

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
AUGUST 5, 2008 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMENDMENT #1 TO INTERLOCAL AGREEMENT – HARRISON STREET	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the execution of Amendment #1 to an Interlocal Agreement for the improvement of Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street. The cities of Omaha, Bellevue, La Vista; Sarpy County and Douglas County entered into an agreement dated February 7, 2006 to improve Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street, parts of which are in the jurisdiction of each of the entities.

**FISCAL IMPACT**

The FY 2007/08 and FY 2008/09 Capital Improvement Plan provides funding for the proposed project.

**RECOMMENDATION**

Approval

**BACKGROUND**

The original Interlocal Agreement, dated February 7, 2006, was for the costs associated with engineering only. Costs for right-of-way (ROW), construction, and contract administration were to be added by amendment. The project will be paid for entirely by the entities listed; 37% paid by the City of Omaha, 32% paid by the City of Bellevue, 4% paid by the City of La Vista, 13% paid by Douglas County and 14% paid by Sarpy County. The current contract price including engineering is \$6,133,501.51. This project is part of the City of La Vista's 1 & 6 Year Street Program.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AMENDMENT #1 TO INTERLOCAL AGREEMENT FOR THE IMPROVEMENT OF HARRISON STREET FROM 47<sup>TH</sup> STREET TO 71<sup>ST</sup> STREET; ORIGINALLY ENTERED INTO ON FEBRUARY 7, 2006 BY THE CITIES OF OMAHA, BELLEVUE, LA VISTA; SARPY COUNTY AND DOUGLAS COUNTY, PARTS OF WHICH ARE IN THE JURISDICTION OF EACH OF THE ENTITIES.

WHEREAS, the City Council of the City of La Vista has determined that said road improvements are necessary; and

WHEREAS, Omaha, Bellevue, La Vista, Sarpy County and Douglas County entered into a agreement dated February 7, 2006 to improve Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street, parts of which are in the jurisdiction of each of the entities; and

WHEREAS, it is necessary that work not included in the Original Interlocal Agreement be added under this Amendment; and

WHEREAS, it is necessary to increase the limits of the Original Interlocal Agreement for the additional work necessary to complete the project; and

WHEREAS, all entities desire to describe and define the responsibilities of the project, to enable them to jointly undertake the project in the manner described in Amendment #1 To Interlocal Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorizing the execution of Amendment #1 To Interlocal Agreement for the improvement of Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street. All provisions of the Original Interlocal Agreement dated February 7, 2006, except as amended herein, shall remain in full force and effect.

PASSED AND APPROVED THIS 5<sup>TH</sup> DAY OF AUGUST 2008.

CITY OF LA VISTA

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

ATTEST:

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

## AMENDMENT #1 TO INTERLOCAL AGREEMENT

This Amendment #1 to the original Interlocal Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by and between the CITY OF OMAHA, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "Omaha"; the CITY OF BELLEVUE, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "Bellevue"; the CITY OF LAVISTA, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "La Vista"; DOUGLAS COUNTY of the State of Nebraska, hereinafter referred to as "Douglas County", and SARPY COUNTY of the State of Nebraska, hereinafter referred to as "Sarpy County",

### W I T N E S S E T H

WHEREAS, Omaha, Bellevue, LaVista, Sarpy County and Douglas County entered into a agreement dated February 7, 2006 to improve Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street, parts of which are in the jurisdiction of each of the entities; and,

WHEREAS, this project is known as City of Omaha Project OPW 50007; and,

WHEREAS, it is necessary that work not included in the Original Interlocal Agreement be added under this Amendment; and,

WHEREAS, it is necessary to increase the limits of the Original Interlocal Agreement for the additional work necessary to complete the project; and,

WHEREAS, all entities desire to describe and define the responsibilities of the project, to enable them to jointly undertake the project in the manner described as follows.

NOW THEREFORE, the following is agreed between the parties hereto:

1. The parties hereby agree to the improvement of Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street in accordance with such design, drawings, specifications, plans, construction documents and contracts as approved by the parties. No separate legal entity will be created to administer the Original Interlocal Agreement, as amended herein, and no separate budget needs to be established.
2. The Original Interlocal Agreement in the amount of \$473,000 was for engineering only. It is necessary to amend the Original Interlocal Agreement to include costs for construction and acquisition of Right-of-Way. The total estimated cost for said work, right-of-way, and completion of the project is increased to \$6,133,501.51, which includes the estimated engineering costs previously approved in the Original Interlocal Agreement.

3. This project will be paid for entirely by the entities listed with \$2,190,736.09 (37% design/construction and \$12,150 ROW) paid by the City of Omaha; \$1,947,338.56 (32% design/construction and \$63,156 ROW) paid by the City of Bellevue; \$353,867.82 (4% design/construction and \$13,345 ROW and allowance for the traffic signal at 66<sup>th</sup> Street) paid by the City of La Vista; \$786,539.17 (13% design/construction and \$21,090 ROW) paid by Douglas County; and \$855,019.87 (14% design/construction and \$30,690 ROW) paid by Sarpy County.
4. Any cost sharing or participation from local property owners or Sanitary & Improvement Districts (S&ID's) towards this project will be credited toward the total local share and not to any party's share of the cost.
5. Except for provisions of the Original Interlocal Agreement, as amended herein, that provide for longer periods of performance, the Original Interlocal Agreement, as herein amended, shall continue until such time as the improvements are fully and finally completed, accepted, and paid for.
6. Upon payments for Right-of-Way and for construction of the project, Omaha will bill the other entities for their share of the local costs as they come due pursuant to approved progress payment requests. The bill shall be paid within thirty (30) days. If, at the completion of the work, said payments made by the other entities are more than the actual cost, Omaha shall refund the excess payments to the other entities based upon the proportions set out above in paragraph 3.
7. Nothing in the Original Interlocal Agreement, as amended herein, shall modify or be interpreted to affect the exclusive authority of each party within its corporate boundaries or jurisdiction.

All provisions of the Original Interlocal Agreement dated February 7, 2006, except as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the proper officials hereunto duly authorized as of the dates below indicated.

EXECUTED BY OMAHA this \_\_\_\_\_ day of \_\_\_\_\_, 2008

Attest: \_\_\_\_\_  
Omaha, Nebraska

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

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

Approved as to Form:

\_\_\_\_\_  
Deputy City Attorney



City of Omaha  
Mike Fahey, Mayor

RECEIVED

February 7, 2006 05 JAN 27 PM 2:04

CITY CLERK  
OMAHