adopted herein shall be applied, interpreted and construed together and consistently to the extent possible. Unless otherwise indicated by context or otherwise, references to any table, section or subsection shall mean the corresponding provision of the relevant standard code.

(B) (1) *International Building Code provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Building Code, 2012 Edition*, and ("IBC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § 105.2 preceding § 105.2.1, and 3401.3 the following portions of said IBC are hereby adopted: Chapters 1 thru 35 inclusive, and Appendix "E" **Supplemental Accessibility Requirements**, "I", Patio Covers and "J" Grading ("adopted IBC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IBC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from permit (adopted in lieu of portions of IBC § 105.2 preceding § 105.2.1).* Exemptions from permit requirements of the adopted IBC provisions shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of said adopted IBC provisions or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. *Building:*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 79 square feet.
- b. Oil derricks.
- c. Retaining walls which are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- e. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- f. Temporary motion picture, television and theater stage sets and scenery.
- g. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches deep and installed entirely above ground.
- h. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
- i. Swings and other playground equipment accessory to detached one- and two-family dwellings.
- j. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and Group U occupancies.
- k. Movable cases, counters and partitions not over five feet nine inches (1,753 mm) in height.

2. *Electrical:*

- a. *Repairs and maintenance.* Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

b. *Radio and television transmitting stations.* Adopted IBC provisions shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

c. *Temporary testing systems.* A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

3. *Gas:*

- a. Portable heating appliance.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

4. *Mechanical:*

- a. Portable heating appliance.
- b. Portable ventilation equipment.
- c. Portable cooling unit.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by adopted IBC provisions.
- e. Replacement of any part which does not alter its approval or make it unsafe.
- f. Portable evaporative cooler.
- g. Self-contained refrigeration system containing ten pounds (5 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

5. *Plumbing:*

- a. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not

involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Any Group "A" occupancies with alcoholic beverages (adopted in addition to those requirements listed in adopted IBC provisions, § 903.2.1.1 through § 903.2.1.5).* An automatic sprinkler system shall be installed throughout any building with any Group "A" exceeding 1,000 square feet and where there is liquor, wine, or beer license issued and/or where the occupants consume alcoholic beverages.

(c) *Criteria (adopted in addition to those requirements listed in adopted IBC provisions, § 1601.1).* The climate and geographical design criteria for building construction in La Vista Nebraska shall be:

1. Ground/snow load 30 lbs psf;
2. Wind speed 90 mph for a three-second gust with exposure "C";
3. Seismic Design Category "B";
4. Weathering probability for concrete "B";
5. Frost line depth 42 inches;
6. Termites, moderate to heavy;
7. Decay, slight to moderate;
8. Winter design temperature, minus five degrees.

(d) *Collapsible soils (adopted in addition to those requirements listed in adopted IBC provisions, § 1804.1 through § 1804.3).* Portions of the Omaha Metro area are underlain by low unit weight soils that can collapse when saturated. Additional studies shall be made to evaluate the presence and extent of the collapsible soils and to assess the effects of any collapsible soils identified at the site on the performance of the structure.

(e) *Markings (adopted in addition to those requirements listed in adopted IBC provisions, § 2303.4.1).* Each truss shall be legibly branded, marked, or otherwise have permanently affixed thereto the following information located within two feet of the center of the span on the face of the bottom chord:

1. Identify the company manufacturing the truss;
2. The design load;
3. The spacing of the truss.

(f) *Vertical support requirements for decks and porches.* Vertical supports for decks and porches shall be wood posts of not less than six inches by six inches in dimension. Underlying footings shall meet the foundation specifications of adopted IBC provisions.

(g) *Rain Water (adopted in addition to those requirements listed in adopted IBC provisions § 1503.7*

When roofs are sloped to drain over the edge, scuppers or gutters and down spouts, adequately sized, pitched and supported shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three (3) feet away from the building foundation in a direction parallel to the adjoining property line when the discharge point is within twenty (20) feet of the adjoining property line.

Exception; Structures with no sub-grade spaces.

(h) Permanent Wood Foundation Systems Section 1807.1.4

Delete this section in its entirety.

(i) Timber Footings Section 1809.12

Delete this section in its entirety.

(C) (1) *International Residential Code Provisions adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *International Residential Code, 2012 Edition*, and ("IRC") are on file in the Office of the City Clerk of the City of La Vista. With the exception of portions of § R105.2 preceding § R105.2.1, and §§ R305.1, **R311.7.2, R311.7.8.2, R317.1, R320.1.2, R502.6.2, R506.2.2, R703.7.4.2, R905.3.8, R905.7.6, R905.8.8, R907.3, and Tables R301.5, R802.11, R905.2.8.2 and N1102.1.2**, the following portions of said IRC are hereby adopted: Chapters 1 through 42, inclusive, and **Chapter 44** Appendices "G", Pools, Hot-tubs, Spas, "H", Patio Covers, "J" Existing Buildings and Structures, and "K", Sound Transmission ("adopted IRC provisions"); and each and all of the regulations, provisions, conditions and terms of such adopted IRC provisions, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(2) *Additional requirements, rules and regulations adopted.*

(a) *Work exempt from a permit (adopted in lieu of portions of IRC § R105.2 preceding § R105.2.1).* Permits shall not be required for the following. Exemption from the permit requirements of the adopted IRC provisions shall not be deemed to grant authorization

for any work to be done in any manner in violation of the adopted IRC provisions or any other laws or ordinances of this jurisdiction.

1. *Building:*

- a. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed **79** square feet.
- b. Retaining walls that are not over four feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
- c. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
- d. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- e. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- f. Swings and other playground equipment accessory to a one- or two-family dwelling.
- g. Window awnings supported by an exterior wall which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.

2. *Electrical:*

- a. *Repairs and maintenance.* A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

3. *Gas:*

- a. Portable heating, cooking or clothes drying appliances.
- b. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- c. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

4. *Mechanical:*

- a. Portable heating appliances.
- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot or chilled water piping within any heating or cooling equipment regulated by the adopted IRC provisions.
- e. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration systems containing ten pounds (4.54 kg) or less of refrigerant or that are actuated by motors of one horsepower (746 W) or less.
- h. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5. *Plumbing:*

- a. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in the adopted IRC provisions.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(b) *Minimum uniformly distributed live loads (adopted in lieu of IRC Table R301.5).*

	<i>Live Load</i>
Attics with storage <sup>b</sup>	20
Attics without storage <sup>b</sup>	10

Decks <sup>e</sup>	40
Exterior balconies	60
Fire escapes	40
Guardrails and handrails <sup>d</sup>	200
Guardrails in-fill components <sup>f</sup>	50
Passenger vehicle garages <sup>a</sup>	50 <sup>a</sup>
Rooms other than sleeping rooms	40
Sleeping rooms	40
Stairs	40 <sup>c</sup>
<p>For SI: 1 pound per square foot = 0.0479 kN/m<sup>2</sup>            1 square inch = 645 mm<sup>2</sup>            1 pound = 4.45 N.</p>	
<p><sup>a</sup> Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.</p> <p><sup>b</sup> No storage with roof slope not over three units in 12 units.</p> <p><sup>c</sup> Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of four square inches, whichever produces the greater stresses.</p> <p><sup>d</sup> A single concentrated load applied in any direction at any point along the top.</p> <p><sup>e</sup> See Section R502.2.1 of adopted IRC provisions for decks attached to exterior walls.</p> <p><sup>f</sup> Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to one square foot. This load need not be assumed to act concurrently with any other live load requirement.</p>	

(c) *Headroom (adopted in lieu of IRC § R311.7.2).* The minimum headroom in all parts of the stairway shall not be less than six feet eight inches (2,036 mm) measured vertically from the sloped plane adjoining the tread nosing or from the floor surface of the landing or platform. **The Building Official shall have the authority to waive the requirements of this section where pre-existing conditions will not allow the requirement to be met.**

(d) *Continuity (adopted in lieu of IRC § R311.7.8.2).*

1. Handrails for stairways shall be continuous for the full length of the flight, from a point directly above the top riser of the flight to a point directly above the lowest riser of the flight. Handrail ends shall be returned or shall terminate in newel posts or safety terminals. Handrails adjacent to a wall shall have a space of not less than one and one-half inch (38 mm) between the wall and the handrail.

2. *Exceptions:*

- a. Handrails shall be permitted to be interrupted by a newel post at the turn.
- b. The use of a volute, turnout, starting easing or starting newel shall be allowed over the lowest tread.
- c. Handrails for stairways shall be permitted to have no more than a four-inch (102 mm) break due to wall offsets and other ornamental features.

(e) *Townhouse automatic fire sprinkler systems (adopted in lieu of IRC § R313.1)*

1. An automatic residential fire sprinkler system is not required to be installed in townhouses.

(f) *Design and installation (adopted in lieu of IRC § R313.1.1)*

1. When a non-required automatic residential fire sprinkler is intended to be installed within a townhouse, the system shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R

(g) *One and two family dwellings automatic fire systems (adopted in lieu of IRC § R313.2)*

1. An automatic residential fire sprinkler system is not required to be installed in one and two family dwellings.

(h) *Design and installation (adopted in lieu of IRC § R313.2.1)*

1. When an automatic residential fire sprinkler system is intended to be installed, it shall be designed and installed in accordance with NFPA 13, NFPA 13D, or NFPA 13R.

(i) *Location required (adopted in lieu of IRC § R317.1)*. Protection from decay

shall be provided in the following locations by the use of naturally durable wood or wood that is preservative treated in accordance with AWPA U1 for the species, product, preservative and end use. Preservatives shall be listed in Section 4 of the AWPA U1.

1. Wood joists or the bottom of a wood structural floor when closer than 18 inches (456 mm) or wood girders when closer than 12 inches (305 mm) to the exposed ground in crawl spaces or unexcavated area located within the periphery of the building foundation.

2. All wood framing members, sills, or plates that rest on concrete or masonry exterior walls.

3. Sills and sleepers on a concrete or masonry slab that is in direct contact with the ground unless separated from such slab by an impervious moisture barrier.

4. The ends of wood girders entering exterior masonry or concrete walls having clearances of less than 0.5 inch (12.7 mm) on tops, sides and ends.

5. Wood siding, sheathing and wall framing on the exterior of a building having a clearance of less than six inches (152 mm) from the ground.

6. Wood structural members supporting moisture-permeable floors or roofs that are exposed to the weather, such as concrete or masonry slabs, unless separated from such floors or roofs by an impervious moisture barrier.

7. Wood furring strips or other wood framing members attached directly to the interior of exterior masonry walls or concrete walls below grade except where an approved vapor retarder is applied between the wall and the furring strips or framing members.

**(j) *Roof drainage (adopted in lieu of IRC § R903.4)***

1. When roof sloped to drain over the edge, scuppers or gutters and down spouts adequately sized, pitched and supported, shall be installed to conduct rain water to ground level. Rain water shall be discharged at least three (3) feet away from the building foundation in a direction parallel to adjoining property line.

2. **Exception:** Structures with no sub-grade spaces.

**(k) *Valley lining material (adopted in lieu of IRC Table R905.2.8.2)***

<b>Valley Lining Material</b>
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Material	Minimum Thickness (inches)	Gage	Weight (pounds)
Cold-rolled copper	0.0216 nominal	--	ASTM B 370, 16 oz. per square foot
Lead-coated copper	0.0216 nominal	--	ASTM B 101, 16 oz. per square foot
High-yield copper	0.0162 nominal	--	ASTM B 370, 12 oz. per square foot
Lead-coated high-yield copper	0.0162 nominal	--	ASTM B 101, 12 oz. per square foot
For SI: 1 inch = 25.4 mm 1 pound = 0.454 kg			

Valley Lining Material			
Material	Minimum Thickness (inches)	Gage	Weight (pounds)
Stainless steel	--	28	--
Galvanized steel	0.0179	28 (zinc coated G90)	--
Zinc alloy	0.027	--	--
Lead	--	--	2 1/2
Painted frame	--	--	20
For SI: 1 inch = 25.4 mm 1 pound = 0.454 kg			

(l) *Flashing (adopted in lieu of IRC § R905.3.8).* At the juncture of roof vertical surfaces, flashing and counter flashing shall be provided in accordance with this chapter and the manufacturer's installation instructions and, where of metal, shall not be less than 0.018 inches (0.4 mm) (No. 28 galvanized sheet gauge) corrosion resistant sheet metal. The valley flashing shall extend at least 11 inches (279 mm) from the centerline each way and have a splash diverter rib not less than one inch (25 mm) high at the flow line formed as part of the flashing. Sections of flashing shall have an end lap of not less than four inches (102 mm). For roof slopes of three units vertical in 12 units horizontal (25% slope) and greater, valley flashing shall have a 36-inch wide (914 mm) underlayment of one layer of Type I underlayment running the full length of the valley, in addition to other required underlayment. In areas where the average daily temperature in January is 25°F (-4°C) or less, metal valley flashing underlayment shall be solid-cemented to the roofing underlayment for slopes less than seven units vertical in 12 units horizontal (58% slope) or be of self-adhering polymer modified bitumen sheet.

(m) *Valley flashing (adopted in lieu of IRC § R905.7.6).* Roof flashing shall be not less than No. 28 gage [0.018 inches (0.4 mm)] corrosion resistant sheet metal.

(n) *Valley flashing (adopted in lieu of IRC § R905.8.8).* Roof flashing shall be not less than No. 28 gage [0.018 inches (0.4 mm)] corrosion resistant sheet metal and shall extend

at least 11 inches (279 mm) from the centerline,

(o) *Re-covering versus replacement (adopted in lieu of IRC § R907.3).* New roof coverings shall not be installed without first removing existing roof coverings where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, wood shingles, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.

4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure R903.5.

5. *Exceptions:*

- a. Complete and separate roofing systems, such as standing-seam metal roof systems, that are designed to transmit the roof loads directly to the building's structural system and that do not rely on existing roofs and roof coverings for support, shall not require the removal of existing roof coverings.
- b. Installation of metal panel, metal shingle, and concrete and clay tile roof coverings over existing wood shake roofs shall be permitted when the application is in accordance with § R907.4.
- c. The application of new protective coating over existing spray polyurethane foam roofing systems shall be permitted without tear-off of existing roof coverings.
- d. Where the existing

(p) *U-factor alternative (adopted in lieu of IRC § N1102.1.2).*

1. An assembly with a U-factor equal to or less than that specified in Table N1102.1.1 shall be permitted as an alternative to the R-value in Table N1102.1.3

2. *Exception:* For mass walls not meeting the criterion for insulation location in § N1102.2.5, the U-factor shall be permitted to be:

- a. U-factor of 0.17 in Climate Zone 1.

- b. U-factor of 0.14 in Climate Zone 2.
- c. U-factor of 0.12 in Climate Zone 3.
- d. U-factor of 0.10 in Climate Zone 4 except Marine.
- e. U-factor of 0.082 in Climate Zone 5 and Marine 4.
- f. Single-family dwellings, two-family dwellings and townhomes with a window to wall ratio greater than 15% must conform to the State of Nebraska Energy Code.

(D) *Uniform Code for the Abatement of Dangerous Buildings* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *Uniform Code for the Abatement of Dangerous Buildings*, 1985 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *Uniform Code for the Abatement of Dangerous Buildings*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(E) *Uniform Administrative Code adopted by reference* Certain documents in book form, two (2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *Uniform Administrative Code*, 1987 Edition, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *Uniform Administrative Code*, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein."

(F) *Life Safety Code adopted by reference.*

(1) *NFPA 101 Life Safety Code 2000 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *NFPA 101 Life Safety Code*, 2000 Edition ("LSC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such LSC, and all amendments, revisions or editions thereto on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The LSC is hereby adopted as amended, altered, modified and changed in the following respects:

(a) All provisions set forth within the **Nebraska Administrative Code Title 153 – State Fire Marshal** shall control except for those provisions set forth in Title 153, Chapter 20 – "Fees for Inspection for Fire Safety," which fees instead shall be as determined and set forth from time to time by the Mayor and City Council in the La Vista Master Fee Ordinance.

(G) *International Fire Code adopted by reference.*

(1) *International Fire Code 2012 Edition adopted.* Certain documents in book or pamphlet form, two copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Fire Code, 2012 Edition* ("IFC"), modified as described below, are hereby incorporated herein and adopted, and each and all of the regulations, provisions, conditions and terms of such IFC, and all amendments, revisions or editions thereto on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, incorporated, adopted and made a part hereof as if fully set out herein. The IFC is hereby adopted as amended, altered, modified and changed in the following respects:

(a) Specifically adopted are:

- i. The IFC, Chapters 1 through 67, inclusive, and Chapter 80.
- ii. The IFC, Appendices B, E, F, G, H, and I.

(b) Specifically not adopted are the IFC, Appendices A, C, D and J.

(c) The IFC shall apply to the construction, alteration, enlargement, replacement or repair of all buildings and structures, and any new construction required as a result of moving any building.

(d) Amendments.

i. (Page 1) **101.1 Title.** These provisions shall be known as the International Fire Code of the City of La Vista, Sarpy County, Nebraska, and shall be cited as such and will be referred to herein as "this code."

ii. (Page 46) **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces**

(Page 46-47) Sections 307.1 through 307.5 of the IFC are hereby deleted in their entirety. Sections 307.6 through 307.7 are hereby added as set forth below:

(Page 47) (1) **307.6 Definitions.**

(A) For the purposes of this section, the following terms shall have the meanings indicated:

**OPEN BURNING**

Using fire to burn material which is not contained within a fully enclosed firebox or structure and from which the products of combustion are permitted directly to the open atmosphere without passing through a stack, duct or chimney or burning that is conducted in a noncombustible container sufficiently vented to induce adequate primary combustion air with enclosed sides, a bottom, and a mesh covering with openings not larger than 1/4 inch square. Charcoal fires, or fire of other commonly accepted cooking fuels, which are contained within a manufactured hibachi, grill, smoker or gas grill, do not constitute open burning.

(Page 47) (2) **307.7 General.** Except as otherwise provided herein or elsewhere in the Municipal Code, no person, firm or corporation shall

burn or cause to be burned any material, item or thing within the City limits or within its two mile extraterritorial jurisdiction in any residential or commercially developed areas.

**Exceptions.**

1. This section shall not apply to and no permit shall be required for any burning which is necessary for the usual and customary preparation and/or cooking of food, including the use of normal barbecuing devices.
2. The Fire Chief or designee may waive the open burning ban under this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief or designee to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief or designee and on a form approved by the State Fire Marshal.
3. The Fire Chief or designee may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Fire Chief or designee.
4. The burning of dry wood in a small container manufactured for the purpose of containing small recreational fires may be allowed on the property of one- or two-family residential dwellings, in accordance with the following standards:
  - 4.1 Such fires shall be under constant supervision while burning.
  - 4.2 The fire and/or burning must be of such limited size as to allow the person in charge to have complete control over it.
  - 4.3 The fire and/or burning must not create a nuisance or a hazard to the health or the safety of persons or property in the area. Fires producing smoke that is a nuisance shall be extinguished. The Fire Chief or designee is authorized to order the extinguishment by the attendant in charge or by the Fire Department of open burning that creates or adds to a hazardous or objectionable situation.
  - 4.4 The burning of garbage, trash, leaves or other refuse shall not be permitted.
  - 4.5 The burning or igniting of highly flammable, toxic or explosive materials shall not be permitted.

iii. (Page 63) **503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 24 feet, exclusive of shoulders,

except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches.

iv. (Page 64) **503.2.7 Grade.** The grade of the fire apparatus access road shall be a maximum of 10% or within the limits established by the fire code official based on the fire department's apparatus.

v. (Page 101) **903.2.8 Group R.**

**Exceptions:** A sprinkler system is not required when all of the following conditions exist:

1. The building is R-2 occupancy and contains eight or fewer apartment units.
2. Separation is maintained between living units by means of one-hour fire partitions creating a complete vertical separation from foundation to roof.
3. Each living unit has its own separate exit access independent of other living units.

vi. (Page 333) **CHAPTER 56 Explosives and Fireworks.**

(Pages 333 – 349) Sections 5601.1 through 5609.1 of the International Fire Code are hereby deleted in their entirety. Section 5610.1 is hereby added as set forth below:

(Page 349) **5610.1 General.** The possession, storage, sale, handling, and use of 'consumer fireworks,' shall meet the requirements defined by, *Neb. Rev. Stat. §§ 28-1241* as amended, and applicable provisions of the La Vista Municipal Code."

H. *Unsafe Buildings.* In addition to any applicable provisions of the Building Code, the Municipal Code or other laws, regulations or rules, all buildings and structures existing in violation of any provisions of the International Building Code, International Fire Code or NFPA Life Safety Code 101, as adopted in this Section 150.01, upon determination by an applicable enforcement official that the violation represents a significant risk of damage or loss to persons or property, shall constitute an unsafe building or structure.

**SECTION 2. Amendment of Section 150.02.** Section 150.02 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 150.02 MECHANICAL CODE.** The standard codes specified below are hereby adopted as the Mechanical Code of the City of La Vista to regulate and provide complete and certain minimum standards, provisions and requirements for the design, construction, installation quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat producing appliances, as well as the design and installation of fuel gas systems and gas-fired appliances through requirements that

emphasize performance, within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore.

(A) *International Mechanical Code adopted by reference.* Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Mechanical Code, 2012* Edition, including all appendices, and the published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Mechanical Code, 2012* Edition, and all appendices, amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

(B) *International Fuel and Gas Code adopted by reference* Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Fuel and Gas Code, 2012* Edition, including all appendices, published by the International Code Council, are hereby adopted; and each and all of the regulations, provisions, conditions and terms of such *International Fuel and Gas Code, 2012* Edition, and all appendices, amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out in herein.”

**SECTION 3. Amendment of Section 150.03.** Section 150.03 of the La Vista Municipal Code is hereby amended to read as follows:

### **8 150.03 PROPERTY MAINTENANCE CODE ADOPTED BY REFERENCE.**

Certain documents in book form, two copies of which are on file in the office of the City Clerk of the city of La Vista and being marked and designated as International Property Maintenance Code, *2012* Edition, prepared by the International Code Council, and all amendments, revisions or editions be, and the same are, hereby adopted as the Property Maintenance Code of the city of La Vista regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures in the city of La Vista; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, *2012* Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the office of the City Clerk of the city of La Vista are hereby referred to, adopted and made a part hereof as it fully set out in this section.

(1) *Additional requirements, rules and regulations adopted.*

(a) *Windows, skylight and door frames (adopted in addition to IPMC §304.13)*

**304.13.3** Whenever there has been damage to non-structural building elements of a closed vacated residence, *see Section 108.2*, the owner of any such property is required to secure and keep secure any such structure that is in non-compliance. Any such structure that has had its windows, skylights and doors covered to secure the building due to damage of such window, skylight, and door frames, may only be allowed to cover the damaged openings for a period of sixty (60) days after receiving a Notice and Order to correct from the Building Official. After such time the owner will then be required to make permanent corrections to the openings. If after such time the repairs are not corrected through the time frame stated, the Building Official is authorized to order the structure to be corrected through any available public agency or by contract or arrangement by private persons and the costs thereof shall be charged against such real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

*(b) Vacant structures (adopted in addition to IPMC § 304.18.4)*

**304.18.4** Whenever there has been damage to non-structural building elements of a closed vacated residence, *see Section 108.2*, the owner of any such property is required to secure and keep secure any such structure that is in non-compliance. The owner of the property is required to acquire a building permit to correct violations and comply with any Notice and Orders that may have been issued; within six (6) months of such notice or order. Violations include but not limited to; doors, windows, siding, roofing, building openings. If such time the repairs are not corrected within the time frame stated the Building Official is authorized to order the structure to be corrected through any available public agency or by contract or arrangement by private persons and the costs thereof shall be charged against such real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**SECTION 4. Amendment of Section 150.04.** Section 150.04 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 150.04 PLUMBING CODE ADOPTED BY REFERENCE.**

Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *International Plumbing Code, 2012* Edition, including Appendix “C”, Gray Water Recycling System, Appendix “E”, Sizing of Water Piping System, Appendix “F”, Structural Safety, and Appendix, are hereby adopted as the Plumbing Code of the City of La Vista to regulate and provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and plumbing related work within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *International Plumbing Code, 2012* Edition and specified appendices, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.”

**SECTION 5. Amendment of Section 150.05.** Section 150.05 of the La Vista Municipal Code is hereby amended to read as follows:

**“§ 150.05 ELECTRICAL CODE ADOPTED BY REFERENCE.**

Certain documents in book form, two(2) copies of which are on file in the Office of the City Clerk of the City of La Vista and being marked and designated as the *National Electric*

*Code, 2014* Edition, including amendments thereto recommended by the National Fire Protection Association and published by the National Fire Protection Association, *2014* Edition, are hereby adopted as the Electrical Code of the City of La Vista to regulate and provide complete and certain minimum standards, provisions and requirements for electrical wiring of buildings, structures, machinery and equipment for light and power, safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances within the jurisdiction of the City of La Vista and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such *National Electric Code, 2014* Edition, and all amendments, revisions or editions thereto on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein."

**Section 6. Repeal.** Sections 150.01, 150.02, 150.03, 150.04, and 150.05 and all other ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

**Section 7. 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, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**Section 8. Effective Date.** This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or as otherwise provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF LA VISTA,

---

DOUGLAS KINDIG, MAYOR

Attest:

---

PAMELA BUETHE, City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT — ANIMAL SPECIALTY SERVICES Lots 1 & 2, HARRISON HEIGHTS	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled for Council to consider an application for a Conditional Use Permit for animal specialty services on Lots 1 and 2, Harrison Heights (to be replatted as a single lot), generally located southeast of Harrison Street and Gertrude Street.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by Kevin Irish dba The Paw Spa Pet Resort, on behalf of the property owner, Empire Group, LLC, to approve a conditional use permit for animal specialty services on Lots 1 and 2, Harrison Heights (to be replatted as one lot), generally located southeast of Harrison Street and Gertrude Street. The property is zoned C-2 PUD, General Commercial Planned Unit Development. The lots are currently vacant; the Curious Child Montessori Preschool is abutting the property on the south, and the Harrison Heights apartments are abutting the property on the east. The proposal is to allow for the construction of a new 11,900 s.f. building, with an enclosed outdoor area, for a business called The Paw Spa Pet Resort which includes daycare, boarding, spa and grooming for pets (specifically dogs).

A detailed staff report is attached.

The Planning Commission held a public hearing on February 18, 2016, and recommended, on a vote of 6 in favor and 3 opposed, approval of the conditional use permit.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR KEVIN IRISH TO OPERATE ANIMAL SPECIALTY SERVICES (THE PAW SPA PET RESORT) ON LOTS 1 AND 2, HARRISON HEIGHTS (TO BE REPLATTED AS ONE LOT).

WHEREAS, Kevin Irish, dba The Paw Spa Pet Resort, has applied for a conditional use permit for the purpose of operating animal specialty services (daycare, boarding, spa and grooming) on Lots 1 and 2, Harrison Heights, located southeast of Harrison Street and Gertrude Street; and

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

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

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for Kevin Irish, dba The Paw Spa Pet Resort, to operate animal specialty services (daycare, boarding, spa and grooming) on Lots 1 and 2, Harrison Heights (to be replatted as one lot).

PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF MARCH 2016.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

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**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2016-CUP-01

FOR HEARING OF: March 16, 2016  
Report Prepared on March 3, 2016

**I. GENERAL INFORMATION**

- A. APPLICANT:** The Paw Spa Pet Resort
- B. PROPERTY OWNER:** Empire Group LLC
- C. LOCATION:** Southeast corner of Harrison Street and Gertrude Street
- D. LEGAL DESCRIPTION:** Lots 1 & 2, Harrison Heights
- E. REQUESTED ACTION(S):** Conditional Use Permit for Animal Specialty Services
- F. EXISTING ZONING AND LAND USE:**  
C-2 PUD, General Commercial, Planned Unit Development (Overlay District); vacant
- G. PROPOSED USES:** The Conditional Use Permit (CUP) will allow the applicant to operate an Animal Specialty Services use named “Paw Spa Pet Resort”.
- H. SIZE OF SITE:** 1.72 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The lot is currently vacant. The topography of the property is relatively flat, with an upward slope on the south side.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  1. **North:** Single Family Residential; R-1, Single-Family Residential (Ralston),
  2. **East:** Harrison Heights Apartments; R-3 PUD, High-Density Residential District, Planned Unit Development (Overlay District).
  3. **South:** Curious Child Montessori Preschool; C-2 PUD, General Commercial, Planned Unit Development (Overlay District)
  4. **West:** MUD Substation; R-1, Single-Family Residential District

**C. RELEVANT CASE HISTORY:**

1. N/A

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development District
3. Article 6 of the Zoning Regulations – CUP Conditional Use Permits

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for commercial uses.

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

**C. TRAFFIC AND ACCESS:**

1. There are two access points to the property. The first is a right-in/right-out access point with a right-turn deceleration lane along Harrison Street on the northern edge of the property. The second is an access drive off of Gertrude Street in the southwest corner. The original PUD was approved based on a strip retail commercial development that would typically create a higher traffic demand. The existing roadway design should be adequate for the anticipated traffic demand.

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

**E. PARKING REQUIREMENTS:** The use of Animal Specialty Services requires a minimum of one space per 300 square feet of gross floor area. Based on a proposed 11,900 square foot building, a total of 40 parking spaces would be required.

As per the submitted Final PUD Site Plan, 50 spaces will be provided with an additional 9 stalls proposed to be added based one demand.

The accessible parking stall requirement is met for the 50 spaces that will be initially constructed, however an additional accessible parking stall will need to be added if the additional stalls on the west side of the development are constructed. The Final PUD Site Plan should be adjusted accordingly prior to City Council approval.

**F. LANDSCAPING:** The landscaping plan has been reviewed as part of the design review process that is required for developments within the

Harrison Heights PUD. The resulting landscaping plan will be included in the Conditional Use Permit as an exhibit.

A draft landscaping plan has been submitted with the Final PUD Site Plan map set. This plan is still under review however review will be complete prior to City Council review of the Conditional Use Permit.

**IV. REVIEW COMMENTS:**

1. The revised site layout represents a change from two, multi-bay general commercial buildings (10,000 and 5,000 square feet) to a single building of 11,900 square feet with an outdoor dog run area for animal specialty services.
2. The proposed Final PUD Site Plan includes the consolidation of Lots 1 and 2 of Harrison Heights into a single lot. This will need to be conducted through an Administrative Plat.
3. The Harrison Heights PUD Ordinance requires all developments within the PUD to proceed through design review prior to building permit approval. Although the design review process is not complete, the design of the main building has been approved. The remaining aspects that need to be addressed through the design review process will need to be completed prior to City Council review of the CUP.
4. Dumpster screening needs to match existing screening for the dumpster currently on site, including bollards and internal bracing to protect the screening. The applicant has provided for these adjustments to the design of the dumpster screening.
5. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit "A") and this staff report.
6. In addition to the conditions typically listed within the City's Conditional Use Permits, conditions specific to this use included within the draft CUP include:
  - a. Licensing through the Nebraska Department of Agriculture is required. Failure to obtain and maintain a valid license will render this Conditional Use Permit null and void.
  - b. Hours of operation for said Permitted Use will generally be from 6:30am to 8:00pm Monday through Friday, from 8:00am to 5:00pm Saturday, and 10:00am to 4:00pm on Sunday. Pets are not outside prior to opening or after closing.
  - c. The applicant shall post signs instructing dog owners to keep dogs on leashes until they are inside the building. No dogs shall be allowed off leash in the parking or drive aisle areas.
  - d. Outdoor clean-up of solid animal wastes shall be performed at least twice a day to keep the parking lot and landscaped areas clean and safe. Liquid wastes shall be controlled so as not to discharge from the site or from outside animal pens.

**V. STAFF RECOMMENDATION – CONDITIONAL USE PERMIT:**

Staff recommends approval of the Conditional Use Permit contingent on the finalization of the design review process prior to City Council approval as the CUP request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – CONDITIONAL USE PERMIT:**

The Planning Commission held a public hearing on February 18, 2016 and recommended, by a vote of 6 in favor and 3 against, approval of the Conditional Use Permit.

**VII. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Operational Statement
3. Staff Review Letters
4. Draft Conditional Use Permit

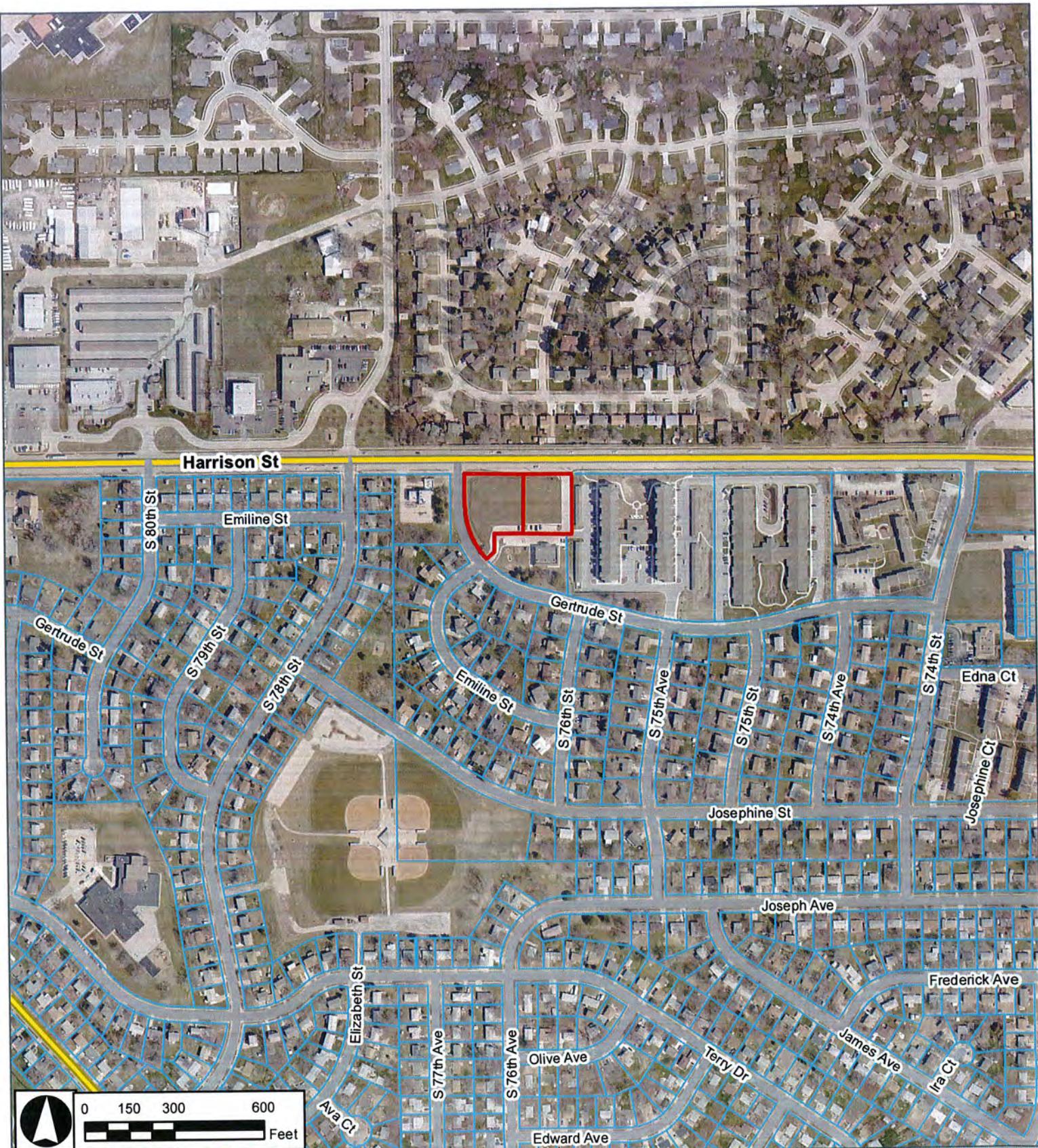
**VIII. COPIES OF REPORT TO:**

1. Mark Westergard, E & A Consulting Group, Inc.
2. Vic Pelster, Empire Group, LLC
3. Public Upon Request

\_\_\_\_\_  
Prepared by

*JM Bnil*  
\_\_\_\_\_  
Community Development Director

*3-4-16*  
\_\_\_\_\_  
Date



## Project Vicinity Map

**The Paw Spa Pet Resort CUP**

02-18-2016

CSB



## **Operational Statement**

We are proposing to build a second location in Sarpy County for The Paw Spa Pet Resort. Our first operation is located at 16912 Audrey Street (168<sup>th</sup> and Harrison), Omaha, NE.

Our business features dog day care, overnight boarding and grooming. Our current facility is 12,000 square feet with an additional outdoor play area of 6,000 square feet. Our proposed new facility is 11,900 square feet and 6800 square feet outside play.

Our hours of operation are Monday through Friday 6:30 am to 8 pm, Saturday 8 am to 5 pm and Sunday from 10 am to 4 pm.

Our pets are not outside prior to opening or after closing and are with a caregiver whenever they are outside in our play area. The pets would not be outside any other time except for their owners picking up and dropping off. The pet relief area is confined to our 8 foot tall enclosed 6800 square foot area to the side of our building

Currently, we employ 26 people at our resort full and part time and expect the same to be the case in this location. Only 8-10 are on staff at any given time.

We are inspected each year by the State of Nebraska for a boarding kennel permit. The State looks at cleanliness, kennel size, number of dogs that can be boarded and business practices in general. In the 3 years we have been open, we have 0 violations and have designed our kennel area well below the number of dogs we could house or allowed by law.

3 indoor play areas will complement our outside play.

The pets are outside 6-7 hours per day for relief and play purposes. We have designed our outside area by excavating 6 inches down, installing a gravel aggregate for drainage and Field Turf on top of this similar to what Memorial Stadium in Lincoln uses but the pet division of this company.

Urine, for the most part evaporates but does filter through our system, solid waste is picked up several times daily and disposed through extra thick bags and picked up by Papillion Sanitation twice weekly.

This system has been in place for several years and works very well. Additionally, our play area is sprinklered to further dilute and clean the surface as well as providing cooling during the hot weather for play.

Our pets enjoy a state of the art air handling system which circulates the air 4 times per hour, extra-large suites averaging 6' x 9', indoor swimming pool and a controlled temperature environment.

We have won numerous awards such as The Best of Omaha First place every year we have been open as well as First Place Sarpy County People's Choice Awards. Additionally, we have been written up in various publications such as The Midlands Business Journal and Omaha World Herald on our approach to pet care.

**Our parking needs revolve mostly around drop offs and pickups and our 8-10 employees parking during the working hours.**

**The outside play area would be approximately 7,000 square feet surrounded by 8 foot tall decorative block. This area is served by cameras for the customer to view their pet at play. We haven't experienced excessive barking as the play is controlled by our caregivers and this involvement keeps any noise to an acceptable level and is confined within this area. In our three years in operation at our Audrey Street location, we haven't received any noise complaints. Our fence at that location is vinyl, also 8 foot tall and we feel the material our new fence will consist of will even further minimize any noise.**

**We are immediate neighbors to a Runza restaurant to our East and a child daycare facility to the West.**

**The exterior of our building is immaculate with our green area sprinklered and landscaped. We require very little parking for a building our size.**

**We are closed on all major holidays.**

**Kevin Irish**



January 11, 2016

Mark Westergard  
E & A Consulting Group  
10909 Mill Valley Road  
Omaha, NE 68154

RE: Conditional Use Permit, PUD - Initial Review  
Lot 1, Harrison Heights Replat 1 – Paw Spa

Mr. Westergard,

We have reviewed the documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Conditional Use Permit (CUP) and the Planned Unit Development (PUD), the City has the following comments:

City Engineer

PUD

1. The revised site layout represents a change from two, multi-bay general commercial buildings (10,000 and 5,000 square feet) to a single building of 11,900 square feet with an outdoor dog run area for animal specialty services.
2. The proposed location of the Paw Spa Pet Resort building has several problems. The location does not provide the 25 feet setback to Harrison Street right-of-way, the building is proposed to be located in two existing storm sewer easements, and the building is proposed to lie within an existing water quality detention basin along Harrison Street per the plans for LAV2011022-181-P. Exhibit "C" illustrates the grading of a basin that conflict with the proposed building.
3. The Exhibit "B" drawing that shows a Storm Water Management area on Lot 3 is not correct.
4. Note 2 on Exhibit "B" is not correct and is unnecessary.
5. The legal description on Exhibit "B" needs to be corrected.
6. The parking count could likely be reduced since this is not a general commercial use. The applicant could identify the basis of what parking they need based on experience from their own facility. Alternatively, the Pet Health Services category in the City Zoning Regulations could be used that requires 1 stall per 300 square feet of GFA.

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

**Community Development**  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

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

CUP

1. The Operational Statement needs to identify what is done to address or control dogs that bark excessively. Also, it is assumed that dogs are not left overnight in the outside area, but this should be stated in the Operational Statement.
2. The Operational Statement needs to address how pet waste is collected, contained and how often it is removed from the site.
3. The location of the building will need to be revised as noted above to avoid negative impact on the existing drainage facilities.

Chief Building Official

Dumpster screening needs to match what is already in place.

Fire Marshall

No Comments

La Vista Police Department

No Comments

City Planner

PUD

1. Update the PUD site plan to strike all out-of-date aspects of the plan (tree removals, Note #2, previous Harrison Street curb line at deceleration lane).
2. Dumpster screening needs to match existing screening for the dumpster currently on site, including bollards to protect the screening.
3. Building setbacks are not dimensioned. Setbacks from Harrison Street and Gertrude Street are required at 25 feet as per the C-2 Zoning District.
4. Proposed site plan amendment removes the Center Identification sign from the northwest corner. Please confirm that this is the intention of the owner as the visibility of the commercial building to the south will be limited by the new building and the design of the new building makes signage options on the north side limited.

CUP

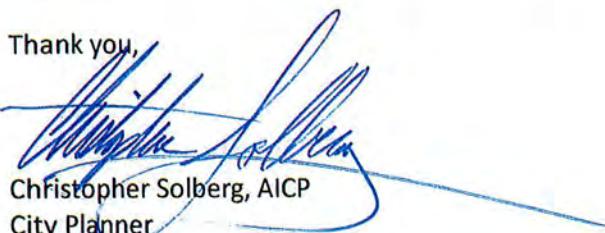
1. As a requirement of the existing PUD overlay. The facility is required to go through the City's design review process. Documents related to the design of the facility are to be included in the CUP as exhibits to the CUP. The City's third party Design Review Architect is currently reviewing the design and will provide a separate design review letter that will be forwarded when it is ready.

2. The Operational Statement needs to discuss the filtering of the air handling system to limit odor impacts upon neighboring properties.
3. The square footage of the building in the Operational Statement needs to match the square footage of the building on the PUD plan set.
4. Strike the words, "in Omaha, NE" from fourth paragraph of the Operational Statement as that is the city name assigned to the zip code, not the actual city that the existing facility is within. This may cause confusion.
5. A draft version of the Conditional Use Permit has been attached for your review.

In order for the PUD amendment and Conditional Use Permit to be considered for review at the February 18, 2016 Planning Commission meeting, revised documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by January 25, 2016 to ensure that the application stays on track for the review by Planning Commission.

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

Thank you,



Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Vic Pelster, Empire Group LLC  
Kevin Irish, The Paw Spa Pet Resort



January 29, 2016

Mark Westergard  
E & A Consulting Group  
10909 Mill Valley Road  
Omaha, NE 68154

RE: Administrative Plat – Second Review  
Lot 1, Harrison Heights Replat 1 – Paw Spa

Mr. Westergard,

We have reviewed the revised documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Conditional Use Permit (CUP) and the Planned Unit Development (PUD), the City has the following comments:

PUD

1. The Final PUD Site Plan needs to delineate the extent of the revisions to limit confusion between the proposed development and the existing development.
2. If the western parking apron will not be poured upon the initial development of the lot then this aspect needs to be marked within the Final PUD Site Plan, with an explanatory note.
3. If the western parking apron will not be poured upon the initial development of the lot, then clarification will need to be provided as to whether or not a second dumpster enclosure will be needed.
4. The dumpster enclosure near the southeast corner of the proposed building will likely cause site line issues for traffic. If a second enclosure is needed, please move it alongside the enclosure on the western side of the property.

CUP

1. As a requirement of the existing PUD overlay. The facility is required to go through the City's design review process. Documents related to the design of the facility are to be included in the CUP as exhibits to the CUP. The City's third party Design Review Architect is currently reviewing the design resubmittal and will provide a separate design review letter that will be forwarded when it is ready.

In order for the PUD amendment and Conditional Use Permit to be considered for review at the February 18, 2016 Planning Commission meeting, revised documents will need to be provided for the Planning Commission packets. Please submit 10 full-size

**City Hall**  
8116 Park View Blvd.  
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p: 402-331-4343  
f: 402-331-4375

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9110 Giles Rd.  
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f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

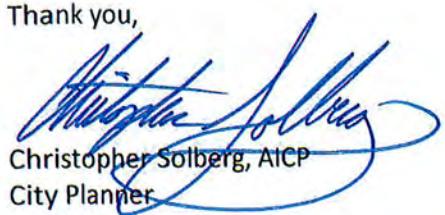
**Recreation**  
8116 Park View Blvd.  
p: 402-331-3455  
f: 402-331-0299

and 4 ledger-size (11"x17") copies (along with electronic copies) of the revised PUD and CUP documents by February 10, 2016 to ensure that the application stays on track for the review by Planning Commission.

If the revised documents have been resubmitted on time, the application will be on the February Planning Commission agenda. The Planning Commission will meet at 7:00pm on February 18<sup>th</sup>. Please have someone in attendance with a presentation prepared for the Commission.

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

Thank you,

A handwritten signature in blue ink, appearing to read "Christopher Solberg".

Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Vic Pelster, Empire Group LLC  
Kevin Irish, The Paw Spa Pet Resort

January 18, 2016

Mr. Chris Solberg  
City of La Vista  
8116 Park View Blvd  
La Vista, NE 68128

RE: The Pet Spa Pet Resort - Design Review #1

Dear Chris:

This letter shall provide recommendations and/or corrections for the applicant's design review and submittal package dated January 4, 2016. For tracking purposes I have noted deficiencies in the submittal package, and where appropriate, the corresponding requirements outlined in the Harrison Heights PUD Guidelines.

**Concept Elevations:**

1. Sheet A2.1 Colored Elevations:
  - a. The drawing submitted appears to be in conformance with the PUD Guidelines and very similar in character to the buildings previously constructed.
  - b. The major exterior finish material samples submitted appear to also be in conformance. There were (4) Sherwin Williams paint samples included and noted as being used on "the masonry wall". There is one partial wall detail on A2.1 and what appears to be a plan representation on the PUD Plan, but it is not clearly noted. It was not clear where, or if, these paint colors are being used so I did not attempt to review or verify them.

**Civil/Site Drawings:**

1. Landscape Plan L1.1, Final PUD Plan, and Preliminary Post Construction Storm Water Management Plan:
  - a. The drawings submitted are not clear as to the work being executed as part of this project. The plans seem to be a reprint of project drawings already used previously. I see what appears to be the footprint of the proposed Pet Spa building (Replat 1) and a Dog Run identified, but cannot determine what parts of the site work are existing vs. new. The graphics and notes make no clear indication what should be reviewed so I did not attempt.
  - b. There are several clouded revisions noted as #1, but the revision block indicates REV #1 dated 4/29/2009. I see no drawing updates graphically noted as REV #4 which would be more current date of 1/04/2016.

- c. The guidelines specify a required Trash Screen design. The L1.1 Landscape Plan submitted includes a similar detail, but there is no clear indication of where, or if, this screen is proposed as part of this project.

**Miscellaneous:**

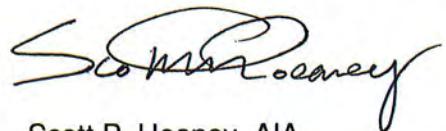
1. The Harrison Heights PUD guidelines also specifies required Exterior Pole Mounted luminaires, poles, and colors. None were clearly scheduled or noted on the drawings. No proposed product data sheets were received.

Please feel free to contact me regarding additional clarifications or questions.

(402) 431-6317 direct  
[sheaney@schemmer.com](mailto:sheaney@schemmer.com)

Sincerely,

THE SCHEMMER ASSOCIATES, INC.  
ARCHITECTS | ENGINEERS | PLANNERS



Scott P. Heaney, AIA  
Architect, Associate

**City of La Vista  
Conditional Use Permit**

**Conditional Use Permit for Animal Specialty Services (Paw Spa Pet Resort)**

This Conditional Use Permit issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to The Paw Spa Pet Resort, LLC ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an Animal Specialty Service use upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Harrison Heights Replat 1, located in the NE ¼ Section 14, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a facility for dog daycare, boarding, and pet grooming; and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for animal specialty services, said use hereinafter being referred to as "Permitted Use or Use".

**Conditions of Permit**

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
  - a. The use shall be limited to the type of operation as described in the applicant's Operational Statement (Exhibit "A") and staff report. Any change in the operational characteristics including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Department and may require an amendment to the Conditional Use Permit, subject to either City Planner or Planning Commission and City Council approval, depending on the nature of the proposed change.
  - b. Licensing through the Nebraska Department of Agriculture is required. Failure to obtain and maintain a valid license will render this Conditional Use Permit null and void.
  - c. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as "Exhibit B".
  - d. Architectural review of the building design, landscaping and lighting has been completed and the foregoing plans are approved as shown in Exhibits "B" through "F".
  - e. Hours of operation for said Permitted Use will generally be from 6:30am to 8:00pm Monday through Friday and from 8:00am to 5:00pm Saturday and 10:00am to 4:00pm on Sunday. Pets are not outside

prior to opening or after closing.

- f. There will be approximately 18 full and part time employees for the Permitted Use.
- g. The applicant shall post signs instructing dog owners to keep dogs on leashes until they are inside the building. No dogs shall be allowed off leash in the parking or drive aisle areas.
- h. Outdoor clean-up of solid animal wastes shall be performed at least twice a day to keep the parking lot and landscaped areas clean and safe. Liquid wastes shall be controlled so as not to discharge from the site or from outside animal pens.
- i. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
- j. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete. Trash dumpsters shall be placed with a trash enclosure of six feet in height.
- k. There shall not be any on-street parking permitted on Gertrude Street.
- l. Off-street parking shall be provided for the Permitted Use and the number of parking spaces shall be adequate to accommodate the patrons and guests of the Permitted Use without negatively impacting or limiting the number of parking spaces for other existing or future tenants.
- m. Landscaping requirements from Section 7.17 of the City of La Vista Zoning Ordinance and the Harrison Heights PUD Plan shall be satisfied and maintained by the property owner.
- n. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.
- o. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- p. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

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

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

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

- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
- b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
- c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.

- d. Breach of the Owner, Association or any Unit Owner of any other terms hereof and failure of the Owner, Association or any Unit Owner to promptly correct and cure such violation or breach to the satisfaction of the Building Official within thirty (30) days of City's giving written notice thereof.
5. If the permitted use is not commenced within one (1) year from March 15, 2016, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

#### **Miscellaneous**

The conditions and terms of this permit shall be binding upon owner, his successors and assigns.

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

**Contact Name and Address:** Kevin Irish  
The Paw Spa Pet Resort, LLC  
16912 Audrey Street  
Omaha, NE 68136

**Effective Date:**

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

THE CITY OF LA VISTA

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

Attest:

Pamela A. Buethe, CMC  
City Clerk

**CONSENT AND AGREEMENT**

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

Owner:

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

Title: \_\_\_\_\_

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

#### ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared Douglas Kindig and Pamela A. Buethe, personally known by me to be the Mayor and City Clerk of the City of La Vista, and the identical persons whose names are affixed to the foregoing Agreement, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said City.

---

**Notary Public**

## ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, a Notary Public duly commissioned and qualified in and for said County and State, appeared [REDACTED], personally known by me to be the \_\_\_\_\_ of The Paw Spa Pet Resort, LLC and the identical person whose name is affixed to the foregoing Agreement, and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said company.

---

## Notary Public

## Operational Statement

We are proposing to build a second location in Sarpy County for The Paw Spa Pet Resort. Our first operation is located at 16912 Audrey Street (168<sup>th</sup> and Harrison), Omaha, NE.

Our business features dog day care, overnight boarding and grooming. Our current facility is 12,000 square feet with an additional outdoor play area of 6,000 square feet. Our proposed new facility is 11,900 square feet and 6800 square feet outside play.

Our hours of operation are Monday through Friday 6:30 am to 8 pm, Saturday 8 am to 5 pm and Sunday from 10 am to 4 pm.

Our pets are not outside prior to opening or after closing and are with a caregiver whenever they are outside in our play area. The pets would not be outside any other time except for their owners picking up and dropping off. The pet relief area is confined to our 8 foot tall enclosed 6800 square foot area to the side of our building

Currently, we employ 26 people at our resort full and part time and expect the same to be the case in this location. Only 8-10 are on staff at any given time.

We are inspected each year by the State of Nebraska for a boarding kennel permit. The State looks at cleanliness, kennel size, number of dogs that can be boarded and business practices in general. In the 3 years we have been open, we have 0 violations and have designed our kennel area well below the number of dogs we could house or allowed by law.

3 indoor play areas will complement our outside play.

The pets are outside 6-7 hours per day for relief and play purposes. We have designed our outside area by excavating 6 inches down, installing a gravel aggregate for drainage and Field Turf on top of this similar to what Memorial Stadium in Lincoln uses but the pet division of this company.

Urine, for the most part evaporates but does filter through our system, solid waste is picked up several times daily and disposed through extra thick bags and picked up by Papillion Sanitation twice weekly.

This system has been in place for several years and works very well. Additionally, our play area is sprinkled to further dilute and clean the surface as well as providing cooling during the hot weather for play.

Our pets enjoy a state of the art air handling system which circulates the air 4 times per hour, extra-large suites averaging 6' x 9', indoor swimming pool and a controlled temperature environment.

We have won numerous awards such as The Best of Omaha First place every year we have been open as well as First Place Sarpy County People's Choice Awards. Additionally, we have been written up in various publications such as The Midlands Business Journal and Omaha World Herald on our approach to pet care.

**Our parking needs revolve mostly around drop offs and pickups and our 8-10 employees parking during the working hours.**

**The outside play area would be approximately 7,000 square feet surrounded by 8 foot tall decorative block. This area is served by cameras for the customer to view their pet at play. We haven't experienced excessive barking as the play is controlled by our caregivers and this involvement keeps any noise to an acceptable level and is confined within this area. In our three years in operation at our Audrey Street location, we haven't received any noise complaints. Our fence at that location is vinyl, also 8 foot tall and we feel the material our new fence will consist of will even further minimize any noise.**

**We are immediate neighbors to a Runza restaurant to our East and a child daycare facility to the West.**

**The exterior of our building is immaculate with our green area sprinklered and landscaped. We require very little parking for a building our size.**

**We are closed on all major holidays.**

**Kevin Irish**

PROJECT DENSITIES											
BUILDING AREA (SF)	LOT AREA (AC)	IMPERVIOUS (AC)	PERVIOUS (AC)	PARKING (PER CODE)	ADA STALLS	TOTAL PARKING REQUIRED	REGULAR PARKING	ADA PARKING	ADA STALLS	TOTAL PARKING PROVIDED	
REPLAT 1 LOT 1	11,900	1.718	1.141	0.577	40	2	42	56	0	2	58
LOT 3	5,000	0.950	0.321	0.629	25	1	26	19	0	1	20
LOT 4	40,618	5.254	3.135	2,795	118	5	123	75	52	6	133
LOT 5	48,650	4,225	2,528	1,697	52	3	55	56	0	4	60
TOTAL	104,468	12.051	7.174	5.556	245	13	258	228	52	15	265

#### LEGAL DESCRIPTION

LOTS 1 THRU 5 INCLUSIVE  
BEING A REPLAT OF LOTS 13 AND 14, CRESTVIEW HEIGHTS (2ND PLATTING), A SUBDIVISION LOCATED IN  
THE NE 1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY,  
NEBRASKA.

#### OWNER

EMPIRE GROUP, LLC  
1941 S. 42ND STREET SUITE 550  
OMAHA, NE 68105

#### ENGINEER

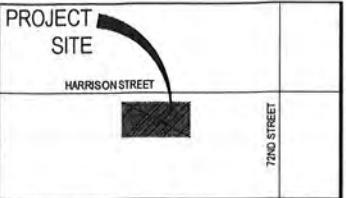
E & A CONSULTING GROUP  
10909 Mill Valley Road, Suite 100  
OMAHA, NE 68154

#### DEVELOPER

EMPIRE GROUP, LLC  
1941 S. 42ND STREET SUITE 550  
OMAHA, NE 68105

#### REQUIRED SETBACK LINE

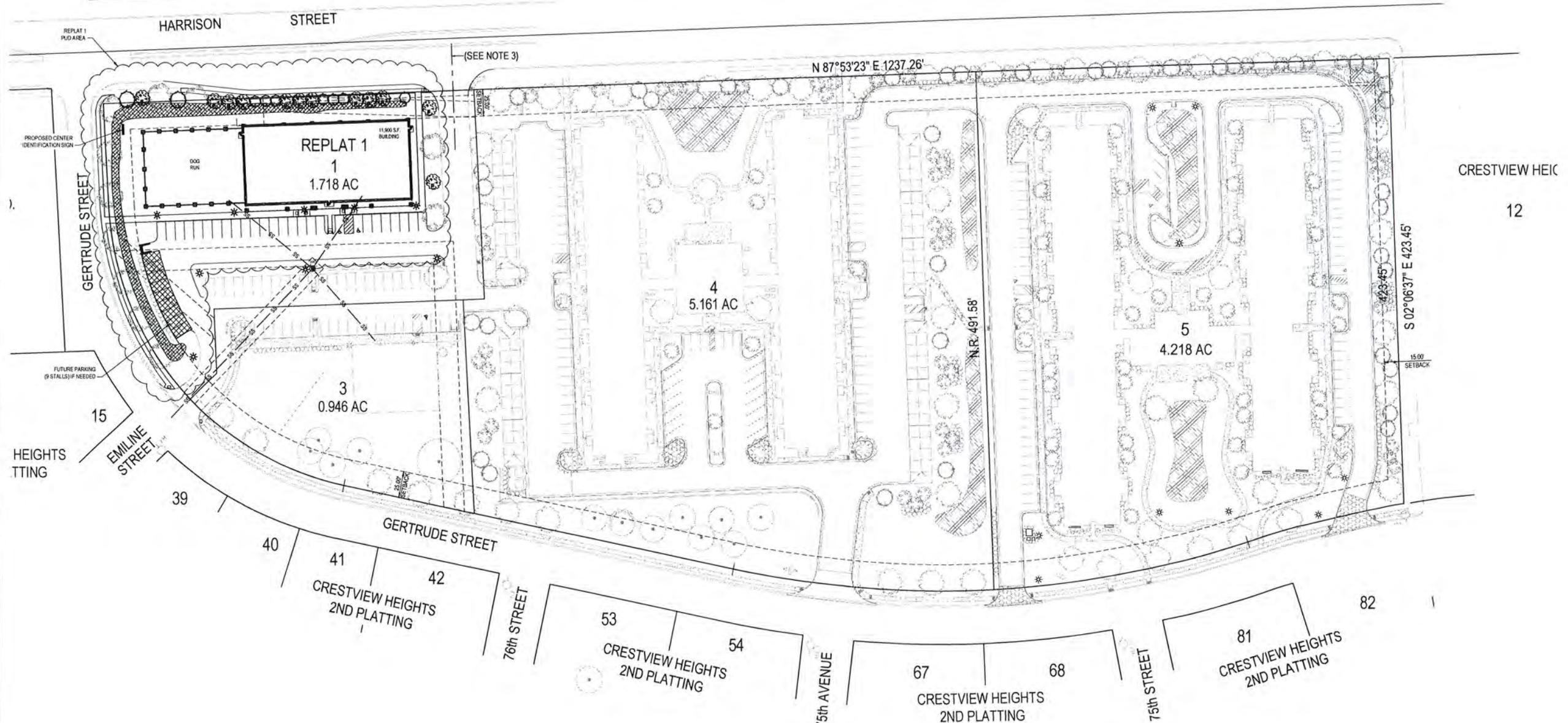
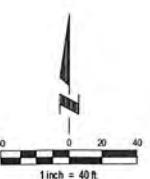
R3:  
• FRONT YARD SETBACK 30'  
• SIDE YARD SETBACK 10'  
• REAR YARD SETBACK 30'  
C2:  
• FRONT YARD SETBACK 25'  
• SIDE YARD SETBACK 15'  
• REAR YARD SETBACK 15'



#### LEGEND:

- SF — INSTALL SILT FENCE
- R — R — RIDGE LINE
- X — X — PROPOSED FENCE
- 1 — 1 — EXISTING FENCE
- - - — PROPERTY LINE
- - - - - — EXISTING CONTOURS
- — — — PROPOSED CONTOURS
- ■ ■ ■ ■ — POST CONSTRUCTION STORM WATER MANAGEMENT AREA

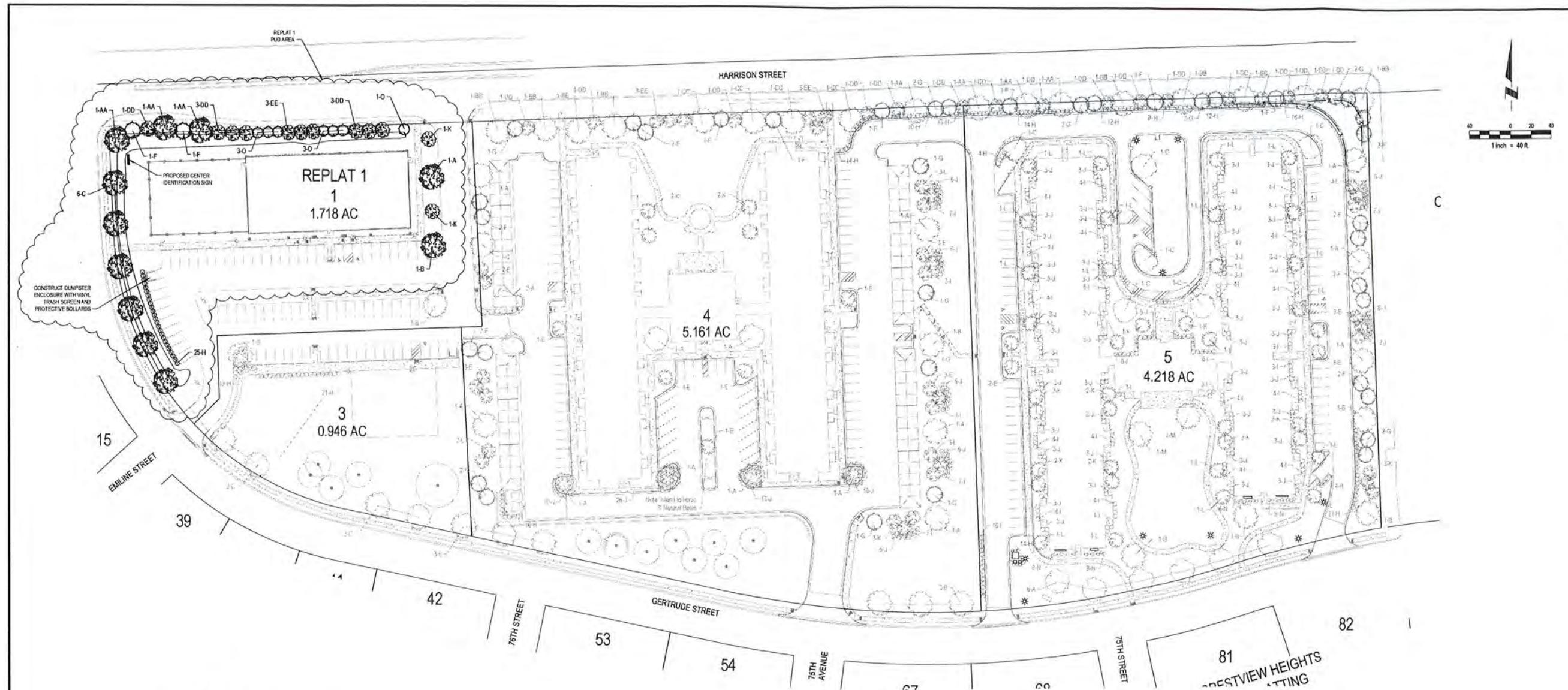
#### VICINITY MAP



Pha No.	Proj No.	No.	Date	Description	
				Design By:	Change By:
	4/25/2003	2	7/6/2003	MS	MS
		3	11/15/2003	BSW	BSW
		4	1/6/2004	BSW	BSW
		5	1/2/2004	BSW	BSW
		6	1/2/2004	BSW	BSW

1 OF 2

EXHIBIT "B"



**SHRUB & PERENNIAL PLANTING DETAIL**  
NOT TO SCALE

## LANDSCAPE NOTES

1. Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
2. All plant material shall be of good quality and sizes shall meet required size specifications.
3. All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
4. All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
5. Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop inlet conflict). All adjustments must be approved by the landscape architect.
6. The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
7. Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth unless otherwise noted. Mulch ring to extend 1'0" minimum beyond planting pt. Minor site grading to be included if needed.
8. All trees are to be staked for a period of not less than one year from time of planting.

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

DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS AND LATERAL BRANCHES MAY BE PRUNED; HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN

STAKE AND WRAP ALL TREES FOR STABILIZATION AND PROTECTION

TOP OF ROOT BALL SHALL BE SLIGHTLY HIGHER THAN THE SURROUNDING FINISH GRADE

MULCH RING (6 FT) DAM MIN (8 FT) DAM PREFERRED

EACH TREE MUST BE PLANTED SUCH THAT THE TRUNK IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE TRUNK IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOT BALL WITH SOIL.

MINIMUM 4 INCHES OF SHREDDED WOOD MULCH. DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK. MAINTAIN THE MULCH WEED-FREE FOR A MINIMUM OF TWO YEARS AFTER PLANTING

(14 IN) HIGH EARTH SAUCER BEYOND EDGE OF ROOT BALL

WATER THOROUGHLY TO ELIMINATE AIR POCKETS. SETTLED AND TO SOAK ROOT BALL AND SURROUNDING SOIL

REMOVE ALL TWINE, CABLE AND WIRE, AND BURLAP FROM TOP HALF OF ROOT BALL

DIG HOLE 2 WIDER IN DIAMETER THAN ROOT BALL

IF PLANT IS SHIPPED WITH A WIRE BASKET AROUND THE ROOT BALL, CUT THE WIRE BASKET IN FOUR PLACES AND FOLD DOWN (8 IN) INTO PLANTING HOLE

SOIL MIXTURE  
4 PARTS BY VOLUME OF TOPSOIL MIXED WITH ONE PART DECOMPOSED ORGANIC MATERIALS. FIRM SOIL AROUND ROOT BALL.

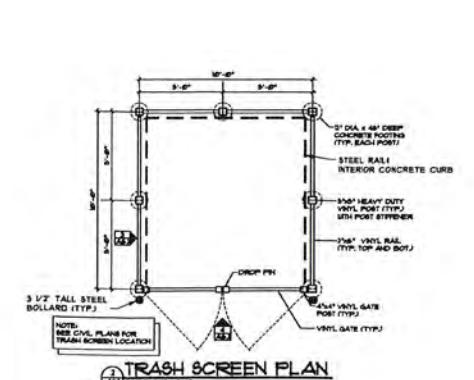
PLACE ROOT BALL ON UNDISTURBED OR TAMPED SOIL TO SUPPORT ROOT BALL AND REDUCE SETTLING

TAMP SOIL AROUND ROOT BALL BASE FIRMLY WITH FOOT PRESSURE TO ELIMINATE AIR POCKETS AND SETTLEMENT

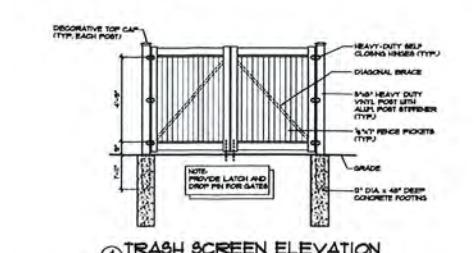
## PLANT SCHEDULE

SYN	QTY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE
A	23	<i>Celtis occidentalis</i> 'Prairie Pride'	Prairie Pride Hackberry	1-1/2"	B&B
AA	7	<i>Celtis occidentalis</i> 'Prairie Pride'	Prairie Pride Hackberry	4"	B&B
B	14	<i>Tilia x flavescens</i> 'Glenleven'	Glenleven Littleleaf Linden	1-1/2"	B&B
BB	9	<i>Tilia x flavescens</i> 'Glenleven'	Glenleven Littleleaf Linden	4"	B&B
C	17	<i>Quercus bicolor</i>	Swamp White Oak	1-1/2"	B&B
CC	4	<i>Quercus bicolor</i>	Swamp White Oak	4"	B&B
DD	22	<i>Amelanchier arborea</i>	Downy Serviceberry (clump form)	4"	B&B
E	23	<i>Malus 'Prairie Fire'</i>	Prairie Fire Crabapple	1-1/2"	B&B
EE	5	<i>Malus 'Prairie Fire'</i>	Prairie Fire Crabapple	4"	B&B
F	22	<i>Pseudotsuga menziesii</i>	Douglas Fir	6'	B&B
G	18	<i>Picea abies</i>	Norway Spruce	6'	B&B
H	194	<i>Juniperus x media</i> 'Old Gold'	Old Gold Juniper	3 Gal.	Cont.
I	174	<i>Juniperus chinensis</i> 'Seagreen'	Seagreen Juniper	3 Gal.	Cont.
J	276	<i>Spiraea japonica</i> 'Magic Carpet'	Magic Carpet Spirea	3 Gal.	Cont.
K	26	<i>Malus 'Red Jade'</i>	Red Jade Crabapple	1-1/2"	B&B
L	33	<i>Malus 'Spring Snow'</i>	Spring Snow Crabapple	1-1/2"	B&B
M	2	<i>Betula nigra</i>	River Birch (clump form)	1-1/2"	B&B
N	34	<i>Juniperus chinensis</i> 'Spartan'	Spartan Juniper	7'-8'	B&B
O	7	<i>Picea pungens</i> 'Issel fastigiate'	Columnar Blue Spruce	7'-8'	B&B

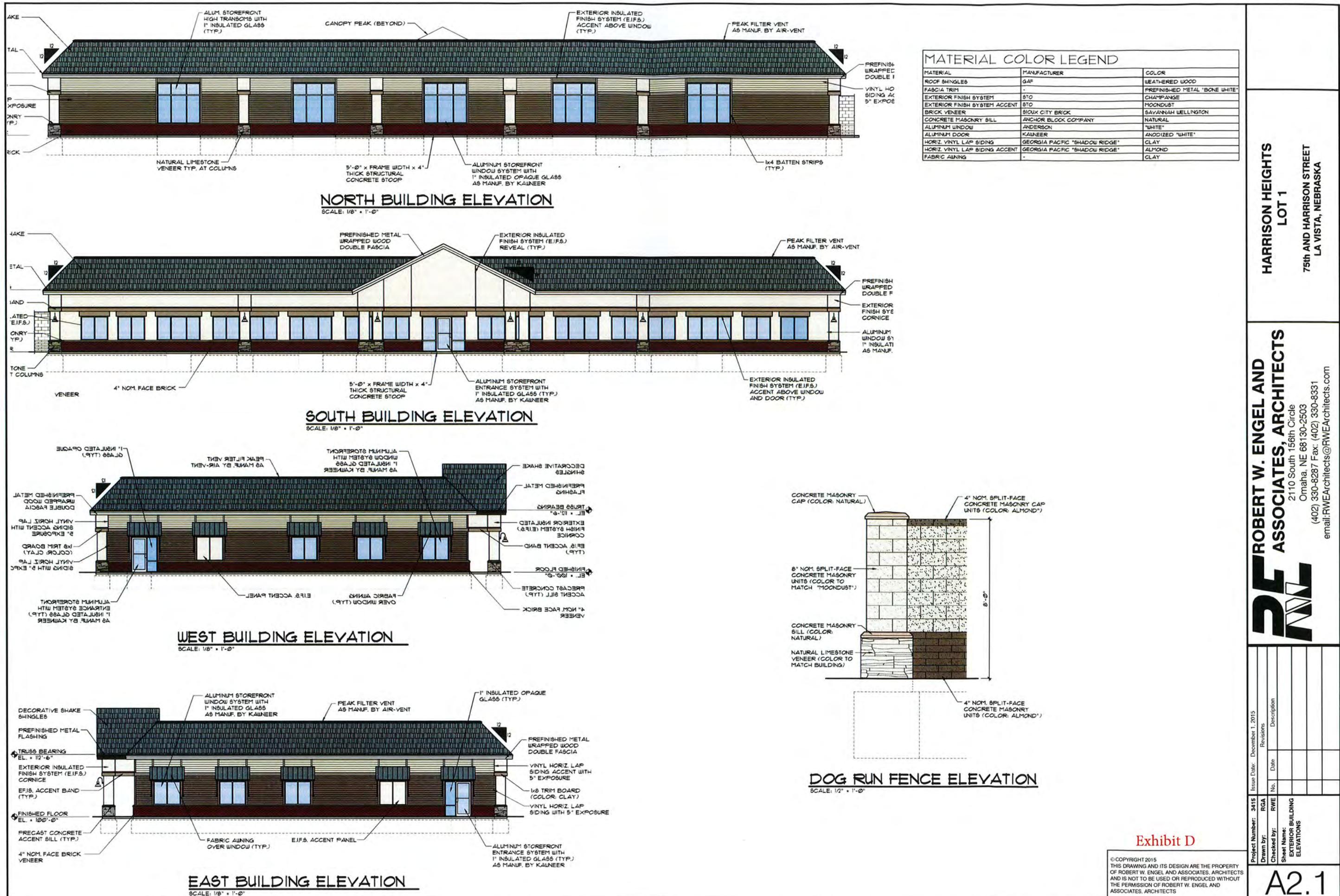
- Existing Tree to Remain



#### TRASH SCREEN PLAN



4 TRASH SCREEN ELEVATION  
SCALE: 3'-0" = 1'-0"



## Exhibit D

© COPYRIGHT 2015  
THIS DRAWING AND ITS DESIGN ARE THE PROPERTY  
OF ROBERT W. ENGEL AND ASSOCIATES, ARCHITECTS  
AND IS NOT TO BE USED OR REPRODUCED WITHOUT  
THE PERMISSION OF ROBERT W. ENGEL AND  
ASSOCIATES, ARCHITECTS

## A2.1

## Exhibit E

### GREENLEE LIFESTYLE SERIES

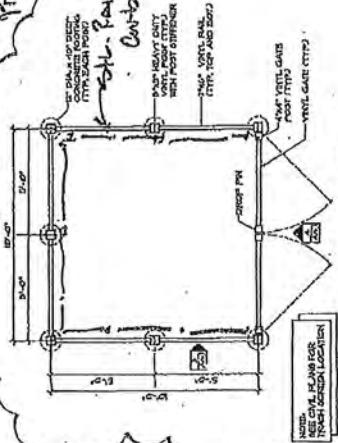
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## Exhibit F

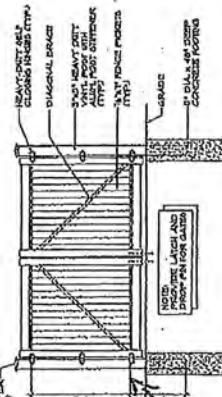
- Vinyl fencing is acceptable for the exterior finish of a residence; however, some means needs to address a shop for the dispenser.

ence,  
steel  
Bumper,  
concrete  
curb,  
other.

Virgil will  
not  
survive  
run-ins  
with a  
Dominator



① ② TRASH SCREEN PLAN



① TRASH SCREEN ELEVATION

STREET SPACES  
Posts may  
be provided  
to support  
Draught

REVISION SUMMARY	
REVISION DATE	DESCRIPTION
① October 5, 2008	ADDED TRASH ENCLOSURE DETAIL, ADDED LOCATION OF EXISTING TREES TO REMAIN

Attachment #2

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION TO AMEND FINAL PUD PLAN — LOTS 1 & 2, HARRISON HEIGHTS	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and a resolution prepared to approve an amendment to the Final PUD Plan for Lots 1 and 2, Harrison Heights (to be replatted as one lot), for the purpose of a the construction of a building to be used as The Paw Spa Pet Resort, generally located southeast of Harrison Street and Gertrude Street.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application by Victor Pelster on behalf of the property owner, Empire Group LLC, to amend the Final PUD Plan for the purpose of constructing a new building on Lots 1 and 2, Harrison Heights, to be used as The Paw Spa Pet Resort.

A detailed staff report is attached.

The Planning Commission held a public hearing on February 18, 2016, and unanimously recommended approval of the PUD Site Plan.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF AN AMENDMENT TO THE FINAL PLANNED UNIT DEVELOPMENT (PUD) PLAN FOR LOTS 1 AND 2, HARRISON HEIGHTS (TO BE REPLATTED AS A SINGLE LOT), A SUBDIVISION LOCATED IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owner of the above described piece of property have made application for approval of an amendment to the final PUD plan for Lots 1 and 2, Harrison Heights (to be replatted as a single lot); and

WHEREAS, the City Planner and the City Engineer have reviewed the amendment to the final PUD plan; and

WHEREAS, on February 18, 2016, the La Vista Planning Commission held a public hearing and reviewed the amendment to the final PUD plan and recommended approval.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the amendment to the final PUD plan for Lots 1 and 2, Harrison Heights (to be replatted as one lot), a subdivision located in the Northeast  $\frac{1}{4}$  of Section 14, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located south of Harrison Street & north and east of Gertrude Street, be, and hereby is, approved.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF MARCH, 2016.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2016-PUD-01

FOR HEARING OF: March 15, 2016

Report Prepared on March 3, 2016

**I. GENERAL INFORMATION**

- A. APPLICANT:** Empire Group LLC
- B. PROPERTY OWNER:** Empire Group LLC
- C. LOCATION:** Southeast corner of Harrison Street and Gertrude Street
- D. LEGAL DESCRIPTION:** Lots 1 & 2, Harrison Heights
- E. REQUESTED ACTION(S):** Final PUD Site Plan amendment
- F. EXISTING ZONING AND LAND USE:**  
C-2 PUD, General Commercial, Planned Unit Development (Overlay District); vacant.
- G. PROPOSED USES:** The Planned Unit Development (PUD) Site Plan will allow the applicant to construct a facility for a tenant to operate an Animal Specialty Services use named “Paw Spa Pet Resort”.
- H. SIZE OF SITE:** 1.72 acres

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** The lot is currently vacant. The topography of the property is relatively flat, with an upward slope on the south side.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  1. **North:** Single Family Residential; R-1, Single-Family Residential (Ralston),
  2. **East:** Harrison Heights Apartments; R-3 PUD, High-Density Residential District, Planned Unit Development (Overlay District).
  3. **South:** Curious Child Montessori Preschool; C-2 PUD, General Commercial, Planned Unit Development (Overlay District)
  4. **West:** MUD Substation; R-1, Single-Family Residential District

**C. RELEVANT CASE HISTORY:**

1. The original PUD Site Plan for Harrison Heights was approved by City Council on December 1, 2009.

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.15 of the Zoning Regulations – PUD Planned Unit Development District

**III. ANALYSIS**

**A. COMPREHENSIVE PLAN:**

1. The Future Land Use Map of the Comprehensive Plan currently designates this property for commercial uses.

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

**C. TRAFFIC AND ACCESS:**

1. There are two access points to the property. The first is a right-in/right-out access point with a right-turn deceleration lane along Harrison Street on the northern edge of the property. The second is an access drive off of Gertrude Street in the southwest corner. The original PUD was approved based on a strip retail commercial development that would typically create a higher traffic demand. The existing roadway design should be adequate for the anticipated traffic demand.
2. Based on concerns voiced during the recent Planning Commission meeting, staff has reviewed complaints about the lack of stop signs coming out of the development onto Gertrude Street. The applicant was notified of the need to add a stop sign to the access drive approaching Gertrude Street, opposite of the Emilie Street intersection.

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

**E. PARKING REQUIREMENTS:** The use of Animal Specialty Services requires a minimum of one space per 300 square feet of gross floor area. Based on a proposed 11,900 square foot building, a total of 40 parking spaces would be required.

As per the submitted Final PUD Site Plan, 50 spaces will be provided with an additional 9 stalls proposed to be added based on demand.

The accessible parking stall requirement is met for the 50 spaces that will be initially constructed, however an additional accessible parking stall will need to be added if the additional stalls on the west side of the

development are constructed. The Final PUD Site Plan should be adjusted accordingly prior to City Council approval.

**F. LANDSCAPING:** The landscaping plan has been reviewed as part of the design review process that is required for developments within Harrison Heights PUD.

A draft landscaping plan has been submitted with the Final PUD Site Plan map set. This plan is still under review however review will be complete prior to City Council review of the Final PUD Site Plan.

**IV. REVIEW COMMENTS:**

1. The revised site layout represents a change from two, multi-bay general commercial buildings (10,000 and 5,000 square feet) to a single building of 11,900 square feet with an outdoor dog run area for animal specialty services.
2. The proposed Final PUD Site Plan includes the consolidation of Lots 1 and 2 of Harrison Heights into a single lot. This will need to be conducted through an Administrative Plat.
3. Dumpster screening needs to match existing screening for the dumpster currently on site, including bollards and internal bracing to protect the screening. The applicant has provided for these adjustments to the design of the dumpster screening.

**V. STAFF RECOMMENDATION – PUD SITE PLAN:**

Staff recommends approval of the Final PUD Site Plan map amendment contingent on the finalization of the landscaping plan prior to City Council approval of the Final PUD Site Plan as the amendment request is consistent with the Comprehensive Plan and the Zoning Ordinance.

**VI. PLANNING COMMISSION RECOMMENDATION – PUD SITE PLAN:**

The Planning Commission held a public hearing on February 18, 2016 and unanimously recommended approval of the PUD Site Plan.

**VII. ATTACHMENTS TO REPORT:**

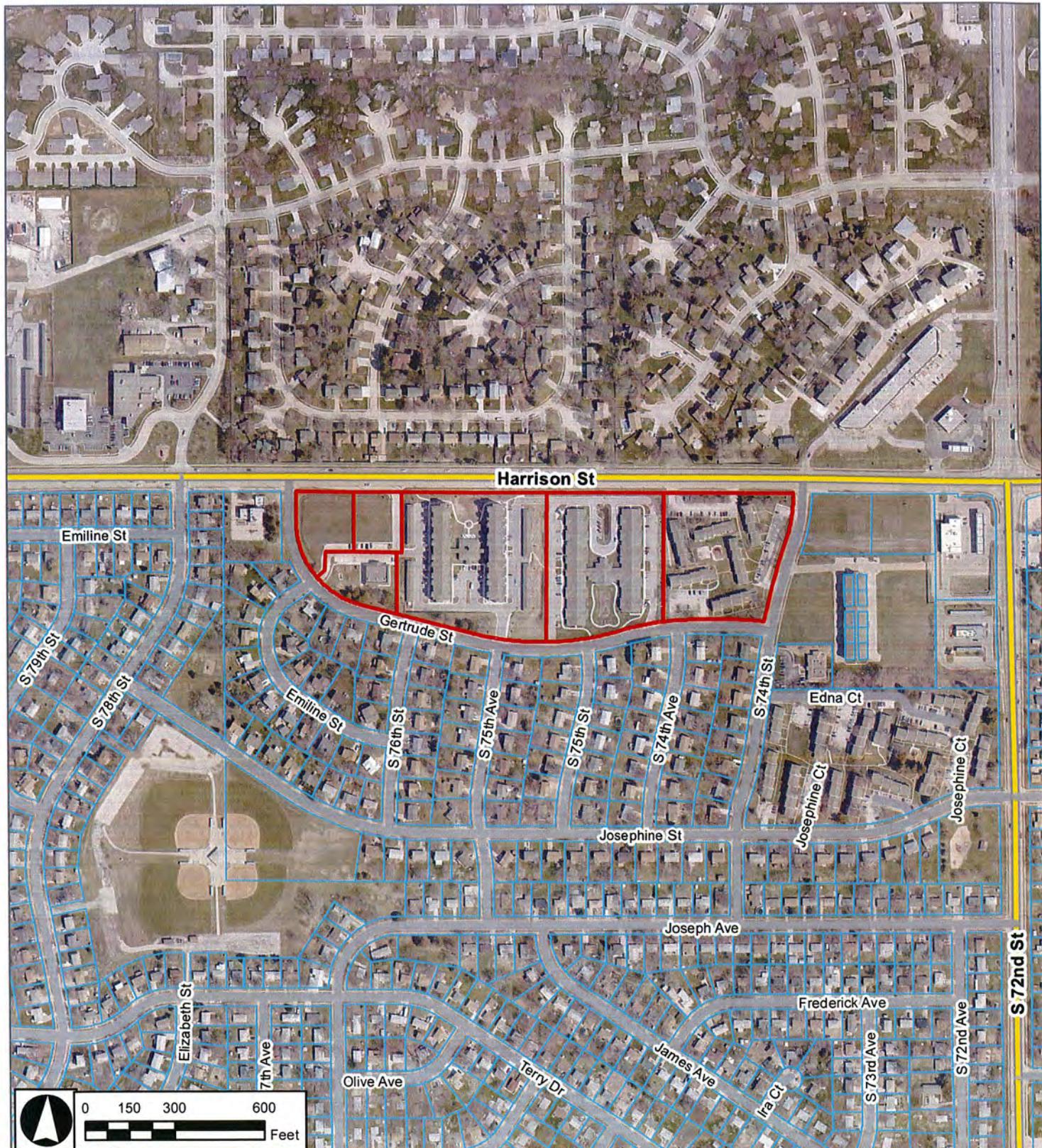
1. Vicinity Map
2. Staff Review Letters
3. PUD Site Plan map set

**VIII. COPIES OF REPORT TO:**

---

1. Mark Westergard, E & A Consulting Group, Inc.
2. Vic Pelster, Empire Group, LLC
3. Public Upon Request

*Christopher Miller*  
Prepared by *John Ponik* 3-4-16  
Community Development Director Date



## Project Vicinity Map



## **Harrison Heights PUD Amendment**

02-18-2016

CSB





January 11, 2016

Mark Westergard  
E & A Consulting Group  
10909 Mill Valley Road  
Omaha, NE 68154

RE: Conditional Use Permit, PUD - Initial Review  
Lot 1, Harrison Heights Replat 1 – Paw Spa

Mr. Westergard,

We have reviewed the documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Conditional Use Permit (CUP) and the Planned Unit Development (PUD), the City has the following comments:

City Engineer

PUD

1. The revised site layout represents a change from two, multi-bay general commercial buildings (10,000 and 5,000 square feet) to a single building of 11,900 square feet with an outdoor dog run area for animal specialty services.
2. The proposed location of the Paw Spa Pet Resort building has several problems. The location does not provide the 25 feet setback to Harrison Street right-of-way, the building is proposed to be located in two existing storm sewer easements, and the building is proposed to lie within an existing water quality detention basin along Harrison Street per the plans for LAV2011022-181-P. Exhibit "C" illustrates the grading of a basin that conflict with the proposed building.
3. The Exhibit "B" drawing that shows a Storm Water Management area on Lot 3 is not correct.
4. Note 2 on Exhibit "B" is not correct and is unnecessary.
5. The legal description on Exhibit "B" needs to be corrected.
6. The parking count could likely be reduced since this is not a general commercial use. The applicant could identify the basis of what parking they need based on experience from their own facility. Alternatively, the Pet Health Services category in the City Zoning Regulations could be used that requires 1 stall per 300 square feet of GFA.

**City Hall**  
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La Vista, NE 68128-2198  
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f: 402-331-4375

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

**Fire**  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

**Golf Course**  
8305 Park View Blvd.  
p: 402-339-9147

**Library**  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

**Police**  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

**Public Works**  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

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

CUP

1. The Operational Statement needs to identify what is done to address or control dogs that bark excessively. Also, it is assumed that dogs are not left overnight in the outside area, but this should be stated in the Operational Statement.
2. The Operational Statement needs to address how pet waste is collected, contained and how often it is removed from the site.
3. The location of the building will need to be revised as noted above to avoid negative impact on the existing drainage facilities.

Chief Building Official

Dumpster screening needs to match what is already in place.

Fire Marshall

No Comments

La Vista Police Department

No Comments

City Planner

PUD

1. Update the PUD site plan to strike all out-of-date aspects of the plan (tree removals, Note #2, previous Harrison Street curb line at deceleration lane).
2. Dumpster screening needs to match existing screening for the dumpster currently on site, including bollards to protect the screening.
3. Building setbacks are not dimensioned. Setbacks from Harrison Street and Gertrude Street are required at 25 feet as per the C-2 Zoning District.
4. Proposed site plan amendment removes the Center Identification sign from the northwest corner. Please confirm that this is the intention of the owner as the visibility of the commercial building to the south will be limited by the new building and the design of the new building makes signage options on the north side limited.

CUP

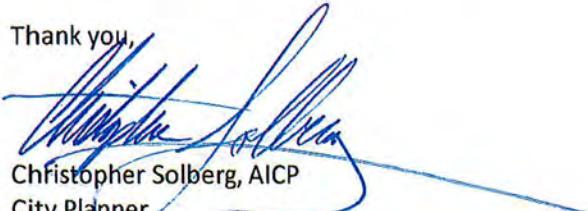
1. As a requirement of the existing PUD overlay. The facility is required to go through the City's design review process. Documents related to the design of the facility are to be included in the CUP as exhibits to the CUP. The City's third party Design Review Architect is currently reviewing the design and will provide a separate design review letter that will be forwarded when it is ready.

2. The Operational Statement needs to discuss the filtering of the air handling system to limit odor impacts upon neighboring properties.
3. The square footage of the building in the Operational Statement needs to match the square footage of the building on the PUD plan set.
4. Strike the words, "in Omaha, NE" from fourth paragraph of the Operational Statement as that is the city name assigned to the zip code, not the actual city that the existing facility is within. This may cause confusion.
5. A draft version of the Conditional Use Permit has been attached for your review.

In order for the PUD amendment and Conditional Use Permit to be considered for review at the February 18, 2016 Planning Commission meeting, revised documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by January 25, 2016 to ensure that the application stays on track for the review by Planning Commission.

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

Thank you,



Christopher Solberg, AICP  
City Planner

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
Vic Pelster, Empire Group LLC  
Kevin Irish, The Paw Spa Pet Resort



January 29, 2016

Mark Westergard  
E & A Consulting Group  
10909 Mill Valley Road  
Omaha, NE 68154

RE: Administrative Plat – Second Review  
Lot 1, Harrison Heights Replat 1 – Paw Spa

Mr. Westergard,

We have reviewed the revised documents submitted for the above-referenced applications. Based on the elements for consideration set forth in the applicable section of the Zoning Regulations for the Conditional Use Permit (CUP) and the Planned Unit Development (PUD), the City has the following comments:

PUD

1. The Final PUD Site Plan needs to delineate the extent of the revisions to limit confusion between the proposed development and the existing development.
2. If the western parking apron will not be poured upon the initial development of the lot then this aspect needs to be marked within the Final PUD Site Plan, with an explanatory note.
3. If the western parking apron will not be poured upon the initial development of the lot, then clarification will need to be provided as to whether or not a second dumpster enclosure will be needed.
4. The dumpster enclosure near the southeast corner of the proposed building will likely cause site line issues for traffic. If a second enclosure is needed, please move it alongside the enclosure on the western side of the property.

CUP

1. As a requirement of the existing PUD overlay. The facility is required to go through the City's design review process. Documents related to the design of the facility are to be included in the CUP as exhibits to the CUP. The City's third party Design Review Architect is currently reviewing the design resubmittal and will provide a separate design review letter that will be forwarded when it is ready.

In order for the PUD amendment and Conditional Use Permit to be considered for review at the February 18, 2016 Planning Commission meeting, revised documents will need to be provided for the Planning Commission packets. Please submit 10 full-size

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PROJECT DENSITIES										
BUILDING AREA (SF)	LOT AREA (AC)	IMPERVIOUS (AC)	PERVIOUS (AC)	PARKING (PER CODE)	ADA STALLS	TOTAL PARKING REQUIRED	REGULAR PARKING	Garage parking	ADA STALLS	TOTAL PARKING PROVIDED
REPLAT 1 LOT 1 11,900	1.718	1.141	0.577	40	2	42	56	0	2	58
LOT 3 5,000	0.950	0.321	0.629	25	1	26	19	0	1	20
LOT 4 40,618	5.253	3.136	2,795	118	5	123	75	52	6	133
LOT 5 48,850	4.225	2,538	1,697	52	3	55	56	0	4	60
TOTAL 104,468	12.61	7.174	5,556	245	13	288	228	52	15	296

#### LEGAL DESCRIPTION

LOTS 1 THRU 5 INCLUSIVE  
BEING A REPLAT OF LOTS 13 AND 14, CRESTVIEW HEIGHTS (2ND PLATTING), A SUBDIVISION LOCATED IN  
THE NE 1/4 OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY,  
NEBRASKA

#### OWNER

EMPIRE GROUP, LLC  
1941 S. 42ND STREET, SUITE 550  
OMAHA, NE 68105

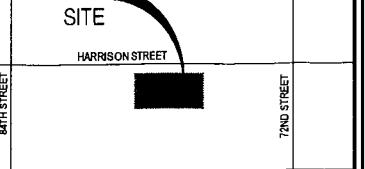
#### ENGINEER

E&A CONSULTING GROUP  
10309 Mill Valley Road, Suite 100  
OMAHA, NEBRASKA 68154

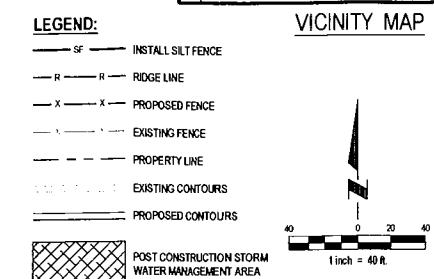
#### DEVELOPER

EMPIRE GROUP, LLC  
1941 S. 42ND STREET, SUITE 550  
OMAHA, NE 68105

#### PROJECT SITE

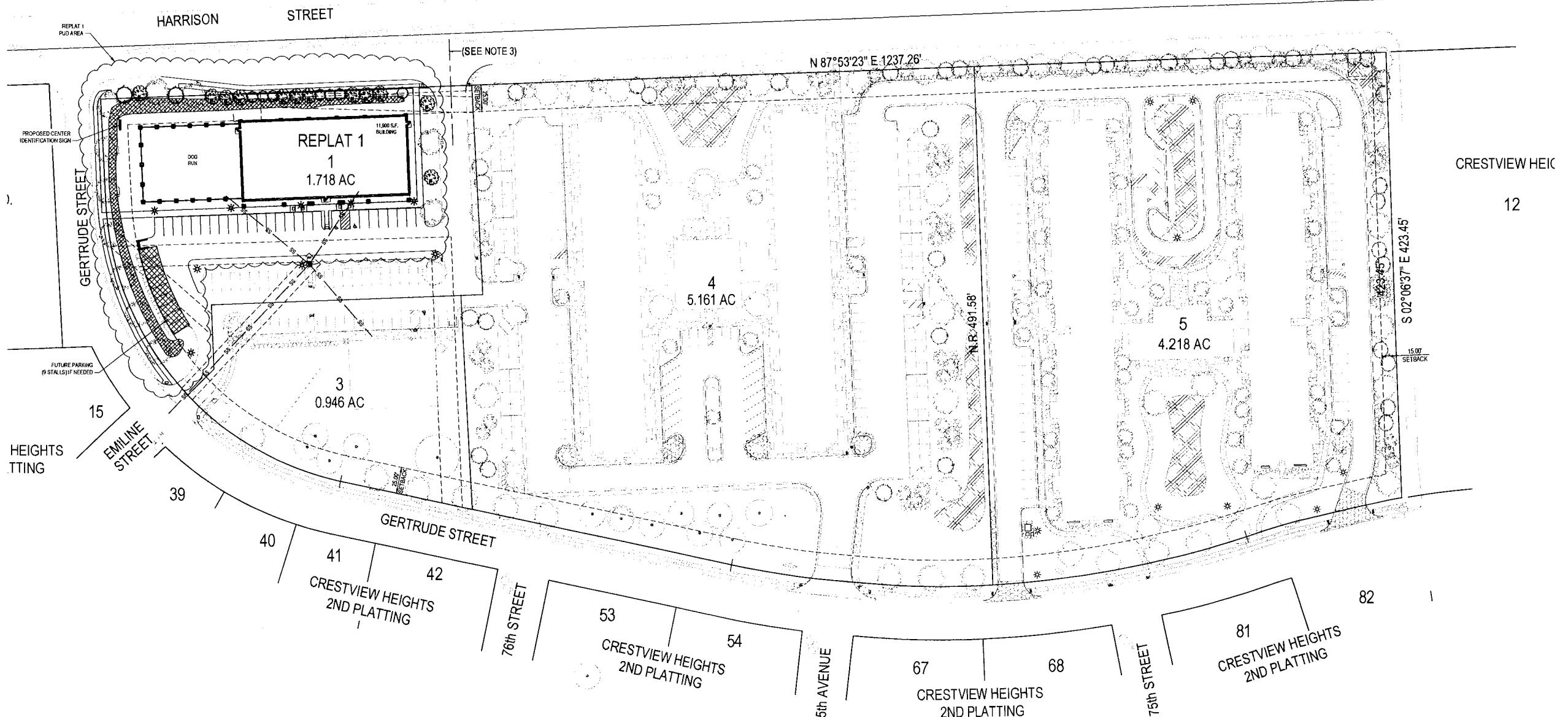


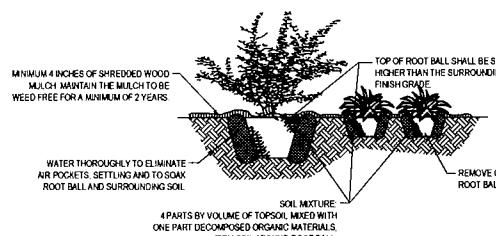
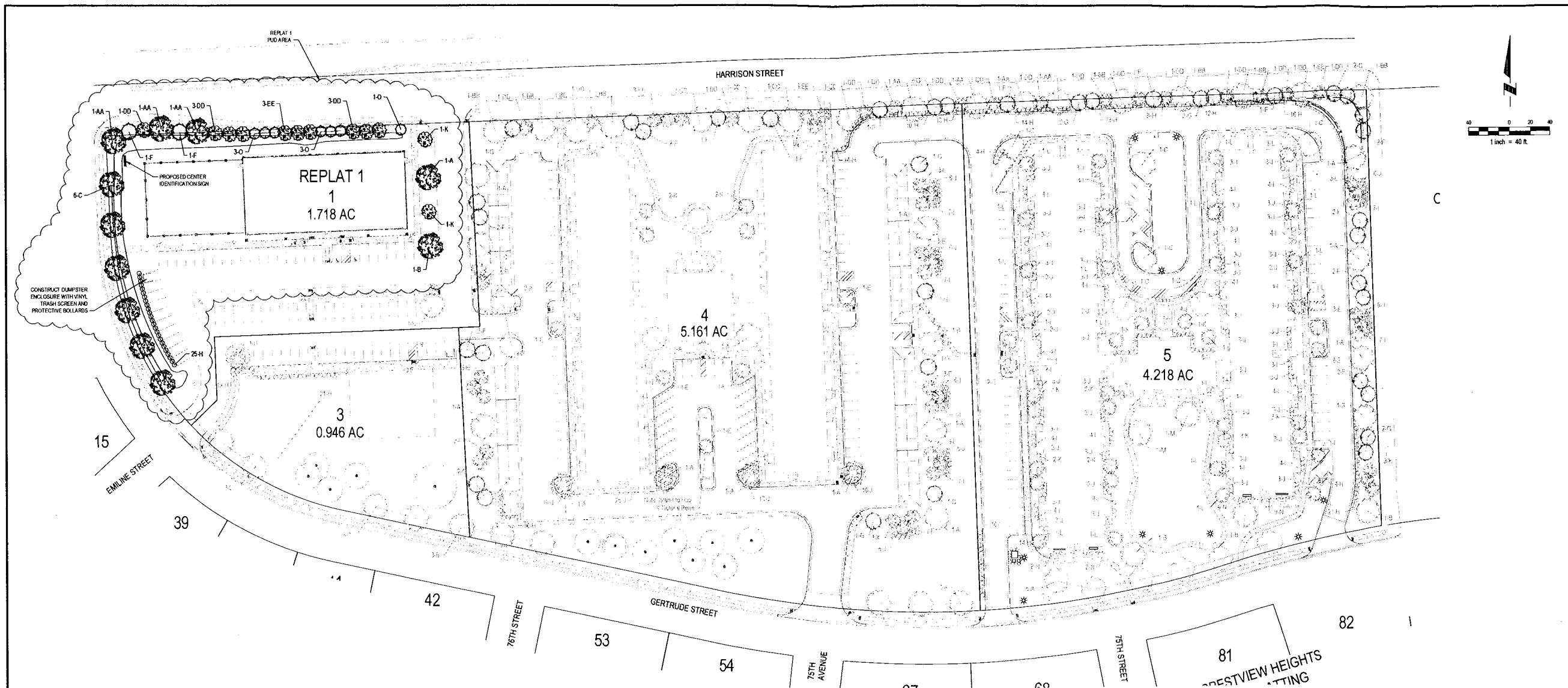
#### VICINITY MAP



#### NOTES

1. ZONING:  
• EXISTING ZONING: TA  
• PROPOSED ZONING:  
R3-PUD, LOTS 4 & 5  
C2-PUD, REPLAT 1 LOT 1 & LOT 3
2. DIRECT VEHICULAR ACCESS WILL NOT BE ALLOWED TO HARRISON STREET EXCEPT FOR ONE RIGHT-IN, RIGHT-OUT ONLY DRIVE AT THE LOCATION OF THE CENTERLINE AS SHOWN IN REPLAT 1 LOT 1.
3. A PERMANENT RECIPROCAL VEHICULAR INGRESS AND EGRESS, SIDEWALK AND PEDESTRIAN EASEMENT IS GRANTED TO THE OWNERS OF LOTS 3 THRU 5 & REPLAT 1 LOT 1 INCLUSIVE AND TO THEIR GUESTS AND INVITEES OVER ALL OF THOSE DRIVES AND SIDEWALKS AS CONSTRUCTED IN SAID LOTS 3 THRU 5 & REPLAT 1 LOT 1 INCLUSIVE.
4. A PERMANENT RECIPROCAL VEHICULAR PARKING EASEMENT IS GRANTED TO THE OWNERS OF REPLAT 1 LOT 1 & LOT 3 AND TO THEIR GUESTS AND INVITEES OVER ALL OF THOSE PARKING LOTS AS CONSTRUCTED IN SAID REPLAT 1 LOT 1 & LOT 3.
5. COMMERCIAL USES FOR REPLAT 1 LOT 1 & LOT 3 SHALL BE COORDINATED TO ENSURE THE REQUIRED PARKING FOR EACH USE IS PROVIDED ON REPLAT 1 LOT 1 & LOT 3 AS DETERMINED BY THE CITY OF LA VISTA.

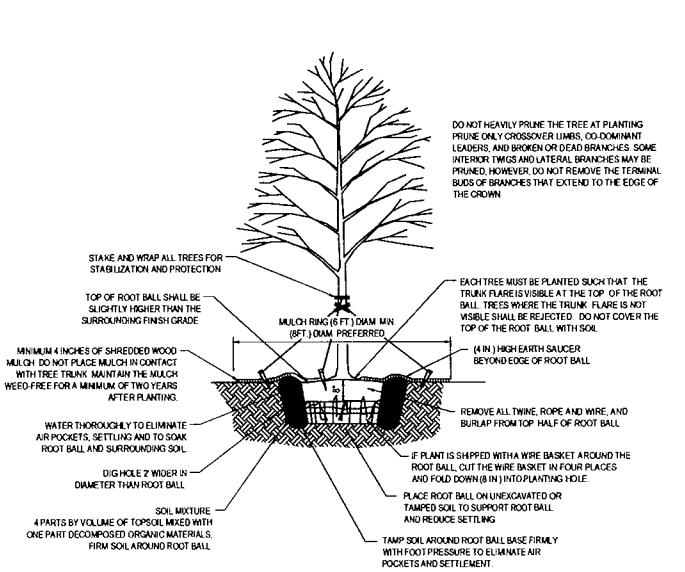




**SHRUB & PERENNIAL PLANTING DETAIL**

### LANDSCAPE NOTES

- Locate and verify the location of all underground utilities prior to the start of any construction. Care should be taken not to disturb any existing utilities during construction. Any damage to utilities or other improvements caused by the Contractor will be repaired at no cost to the Owner.
- All plant material shall be of good quality and sizes shall meet required size specifications.
- All plants are to be watered in immediately after planting and then watered once a week for a period of two months from time of planting.
- All plant material shall be guaranteed to be in a live and healthy growing condition for two full growing seasons (trees) and one full growing season (perennials & shrubs) after final project acceptance or shall be replaced free of charge with the same grade and species including labor.
- Verify all dimensions and conditions prior to starting construction. The location of plant material is critical and shall be installed as indicated on plans. Field adjustments may be necessary based on field conditions (i.e., root ball and drop-inlet conflict). All adjustments must be approved by the landscape architect.
- The Landscape Contractor shall remove all construction debris and materials injurious to plant growth from planting pits and beds prior to backfilling with planting mix. All planting areas shall be free of weeds and debris prior to any work.
- Provide locally available shredded hardwood mulch on all trees and in all planting beds to a 3-4 inch minimum depth unless otherwise noted. Mulch ring to extend 1'-0" minimum beyond planting pit. Minor site grading to be included if needed.
- All trees are to be staked for a period of not less than one year from time of planting.
- Contractor to coordinate work with other amenities contractors.



#### TREE PLANTING DETAIL - B & B TREE

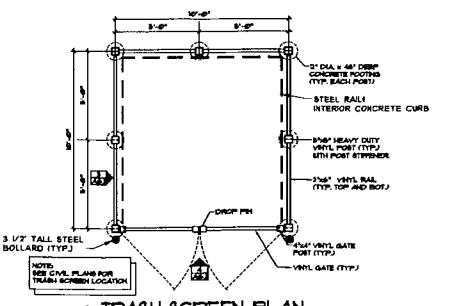
NOT TO SCALE

## PLANT SCHEDULE

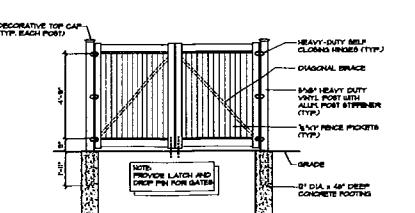
SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	TYPE	
*	A	23	<i>Celtis occidentalis</i> 'Prairie Pride'	Prairie Pride Hackberry	1-1/2"	B&B
*	AA	7	<i>Celtis occidentalis</i> 'Prairie Pride'	Prairie Pride Hackberry	4"	B&B
*	B	14	<i>Tilia x flavaescens</i> 'Glenleven'	Glenleven Littleleaf Linden	1-1/2"	B&B
*	BB	9	<i>Tilia x flavaescens</i> 'Glenleven'	Glenleven Littleleaf Linden	4"	B&B
*	C	17	<i>Quercus bicolor</i>	Swamp White Oak	1-1/2"	B&B
*	CC	4	<i>Quercus bicolor</i>	Swamp White Oak	4"	B&B
*	DD	22	<i>Amelanchier arborea</i>	Downy Serviceberry (clump form)	4"	B&B
*	E	23	<i>Malus</i> 'Prairie Fire'	Prairie Fire Crabapple	1-1/2"	B&B
*	EE	5	<i>Malus</i> 'Prairie Fire'	Prairie Fire Crabapple	4"	B&B
*	F	22	<i>Pseudotsuga menziesii</i>	Douglas Fir	6'	B&B
*	G	18	<i>Picea abies</i>	Norway Spruce	6'	B&B
H	194		<i>Juniperus x media</i> 'Old Gold'	Old Gold Juniper	3 Gal.	Cont.
I	174		<i>Juniperus chinensis</i> 'Seagreen'	Seagreen Juniper	3 Gal.	Cont.
J	276		<i>Spiraea japonica</i> 'Magic Carpet'	Magic Carpet Spirea	3 Gal.	Cont.
K	26		<i>Malus</i> 'Red Jade'	Red Jade Crabapple	1-1/2"	B&B
L	33		<i>Malus</i> 'Spring Snow'	Spring Snow Crabapple	1-1/2"	B&B
M	2		<i>Betula nigra</i>	River Birch (clump form)	1-1/2"	B&B
N	34		<i>Juniperus chinensis</i> 'Spartan'	Spartan Juniper	7'-8'	B&B
O	7		<i>Picea pungens</i> 'Iseli fastigiate'	Columnar Blue Spruce	7'-8'	B&B

★ Plant Variety per 5.17.06.02 Gateway Corridor District Overlay District

#### Existing Tree to Remain



### ③ TRASH SCREEN PLAN



### TRASH SCREEN ELEVATION

		<b>E&amp;A CONSULTING GROUP, INC.</b> <b>ENGINEERING • PLANNING • FIELD SERVICES</b>		
10905 N.W. 100th Street, Suite 100, Omaha, NE 68154 Phone: (402) 495-4700, Fax: (402) 495-5359 <a href="http://www.eacg.com">www.eacg.com</a>				
<b>HARRISON HEIGHTS</b> LAWRENCE, NEBRASKA				
<b>LANDSCAPE PLAN</b>				
<b>No.</b> <b>Re.</b>	<b>By</b> <b>Entered</b>	<b>Date</b> <b>Entered</b>	<b>Description</b> <b>Entered</b>	
1 No. PDX02101022 4/25/2008	By REILLY 3 05/02/2009	3/7/2008 05/02/2009	Landscape Plan 05/02/2009	
2 No. MAT/NAK 6 01/02/2010	By REILLY 5 01/02/2010	05/02/2009 01/02/2010	Landscape Plan 01/02/2010	
3 No. SHEEK 7 3/20/2016	By REILLY 8 3/20/2016	05/02/2009 01/02/2016	Landscape Plan 03/20/2016	

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REPLAT, WAIVER & SUBDIVISION AGREEMENT – LOT 2, GARY & DEBBIE PINK NO. 2, TAX LOT 14, 19-14-12, AND TAX LOT 8, 18-14-12 (SW OF GILES RD. & WEST GILES RD.)	◆ RESOLUTION (2) ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

Resolutions have been prepared to approve a Replat, a waiver of Section 4.11 of the Subdivision Regulations regarding the length of a cul-de-sac, and a Subdivision Agreement for approximately 9.19 acres located southwest of Giles Road and West Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Resolutions have been prepared to approve a replat, a waiver of Section 4.11 of the Subdivision Regulations regarding the length of a cul-de-sac, and a subdivision agreement application by Pink Investments, LLC, on approximately 9.19 acres currently platted as Lot 2, Gary & Debbie Pink No. 2, Tax Lot 14, 19-14-12, and Tax Lot 8, 18-14-12, generally located southwest of Giles Road and West Giles Road.

The property is zoned C-2 General Commercial with the Gateway Corridor District and C-3 Highway Commercial / Office Park District with the Gateway Corridor District. The property is currently undeveloped. The replat is for the purpose of subdividing the property into four lots for commercial development.

A detailed staff report is attached.

The Planning Commission held a public hearing on February 18, 2016, and unanimously recommended approval of the waiver and the replat.

**RESOLUTION NO. 16 - \_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, FOR APPROVAL OF THE REPLAT FOR LOT 2, GARY & DEBBIE PINK NO. 2, TAX LOT 14, 19-14-12, AND TAX LOT 8, 18-14-12, TO BE REPLATTED AS LOTS 1 THRU 4, GARY & DEBBIE PINK NO. 3, A SUBDIVISION LOCATED IN PART OF SECTION 14 AND PART OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for Lot 2, Gary & Debbie Pink No. 2, Tax Lot 14, 19-14-12, and Tax Lot 8, 18-14-12, to be replatted as Lots 1 thru 4, Gary & Debbie Pink No. 3; and

WHEREAS, the City Engineer has reviewed the replat; and

WHEREAS, on February 18, 2016, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to the following conditions:

1. Approval of the waiver of Section 4.11 of the Subdivision Regulations; and
2. Finalization of the subdivision agreement.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lot 2, Gary & Debbie Pink No. 2, Tax Lot 14, 19-14-12, and Tax Lot 8, 18-14-12, to be replatted as Lots 1 thru 4, Gary & Debbie Pink No. 3, a subdivision located in part of Section 14 and part of Section 18, Township 14 North, Range 12 East of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of Giles Road and West Giles Road, be, and hereby is, approved.

BE IT FURTHER RESOLVED that a waiver of Section 4.11 of the Subdivision Regulations, regarding the length of a cul-de-sac, be granted.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF MARCH, 2016.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

---

Pamela A. Buethe, CMC  
City Clerk

**RESOLUTION NO. 16 - \_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A SUBDIVISION AGREEMENT FOR LOTS 1 THRU 4, GARY & DEBBIE PINK NO. 3 SUBDIVISION.

WHEREAS, the City Council did on March 15, 2016, approve the final plat for Lots 1 thru 4, Gary & Debbie Pink No. 3 Subdivision subject to certain conditions; and

WHEREAS, the Subdivider, Pink Investments LLC, has agreed to execute a Subdivision Agreement satisfactory in form and content to the City; and

NOW THEREFORE, BE IT RESOLVED, that the Subdivision Agreement presented at the March 15, 2016, City Council meeting for the Gary & Debbie Pink No. 3 Subdivision be and hereby is approved and the Mayor and City Clerk be and hereby are authorized to execute same on behalf of the City, subject to the conditions of Council replat approval and with such revisions that the City Administrator or City Engineer may determine necessary or advisable.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF MARCH, 2016.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

CASE NUMBER: 2016-SUB-01

FOR HEARING OF: March 15, 2016  
Report Prepared on: February 23, 2016

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Pink Investments LLC  
4920 S. 66<sup>th</sup> Plaza  
Omaha, NE 68177

**B. PROPERTY OWNER:**

Pink Investments LLC  
4920 S. 66<sup>th</sup> Plaza  
Omaha, NE 68177

**C. LOCATION:** Southwest of the intersection of Giles Road and West Giles Road.

**D. LEGAL DESCRIPTION:** Lot 2 Gary & Debbie Pink No. 2, Tax Lot 14 19-14-12, Tax Lot 8 18-14-12

**E. REQUESTED ACTION(S):** Waiver of Section 4.11 of the Subdivision Regulations, Replat of Lot 2 Gary & Debbie Pink No. 2 and a platting of Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12, and subdivision agreement.

**F. EXISTING ZONING AND LAND USE:**

Lot 2 Gary & Debbie Pink No. 2: C-2 General Commercial with a Gateway Corridor Overlay (Overlay District); Vacant  
Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12: C-3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District); Vacant

**G. PURPOSE OF REQUEST:** Replat the three lots listed in the request into four for the purpose of development.

**H. SIZE OF SITE:** 9.19 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property is currently vacant. The land has a gradual downward slope towards the southwest.

**B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:**

1. **North:** Southport West, C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay

District) and a Gateway Corridor Overlay (Overlay District); Vacant

2. **East:** American National Bank and Summer Kitchen; C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District); Bank and Restaurant

3. **South:** Papio Valley Business Park; I-1 Light Industrial with a Gateway Corridor Overlay (Overlay District); Various Light Industrial uses.

4. **West:** Lot 2 Gary & Debbie Pink No. 2; C-2 General Commercial with a Gateway Corridor Overlay (Overlay District); Vacant

**C. RELEVANT CASE HISTORY:**

1. On December 17, 2010 the City approved of Gary and Debbie Pink No. 2, an Administrative Plat that created two lots, including Lot 1 Gary & Debbie Pink No. 2.

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial / Office Park District
3. Section 3.07 of the Subdivision Regulations – Replats
4. Section 4.11 of the Subdivision Regulations – Design Standards; Cul-de-sac Streets

**III. ANALYSIS**

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

**B. OTHER PLANS:** Not applicable.

**C. TRAFFIC AND ACCESS:**

1. One access point exists along West Giles Road at the intersection of West Giles Road and South 125<sup>th</sup> Street. An access easement, dedicated via the plat, will allow internal circulation between the lots.
2. The proposed private, shared roadway will function as a cul-de-sac. Article 4.11 of the Subdivision Regulations limits cul-de-sacs to 300 feet in length. The proposed roadway will be approximately 1,000 feet long. The applicant has submitted a request for waiver of the maximum cul-de-sac length. The preliminary plat does not propose a turn-around. The subdivision agreement will need to include a requirement for development on Lot 4 to include turn-around provisions that would satisfy fire lane turn-around requirements. The development on Lot 4 may warrant consideration of

secondary emergency access. This might be in the form of grass pavers.

3. The applicant has provided possible use data to the City Engineer to incorporate into a traffic study currently underway that includes the intersections of S 125<sup>th</sup> Street and West Giles Road, as well as West Giles Road and Giles Road. If a traffic signal is warranted at the intersection of S 125<sup>th</sup> Street and West Giles Road, geometric modifications may be necessary on the 125<sup>th</sup> Plaza approach that is part of this replat. Such modifications would be required to be included in the subdivision agreement.

**D. UTILITIES:**

1. The properties have access to water, sanitary sewer, gas, power and communication utilities along West Giles Road.

**IV. REVIEW COMMENTS:**

1. In regard to Article 3.03.15 of the Subdivision Regulations, a subdivision agreement needs to be prepared since proposed private, shared infrastructure improvements are involved and since the payment of tract sewer connection fees (aka interceptor fees) and stormwater management fees need to be addressed.
2. It appears that the grading disturbance to construct the shared private access road will likely be more than 1 acre. For compliance with Article 3.03.16 please include notes on Sheet C2.0 listing erosion control BMPs that will be used during construction. A formal submittal will be needed at a later date in Permix if the grading disturbance does exceed 1 acre.
3. The edge of pavement on the preliminary plat needs to be clarified. As a future right-turn bay is anticipated on West Giles Road at the intersection with Giles Road for eastbound traffic, it will need to be determined if there is enough existing right-of-way to fit the right-turn bay and sidewalks.
4. There will need to be language and an exhibit pertaining to a pedestrian corner feature at the intersection of Giles Road and West Giles Road that will be consistent with the Southport West and Southport East requirements at the other corners of this intersection. This will be required at the time of construction of any development on Lot 4 of the replat. Sidewalks will also be required along West Giles Road.
5. The applicant has submitted a request to waive Section 4.11 of the Subdivision Regulations through their response letter dated January 22, 2016. A copy of this letter has been attached for review. (See #7)

**V. STAFF RECOMMENDATION – Waiver of Section 4.11 of the Subdivision Regulations:**

Approval of the request for waiver of Section 4.11 of the Subdivision Regulations as the property is constrained by access control limitations along West Giles Road and Giles Road, prohibiting additional access points to the northern lots.

**VI. PLANNING COMMISSION RECOMMENDATION – Waiver of Section 4.11 of the Subdivision Regulations:**

The Planning Commission held a public hearing on February 18, 2016 and unanimously recommended approval of the request for waiver of Section 4.11 of the Subdivision Regulations.

**VII. STAFF RECOMMENDATION – Replat:**

Approval of Gary & Debbie Pink No. 3 contingent upon approval of the waiver request and the finalization of a subdivision agreement as the Replat request is consistent with the Comprehensive Plan and the Subdivision Regulations.

**VIII. PLANNING COMMISSION RECOMMENDATION – Replat:**

The Planning Commission held a public hearing on February 18, 2016 and unanimously recommended approval of the Replat.

**IX. STAFF RECOMMENDATION – Subdivision Agreement:**

Approval, contingent upon modifications, additions, or deletions the City Administrator determines necessary or advisable in consultation with the City Engineer or City Attorney.

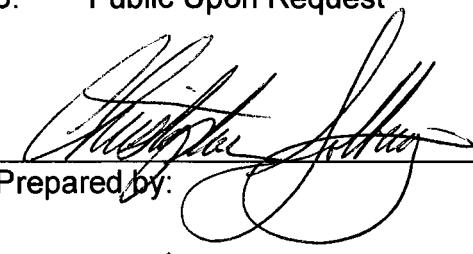
**X. ATTACHMENTS TO REPORT:**

1. Vicinity Map
2. Staff Review Letter
3. Applicant Response Letter
4. Preliminary Plat Map
5. Final Plat Map
6. Subdivision Agreement

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

1. Dean A. Jaeger, Thompson, Dreessen and Dorner, Inc.
2. John Pink, Pink Investments, LLC
3. Public Upon Request

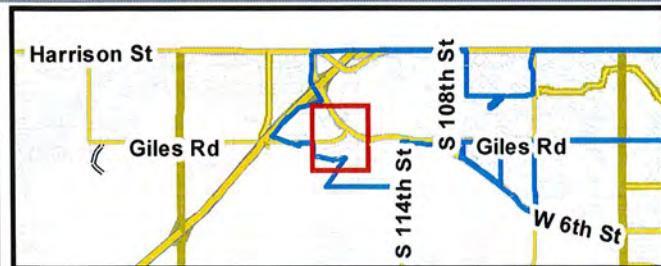
Prepared by:

  
John Pink  
Community Development Director

3-8-16  
Date



## Project Vicinity Map



## Gary and Debbie Pink No. 3

02-18-2016  
CSB





January 19, 2016

Dean A. Jaeger, P.E.  
Thompson, Dreessen & Dorner  
10836 Old Mill Road  
Omaha, NE 68154

RE: Preliminary and Final Plat – Initial Review  
Gary & Debbie Pink No. 3 Replat

Mr. Jaeger,

We have reviewed the documents submitted for the above-referenced application. Based on the elements for consideration set forth in the applicable section of the Subdivision Regulations for the Replat, the City has the following comments:

Preliminary Plat

1. The existing contours need to be completed on proposed Lot 2. No proposed contours are shown which is acceptable if no regrading of the lots is proposed.
2. In regards to Article 3.03.10 some additions and revisions are needed. The storm sewer easement along the common line between Lots 3 and 4 needs to be shown and the width needs to be twice the depth of the pipe plus the diameter of the pipe in the piped portion and wide enough to contain the 100-year discharge in the open channel portion. The proposed roadway easement needs to be at least five feet back of curb on each side of the proposed paving to allow for operation and maintenance of the road. Since the road is proposed to be paved 25 feet wide, this would mean at least a 35 feet easement. There is a proposed low point in the private road that would seem to require a storm water easement for drainage facilities. Also, there is an existing storm sewer shown along and on the West Giles Road right of way and it appears to require an easement.
3. The locations of existing public water mains need to be shown on the preliminary plat per Article 3.03.07. Also, in the last few months the City has changed the name of Westport Parkway between Southport Parkway and West Giles Road to South 125<sup>th</sup> Street, so this name change need to be made on the preliminary and final plat drawings.
4. Per Article 3.03.14 please note the existing and proposed zoning on Sheet C1.0.
5. It appears that the grading disturbance to construct the shared private access road will likely be more than 1 acre. For compliance with Article 3.03.16 please include

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

Community Development  
8116 Park View Blvd.  
p: 402-331-4343  
f: 402-331-4375

Fire  
8110 Park View Blvd.  
p: 402-331-4748  
f: 402-331-0410

Golf Course  
8305 Park View Blvd.  
p: 402-339-9147

Library  
9110 Giles Rd.  
p: 402-537-3900  
f: 402-537-3902

Police  
7701 South 96th St.  
p: 402-331-1582  
f: 402-331-7210

Public Works  
9900 Portal Rd.  
p: 402-331-8927  
f: 402-331-1051

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

notes on Sheet C2.0 listing erosion control BMPs that will be used during construction. A formal submittal will be needed at a later date in Permix if the grading disturbance does exceed 1 acre.

6. A traffic study for Costco is nearly complete and another traffic study for the Giles Road corridor related to the Nebraska Multi-Sports Complex is expected to get underway in the next few months. It does not appear that trip generation from this site has been specifically included in previous traffic studies. A separate study conducted for this development would not be beneficial except for examining signal warrants at 125<sup>th</sup> and West Giles intersection as part of the Costco traffic impact study. Staff's recommendation is for the applicant to provide an estimation of trip generation for weekday AM and PM peak hours as well as Saturday afternoon peak hours based on the land uses they anticipate may occur at this site. The City will then supply that information to Olsson Associates to include in the review of the signal warrants. The applicant has previously constructed a right-turn bay on eastbound West Giles to access the site.
7. The proposed private, shared roadway will function as a cul-de-sac. Article 4.11 of the Subdivision Regulations limits cul-de-sacs to 300 feet in length. The proposed roadway will be approximately 1,000 feet long. The applicant needs to request a waiver of the maximum cul-de-sac length. The preliminary plat does not propose a turn-around. The subdivision agreement will need to include a requirement for development on Lot 4 to include turn-around provisions that would satisfy fire lane turn-around requirements. The development on Lot 4 may warrant consideration of secondary emergency access. This might be in the form of grass pavers.
8. Some comments on the drainage study include:
  - a. The executive summary indicates that sizing of a bio-retention basin/swale has been done that resulted in peak flows for all storm events being at or below existing conditions. The size and location of the basin(s) need to be shown on the drainage map.
  - b. Copies of the Hydraflow printouts need to be included in the study which would include routing of storm events through detention basins to show how the peak flows in the executive summary were derived.
  - c. There is a low point in the proposed private roadway profile at Station 4+00. Please indicate on the drainage map how this low point is to be drained. Will there be an inlet and piping?
  - d. Please provide three, full-size copies of the drainage map.
9. There needs to be submittal of a conceptual Post Construction Storm Water Management Plan to address Items 2 and 4 of Article 3.03.20. This could be part of the response to Comment 8a above. A PCSMP permit will be required through the Permix web site and the conceptual plan needs to identify if each lot is to provide its own facilities or if shared facilities will be used to address this requirement.

### Final Plat

1. The Westport Parkway street name needs to be changed as noted in Comment No. 3 above.
2. Provide a letter stating that there are no mortgage holders to fulfill Article 3.05.11. This can come from the owner of the property.
3. The legal description in the Surveyor's Certificate needs to state the total acreage at the end of the legal description per Article 3.05.15.

### Subdivision Agreement

The draft subdivision agreement and other final documents are currently under review. Their comments on the document will be provided outside of the review process that leads up to the Planning Commission meeting as the Commission does not review these documents. However, working on the review and edit of these documents helps to ensure that they will be ready for City Council. Though staff has not completed a review of these documents at this time, some preliminary comments include:

1. There needs to be an itemized estimate and exhibits for the shared, private infrastructure including at least the roadway pavement, the sanitary sewer and drainage facilities to serve these lots. The estimated costs need to include engineering fees. Unless the applicant will construct the improvements prior to recording the plat, a bond will be required for not less than 110% of the estimated costs prior to recording the plat.
2. The draft subdivision agreement will also need to include an attachment and supporting language for the development of a landscaped corner entry feature that mirrors the feature on the east corner of Eastport Parkway and Giles Road (American National Bank), to be constructed at the time of development of the proposed Lot 4. Details to be provided in the forthcoming subdivision agreement review letter.
3. The existing common area maintenance agreement was submitted. This has yet to be reviewed in detail, but it may require amendments to make it applicable to the current proposal.

In order for the Replat to be considered for review at the February 18, 2016 Planning Commission meeting, revised plat documents will need to be provided for further review. Please submit 4 full size copies (along with electronic copies) of the revised documents by January 25, 2016 to ensure that the application stays on track for the review by Planning Commission.

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

Thank you,



Christopher Solberg, AICP  
City Planner

Attachment

cc: Ann Birch, Community Development Director  
John Kottmann, City Engineer  
John Pink, Pink Investments LLC

January 22, 2016

Mr. Chris Solberg, Planning Director  
City of LaVista  
8116 Park View Blvd.  
La Vista, NE 68128-2198

RE: Gary & Debbie Pink No. 3  
Preliminary and Final Plat  
TD<sup>2</sup> File No. 1042-120.2

Director and Planning Board Members:

In response your review letter dated January 19, 2016 we offer the following response to each item.

Preliminary Plat

1. Existing contours have been added to Lot 2. Keep in mind the contours area based upon compilation several partial surveys completed on the site, grading plans and visual observation of conditions. A survey of current topographic conditions will be completed prior to design of site improvements and the private road and sanitary sewer.
2. The storm sewer along the lotline common to Lots 3 & 4 has been widened to 70 feet center on the lotline. The roadway easement exists as a 30 feet wide easement on existing Lot 2, Gary and Debbie Pink No. 2. The easement will be widened to 35 feet. An inlet at the low point of the proposed roadway with a storm sewer connecting to the existing storm along West Giles Road has been added. The location of the inlet and storm sewer may vary depending on topographic survey.
3. The location and size of the water main along West Giles Road is shown on the Preliminary Plat.
4. Existing and Proposed Zoning is C-2 General Commercial for Lots 1, 2, and 3 and C-3 Highway Commercial/Office Park for Lot 4. Zoning information has been added to sheet C1.0
5. Preliminary erosion control BMPs are shows on sheet C2.0. A formal permit will be submitted via Permix when construction is eminent.
6. The type of businesses which will be operating from Lots 1 thru 4, Gary and Debbie Pink No. 4 area unknown at this time. We assume the uses will be generally office or service oriented. Assuming all businesses will occupy 240,000 s.f. (60% of the lot area) and a peak traffic demand of 1.5 trips per 1,000 s.f., peak trip generation would be 360 vehicles per hour. We assume the weekday AM and PM peak hour would be similar. Trips generation rates was determined from information obtained from an Institute of Transportation Engineers publication.

7. Please consider this a request for a waiver of the maximum cul de sac length of 300 feet to approximately 1,000 feet to allow access to proposed Lot 4. It is the intent of the development to provide turn-around area within the future parking lot for fire and emergency apparatus.
8. After reviewing this comment we have prepared a Supplement to the Drainage Study estimating the amount of storm water retention required on each lot. The location of the PCSMP BMPs have not been shown on the Preliminary Plat as preliminary site development plans are not available for individual lots. As each individual lot develops the developer/owner of the lot will be required to provide a Post Construction Storm Water Plan and the required BMPs. Considering the limited buildable area of each lot for purposes of the Drainage Study, we have assumed underground chamber will be the BMP of choice. A copy of the Drainage Study Supplement is attached. An inlet and storm sewer pipe has been shown on the Preliminary Plat at the low point of the access roadway. The actual location of the low point may change when a current topographic survey is available.
9. PCSMP application will be requested for each Lot through the Permix website as each lot develops.

Final Plat

1. Westport Parkway street name has been changed to South 25<sup>th</sup> Street
2. Letter regarding mortgage holder is attached.
3. Total acreage of the plat has been added to the legal description.

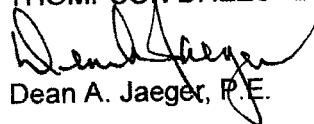
Subdivision Agreement

1. An estimate of cost was prepared and a copy is attached.
2. To be addressed and the Subdivision Agreement review progresses.
3. Same as item 2.

If there are any questions please contact us

Sincerely

THOMPSON DREESSEN DOREN, INC.



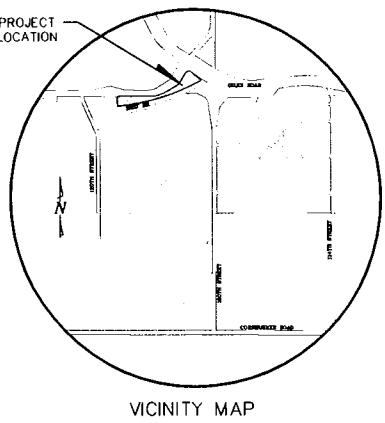
Dean A. Jaeger, P.E.

DAJ/tjp

Enclosures

Cc: Pink Investments, LLC  
Rick Anderson

thompson, dreessen & dorner, inc.

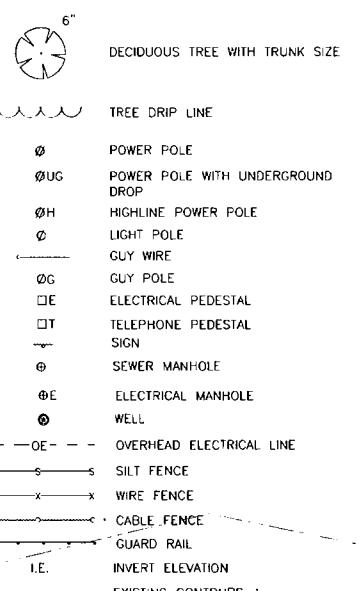


# GARY & DEBBIE PINK NO. 3

**LOTS 1 THROUGH 4, INCLUSIVE**

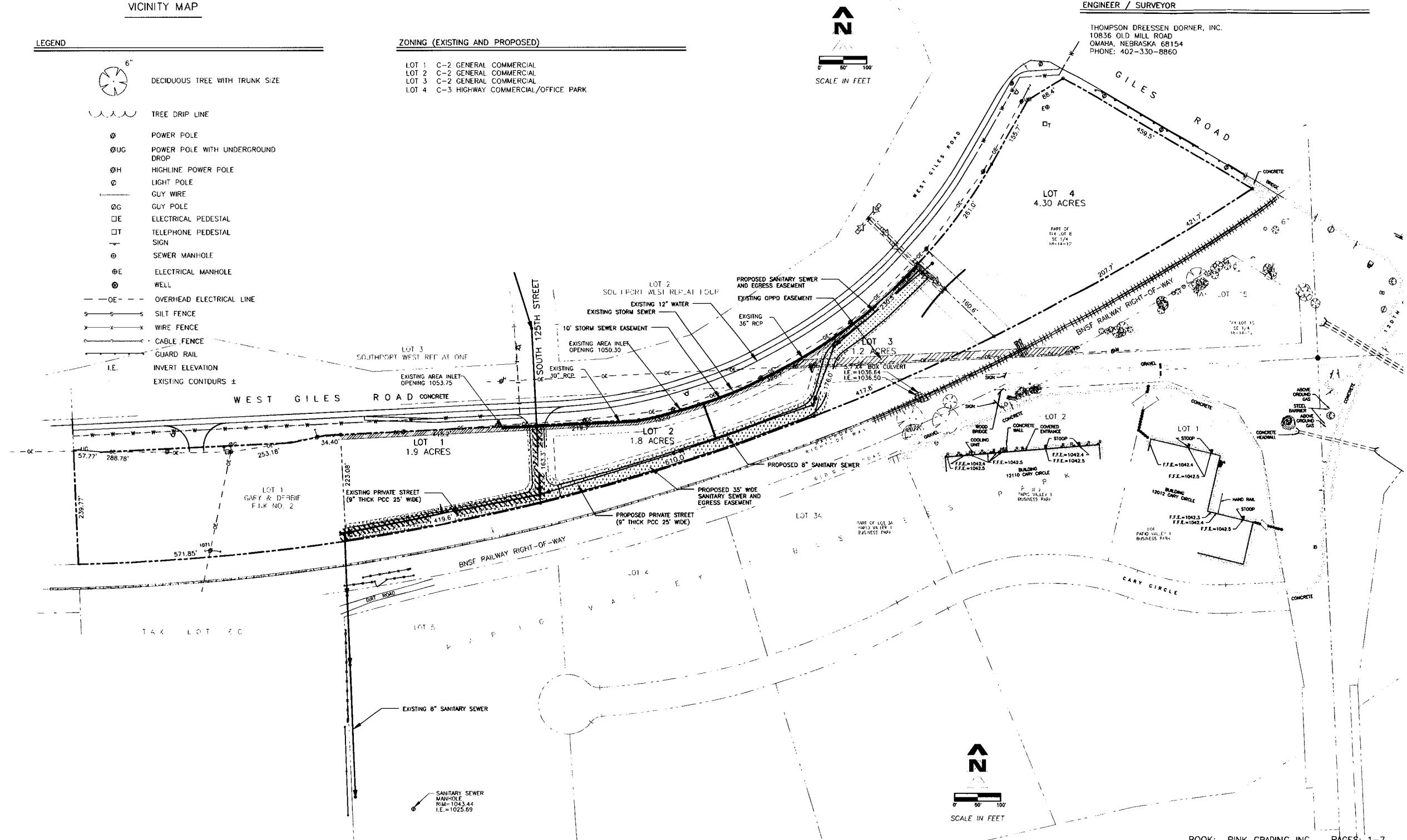
BEING A REPLATTING OF LOT 2, GARY AND DEBBIE PINK NO. 2 TOGETHER WITH A  
PLATTING OF TAX LOT 14 LYING IN THE NORTH 1/2 OF THE NE 1/4 OF SECTION 19, T14N,  
R12E AND TAX LOT 8 LYING IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 18, T14N,  
R12E OF THE 6TH P.M. SARPY COUNTY, NEBRASKA.

1525



ZONING (EXISTING AND PROPOSED)

LOT 1 C-2 GENERAL COMMERCIAL  
LOT 2 C-2 GENERAL COMMERCIAL  
LOT 3 C-2 GENERAL COMMERCIAL  
LOT 4 C-3 HIGHWAY COMMERCIAL/OFFICE PARK



LEGAL DESCRIPTION

REPLAT OF LOT 2, GARY AND DEBBIE PINK NO. 2 TOGETHER WITH TAX  
LOT 14 SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY,  
NEBRASKA AND TAX LOT 8, SECTION 18, T14N, R12E OF THE 6TH P.M.,  
SARPY COUNTY, NEBRASKA.

## BENCHMARK

DESCRIPTION: A BRASS CAP IN THE NORTHEAST WINGWALL OF THE 132nd STREET BRIDGE, SOUTH OF GILES ROAD, STAMPED S-20.

ELEVATION: 1051.01' (USGS DATUM)

DEVELOPER:

PINK INVESTMENTS, LLC  
4920 S. 66TH PLAZA  
OMAHA, NEBRASKA 68117-1697  
PHONE: 402-592-1034

ENGINEER / SURVEYOR

THOMPSON DREESSEN DORNER, INC.  
10836 OLD MILL ROAD  
OMAHA, NEBRASKA 68154  
PHONE: 402-330-8860

**TD2**  
engineering  
& surveying

thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 [www.td2co.com](http://www.td2co.com)

Gary and Debbie  
Pink No. 3

Pink Investments,  
LLC

Drawn By: JJP      Reviewed By: DAJ  
Job No.: 1042-120      Date: 1-4-16

## Preliminary Plat



**SUBDIVISION AGREEMENT  
(GARY & DEBBIE PINK NO. 3)**

**(Replat of Lot 2, Gary and Debbie Pink No. 2 together with Tax Lot 14 Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska and Tax Lot 8, Section 18, T14N, R12E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska)**

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, among Pink Investments, LLC, a Nebraska limited liability company, and Gary L. Pink and Deborah A. Pink, husband and wife, (collectively hereinafter referred to as "Subdivider"), the GDP2 Association and the City of La Vista, a Municipal Corporation in the State of Nebraska (hereinafter referred to as "City").

**WITNESSETH:**

WHEREAS, Subdivider is the owner of the land depicted or described in Exhibit "A" ("Property") and included within the proposed plat attached hereto as Exhibit "B" (hereinafter referred to as the "Plat or the Platted Area". The Plat as finally approved by the City Council shall be referred to herein as the "final plat" or "Final Plat"); and,

WHEREAS, Subdivider will develop and construct certain private infrastructure improvements on the Property in the Platted Area as described in Section 9 ("Private Infrastructure Improvements in accordance with the Plat"); and

WHEREAS, the Subdivider wishes to connect the system of sanitary sewers to be constructed within the Platted Area to the sewer system of the City; and,

WHEREAS, the Subdivider has previously created GDP2 association ("Association"), which includes all of the Platted Area and which will be amended to reflect the updated platting and the additional private infrastructure improvements being provided.

NOW, THEREFORE, IT IS AGREED by Subdivider and City as follows:

1. Platting. Subject to the terms of this Agreement, the subject property shall be platted and replatted as Lots 1 - 4, Gary & Debbie Pink No. 3, as more fully shown on Exhibit "B" (hereinafter the "Plat" or "Platted Area"; and as finally approved by the City Council shall be referred to as the "final plat" or "Final Plat").
2. Drainage Calculations and Map. Subdivider shall provide drainage calculations and a drainage map for the Platted Area for review and approval by the City's Engineer prior to execution of the final plat subject to the City's reasonable approval.
3. Storm Water Management Plan: At the time improvements are constructed on the individual lots, each individual lot owner, at its sole cost, will comply with applicable requirements regarding storm water quality, storm water management, and weed and erosion control to the satisfaction of the City Engineer. Plans and specifications for such storm water management improvements for each individual lot shall be prepared prior to construction of improvements on the individual lots by each lot owner's engineer at its

sole cost and must be approved by the Public Works Department of City (City Engineer) prior to starting construction of such improvements on the lots.

4. **Storm Water Management Plan Maintenance Agreement:** A Post-Construction Storm Water Management Plan Maintenance Agreement (“Maintenance Agreement”) in the form approved by the City (City Engineer) shall be entered into between each individual lot owner and the City prior to starting construction of improvements on any individual lot. It is understood that the final version of the Maintenance Agreement shall:
  - (A) identify that maintenance actions shall be private, and provide that all maintenance actions so identified shall be performed by the individual lot owner at its expense,
  - (B) include provisions to control when post-construction storm water features are to be constructed,
  - (C) differentiate between the requirements of construction site storm water runoff controls and post-construction controls,
  - (D) provide that post-construction storm water features shall not be installed until such time as they will not be negatively impacted by construction site runoff, and
  - (E) provide that permanent storm water detention ponds, riser structures and discharge pipes may be constructed during grading operations.Such provisions shall run with the land and become the joint and several responsibility of all successors, assigns and future owners of the respective lot.
5. **Watershed Management Fees:** Each individual lot owner shall make payment to City for Watershed Management Fees. This fee for the Property shall be computed in accordance with applicable provisions of the Master Fee Schedule set forth in the Master Fee Ordinance, as amended from time to time. Payment must be made to City’s Permits & Inspections Division before a building permit will be issued to construct improvements on any lot and before the commencement of construction of any such improvements. Payment shall be based on the City’s adopted fee rate that is in effect at the time the payment is made.
6. **Site Approval Precondition to Building Permit.** Nothing herein shall be deemed a waiver or lessening of any of City’s requirements for City approved site plan for any building prior to the issuance of a building permit therefor.
7. **Public Access Roads or Driveways; Sidewalks; Pedestrian Corner Feature.** Direct vehicular access to abutting streets shall be limited as indicated on the Plat, as finally approved by the City in the final plat. Roads and driveways identified in the Plat for use of the public shall be constructed to City approved specifications and shall not be less than nine inches (9") P.C. concrete paving. The City shall have access to and over such roadways and driveways for any purpose it deems appropriate in the exercise of its general governmental powers, including but not limited to, inspection, police, fire and rescue and other public safety purposes, and the exercise of all rights granted to City by

the terms of the Subdivision Agreement. The owner of Lot 4 shall construct and maintain a vehicular turnaround on Lot 4 at the end of the shared private roadway when Lot 4 is developed with improvements. The turnaround will meet fire lane turnaround requirements and may be incorporated into the general parking and circulation improvements on Lot 4. The owner of Lot 4 will also construct and maintain a pedestrian corner feature on the corner of Giles Road and West Giles Road as shown on Exhibit D, when Lot 4 has been developed with improvements. Sidewalks shall be installed by the individual lot owners along West Giles Road at the time of the development of each individual Lot.

8. Staking Bond. Subdivider shall provide the City a staking bond satisfactory to City Engineer prior to City's release of the final plat of the Platted Area to assure the placement of lot corner pins as indicated has been done on the final plat.
9. Sanitary Sewer Connection Fees. Tract sanitary sewer connection fees shall be due and payable by individual lot owners to the City in the following amounts prior to the issuance of a building permit for a particular lot:

Lot 1, C-2 – General Commercial	1.87 ±AC@ \$5,973/AC	\$ 11,169.51
Lot 2, C-2 – General Commercial	1.78 ±AC@ \$5,973/AC	\$ 10,631.94
Lot 3, C-3 – Hiway Commercial/Office Pk	1.24 ±AC @ \$5,973/AC	\$ 7,406.52
Lot 4, C-3 – Hiway Commercial/Office Pk	4.30 ±AC @ \$5,973/AC	\$ <u>25,683.90</u>
TOTAL		\$54,891.87

The aforestated fee of \$5,973 per acre is the rate now in effect and is subject to increase. The rate in effect at time of connection to the sanitary sewer system will be the rate paid.

10. Infrastructure to be at Private Expense. The cost of the Private Infrastructure Improvements and easements within and serving the Platted Area, which are the private internal street improvements for ingress and egress to and from the individual lots, the storm sewer collection system connecting the facilities from each lot to the public storm system, and the private sanitary sewer connection from the lots to the existing sewer system, shall be constructed and maintained at private expense and no part thereof shall be the responsibility of or at the expense of the City. Subdivider shall provide City with a cost estimate of the Private Infrastructure Improvements.

Notwithstanding any provision herein to the contrary, the Private Infrastructure Improvements shall not be considered improvements to any individual lot and will not trigger the payment of any of the various fees delineated in this Agreement due upon or prior to improvements on any individual lot, including but not limited to the fees described in Sections 4 & 8 of this Agreement, nor trigger the installations of or planning for any other associated improvements on individual lots, including but not limited to those described in Section 3 of this Agreement.

All Private Infrastructure Improvements provided by Subdivider shall be designed and contracted and operated, repaired, replaced and maintained after construction by Subdivider and its successor individual lot owners as provided in the Grant of Common Drive Easement and Declaration of Covenants, Conditions and Restrictions, as amended ("Covenants") attached hereto as Exhibit C.

11. Common Improvements/Maintenance.

- a. Filing of Record. The Subdivider, at its expense when recording the final plat, shall record this Agreement in the land records of the Office of the Register of Deeds of Sarpy and shall cause a recorded copy thereof to be transmitted to the City Administrator.
- b. City Engineer to be Determiner. The City Engineer shall be the determiner of which improvements are required and which are Common Area Expense and which are not Common Area Expense, and shall have the right, but not any obligation, to inspect any work on or relating to the improvements, and to require modification, replacement, maintenance or repair of any work or improvements the City Engineer determines are defective, unsatisfactory or in need of repair, maintenance or replacement, and Subdivider shall comply with said requirements. All specifications and contracts relating to work on the improvements shall be subject to prior review and approval of the City Engineer.
- c. City Access/Repair, Etc. The City, its employees and agents, shall have right of entry and full access to any and all areas and improvements within the Platted Area for purposes of inspection. In the event City determines construction, replacement, repair or maintenance is defective or not progressing or not being performed satisfactorily or in a timely manner, City may, at its sole option and without obligation to do so, decide to undertake construction, replacement, repair and/or maintenance of any such Common Area Improvements and to assess against the Subdivider and the property in the Platted Area the cost, including engineering costs and legal costs, together with interest at the rate of five percent (5%) per annum until paid, and City shall have a lien for the cost therefor, which lien City may file of record against the lots benefited. If said lien amount is not timely paid in full, the City may foreclose the lien for said amount with interest thereon and reasonable attorneys fees incurred by City in such foreclosure.
- d. City's Exercise of Rights Discretionary. City's and/or City Engineer's exercise of any or all of the authority herein given shall be at City's sole and absolute discretion and for the sole benefit of the City and City's interests and not for the benefit or interests of Subdivider, Subdivider or any other party, and City, City Engineer and City agents shall have no responsibility or liability by reason of either the nonexercise or the exercise of any such authority.

12. Restrictive Covenants. The Covenants at Exhibit C are filed against the Platted Area and will be amended to reflect the changes to the private infrastructure

13. Exhibit Summary. The Exhibits proposed by Thompson, Dreessen & Dorner, Inc. Engineering, LLC, engineers for the Subdivider, attached hereto and incorporated herein by this reference and made a part hereof, are as follows:

Exhibit "A":	Property
Exhibit "B":	Preliminary Plat and Area to be Platted
Exhibit "C":	Grant of Common Drive Easement and Declaration of Covenants, Conditions and Restrictions
Exhibit "D":	Private Infrastructure Improvements
Exhibit "E":	Pedestrian Corner Feature in Lot 4
Exhibit "F":	Sewer Connection Agreement
Exhibit "G":	Cost Estimate of Private Infrastructure Improvements

14. Right to Enforce. Provisions of this Agreement may be enforced at law or in equity by the owners of land within the Platted Area and may be enforced by the City at law, in equity or such other remedy as City determines appropriate. All rights and remedies of a party, whether specified in this Agreement or otherwise provided, are cumulative.

15. Incorporation of Recitals. Recitals at the beginning of this Agreement are incorporated into this Agreement by reference.

16. Nondiscrimination. Notwithstanding anything in this Agreement to the contrary, (i) each party agrees that neither it nor any subcontractor of the party shall discriminate against any employee or applicant for employment to be employed in the performance of this Agreement, with respect to the employee's or applicant's hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, age, sex, disability, or national origin; and (ii) the City is a recipient of federal funds, and as a result all required contractual provisions related to such federal funds shall be deemed incorporated into this Agreement by this reference and binding upon the parties.

17. Assignment. This Agreement may not be assigned by any party without the express written consent of all parties.

18. Entire Agreement. This Agreement represents the entire agreement and understanding, and supersedes all prior understandings and agreements, written or oral, of the parties with respect to the matters contained herein. The Agreement only may be amended by a written amendment executed by all parties.

19. Severability. If any part of this Agreement is held by a court of competent jurisdiction to be illegal or unenforceable, the illegality or unenforceability shall not affect the remainder of this Agreement, and this Agreement shall be construed as if such illegal or unenforceable provision had never been included herein.

IN WITNESS WHEREOF, we, the parties hereto, by our respective duly authorized agents, hereto affix our signatures the day and year first above written.

PINK INVESTMENTS, LLC a Nebraska limited liability company

By: \_\_\_\_\_  
Gary L. Pink, Manager

GDP2 ASSOCIATION a Nebraska non profit corporation

By: \_\_\_\_\_  
Gary L. Pink, President

Deborah A. Pink

Gary L. Pink

ATTEST: CITY OF LA VISTA

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

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

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA      )  
                            ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, by Gary L. Pink, Manager of Pink Investments, LLC a Nebraska  
limited liability company.

---

Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA      )  
                            ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, by Gary L. Pink, President of GDP2 ASSOCIATION, a Nebraska non  
profit corporation.

---

Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA      )  
                            ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, by Deborah A. Pink.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
                            ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of  
\_\_\_\_\_, 2016, by Gary L. Pink.

---

Notary Public

ACKNOWLEDGEMENT OF NOTARY

STATE OF NEBRASKA      )  
                            )  
                            )ss.  
COUNTY OF \_\_\_\_\_ )

On this day of \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me a Notary Public, duly  
commissioned and qualified in and for said County, appeared \_\_\_\_\_,  
personally known by me to be the Mayor of the City of La Vista and \_\_\_\_\_,  
to be personally known to be the City Clerk of the City of La Vista, and the identical persons  
whose names are affixed to the foregoing Subdivision Agreement, and acknowledged the  
execution thereof to be their voluntary act and deed, and the voluntary act and deed of said City.

WITNESS my hand and Notarial Seal the day and year last above written.

---

00626292.DOC

Notary Public

EXHIBIT A  
THE PROPERTY

**Replat of Lot 2, Gary and Debbie Pink No. 2 together with Tax Lot 14 Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska and Tax Lot 8, Section 18, T14N, R12E of the 6<sup>th</sup> P.M. Sarpy County, Nebraska**

EXHIBIT B  
Preliminary Plat and Area to be Platted

No.	Description	MM-DD-YY
1	Address LaVista Comments	1-21-16
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EXHIBIT C

Grant of Common Drive Easement and Declaration of Covenants, Conditions and Restrictions

After Recording Return to:  
Elizabeth Sevcik  
Croker, Huck, Kasher, DeWitt,  
Anderson & Gonderinger, L.L.C.  
2120 S 72 Street, Suite 1200  
Omaha, NE 68124-2356

**AMENDMENT TO GRANT OF COMMON DRIVE  
EASEMENT AND DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

This Amendment of Common Drive Easement and Declaration of Covenants, Conditions, and Restrictions (herein "Amendment") is made effective this \_\_\_\_ day of \_\_\_\_\_, 2016, by GARY L. AND DEBORAH A. PINK, PINK INVESTMENTS, LLC, a Nebraska limited liability corporation, JEREMY L. FRITZ, JEFFREY F. FRITZ, and JULIE A. BAASCH (collectively the "Owners"), and GDP2 ASSOCIATION, a Nebraska non-profit corporation (herein "Association").

**RECITALS**

- A. Jeremy L. Fritz, Jeffrey F. Fritz and Julie A. Baasch are the owners of Lot 1, Gary & Debbie Pink No. 2, a subdivision in Sarpy County, Nebraska.
- B. Gary L. and Deborah A. Pink, and Pink Investments, LLC, are the owners of Lot 2, Gary and Debbie Pink No. 2 a subdivision, Tax Lot 14 in Section 19, Township 14, Range 12, and Tax Lot 8 in Section 18, Township 14, Range 12, each in Sarpy County, Nebraska, which have been replatted as Lots 1, 2, 3, and 4, Gary & Debbie Pink No. 3, a subdivision in Sarpy County, Nebraska.
- C. Pursuant to Section 3.5 of the Common Drive Easement and Declaration of Covenants, Conditions, and Restrictions recorded as Instrument No. 2010-37259 in

the Sarpy County Register of Deeds Office (the “Declaration”), Pink Investments, LLC has the right to grant an additional easement as stated therein.

D. Pink Investments, LLC desires to exercise its rights under Section 3.5 of the Declaration, and the Owners desire to amend certain typographical errors in the Declaration.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by this reference, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. Any capitalized term not defined herein shall have the meaning ascribed to it in the Declaration.

2. The Owners are all of the current record owners of the properties which are subject to the Declaration.

3. Pink Investments, LLC hereby grants an easement pursuant to the Declaration to the Owners and the Association and extends the East Drive as shown on Exhibit A attached hereto and incorporated herein by this reference. A description of the Extension is provided on Exhibit A. The Extension shall now be considered a part of the Common Drive Easement and the East Drive under the Declaration.

4. The City of La Vista has required an easement area of 35 feet for the East Drive and West Drive, the easement area for the East Drive and West Drive shall be increased to 35 feet as shown on Exhibit A, and the Declaration is modified accordingly to account for the same.

5. The City of La Vista has required that the Declaration address the shared private sanitary sewer both previously constructed and to be constructed within the Common Drive Easement as well as the shared private storm sewer both previously constructed and to be constructed. Accordingly, the Declaration is hereby amended to add the following provisions:

Section 1.22. “Shared Sanitary Sewer” shall mean the shared private sanitary sewer constructed within the Common Drive Easement.

Section 1.23. “Shared Storm Sewer” shall mean the shared private storm sewer running along the northern portions of Lots 1, 2, and 3, Gary & Debbie Pink No. 3, along with the additional storm sewer leg running North/South through Lot 2, Gary and Debbie Pink No. 3 and creating an inlet for the roadway, as shown on Exhibit to Section 1.23 attached hereto and incorporated herein by this reference..

Section 3.1.e. Shared Sanitary Sewer. A nonexclusive easement for installation, use, repair, replacement and maintenance of the Shared Sanitary Sewer within the Common Drive Easement.

Section 3.1.f. Shared Storm Sewer. A nonexclusive easement for installation, use, repair, replacement and maintenance of the Shared Storm Sewer for the benefit of Lots 1, 2 and 3 of Gary & Debbie Pink No. 3, and the Common Drive Easement.

Section 3.6.a.v. Not later than November 30, 2016, Pinks shall install the portion of the Shared Sanitary Sewer Easement running along the East Drive, and the new leg of the Shared Storm Sewer Easement running across Lot 2, Gary & Debbie Pink No. 3 providing an inlet for the roadway and connecting to the existing portion of the Shared Storm Sewer. Pinks shall install the improvements contemplated in this subsection at Pinks' sole cost expense, provided however, after installation, Pinks shall not be responsible for the costs of repair, replacement and maintenance of the improvements except to the extent and only to the extent they are an Owner of a Lot and assessed the Lot's proportionate share of Common Expenses as such. After installation of the foregoing improvements, all costs of repair, replacement and maintenance of the Shared Sanitary Sewer shall be shared as a Common Expense among all Owners, and all costs of repair, replacement and maintenance of the Shared Storm Sewer shall be shared as a Common Expense of the Owners of Lots 1, 2, and 3, Gary & Debbie Pink No. 3, only.

Section 5.3.d. Notwithstanding anything contained herein to the contrary, the Common Expenses attributable to the Shared Storm Sewer shall be equally shared by Lots 1, 2, and 3, Gary & Debbie Pink No. 3, and those Lots only.

6. Section 5.1 is amended to include the Shared Sanitary Sewer and Shared Storm Sewer in its maintenance and operation responsibilities.

7. Section 5.3 shall be amended to include apportionment of Common Expenses related to the Shared Sanitary Sewer in the same manner as those related to the corresponding sections of the road known as the Giles Road Connection, the East Drive and the West Drive.

8. Any other rights, obligations or remedies set forth in the Declaration with respect to the roadway and/or the Common Easement Drive, which are necessary and/or beneficial to the installation, repair, replacement or maintenance of the Shared Sanitary Sewer and/or Shared Storm Sewer and which are not otherwise specifically addressed in this Amendment, shall apply

equally to the Shared Sanitary Sewer, including but not limited to the easements granted to the Association in Section 3.2 and 3.3, and the rights, obligations and remedies in Section 5.4 and 6.

9. Section 3.1.b. is hereby amended and replaced as follows:

b. Parking. No on-street parking of any nature will be permitted on the Giles Road Connection, the West Drive, or the East Drive, which comprise the shared private roadway.

10. The parties make the following typographical corrections:

a. The reference in Section 1.6 to “Section 5.2(a)” is corrected to refer to Section 5.2

b. The references to “Section 3.5(a)” in Section 3.6, Section 5.1, and Section 7 are corrected to refer to “Section 3.6(a).”

c. The references to “Section 3.5(c)” in Section 4.1 are corrected to refer to “Section 3.6(c).”

d. The partial sentence “If a Lot” at the end of the first paragraph of Section 5.3 is hereby deleted.

11. Pinks do hereby grant, convey, and quitclaim an easement for a storm sewer over and across Lots 1, 2, and 3, Gary & Debbie Pink No. 3 as shown on Exhibit B for the benefit Lots 1, 2 and 3 of Gary & Debbie Pink No. 3, the Common Drive Easement, and the Association.

12. Except as provided herein, the Declaration shall remain in full force and effect without modification.

---

Gary L. Pink

Pink Investments, LLC

By: \_\_\_\_\_  
Gary L. Pink, Manager

---

Deborah A. Pink

GDP2 Association

By: \_\_\_\_\_  
Gary L. Pink, President

---

Jeffrey F. Fritz

---

Julie A. Baasch

---

Jeremy L. Fritz

STATE OF NEBRASKA      )  
                            )  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by  
Gary L. Pink, Manager of Pink Investments, LLC, on behalf of said limited liability company.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by  
Gary L. Pink, President of GDP2 Association, on behalf of said association.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by  
Gary L. Pink.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by  
Deborah Pink.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by  
Jeffrey F. Fritz.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
                            ) ss.  
COUNTY OF DOUGLAS      )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by Julie  
A. Baasch.

---

Notary Public

STATE OF NEBRASKA      )  
                            )  
                            ) ss.  
COUNTY OF DOUGLAS      )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2016, by  
Jeremy L. Fritz.

---

Notary Public

00628974.DOC

EXHIBIT D  
Private Infrastructure Improvements



## **GARY & DEBBIE PINK NO. 3**

**LOTS 1 THROUGH 4, INCLUSIVE**

BEING A REPLATTING OF LOT 2, GARY AND DEBBIE PINK NO. 2 TOGETHER WITH A PLATTING OF TAX LOT 14 LYING IN THE NORTH 1/2 OF THE NE 1/4 OF SECTION 19, T14N, R12E AND TAX LOT 8 LYING IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA,



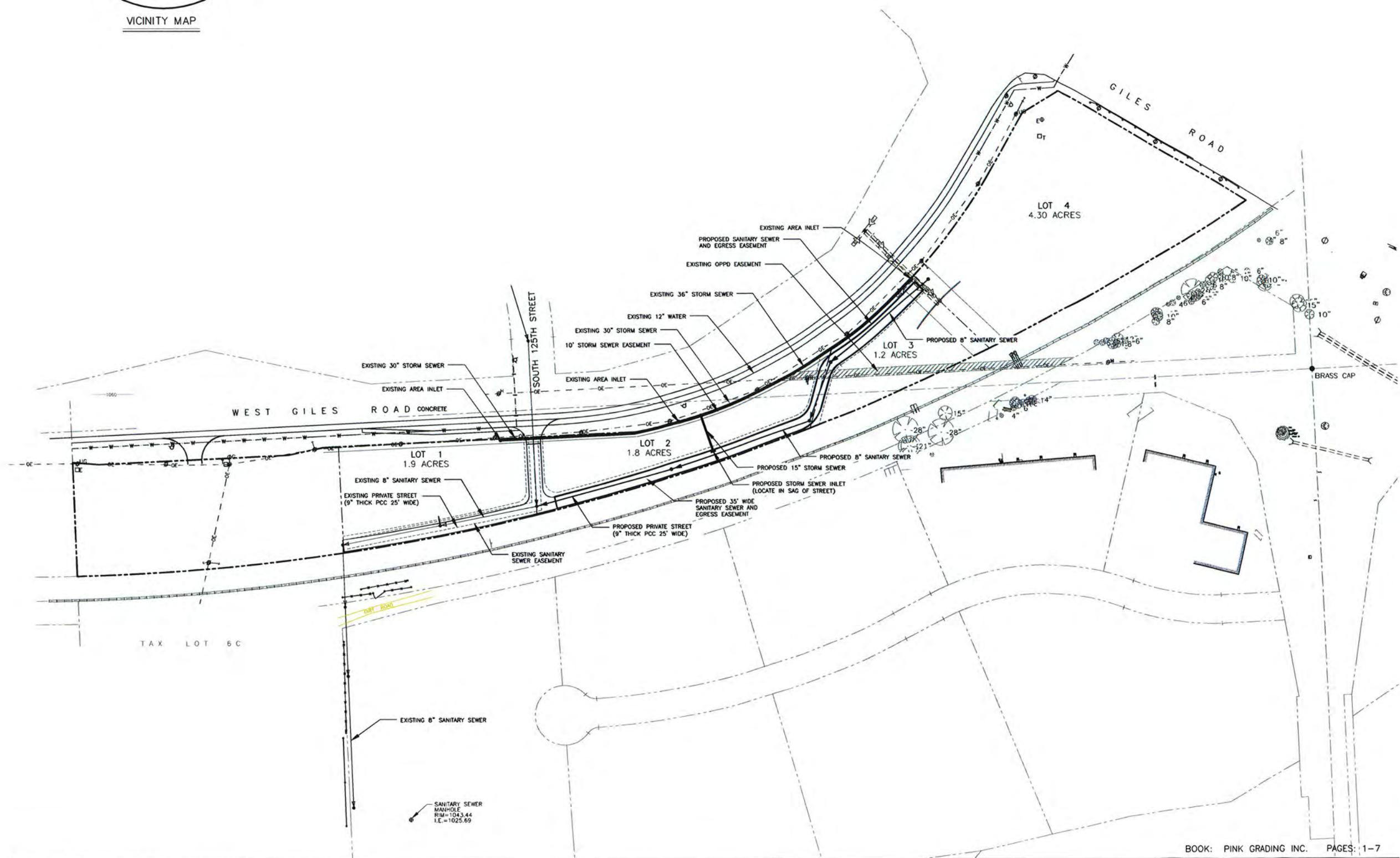
**TD2**  
engineering  
& surveying

thompson, dreessen & dorner, inc.  
10836 Old Mill Rd  
Omaha, NE 68154  
p.402.330.8860 [www.td2co.com](http://www.td2co.com)

Project Name

Gary and Debbie  
Pink No. 3

Client Name



Drawn By: JJP Reviewed By: DAJ  
Job No.: 1042-120 Date: 1-4-16

# Sheet Title

## Private Improvements

Sheet Number

EXHIBIT E  
Pedestrian Corner Feature in Lot 4

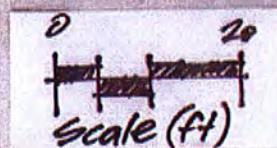
bedm

# La Vista Planting Designs

date 9/2/09



Southpoint  
parkway



Giles Pt.

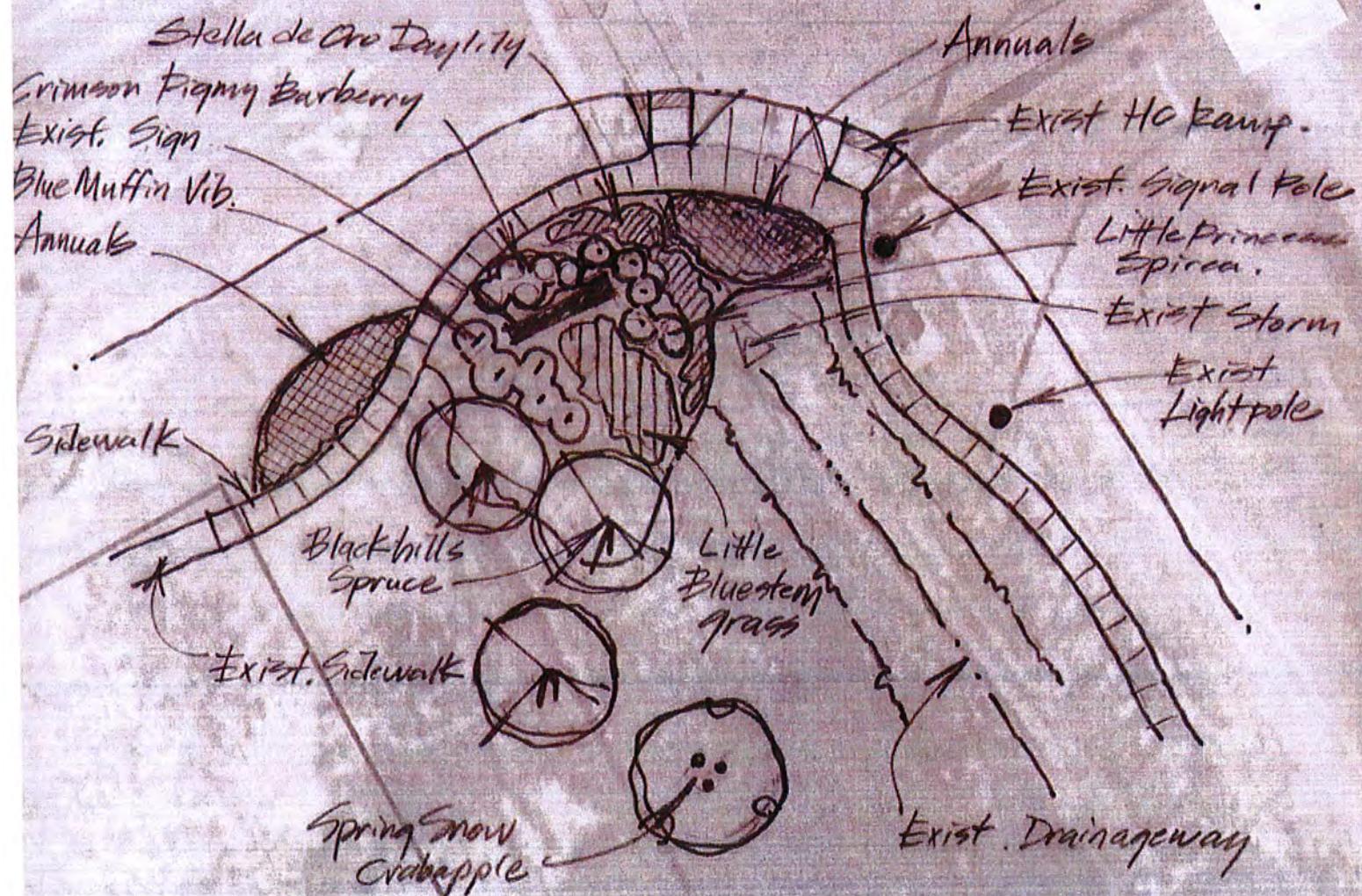


EXHIBIT F  
Sewer Connection Agreement

GARY AND DEBBIE PINK NO. 3  
SEWER CONNECTION AGREEMENT  
(Sanitary Sewer System)

THIS AGREEMENT ("Agreement"), made and entered into in La Vista, Nebraska, on this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of La Vista, a Municipal corporation in the State of Nebraska (hereinafter referred to as "City"), and Pink Investments, LLC, a Nebraska limited liability company authorized to do business in Nebraska its successors and assigns (hereinafter referred to as "Owner") (City and Owner are sometimes hereinafter referred to individually as a "Party" and collectively as the "Parties");

WITNESSETH:

WHEREAS, the Owner has constructed or is contemplating constructing sanitary sewers within Lots 1-4, Gary and Debbie Pink No. 3, as depicted on Exhibit "B" hereto; and

WHEREAS, Owner desires to provide for the flow, transportation and handling of sewage collected in or flowing into the sanitary sewer system constructed or to be constructed by it, and has requested the City to permit flowage thereof into the City's sewerage system, and to provide for the processing of such sewage, from the properties identified in Exhibit "A".

NOW, THEREFORE, in consideration of the mutual agreements and covenants of the Parties hereto, it is agreed by and between the Parties as follows:

I

For the purposes of this Agreement, the term "sewer system of the Owner" shall include, whether now in existence or hereafter constructed, all sanitary sewers, sanitary sewer systems and appurtenances thereto which are:

A. Shown on Exhibit "B" attached hereto.

For the purposes of this Agreement, the following, whether now in existence or hereafter constructed, shall be deemed a part of the "sewer system of the City":

A. Any sanitary sewer or system of sanitary sewers owned by the City;

B. Any sanitary sewer or system of sanitary sewers not a part of the sewer system of the Owner and not owned by City, but through which City has an easement, license or other right or other license to transport sanitary sewage;

II

Subject to the conditions and provisions hereinafter specified, the City hereby grants permission to the Owner to connect the sanitary sewer system of the Owner to the sanitary sewer system of the City in such manner and at such place or places as designated on plans submitted by the Owner and approved by the City. Owner shall have the right to connect to the existing public sanitary sewer located in Lot 1 and/or Lot 2, Gary and Debbie Pink No. 2, subject to the conditions of a Permanent Sanitary Sewer Easement recorded as Instrument Number 2005-29577 of the Sarpy County records of the Sarpy County Register of Deeds.

III

Owner expressly promises, warrants, covenants and agrees:

- A. That the sewer system of the Owner will be constructed and, as required, reconstructed in strict accordance with the plans and specifications and location approved in writing by the City and in strict accordance with the minimum standards and requirements of construction adopted by City.
- B. That the sewer system of the Owner shall be designed and constructed, and as required reconstructed, at the expense of Owner and the property therein, and at no expense to the City.
- C. The sewer system of the Owner shall comply with all applicable Federal and State laws and regulations in general and with all applicable laws and regulations of the City, with reference to use, operation and maintenance of the system.
- D. The sewer system of the Owner shall at all times be properly maintained and kept in good operating order and repair at no cost to City. The Owner's obligation in this connection shall survive the term of this Agreement to the extent provided in Paragraph IV, infra.
- E. In the event that City's engineers find that there is anything in the construction, maintenance or operation of the sewer system of the Owner which will, in the reasonable opinion of City's engineers, be detrimental to the proper operation of the sewer system of City, or any part thereof, the Owner will, upon written notice thereof, promptly correct said defect.
- F. That in the event the Owner for any reason fails in any respect as to its covenants contained in this Paragraph III, then City may, at its option, perform such maintenance and repair or correct such defects and the Owner, upon written demand by City, shall promptly reimburse City for the reasonable cost of all work, services, materials and other expenses reasonably incurred or expended by City in connection therewith.
- G. At all times all sewage flowing into, passing through or from the sewer system of the Owner shall be in conformity with the ordinances, regulations and conditions applicable to sewage and sewers within the City, as they may change from time to time. In no event shall Owner, without prior written consent of City, permit or suffer any type of sewage to flow into, pass through or from the sewer system of the Owner, in violation of such ordinances, regulations and conditions.

EXHIBIT G  
Cost Estimate of Private Infrastructure Improvements

The Owner shall allow any duly authorized representative of City to enter upon such property at reasonable times for the purpose of inspection, observation, measurements, sampling and testing of sewage.

- H. The Owner shall not cause, suffer or permit to be connected to the sewer system of the Owner any sewer lines or sewers serving, directly or indirectly, any area outside its boundaries.
- I. That the Owner will indemnify and save harmless the City, its officers, employees and agents, from all construction costs, loss, damage, claims and liability of whatsoever kind or character due to or arising out of any acts, conduct, omissions or negligence of the Owner, its officers, agents, employees, contractors, subcontractors and anyone acting under the direction of the Owner, in doing any work or construction of the sewer system of the Owner, or by or in consequence of any performance of this contract.
- J. That Owner shall promptly file all reports, pay all connection fees and perform all other obligations of the Owner provided for in this Agreement or otherwise required by state statutes or the City's ordinances as amended and supplemented from time to time.
- K. That, subject to the provisions of Paragraph V, infra, the Owner is and shall be bound to and by any provisions of any ordinance, rule or regulation relating to sewer use fees provided for under said Paragraph V, infra, hereinafter made and adopted by City or Sarpy County.
- L. Any water distribution system serving the Owner shall be constructed and operated by the Metropolitan Utilities District, however, Owner may utilize wells for irrigation purposes.

#### IV

The herein granted easements and licenses to City and the herein contained covenants of perpetual maintenance and repair by the Owner shall be perpetual, notwithstanding the fact that this Agreement is for a term of years.

#### V

Owner agrees that no connection shall be made to the sewer system of the City until a permit therefore shall have been obtained from City and the appropriate connection fee paid to City. Owner shall:

1. pay to City the applicable sewer connection fees as prescribed by the ordinances of the City in effect at the time of the connection;
2. obtain from the City a permit to so connect, as may be required by the ordinances of the City in effect at the time of the connection.
3. make all connections to the sewer system of the City in accordance with applicable ordinances, regulations and specifications.

4. upon written notice by City, immediately disconnect any connection to the sewer system of the City which has been made by the Owner without the required permit from the City or which is in contravention of the ordinances, regulations or specifications of the City pertaining to sewer connections.

VI

The Owner shall facilitate collection of sewer service and sewer use fees as may be prescribed by City ordinance. Except as may be otherwise provided by City, such fees shall be based upon water consumption with chargeable water flow computed in the manner employed by Metropolitan Utilities District, which shall collect sewer service or use fees in conjunction with its collection of charges for water use.

VII

In the event of the Owner's breach of any of the terms and conditions hereof or any warranty or covenant herein made by the Owner, then:

- A. In the case of a breach of any term or condition, warranty or covenant, pertaining to the actual construction, reconstruction, repair, maintenance or operation of the sewer system of the Owner, Owner shall, within five (5) days from receipt of City's written notice of such breach, commence to take corrective measures or such measures as may be reasonably requested by the City, and the Owner shall pursue with due diligence such corrective measures to completion as soon thereafter as possible to the reasonable satisfaction of City.
- B. In the case of any other type of breach by the Owner, the Owner shall cure said breach to the reasonable satisfaction of City within thirty (30) days from receipt of City's written notice of such breach; provided however, that if the nature of Owner's breach is such that more than thirty (30) days are reasonably required for its cure, then the Owner shall not be deemed to be in breach if the Owner commenced such cure within thirty (30) day period and thereafter diligently prosecutes such cure to completion.
- C. In the event the Owner shall fail to cure any breach within the applicable time and manner afore-prescribed, City may:
  1. Upon giving the Owner sixty (60) days written notice of City's intent to do so, City may require the Owner to disconnect the sewer system of the Owner from the sewer system of the City, or the City may itself cause such disconnection to be made, if at the expiration of said sixty (60) day period the breach is not cured to the reasonable satisfaction of City. Any such disconnection shall be made at the expense of the Owner.
  2. In the event the breach pertains to the actual construction, reconstruction, repair, maintenance or operation of the sewer system of the Owner, City shall have the absolute right, at its option, to itself perform the work reasonably necessary for the requested corrective

measures, or to reasonably complete the corrective measures commenced by the Owner, as the case may be, in either of which events the Owner agrees to immediately reimburse City for any and all reasonable expenses incurred by City in connection therewith.

3. In addition to whatever other remedies are granted to City herein, City may avail itself of all other rights and remedies that City may have pursuant to any statute, law, or rule of law or equity, including, but not limited to the right to specifically enforce full compliance by the Owner of the terms and conditions of this Agreement, including all warranties and covenants and agreements herein made by the Owner, by both mandatory and prohibitory injunction.

## VIII

The term of this Agreement shall be twenty (20) years from and after date hereof; provided, however, that unless Owner shall advise the City in writing of its desire not to do so, this Agreement shall be automatically renewed on the same terms and conditions as herein set forth for additional successive terms of twenty (20) years each. Said written advice shall be given at least six (6) months prior to the end of the original term or additional term which said Party giving such notice desires to be the final term of this Agreement. At the end of the final term of this agreement, whether same be at the end of the original term or at the end of a renewal term, Owner shall, at its own expense disconnect, reconstruct, remove or modify such sewer mains and sewer main connections as City shall deem necessary to prohibit the flow of Owner's sewage into the sewer system of City and to assure the City's continued use of the perpetual easements and licenses granted to it in Paragraph IV, supra.

## IX

The failure of either Party to exercise its rights upon any default by the other shall not constitute a waiver of such rights as to any subsequent default.

## X

A listing of the Schedule of Exhibits hereto is as follows:

Exhibit "A": Lot 1, Gary and Debbie Pink No. 2 and Lots 1-4, Gary and Debbie Pink No. 3 (Properties to be Connected)

Exhibit "B": Preliminary Sanitary Sewer & Water Plan

## XI

If any provisions of this Agreement are held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions of this Agreement which can be given effect without the invalid or unconstitutional provision and to this end, each paragraph, sentence and clause of this Agreement shall be deemed severable; provided, however, that, if in the sole

Name of Addition Gary & Debbie Pink No. 3 Lots 1 thru 4 SID #       

TD2 No.: 1042-112

**Source and Use of Funds:** (Provide a separate sheet for the preliminary plat and for each final plat phase.)

Quantity	Proposed Improvements		General Obligation	Special	Reimbursable	\$0	Private Financing**
	Construction Cost	Total* Cost					
Storm Sewer	\$5,000	\$5,800	\$0	\$0	\$0	\$0	\$5,800
Sanitary Sewer							
Interceptor fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interceptor	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Outfall	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interior	\$36,000	\$41,400	\$0	\$0	\$0	\$0	\$41,400
Paving							
Minor	\$82,800	\$95,200	\$0	\$0	\$0	\$0	\$95,200
Collect.	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Major	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Traffic Signal	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sidewalks	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Parks							
Acquisition	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Contribution	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Improvements	\$0	\$0	\$0	\$0	\$0	\$0	\$0
144th Trail	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Water							
Capital Facilities	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Interior	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Off-Site	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Gas							
Interior							
Off-Site							
Electricity***							
Interior	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Off-Site	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$123,800.00	\$142,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$142,400.00

\* Total cost includes the addition of legal, engineering, fiscal fees, and interest.

\*\* Attach a statement of assumptions as basis for preliminary projections.

\*\*\* Indicate any need to relocate on- or off-site lines.

Date 1/20/2016

opinion of City, the removal or inoperative effect of any such provision so declared invalid or unconstitutional shall materially affect City's rights hereunder, then City may terminate this Agreement, effective as of the date of City's written notice; whereupon the Owner shall:

- A. Pay all sums due under the terms of this Agreement to City at the time of termination, including all connection fees and sewer use fees accrued as of said date.
- B. At Owner's own expense, disconnect, reconstruct, remove or modify such sewer mains and sewer main connections as City shall deem necessary to prohibit the flow of the Owner's sewage into the sewer system of the City.

XII

Both Parties acknowledge and agree that this written Agreement, including all Exhibits hereto, constitutes the entire agreement of the Parties and that there are no warranties, representations, terms or conditions other than those set forth herein.

XIII

The provisions of this Agreement shall be binding upon the Parties hereto and their successors and assigns. Owner shall refer to the successors and assigns of original Owner upon transfers of individual lots.

IN WITNESS WHEREOF, we, the Parties hereto, by our respective duly authorized agents, hereto affix our signatures at La Vista, Nebraska, the day and year first above written.

ATTEST:

CITY OF LA VISTA, a municipal  
corporation in the State of Nebraska

---

CITY CLERK

BY:

---

MAYOR

Pink Investments, L.L.C.,  
A Nebraska limited liability company

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

\_\_\_\_\_  
It's Authorized Agent

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

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA )  
COUNTY OF SARPY ) ss.  
 )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me a  
Notary Public, duly commissioned and qualified in and for said County,  
appeared \_\_\_\_\_ personally known by me to be an Authorized  
Agent of Pink Investments, L.L.C., a Nebraska limited liability company, and the identical  
person whose name is affixed to the foregoing Agreement, and acknowledged the execution  
thereof to be his voluntary act and deed, and the voluntary act and deed of said company

WITNESS my hand and Notarial Seal the day and year last above written.

---

Notary Public

EXHIBIT "A"

Owner is to provide a letter size copy of the drawing portion of the Final Plat of Gary and Debbie Pink No. 3 as this exhibit.



EXHIBIT "B"

Owner is to provide a letter size drawing that illustrates the proposed sanitary sewer system to be constructed to serve all proposed buildings in the plat and the location of the sewer to which the system will be connected. This will illustrate the "sewer system of the Owner" as referred to in this agreement.



**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPLICATION FOR REZONING TAX LOT 14, 19-14-12, AND TAX LOT 8, 18-14-12 (SW OF GILES & WEST GILES)	◆ RESOLUTION ◆ ORDINANCE ◆ RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance prepared for the rezoning of approximately 9.19 acres located southwest of Giles Road and West Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider a rezoning application by the property owner, Pink Investments, LLC, for approximately 9.19 acres identified as Tax Lot 14, 19-14-12, and Tax Lot 8, 18-14-12 (to be replatted as Lots 1-4, Gary and Debbie Pink No. 3). The property is located southwest of Giles Road and West Giles Road.

The property is currently zoned C-2 and C-3, with the Gateway Corridor Overlay District. The applicant has requested the rezoning of proposed Lots 2 and 3 so that the zoning boundary between the two districts will follow the new lot lines as proposed on the replat.

A detailed staff report is attached.

The Planning Commission held a public hearing on February 18, 2016, and unanimously recommended approval of the rezoning as the request is consistent with the City of La Vista Comprehensive Plan and the City of La Vista Zoning Regulations.

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

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; 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. Approval of Rezoning. On February 18, 2016, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended approval of the zoning of said tract be changed from "C-2" General Commercial District, Gateway Corridor District (Overlay District) and "C-3" Highway Commercial / Office Park District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District). On March 15, 2016, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to adjacent property owners and notice posted at the property, were duly given pursuant to Section 9.01 of the Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Article 3 of the Zoning Ordinance, the following described tract of land is hereby rezoned from "C-2" General Commercial District, Gateway Corridor District (Overlay District) and "C-3" Highway Commercial / Office Park District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District), and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tract of land from "C-2" General Commercial District, Gateway Corridor District (Overlay District) and "C-3" Highway Commercial / Office Park District, Gateway Corridor District (Overlay District) to "C-2" General Commercial District, Gateway Corridor District (Overlay District):

PART OF LOT 2, GARY & DEBBIE PINK NO. 2, TOGETHER WITH TAX LOT 14 IN THE NORTH 1/2 OF THE NE 1/4 OF SECTION 19, T14N, R12E AND PART OF TAX LOT 8 LYING IN THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 18, T14N, R12E OF THE 6TH P.M., ALL IN SARPY COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 2;  
THENCE N87°17'05"E (ASSUMED BEARING) 415.21 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE POINT OF BEGINNING;  
THENCE CONTINUING N87°17'05"E 219.72 FEET ON THE NORTH LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER OF SAID TAX LOT 14;  
THENCE NORTHEASTERLY ON THE NORTHWEST LINES OF SAID TAX LOTS 14 AND 8 ON A 1113.74 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING N61°09'56"E, CHORD DISTANCE 677.26 FEET AN ARC DISTANCE OF 688.15 FEET;  
THENCE S46°32'07"E 221.27 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY;  
THENCE SOUTHWESTERLY ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE BURLINGTON NORTHERN RAILROAD COMPANY ON A 4659.46 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING S70°11'08"W, CHORD DISTANCE 1026.39 FEET AN ARC DISTANCE OF 1028.48 FEET;  
THENCE N02°42'55"W 163.28 FEET TO THE POINT OF BEGINNING.

TO BE KNOWN AS:

LOTS 2 AND 3, GARY & DEBBIE PINK NO. 3, A SUBDIVISION IN SARPY COUNTY, NEBRASKA.

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect upon the date passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 15<sup>TH</sup> DAY OF MARCH 2016.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

\Lvdcfp01\Users\Administration\BRENDA\My Documents\ COUNCIL\ORDINANC\ Lt 2 & 3 Gary & Debbie Pink No. 3 Rezone.Doc



CITY OF LA VISTA  
PLANNING DIVISION

RECOMMENDATION REPORT

CASE NUMBER: 2016-ZMA-01

FOR HEARING OF: March 15, 2016  
Report Prepared on: February 24, 2016

**I. GENERAL INFORMATION**

**A. APPLICANT:**

Pink Investments LLC  
4920 S. 66<sup>th</sup> Plaza  
Omaha, NE 68177

**B. PROPERTY OWNER:**

Pink Investments LLC  
4920 S. 66<sup>th</sup> Plaza  
Omaha, NE 68177

**C. LOCATION:** Southwest of the intersection of Giles Road and West Giles Road.

**D. LEGAL DESCRIPTION:** Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12

**E. REQUESTED ACTION(S):** Rezoning of Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12 to match the proposed lot lines of Lots 2-4 of Gary and Debbie Pink No. 3.

**F. EXISTING ZONING AND LAND USE:**

Lot 2 Gary & Debbie Pink No. 2: C-2 General Commercial with a Gateway Corridor Overlay (Overlay District); Vacant  
Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12: C-3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District); Vacant

**G. PURPOSE OF REQUEST:** Rezoning of Tax Lot 14 19-14-12 and Tax Lot 8 18-14-12 to match the proposed lot lines of Lots 2-4 of Gary and Debbie Pink No. 3.

**H. SIZE OF SITE:** 9.19 Acres

**II. BACKGROUND INFORMATION**

**A. EXISTING CONDITION OF SITE:** The property is currently vacant. The land has a gradual downward slope towards the southwest.

**B. GENERAL NEIGHBORHOOD/AREA ZONING AND LAND USES:**

- 1. North:** Southport West, C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay

District) and a Gateway Corridor Overlay (Overlay District); Vacant

2. **East:** American National Bank and Summer Kitchen; C-3 PUD Highway Commercial / Office Park District with a Planned Unit Development Overlay (Overlay District) and a Gateway Corridor Overlay (Overlay District); Bank and Restaurant

3. **South:** Papio Valley Business Park; I-1 Light Industrial with a Gateway Corridor Overlay (Overlay District); Various Light Industrial uses.

4. **West:** Lot 2 Gary & Debbie Pink No. 2; C-2 General Commercial with a Gateway Corridor Overlay (Overlay District); Vacant

**C. RELEVANT CASE HISTORY:**

1. On January 4, 2011 the City approved of the rezoning of Lots 1 & 2 of Gary and Debbie Pink No. 2 from C-3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District) to C-2 General Commercial with a Gateway Corridor Overlay (Overlay District)

**D. APPLICABLE REGULATIONS:**

1. Section 5.11 of the Zoning Regulations – C-2 General Commercial District
2. Section 5.12 of the Zoning Regulations – C-3 Highway Commercial / Office Park District
3. Section 5.17 of the Zoning Regulations – Gateway Corridor District (Overlay District)

**III. ANALYSIS**

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

**B. OTHER PLANS:** Not applicable.

**C. TRAFFIC AND ACCESS:**

1. One access point exists along West Giles Road at the intersection of West Giles Road and South 125<sup>th</sup> Street. An access easement, dedicated via the plat, will allow internal circulation between the lots.

**D. UTILITIES:**

1. The properties have access to water, sanitary sewer, gas, power and communication utilities along West Giles Road.

**IV. REVIEW COMMENTS:**

1. The proposed rezoning is intended to match the zoning districts with the lot lines of the proposed Replat - Gary and Debbie Pink No. 3. Lots 1, 2, and 3 will be zoned C-2 General Commercial with a Gateway Corridor District (Overlay District), Lot 4 will be zoned C-

3 Highway Commercial / Office Park District with a Gateway Corridor Overlay (Overlay District).

**V. STAFF RECOMMENDATION – Rezoning:**

Approval of the Zoning Map Amendment as the request is consistent with the City of La Vista Comprehensive Plan and the City of La Vista Zoning Regulations.

**VI. PLANNING COMMISSION RECOMMENDATION – Rezoning:**

The Planning Commission held a public hearing on February 18, 2016 and unanimously recommended approval of the rezoning as the request is consistent with the City of La Vista Comprehensive Plan and the City of La Vista Zoning Regulations.

**VII. ATTACHMENTS TO REPORT:**

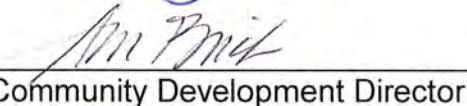
1. Vicinity Map
2. Rezoning Map submitted by applicant
3. Proposed City of La Vista Zoning Map

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

1. Dean A. Jaeger, Thompson, Dreessen and Dorner, Inc.
2. John Pink, Pink Investments, LLC
3. Public Upon Request

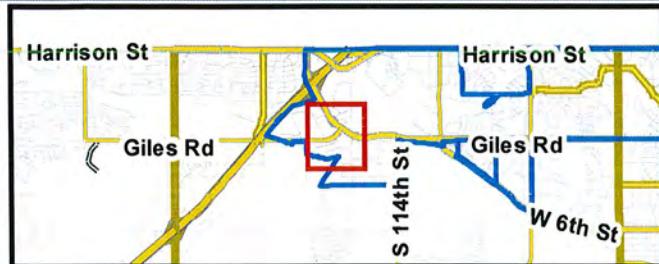
Prepared by:

  
Christopher J. Hays  
Community Development Director

  
3-2-16  
Date



## Project Vicinity Map



2016-ZMA-01

02-18-2016  
CSB



# GARY & DEBBIE PINK NO. 3

LOTS 1 THROUGH 4, INCLUSIVE

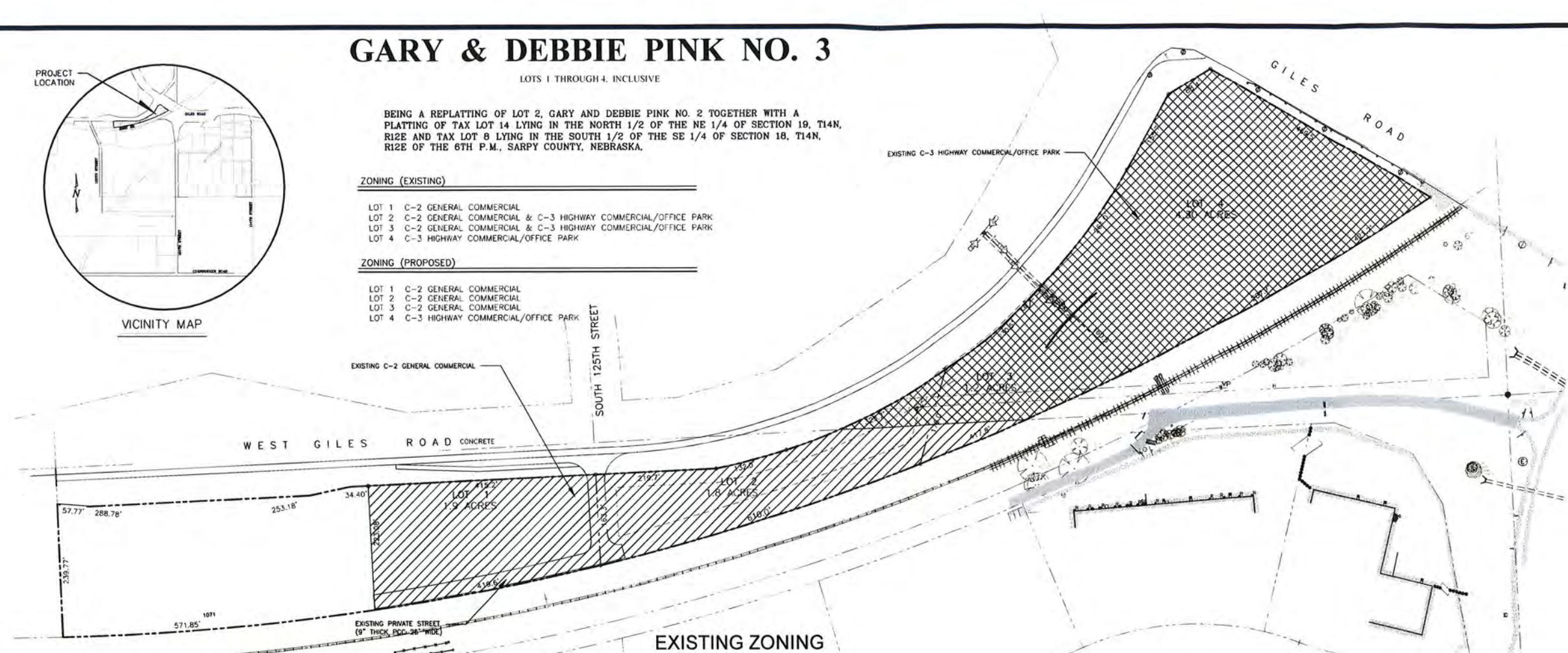


## ZONING (EXISTING)

LOT 1 C-2 GENERAL COMMERCIAL  
LOT 2 C-2 GENERAL COMMERCIAL & C-3 HIGHWAY COMMERCIAL/OFFICE PARK  
LOT 3 C-2 GENERAL COMMERCIAL & C-3 HIGHWAY COMMERCIAL/OFFICE PARK  
LOT 4 C-3 HIGHWAY COMMERCIAL/OFFICE PARK

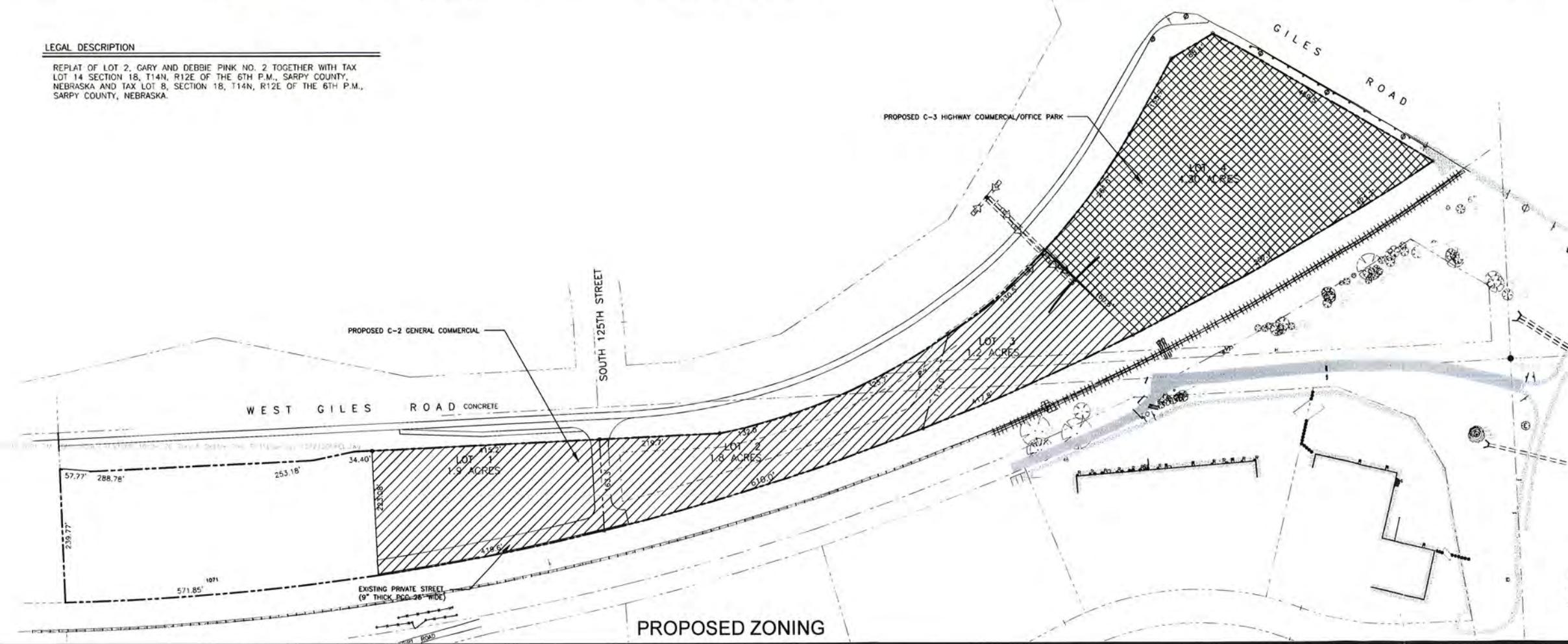
## ZONING (PROPOSED)

LOT 1 C-2 GENERAL COMMERCIAL  
LOT 2 C-2 GENERAL COMMERCIAL  
LOT 3 C-2 GENERAL COMMERCIAL  
LOT 4 C-3 HIGHWAY COMMERCIAL/OFFICE PARK

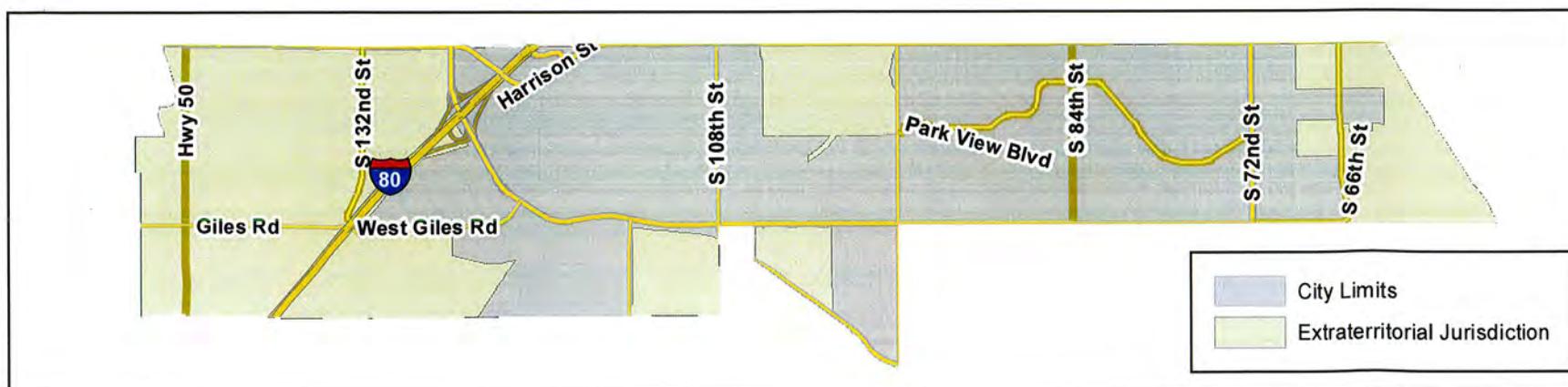
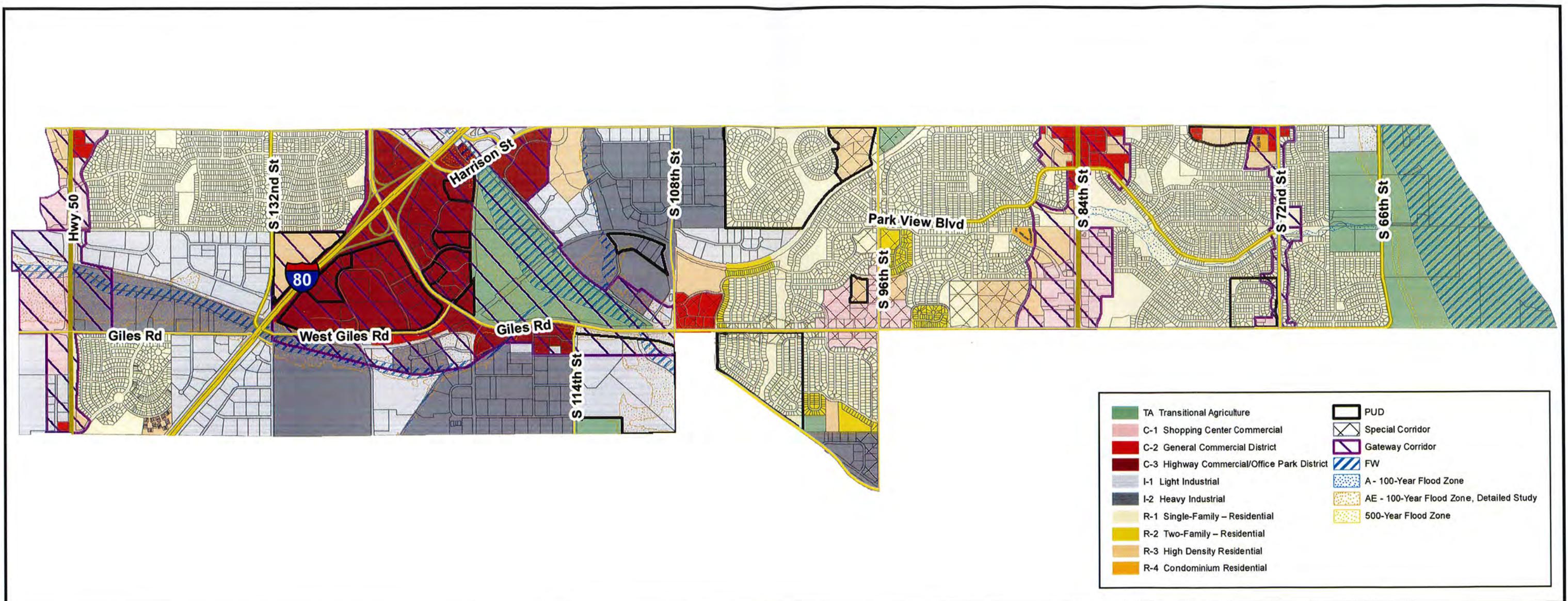


## LEGAL DESCRIPTION

REPLAT OF LOT 2, GARY AND DEBBIE PINK NO. 2 TOGETHER WITH TAX LOT 14 SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA AND TAX LOT 8, SECTION 18, T14N, R12E OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.



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**City of La Vista**  
**Official Zoning Map**  
**Adopted 03/15/2016**  
**Ordinance Number \_\_\_\_\_**

5-14-2015	Drawn By: CSB

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BID AWARD- CITY PARKING DISTRICT ACCESS IMPROVEMENTS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOHN KOTTMANN CITY ENGINEER/ASSISTANT PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared to award a contract to MBC Construction Co., Inc. of Omaha, Nebraska for construction of the City Parking District Access Improvements in an amount not to exceed \$928,411.53.

**FISCAL IMPACT**

Funding has been included in the CIP for this project in the FY15/16 Budget. It is identified as Project PWST-16-002. The funding source will be General Obligation bonds.

**RECOMMENDATION**

Approval

**BACKGROUND**

On February 16, 2016, the City Council approved a resolution which authorized the advertisement for bids for this project. The plans and specifications were prepared by Olsson Associates. Bids were received on March 4, 2016 at 10 am. Two bids were received and are summarized as follows:

<u>Bidder</u>	<u>Bid</u>
MBC Construction Co., Inc.	\$ 928,411.53
Chas. Vrana & Son Construction Co.	\$1,158,548.50

During the course of bidding there were changes to bid items and quantities. The revised Engineer's Estimate prior to the bid opening as \$1,045,432.50.

MBC Construction Co., Inc. is a qualified contractor and it is recommended that a contract be awarded to them in an amount not to exceed \$928,411.53.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO MBC CONSTRUCTION CO., INC., OMAHA, NE, FOR CONSTRUCTION OF THE CITY PARKING DISTRICT ACCESS IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$928,411.53.

WHEREAS, the City Council of the City of La Vista has determined that construction of the City Parking District access improvements is necessary; and

WHEREAS, the FY 16 Capital Improvement Program provides funding for this project; and

WHEREAS, Bids were received from two contractors, and

WHEREAS MBC Construction Co., Inc., Omaha, NE, has submitted the low, qualified bid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska award a contract to MBC Construction Co., Inc., Omaha, NE for construction of the City Parking District access improvements, in an amount not to exceed \$928,411.53.

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



La Vista Parking District Access Improvements -  
PWST - 16-002  
OMAHA, NE 2016

BID TABULATION  
Date 3/4/16 OA #014-2258  
Time 10:00 Page 1 of 1

Item No.	ITEM	CONTRACTOR		MBC CONSTRUCTION		CHAS. VRANA & SON CONSTRUCTION							
		QTY	UNIT	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension				
1	MOBILIZATION	1	LS	\$50,433.65	50,433.65	\$88,000.00	88,000.00		-				
2	INSTALL SILT FENCE	200	LF	\$2.74	548.00	\$3.50	700.00		-				
3	INSTALL CURB INLET PROTECTION	6	EA	\$473.86	2,843.16	\$250.00	1,500.00		-				
4	INSTALL CONSTRUCTION ENTRANCE	2	EA	\$1,095.44	2,190.88	\$2,000.00	4,000.00		-				
5	CLEARING AND GRUBBING - GENERAL	1	LS	\$5,477.22	5,477.22	\$17,000.00	17,000.00		-				
6	CLEARING AND GRUBBING - TREES OVER 9" TO 18" DIAMETER	3	EA	\$328.63	985.89	\$185.00	555.00		-				
7	REMOVE CURB INLET	2	EA	\$821.58	1,643.16	\$500.00	1,000.00		-				
8	REMOVE PAVEMENT	1,333	SY	\$13.15	17,528.95	\$12.00	15,996.00		-				
9	REMOVE SIDEWALK	170	SF	\$1.10	187.00	\$2.50	425.00		-				
10	REMOVE CURB	172	LF	\$8.22	1,413.84	8.00	1,376.00		-				
11	EXCAVATION HAUL-OFF	7,923	CY	\$4.22	33,435.06	\$8.00	63,384.00		-				
12	SUBGRADE PREPARATION	6,489	SY	\$3.30	21,413.70	\$3.00	19,467.00		-				
13	CONSTRUCT 6-INCH CONCRETE PAVEMENT (TYPE L65)	1,329	SY	\$40.52	53,851.08	\$50.00	66,450.00		-				
14	CONSTRUCT 9-INCH CONCRETE PAVEMENT (TYPE L65)	5,200	SY	\$47.17	245,284.00	\$42.00	218,400.00		-				
15	CONSTRUCT 6-INCH PCC SIDEWALK	8,548	SF	\$4.77	40,773.96	\$4.50	38,466.00		-				
16	CONSTRUCT CURB RAMP	688	SF	\$11.39	7,836.32	\$18.00	12,384.00		-				
17	CONSTRUCT DETECTABLE WARING PANEL	134	SF	\$21.91	2,935.94	\$31.00	4,154.00		-				
18	CONSTRUCT 15" RCP, CLASS III	185	LF	\$39.98	7,396.30	\$50.00	9,250.00		-				
19	CONSTRUCT 18" RCP, CLASS III	452	LF	\$42.17	19,060.84	\$46.00	20,792.00		-				
20	CONSTRUCT 24" RCP, CLASS III	135	LF	\$53.68	7,246.80	\$65.00	8,775.00		-				
21	CONSTRUCT 30" RCP, CLASS III	26	LF	\$75.04	1,951.04	125.00	3,250.00		-				
22	CONSTRUCT 30" CONCRETE COLLAR	1	EA	\$520.34	520.34	\$930.00	930.00		-				
23	TAP EXISTING STORM SEWER MANHOLE	1	EA	\$575.11	575.11	\$1,800.00	1,800.00		-				
24	CONSTRUCT 60" I.D. STORM MANHOLE	13	VF	\$690.13	8,971.69	\$930.00	12,090.00		-				
25	CONSTRUCT 72" I.D. STORM MANHOLE	10	VF	\$712.04	7,120.40	\$1,600.00	16,000.00		-				
26	ADJUST MANHOLE TO GRADE	3	EA	\$273.86	821.58	\$400.00	1,200.00		-				
27	CONSTRUCT CURB INLET W/ FACE ARMOR, TYPE I	5	EA	\$2,000.00	10,000.00	\$3,200.00	16,000.00		-				
28	CONSTRUCT CURB INLET W/ FACE ARMOR, TYPE II	1	EA	\$2,000.00	2,000.00	\$3,500.00	3,500.00		-				
29	CONSTRUCT CURB INLET W/ FACE ARMOR, TYPE III	4	EA	\$2,000.00	8,000.00	\$3,400.00	13,600.00		-				
30	INSTALL EXTERNAL FRAME SEAL	4	EA	\$438.18	1,752.72	730.00	2,920.00		-				
31	PERFORM CCTV PIPELINE INSPECTION	798	LF	\$1.10	877.80	\$2.50	1,995.00		-				
32	CLEAN STORM SEWER PIPE	798	LF	\$0.55	438.90	\$2.50	1,995.00		-				
33	INSTALL SEEDING - TYPE 'A'	1	AC	\$2,190.89	2,190.89	\$3,300.00	3,300.00		-				
34	INSTALL ROLLED EROSION CONTROL, TYPE I	2,410	SY	\$1.15	2,771.50	\$2.00	4,820.00		-				
35	INSTALL SODDING	11,886	SF	\$0.82	9,746.52	\$1.00	11,886.00		-				
36	CONSTRUCT 42" WROUGHT IRON FENCE	311	LF	\$63.37	19,708.07	\$72.00	22,392.00		-				
37	INSTALL PERMANENT PREFORMED TAPE	3,426	LF	\$3.83	13,121.58	\$4.50	15,417.00		-				
38	INSTALL PERMANENT PREFORMED TAPE	300	LF	\$3.83	1,149.00	\$4.50	1,350.00		-				
39	INSTALL PERMANENT PREFORMED TAPE	130	LF	\$14.24	1,851.20	\$15.50	2,015.00		-				
40	INSTALL PERMANENT PREFORMED TAPE	240	LF	\$18.62	4,468.80	\$21.00	5,040.00		-				
41	INSTALL PERMANENT PREFORMED MARKING TAPE SYMBOL - TYPE "ONLY", WHITE	7	EA	\$315.49	2,208.43	\$355.00	2,485.00		-				
42	INSTALL PERMANENT PREFORMED MARKING TAPE SYMBOL - TYPE DIRECTION ARROW, WHITE	3	EA	\$315.49	946.47	\$345.00	1,035.00		-				
43	INSTALL TRAFFIC POSTS AND SIGNS	12	EA	\$164.32	1,971.84	\$185.00	2,220.00		-				
44	PROVIDE TEMPORARY TRAFFIC CONTROL	1	LS	\$4,222.94	4,222.94	\$4,700.00	4,700.00		-				
45	REMOVE AND REPLACE CONCRETE PAVEMENT	340	SY	\$76.68	26,071.20	\$85.00	28,900.00		-				
46	CONSTRUCT LARGE BLOCK RETAINING WALL 'A'	2,341	SF	\$36.28	84,931.48	\$58.00	135,778.00		-				
47	CONSTRUCT LARGE BLOCK RETAINING WALL 'B'	532	SF	\$36.28	19,300.96	\$58.00	30,856.00		-				
48	RELOCATE LIGHT POLE	7	EA	\$2,920.45	20,443.15	\$3,300.00	23,100.00		-				
49	INSTALL NEW LIGHT POLE	12	EA	\$9,740.69	116,888.28	\$11,000.00	132,000.00		-				
50	REPAIR SPRINKLER SYSTEM	1	LS	\$11,228.30	11,228.30	\$13,000.00	13,000.00		-				
51	LANDSCAPING	1	LS	\$12,049.88	12,049.88	37,000.00	37,000.00		-				
52	PERMANENT 4" PARKING LOT STRIPE	2169	LF	\$0.44	954.36	\$0.50	1,084.50		-				
53	REMOVE 15" TO 18" SEWER PIPE	38	LF	\$21.91	832.58	\$13.00	494.00		-				
54	REMOVE 27" TO 30" SEWER PIPE	14	LF	\$27.39	383.46	\$23.00	322.00		-				
55	INSTALL CONSTRUCTION FENCE	1	LS	\$5,455.31	5,455.31	\$12,000.00	12,000.00		-				
		Total Bid Amounts		\$928,411.53		\$1,158,548.50	0.00						
Schedule Changes?													
Addendum No. 1, 2 & 3:													
Bid Guarantee:													
Remarks:													
Engineer's Estimate & % (+/-)		\$928,411.53		\$1,158,548.50		\$0.00							

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
BOND ISSUANCE CONNECTOR STREET IMPROVEMENTS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CINDY MISEREZ FINANCE DIRECTOR

**SYNOPSIS**

Bond Counsel has prepared an ordinance to provide for the City of La Vista to proceed with the construction/acquisition of the City connector street improvements and issuance of highway allocation fund pledge bonds. The ordinance also directs the Mayor to execute the official statement.

**FISCAL IMPACT**

It is anticipated that the City will act as the dispersing agent for the bond issue, which will not exceed \$2.5 million.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The development of Southport West is uniquely positioned for retail and other commercial development because of its proximity immediately adjacent to Interstate 80. Development in this area provides a broad array of retail services to the City and its citizens and enhances the potential for additional tax revenues to support the costs of public services.

The engineer's estimated cost of access improvements in the district is \$1.8 million, which will be financed through issuance of highway allocation fund pledge bonds by the City. Such bonds can be paid from gas tax receipts of the City and general taxes.

A complete copy of all supporting documents is on file in the Office of the City Clerk.

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN STREET IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.**

**BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF LA VISTA, NEBRASKA:**

**Section 1.** The Mayor and City Council hereby find and determine: that the City of La Vista, Nebraska (the "City") requires the construction of certain streets and other appurtenant related improvements within the City, (the "Project") all as set out in the project scope of improvements as prepared by the special engineers for the City; that the City's Engineers heretofore prepared plans, specifications and estimates of cost for the Project; that the City has the authority to fund the Project costs through issuance of highway allocation fund pledge bonds pursuant to Section 66-4,101, R.R.S. Neb. 2009, as amended (the "Act"); that the City has no other funds on hand for the cost of the Project; that funds are required by the City with respect to the Project, including issuance costs, in an amount not less than \$2,500,000; and, that it is necessary and advisable for the City to provide financing for the Project by the issuance of its bonds and it is necessary and advisable to borrow the sum of not to exceed \$2,500,000 through the issuance of its Highway Allocation Fund Pledge Bonds, Series 2016 (the "Bonds"); that the City's projected receipts from the Nebraska Highway Allocation Fund for the fiscal year ending September 30, 2016 are \$1,447,735; that the City has outstanding its Highway Allocation Fund Pledge Refunding Bonds, Series 2014 presently outstanding in the principal amount of \$740,000 (the "Outstanding Highway Bonds") issued pursuant to the Act; that based upon the City's current receipts from the Nebraska Highway Allocation Fund, the City anticipates that future receipts will be sufficient to pay debt service on the Bonds and the Outstanding Highway Bonds as and when the same fall due.

**Section 2.** (a) The Mayor and Council further find and determine that (i) it is necessary, desirable, advisable and in the best interest of the City to issue the Bonds in order to provide funds to pay the costs of the Project; and, (ii) all conditions, acts and things required by law to exist or to be done precedent to the issuance of the Bonds, in the aggregate stated principal amount of not to exceed \$2,500,000 pursuant to the Act, and other applicable statutes, do exist and have been done as required by law. To provide funds for the purpose of paying the costs of the Project as set forth in Section 1 hereof, there shall be and there are hereby ordered issued the Highway Allocation Fund Pledge Bonds of the City, in the aggregate stated principal amount of not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000).

(b) The Bonds or any portion thereof are hereby authorized to be sold pursuant to a negotiated sale with D.A. Davidson & Co., as initial purchaser (the "Underwriter"). In connection with such sale, the Mayor, City Clerk or Director of Administrative Services (each, an "Authorized Officer") are hereby

authorized to specify, determine, designate, establish and appoint, as the case may be, in one or more written designations which may be included in a bond purchase agreement (each, a "Designation"), (i) the aggregate purchase price of the Bonds and the underwriting discount which shall not exceed 0.70% of the aggregate stated principal amount thereof, (ii) the form and contents of any bond purchase agreement in connection with such sale, (iii) the title, dated date, aggregate principal amount (including the aggregate principal amounts of serial Bonds and term Bonds, if any), which aggregate stated principal amount shall not exceed \$2,500,000, and the final maturity date, which shall not be later than December 31, 2041, (iv) the principal amounts maturing in each year, (v) the rate or rates of interest to be borne by each principal maturity, provided that the true interest cost of the Bonds shall not exceed 4.50%, (vi) the principal payment dates and interest payment dates, (vii) whether the Bonds will be subject to redemption prior to their stated maturity, and if subject to such optional redemption, the provisions governing such redemption, including a redemption price not to exceed 104% of the principal amount then being redeemed plus accrued interest to the date of redemption, (viii) the amount and due date of each sinking fund installment for any of the Bonds issued as term Bonds, (ix) the designation of the Paying Agent and Registrar and the form and content of any agreement between the City and such entity and (x) all other terms and provisions of the Bonds not otherwise specified or fixed by this Ordinance.

Section 3. The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be date of original delivery. Interest on the Bonds, at the respective rates for each maturity, shall be payable semi-annually on May 1 and November 1 of each year beginning November, 2016 (or such other date or dates as may be determined in a Designation, each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, designated in Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by the Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to the Paying Agent and Registrar. The City and the Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this Ordinance shall be valid and effectual and shall be a discharge of the City and the Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Authorized Officers are hereby authorized to designate the Paying Agent and Registrar for the Bonds in a Designation, which Paying Agent and Registrar shall be a bank or trust company. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar and the Mayor and City Clerk are hereby authorized to execute said agreement. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds

at its office. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to the Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this Ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. In addition to any mandatory sinking fund redemptions, the Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after five years after the date of original issue, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption (or such other date or dates as may be determined in a Designation). The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds for mandatory redemption shall be selected by the Paying Agent and Registrar using any random method of selection determined appropriate by the Paying Agent and Registrar. Bonds redeemed pursuant to the requirements for mandatory redemption shall be redeemed at par plus accrued interest on the principal amount redeemed. The Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the City in the case of optional redemption and without further direction in the case of mandatory redemption, by the Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the municipality where the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF SARPY

CITY OF LA VISTA, NEBRASKA  
HIGHWAY ALLOCATION FUND PLEDGE BOND  
SERIES 2016

No. \_\_\_\_\_ \$

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	, 20	, 20	

Registered Owner: Cede & Co.

Principal Amount:

The CITY OF LA VISTA, NEBRASKA (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above in lawful money of the United States of America on the Maturity Date specified above with interest thereon to maturity (or earlier redemption) computed on the basis of a 360-day year consisting of twelve 30-day months from the Date of Original Issue or most recent Interest Payment Date, whichever is later, at the Interest Rate per annum specified above, payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, beginning \_\_\_\_\_, 20\_\_\_\_ (each of such dates an "Interest Payment Date"). The Principal Amount hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of \_\_\_\_\_, as the Paying Agent and Registrar, in \_\_\_\_\_, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding such Interest Payment Date, to such owner's registered address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purposes become available.

This bond is one of an issue of fully registered bonds (the "Bonds") of the total principal amount of \_\_\_\_\_ (\$\_\_\_\_\_), of even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City in strict compliance with Section 66-4,101, Reissue Revised Statutes of Nebraska, as amended, and other applicable statutes for the purpose of paying the costs of certain street improvements and related improvements in the City. The issuance of such bonds has been authorized by proceedings duly had and an ordinance legally passed and approved by the Mayor and Council of the City (the "Ordinance").

The Bonds are subject to redemption at the option of the City, in whole or in part, at any time on or after five years after the date of delivery, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption.

[In addition, the Bonds shall be subject to mandatory sinking fund redemption payments (with bonds being redeemed at par plus accrued interest) as follows:

\$ Principal Maturing December 15, 20  
\$            to be called December 15, 20     
\$            to be called December 15, 20     
\$            Payable December 15, 20    ]

Notice of redemption shall be given by mail to the registered owner of any Bond to be redeemed at such registered owner's address in the manner specified in the Ordinance authorizing the Bonds. Individual Bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof.

This Bond is transferable by the Registered Owner or such owner's attorney duly authorizing in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this Bond, and thereupon a new Bond or Bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this Bond be overdue or not.

If the date for payment of the principal of or interest on this Bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this Bond, does not exceed any limitation imposed by law. For the prompt payment of the principal and interest on this bond and the other bonds of the same issue, the City has pledged funds received and to be received from the Highway Allocation Fund of the State of Nebraska with receipts from such fund to be allocated by the City to payment of principal and interest as the same fall due. In addition, the City hereby covenants and agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates, within applicable statutory and constitutional limitations, as will provide funds which together with receipts from the Highway Allocation Fund, as pledged to the payment of such principal and interest and any other money made available and used for such purpose, will be sufficient to make payment of the principal of and interest on this Bond and the other Bonds of the same issue as the same fall due.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFeree OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREOF IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This Bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City have caused this Bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF LA VISTA, NEBRASKA  
(facsimile signature)

Mayor

ATTEST:

(facsimile signature)  
Clerk  
(SEAL)

## CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds authorized by Ordinance of the Mayor and Council of the City of La Vista, Nebraska, described in the foregoing Bond.

\_\_\_\_\_, Nebraska, Paying Agent and Registrar

**(Form of Assignment)**

For value received \_\_\_\_\_ hereby sells,  
assigns and transfers unto \_\_\_\_\_ (Social  
Security or Taxpayer I.D. No. \_\_\_\_\_) the within bond and hereby irrevocably constitutes and  
appoints \_\_\_\_\_, attorney, to transfer the same on  
the books of registration in the office of the within-mentioned Paying Agent and Registrar with full power  
of substitution in the premises.

Dated:

**Registered Owner(s)**

### Signature Guaranteed

By [DANIELLE M. BROWN](#) [JULIA M. BROWN](#)

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**Authorized Officer(s)**

Note: The signature(s) on this assignment MUST CORRESPOND with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk of the City. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with

respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the Underwriter, as initial purchaser thereof, upon receipt of the principal amount of the Bonds plus accrued interest thereon, to date of payment for the Bonds and less the Underwriter's discount, in accordance with Section 3 hereof. Such initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Underwriter and its agents, representatives and counsel and the City's bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository at closing. The Authorized Officers of the City (or any one of them) are hereby authorized to execute a bond purchase agreement for the sale of the Bonds to the Underwriter. The officers of the City, or any one or more of them are hereby further authorized to take any and all actions and enter into any and all agreements deemed necessary or appropriate in connection with the issuance and sale of the Bonds, and any such actions previously taken are hereby ratified and confirmed.

Section 10. The Clerk is directed to make and certify a transcript or transcripts of the proceedings of the Mayor and Council precedent to the issuance of the Bonds, a copy of which shall be delivered to the initial purchaser of the Bonds.

Section 11. The net sale proceeds of the Bonds, along with any necessary funds of the City on hand, shall be applied to pay costs of the Project. Accrued interest received from the sale of the Bonds, if any, shall be applied to pay interest first falling due on the Bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds.

Section 12. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City hereby pledges all receipts now or hereafter received by the City from the State of Nebraska Highway Allocation Fund (the "Fund"), as described and referred to in the Act. The pledge provided for in this Section 12 for the Bonds provides, however, that such pledge shall not prevent the City from otherwise applying receipts from the Fund in any year so long as sufficient receipts from the Fund have been set aside for the payment of principal and interest falling due in such year on the Bonds. In addition, the City further reserves the right to issue additional highway allocation fund pledge bonds payable on a parity with the Bonds and the Outstanding Highway Bonds and equally and ratably secured by a pledge of receipts from the Fund. The City hereby further agrees that it shall levy ad valorem taxes upon all the taxable property in the City at such rate or rates within any applicable statutory and constitutional limitations as will provide funds which, together with receipts from the Fund, as pledged to the payment of the Bonds and the Outstanding Highway Bonds, and any other monies made available and used for such purpose, will be sufficient to pay the principal of and interest on the Bonds and the Outstanding Highway Bonds as the same fall due (including mandatory sinking fund redemptions).

Section 13. The Authorized Officers or any one or more of them is authorized to approve, deem final and deliver a Preliminary Official Statement and a final Official Statement for and on behalf of the City, all in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. The City hereby covenants and agrees that it will make no use of the proceeds of the Bonds which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Bonds for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Bonds to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby authorizes the Authorized Officers, as one or more of them deem appropriate, to designate the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and to covenant and warrant on behalf of the City that the City does not reasonably expect to issue bonds or other obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Bonds are issued (taking into consideration the exception for current refunding issues), if and when such designation is deemed appropriate by them. The Authorized Officers, or any one or more of them, are hereby authorized to make, or cause to be made, any and all certifications deemed necessary in connection with the designation of the Bonds as "qualified tax-exempt obligations".

Section 15. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made or caused to be made in accordance with the terms thereof, (b) shall have been provided for by depositing with a national or state bank having trust powers, or trust company, in

trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations (including obligations issued or held in book entry form on the books of the Department of Treasury of the United States of America) of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest payable and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will ensure the availability of sufficient money to make such payments; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice of such redemption as provided by law or made irrevocable provision for the giving of such notice. Any money so deposited with such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16 In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 17. The City hereby (a) authorizes and directs that an Authorized Officer execute and deliver, on the date of issue of the Bonds, a continuing disclosure undertaking (the "Continuing Disclosure Undertaking") in such form as shall be satisfactory to the City and in compliance with Rule 15c2-12 of the Securities and Exchange Commission, and (b) covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Undertaking. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Continuing Disclosure Undertaking shall not be considered an event of default hereunder; however, any Participating Underwriter (as such term is defined in the Continuing Disclosure Undertaking) or any Beneficial Owner or any Registered Owner of a Bond (as such terms are defined in the Continuing Disclosure Undertaking) may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the City to comply with its obligations under this section.

Section 18. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 15th day of March, 2016.

ATTEST:

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Douglas Kindig, Mayor

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Pamela Buethe  
City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Mayor.

I, Pamela Buethe, the undersigned City Clerk for the City of La Vista, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on March 15, 2016; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Pamela Buethe  
City Clerk

[SEAL]

## **EXHIBIT A**

### **Policy and Procedures**

#### **Federal Tax Law and Disclosure Requirements for Tax-exempt Bonds and/or Build America Bonds**

**ISSUER NAME:** City of La Vista, in the State of Nebraska

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**COMPLIANCE OFFICER (BY TITLE):** City Clerk

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### **POLICY**

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds or as direct pay build America bonds to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments associated with its bonds issued as "build America bonds" are received by the Issuer in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

### **PROCEDURES**

**Compliance Officer.** Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the "Compliance Officer"). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

**Training.** The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website ["EMMA"] at <http://www.emma.msrb.org>, or elsewhere).

**Compliance Review.** A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer's annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

#### **Scope of Review.**

**Document Review.** At the compliance review, the following documents (the "Bond Documents") shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),

(b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):

- i. covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
- ii. Form 8038 series filed with the Internal Revenue Service;
- iii. tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
- iv. covenants, agreements, instructions or memoranda with respect to rebate or private use;
- v. any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
- vi. any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.

(c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and

(d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

*Use and Timely Expenditure of Bond Proceeds.* Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

*Arbitrage Yield Restrictions and Rebate Matters.* The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

*Use of Bond Financed Property.* Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

*Continuing Disclosure.* Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

**NOTICE OF PUBLICATION  
OF ORDINANCE NO. \_\_\_\_\_  
IN PAMPHLET FORM**

Public Notice is hereby given that at a meeting of the Mayor and Council of the City of La Vista, Nebraska, held at :\_:\_ m. on Tuesday, March 15, 2016, there was passed and adopted Ordinance No.    (the "Ordinance") entitled:

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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF HIGHWAY ALLOCATION FUND PLEDGE BONDS OF THE CITY OF LA VISTA, NEBRASKA, IN THE AGGREGATE STATED PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CERTAIN STREET IMPROVEMENTS AND RELATED IMPROVEMENTS WITHIN THE CITY; PRESCRIBING THE FORM OF SUCH BONDS TO BE ISSUED AND AUTHORIZING OFFICERS OF THE CITY TO APPROVE CERTAIN FINAL TERMS OF THE BONDS; PLEDGING FUNDS TO BE RECEIVED BY THE CITY FROM THE STATE OF NEBRASKA HIGHWAY ALLOCATION FUND FOR THE PAYMENT OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME IF NECESSARY; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR THE DISPOSITION OF BOND PROCEEDS; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.**

The Ordinance was published in pamphlet form on                   , 2016. Copies of the Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the Clerk, in the City of La Vista, Nebraska.

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Pamela Buethe  
City Clerk

[SEAL]

Publish:                   , 2016

ITEM K

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE - SMALL WHEEL LOADER - PARKS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of one (1) 2016 John Deere Wheel Loader 244K from John Deere Construction Retail Sales, 1515 Fifth Avenue, Moline, IL 61265, for an amount not to exceed \$79,000.00.

**FISCAL IMPACT**

The FY 16 Parks Operating Budget provides \$78,500 for the proposed purchase. The remaining \$500 will be covered from a \$5,000 savings on an earlier purchase of a pickup truck.

**RECOMMENDATION**

Approval

**BACKGROUND**

The wheel loader is being purchased off National Joint Powers Alliance (NJPA) Cooperative Contract #032515-JDC. The loader will be delivered to Plains Equipment Group in Gretna, Nebraska, and then picked up by Public Works. Plains Equipment Group will also provide service and warranty work.

The loader will be used primarily by both the Sports Complex and Parks Division for loading material on trucks, placing material from stock piles and general construction projects. In the winter, the loader will be incorporated into the snow removal operation. The loader is capable of being outfitted with numerous attachments that Public Works possesses for use on the skid steer tractors such as, snow blowers, augers and pallet forks. The loader carries a 12 month bumper to bumper warranty and 24-months warranty on all drive train parts, hydraulics, axles, and pumps.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2016 JOHN DEERE WHEEL LOADER 244K FROM JOHN DEERE CONSTRUCTION RETAIL SALES, MOLINE ILLINOIS IN AN AMOUNT NOT TO EXCEED \$79,000.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a small wheel loader for the Sports Complex and Parks divisions is necessary; and

WHEREAS, the FY 16 Parks Operating Budget provides funding for this purchase; and

WHEREAS, the small wheel loader is necessary for the continued maintenance and upkeep of the sports complex and city parks; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska hereby authorize the purchase of one (1) 2016 John Deere wheel loader 244K from John Deere Construction Retail Sales, Moline, Illinois in an amount not to exceed \$79,000.00.

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016.

**CITY OF LA VISTA**

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**Douglas Kindig, Mayor**

ATTEST:

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



JOHN DEERE  
CONFIDENTIAL

February 24, 2016

City of La Vista  
8116 Park View Blvd  
La Vista NE 68128  
Phone: (402) 331-8927

Quote Number 155056 CWP - Wheel Loader 244K, NPPA Cooperative  
Contract 03/2515-JDC

*All the prices in the detailed sections are Per machine basis.*

**Machine Configuration**

Code	Description	Qty	Unit Price
0AJ0T	244K BASE LOADER	1	\$89,257.00
0924	EPA FT4 ENGINE	1	\$3,959.00
2920	HIGHFLOW 3SPOOL-QK TATCH RDY	1	\$3,053.00
3000	WITHOUT RIDE CONTROL	1	In Base
4020	405/70R18 EM FIRESTONE	1	\$5,149.00
8545	LESS COUPLER/QK TATCH READY	1	In Base
9300	CRBEP CONTROL	1	\$2,096.00
		Total	\$103,514.00
		Discount (29.28%)	\$30,308.90
		Net Price	\$73,205.10

**Attachments**

Code	Description	Qty	Price
AT390659	ELECTRIC ATTCH CONTROL KIT	1	\$389.12
AT413236	0.8 CU M LOADER BUCKET	1	\$1,304.16
AT412608	QUICKTATCH ADAPTER, ELECTRIC	1	\$615.60
AT385075	KIT, AUTO RESTRICTOR	1	\$516.04
		Total	\$2,824.92

Quote Summary - CWP - Wheel Loader 244K (per unit)	
Item Description	Prices
Machine Net Price	\$73,205.10
Attachments	\$2,824.92
Price per Machine	\$76,030.02

Destination	Freight Charge
Seward, NE	\$2,969.98

**Total Net Price (Quantity = 1) \$79,000.00**

**Warranty Terms**

244K includes Standard Warranty of 12 months.

Power Train and Hydraulics Extended Warranty for 24 months, 2000 hours.

**Remarks:**

*Please note that this quote is valid for 30 days.*

PURCHASE ORDER MUST BE MADE OUT TO: JOHN DEERE CONSTRUCTION RETAIL SALES, 1515 FIFTH AVENUE, MOLINE, IL 61265. FEDERAL TAX ID: 36-3387700, DUNS: 142124762. PAYMENT TERMS ARE NET 30 DAYS ONLY. OPERATING LEASES ARE NOT ALLOWED UNDER GOVERNMENT CONTRACT SALES. PLEASE CONFIRM NO OPERATING LEASE WILL BE PURSUED ON YOUR PURCHASE ORDER. THANKS VERY MUCH FOR YOUR HELP.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZE PURCHASE - MOWER - PARKS	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of one (1) 2016 John Deere 1575 Front Mower from Deere & Company, 2000 John Deere Run, Cary, NC 27513, for an amount not to exceed \$35,986.79.

**FISCAL IMPACT**

The FY 16 Parks Operating Budget provides funding for the proposed purchase.

**RECOMMENDATION**

Approval

**BACKGROUND**

The front mower is being purchased off the John Deere NE – IA Piggyback Grounds Care Equipment Contract 4425-5. The mower will be delivered to Plains Equipment Group in Gretna, Nebraska. Plains Equipment will handle all warranty work. The mower will also come with a cab, 60" snow plow blade and extra tires for winter operations. The unit carries a 24-month warranty.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF ONE (1) 2016 JOHN DEERE 1575 FRONT MOWER FROM DEERE & COMPANY, CARY, NORTH CAROLINA IN AN AMOUNT NOT TO EXCEED \$35,986.79.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a front mower for the Parks division is necessary; and

WHEREAS, the FY 16 Parks Operating Budget provides funding for this purchase; and

WHEREAS, the front mower is necessary for the continued maintenance and upkeep of the city parks and to aid with winter operations; and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska hereby authorize the purchase of one (1) 2016 John Deere 1575 Front Mower from Deere & Company, Cary, North Carolina, in an amount not to exceed \$35,986.79.

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk



**JOHN DEERE**

**ALL PURCHASE ORDERS MUST BE MADE OUT  
TO (VENDOR):**  
Deere & Company  
2000 John Deere Run  
Cary, NC 27513  
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT  
TO DELIVERING DEALER:**  
Plains Equipment Group  
15151 South 31 Highway  
Gretna, NE 68028  
402-332-4967  
JDGretna@plainseg.com

**Quote Summary**

**Prepared For:**  
Lavista City Of  
8116 Park View Blvd  
Lavista, NE 68128  
Business: 402-331-8927  
B.LUKASIEWICZ@cityoflavista.org

**Delivering Dealer:**  
Plains Equipment Group  
Ty Eret  
15151 South 31 Highway  
Gretna, NE 68028  
Phone: 402-332-4967  
teret@plainseg.com

**Quote ID:** 12763201  
**Created On:** 09 February 2016  
**Last Modified On:** 25 February 2016  
**Expiration Date:** 16 February 2016

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 1575 TERCUT 4WD (CAB)T4 TRCT	\$ 39,055.16	\$ 29,681.92 X	1 =	\$ 29,681.92
<b>Contract:</b> NE IA Piggyback Grounds Care Equip_4425-5 <b>Price Effective Date:</b> February 9, 2016				
JOHN DEERE 72SD DECK (DOM) FRONT MOWER	\$ 4,787.00	\$ 3,638.12 X	1 =	\$ 3,638.12
<b>Contract:</b> NE IA Piggyback Grounds Care Equip_4425-5 <b>Price Effective Date:</b> February 9, 2016				
Radio Mount Kit (Cab Only)	\$ 382.90	\$ 354.14 X	1 =	\$ 354.14
<b>Contract:</b> NE IA Piggyback Grounds Care Equip_4425-5 <b>Price Effective Date:</b> February 9, 2016				
True Power Tires and Rims Tires and Rims	\$ 830.61	\$ 830.61 X	1 =	\$ 830.61
<b>Contract:</b> <b>Price Effective Date:</b>				
JOHN DEERE 60" FRONT BLADE 1400/1500	\$ 1,950.00	\$ 1,482.00 X	1 =	\$ 1,482.00
<b>Contract:</b> NE IA Piggyback Grounds Care Equip_4425-5 <b>Price Effective Date:</b> February 19, 2016				

**Equipment Total** \$ 35,986.79

\* Includes Fees and Non-contract items

**Quote Summary**

**Salesperson : X**

**Accepted By : X**



**JOHN DEERE**

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**ALL PURCHASE ORDERS MUST BE MADE OUT  
TO (VENDOR):**  
Deere & Company  
2000 John Deere Run  
Cary, NC 27513  
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT  
TO DELIVERING DEALER:**  
Plains Equipment Group  
15151 South 31 Highway  
Gretna, NE 68028  
402-332-4967  
JDGretna@plainseg.com

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<b>Equipment Total</b>	<b>\$ 35,986.79</b>
<b>Trade In</b>	
<b>SubTotal</b>	<b>\$ 35,986.79</b>
<b>Total</b>	<b>\$ 35,986.79</b>
<b>Down Payment</b>	<b>(0.00)</b>
<b>Rental Applied</b>	<b>(0.00)</b>
<b>Balance Due</b>	<b>\$ 35,986.79</b>

Salesperson : X \_\_\_\_\_

Accepted By : X \_\_\_\_\_

**WARRANTY FOR NEW JOHN DEERE AGRICULTURAL EQUIPMENT AND  
LIMITED WARRANTY FOR NEW TURF & UTILITY EQUIPMENT (US & CANADA ONLY)**

**A. GENERAL PROVISIONS** – With respect to purchasers in the United States, "John Deere" means Deere & Company, 1 John Deere Place, Moline, IL 61265, and with respect to purchasers in Canada, "John Deere" means John Deere Canada ULC, 295 Hunter Road, P. O. Box 1000, Grimsby, Ontario L3M 4H5. The warranties described below are provided by John Deere to the original purchasers of new Agricultural, Turf and Utility Equipment ("Equipment") purchased from John Deere or authorized John Deere dealers (the "Selling Dealer"). These warranties apply only to Equipment intended for sale in Canada and the US. Under these warranties, John Deere will repair or replace, at its option, any part covered under these warranties which is found to be defective in material or workmanship during the applicable warranty term. Warranty service must be performed by a dealer or service center located in Canada or the US, and authorized by John Deere to sell and/or service the type of Equipment involved (the "AUTHORIZED DEALER"). The AUTHORIZED DEALER will use only new or remanufactured parts or components furnished or approved by John Deere. Warranty service will be performed without charge to the purchaser for parts and/or labor. However, the purchaser will be responsible for any service call and/or transportation of Equipment to and from the AUTHORIZED DEALER'S place of business (except where prohibited by law), for any premium charged for overtime labor requested by the purchaser and for any service and/or maintenance not directly related to any defect covered under these warranties. These warranties are transferable, provided an authorized John Deere dealer is notified of the ownership change, and John Deere approves the warranty transfer.

**B. WHAT IS WARRANTED** – Subject to paragraph C, all parts of any new Equipment are warranted for the number of months or operating hours specified below. Each warranty term begins on the date of delivery of the Equipment to the original purchaser, (except for certain agricultural tillage, planting, cultivating, and harvesting EQUIPMENT which may have a delayed warranty start date, but only if established by John Deere and noted by the Selling Dealer on the Purchase Order). Included In Compact Utility Tractor Powertrain Warranty: Engine: cylinder block, cylinder head, valve covers, oil pan, emissions and control components, timing gear covers, flywheel housing, and all parts contained therein. Powertrain: transmission, transmission case, differential and axle housings, clutch housings, MFWD front axle assembly, and all parts contained therein (does not include external drivelines, dry clutch parts, or steering cylinders). SWEEPS, SHOVELS, PLOWSHARES AND DISK BLADES: A replacement part will be furnished without charge if breakage occurs and the amount of wear is less than the wear limits established by John Deere.

<b>AGRICULTURAL EQUIPMENT</b>		<b>WARRANTY TERM</b>
Tractors		24 Months or 2000 Hours, Whichever Comes First
Tractors used in Earthmoving Applications (except those specific models and configurations approved by John Deere as having a two year warranty in <i>scraper applications</i> )		90 Days
Scrapers		6 Months for MY14 and earlier 12 Months for D Series and MY15 and later
Frontier™ Equipment		12 Months
Sugar Cane Harvesters and Loaders		12 Months or 1500 hours, whichever comes first.
All other Equipment (Includes Ag Management Solutions (AMS) equipment)		12 Months
Premium Balers		24 Months or 12,000 bales, Whichever Comes First, First 12 Months, No Bale Limitation
Large Square Balers		12 Months, No Bale Limitation
a) Powertrain on Large Square Balers		24 Months or 20,000 bales, Whichever Comes First
Engines in Self-Propelled Equipment except Tractors*		24 Months or 2000 Hours, Whichever Comes First
*Engine items covered months 13 through 24 - Engine block, cylinder head, rocker arm cover, timing gear cover, crankcase pan and all parts enclosed within these units. Also included are the fuel injection pump, turbocharger, water pump, torsion damper, manifolds, and engine oil cooler. All other engine related items are not covered in months 13 through 24.		
<b>TURF &amp; UTILITY EQUIPMENT</b>		<b>WARRANTY TERM</b>
1) Z200 Series and Z425 EZtrak™ Mowers, Z300 Series and Z525E ZTrak™ Mowers, and D100 Series Tractors**		24 Months or 120 Hours, Whichever Comes First
2) S200 Series Tractors**		36 Months or 200 Hours, Whichever Comes First
3) X300 Series Tractors; Z400 Series EZtrak™ Mowers and Z500M Series ZTrak™ Mowers (Except Z425 and Z525E)**		48 Months or 300 Hours, Whichever Comes First
4) X500 Series Tractors; Z600 Series EZtrak™ Mowers and Z500R Series ZTrak™ Mowers.**		48 Months or 500 Hours, Whichever Comes First
5) X700™ Series Tractors.**		48 Months or 700 Hours, Whichever Comes First
6) JS Series Residential Walk-Behind Mowers.		24 Months in Private Residential -Personal Use or 90 days in Any Other Application
7) Wide Area Mowers, Mower Conditioner Units and Mower Deck Kits, Quik Trak™ Mowers, Commercial Walk-Behind Mowers.		24 Months
8) Z900B Series and Z900M Series ZTrak™ Mowers		36 Months or 1200 Hours, Whichever Comes First; First 24 Months, No Hour Limitation
9) Z997, Z900A Series and Z900R Series ZTrak™ Mowers		36 Months or 1500 Hours, Whichever Comes First, First 24 Months, No Hour Limitation
10) Compact Utility Tractors		24 Months or 2000 Hours, Whichever Comes First
a) Powertrain on Compact Utility Tractors (components as per B above)		72 Months or 2000 Hours, Whichever Comes First
11) GATOR™ Utility Vehicles (except CX)		12 Months or 1000 Hours, Whichever Comes First
12) Implements, Attachments sold separately and attachments used on Equipment listed in 7 through 11.		12 Months
13) CX GATOR™*, All other Turf & Utility Equipment.		24 Months in Private Residential -Personal Use or 12 months in Any Other Application

\*Attachments purchased on the same Purchase Order as the Equipment listed will be covered by the Equipment's warranty terms. Attachments purchased separately will be covered by the Attachment warranty (in line 12).

**C. (I) ITEMS COVERED SEPARATELY** – (1) Tires and batteries are warranted under separate warranty documents provided with the Equipment; (2) John Deere Hand Held-Portable products are covered by a separate warranty; (3) When applicable, a separate emissions warranty statement will be provided by Selling Dealer. (4) John Deere Walk Behind Snowblower equipment is warranted under a separate warranty. (5) Series 3500 and 5500 rubber tracks are warranted in agricultural use on a pro-rated basis based on wear and age for 48 months or 4000 hours and 24 months or 2000 hours in other applications.

**(II) WHAT IS NOT WARRANTED** – Pursuant to the terms of these warranties, JOHN DEERE IS NOT RESPONSIBLE FOR THE FOLLOWING: (1) Used Equipment; (2) Any Equipment that has been altered or modified in ways not approved by John Deere, including, but not limited to, selling injection pump fuel delivery above John Deere specifications, modifying combine grain tanks, and modifying self-propelled sprayers with unapproved wheels, tracks, tanks or booms; (3) Depreciation or damage caused by normal wear, lack of reasonable and proper maintenance, failure to follow operating instructions/recommendations; misuse, lack of proper protection during storage, vandalism, the elements or collision or accident; (4) Normal maintenance parts and/or service, including but not limited to, oil, filters, coolants and conditioners, cutting parts, belts, brake and clutch linings; (5) Any Utility Vehicle used for racing or other competitive purpose; (6) Chains on Premium Balers.

**D. SECURING WARRANTY SERVICE** – To secure warranty service the purchaser must, (1) Report the Equipment defect to an authorized dealer and request warranty service within the applicable warranty term; (2) Present evidence of the warranty start date with valid proof of purchase; and (3) Make the Equipment available to an authorized dealer within a reasonable time.

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**MARCH 15, 2016 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDING THE COMPENSATION ORDINANCE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

An ordinance has been prepared to amend the compensation ordinance to add the positions of Building Maintenance Worker I and Building Maintenance Worker II, and to change the range of the Building Technician.

**FISCAL IMPACT**

The FY 16 budget includes funding for these positions.

**RECOMMENDATION**

Approval

**BACKGROUND**

These changes have been approved and therefore the Compensation Ordinance needs updated to reflect this.

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

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

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

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

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

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

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

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

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

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

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

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

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

Position	
Accountant	165
Assistant Pool Manager	100
Circulation Clerk I	100
Circulation Clerk II	115
Custodian	105
Evidence Technician	130
Clerical Assistant	115
Intern/Special Projects	115
Lifeguard	100
Pool Manager	110
Recreation Supervisor	100
Seasonal GC Clubhouse & Grounds	100
Seasonal PW All Divisions 1-5 Years	100
Seasonal PW All Divisions 5+ Years	110
Shop Assistant	100
Special Services Bus Driver	110
Temporary/PT Professional (PW)	160

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

Section 8. Pay for Performance. Employees not covered by a collective bargaining agreement or express employment contract shall be subject to the City's Pay for Performance (PFP) compensation system as outlined in Council Policy Statement. PFP salary ranges are set forth in Table 100 and 200 of Section 21 of this Ordinance. The base factor for fiscal year 2016 shall be set at two and one-half percent (2.5%).

Section 9. Legal Counsel. Compensation of the legal counsel other than special City Prosecutor for the City shall be, and the per diem rates respecting same shall be, at 90%

of the standard hourly rate the firm may from time to time charge. Compensation for Special City prosecution shall be as agreed upon at the time of specific employment.

Section 10. Engineers. Compensation of Engineers for the City shall be, and the same hereby is, fixed in accordance with such schedules of hourly and per diem or percentage rates as shall from time to time be approved by Resolution of the City Council. Travel allowances respecting same shall be as may from time to time be fixed by Resolution of such City Council.

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

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

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

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

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

Section 14. Special Provisions.

- A. Employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska, covering the period from October 1, 2014 through September 30, 2018," shall receive compensation and benefits and enjoy working conditions, as described, provided and limited by such Agreement. The terms of such Agreement shall supersede any provisions of this Ordinance inconsistent therewith, and be deemed incorporated herein by this reference.
- B. Holiday Pay shall be compensated as set forth in the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista for police officers and as set forth in the Personnel Manual for all other full time employees.
- C. Subject to subsection 14.D. hereof, each full time hourly non-exempt employee of the City shall be entitled to receive overtime pay at the rate of one and one half times the employee's regular rate for each hour worked in excess of forty hours during a work week. If called out at any time other than during regular assigned work hours during the pay period, such employee shall be entitled to compensation at the rate of one and one half times the regular rate for each hour so worked, provided that in no case shall an employee receive less than two hours overtime pay for such call out work, and further provided there shall be no pyramiding of hours for purposes of computing overtime. For purposes of this subsection an employee's "regular rate" shall be the sum of his or her hourly rate specified in Section 6 of this Ordinance and any longevity pay due under this Ordinance.

- D. Police Department employees covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, Nebraska," described in subsection 14.A hereof shall, as provided in such Agreement, be paid overtime at one and one half times the employee's hourly rate (including any longevity allowance) for each hour worked in excess of 80 hours during any 14 day work period coinciding with the pay period established by Section 16 of this Ordinance.
- E. All Management Exempt Employees and all Salaried Exempt Employees are considered to be salaried employees and shall not be eligible for overtime pay, holiday pay, or other special pay as provided by this section.
- F. Public Works Employees who are required to wear protective footwear may submit to the City for reimbursement for the cost of work boots in an amount not to exceed \$150.
- G. Public Works Employees may submit to the City for reimbursement for the difference in cost between a Nebraska Driver's License and a "CDL" driver's license within 30 days of obtaining a CDL license when a CDL license is required as a part of the covered employee's job description.
- H. Public Works Employees shall be provided by the City five safety work shirts in each fiscal year at no cost to the employee.
- I. Employees not covered by the "Agreement Between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista" and who are otherwise eligible, shall be paid overtime at the rate of one and one-half times the employee's hourly rate for all hours worked over forty in the pay periods that encompass the annual La Vista Days celebration, except, that if an employee uses any sick leave, vacation leave, personal leave, or comp time during the corresponding pay periods, such leave time shall offset any overtime earned. Overtime earned will not be offset by any holiday that falls during the above referenced pay periods.

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

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

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

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

Section 18. Sick Leave and Personal Leave. Sick leave and personal leave will be awarded and administered in conjunction with the provisions set forth in the personnel

manual and the Agreement between the La Vista Fraternal Order of Police Lodge No. 28 and the City of La Vista, as applicable to the employee in question.

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

Section 20. Vacation Entitlement.

- A. All full-time employees whose employment is governed by the Agreement described in Section 14, Paragraph A. of this Ordinance shall earn, accrue and be eligible for vacation as provided in such Agreement.
- B. All other full-time Hourly Non-Exempt Employees shall earn: six (6) days of paid vacation during the first year of continuous full-time employment; eleven (11) days of paid vacation during the second year of continuous full-time employment; and thereafter, eleven (11) days of paid vacation during each subsequent year of continuous full-time employment, plus one (1) additional day of paid vacation for each year of continuous full-time employment in excess of two years. Notwithstanding the foregoing, no employee shall earn more than twenty-three (23) days of paid vacation per employment year.
- C. All Management Exempt Employees, and Salaried Exempt Employees, shall earn ten (10) days paid vacation during the first year of continuous employment, and one (1) additional vacation day for each additional year of continuous employment not to exceed twenty-six (26) days.
- D. All Permanent Part Time Employees working a minimum of twenty (20) hours per week shall earn forty (40) hours of paid vacation time per year after six (6) months of employment. Total paid vacation time earned per year shall not exceed forty (40) hours.
- E. Full Time Exempt and Non-Exempt Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 220 hours.
- F. Permanent Part Time Employees shall be allowed to accrue unused vacation leave from previous years to a maximum of 110 hours.

Section 21. Wage Tables.

**Table 100**  
**Salaried Exempt Employees**  
**Hourly Non-Exempt Employees**

Range			Minimum	Maximum	Range			Minimum	Maximum
100	Hourly	9.27	12.04		141	Hourly	16.42	21.50	
	Monthly	1,607	2,087			Monthly	2,846	3,727	
	Annual	19,282	25,043			Annual	34,154	44,720	
105	Hourly	10.99	14.50		145	Hourly	16.88	21.92	
	Monthly	1,905	2,513			Monthly	2,926	3,799	
	Annual	22,859	30,160			Annual	35,110	45,594	
110	Hourly	11.38	14.78		150	Hourly	17.73	23.03	
	Monthly	1,973	2,562			Monthly	3,073	3,992	
	Annual	23,670	30,742			Annual	36,878	47,902	
115	Hourly	12.24	15.90		160	Hourly	19.45	25.26	
	Monthly	2,122	2,756			Monthly	3,371	4,378	
	Annual	25,459	33,072			Annual	40,456	52,541	
120	Hourly	13.16	17.09		165	Hourly	20.72	26.91	
	Monthly	2,281	2,962			Monthly	3,591	4,664	
	Annual	27,373	35,547			Annual	43,098	55,973	
125	Hourly	14.16	18.39		175	Hourly	24.42	31.71	
	Monthly	2,454	3,188			Monthly	4,233	5,496	
	Annual	29,453	38,251			Annual	50,794	65,957	
130	Hourly	14.65	19.02		180	Hourly	27.06	35.15	
	Monthly	2,539	3,297			Monthly	4,690	6,093	
	Annual	30,472	39,562			Annual	56,285	73,112	
140	Hourly	16.03	20.81		190	Hourly	33.44	43.44	
	Monthly	2,779	3,607			Monthly	5,796	7,530	
	Annual	33,342	43,285			Annual	69,555	90,355	

**Table 200**  
**Management Exempt Employees**

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

**Table 400**  
**Classification: FOP Collective Bargaining**  
**Hourly Non-Exempt**

Range		A	B	C	D	E	F
426	Hrly				35.00 6,067 72,800	36.46 6,320 75,837	38.77 6,720 80,642
423	Hrly	22.95 3,978 47,736	24.50 4,247 50,960	26.92 4,666 55,994	28.50 4,940 59,280	31.10 5,391 64,688	32.72 5,671 68,058

**Section 22.** Repeal of Ordinance No. 12351265. Ordinance No. 1262-1265 originally passed and approved on the 1st-17th day of September-November, 2015 is hereby repealed.

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

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

PASSED AND APPROVED THIS 15TH DAY OF MARCH, 2016.

CITY OF LA VISTA

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

ATTEST:

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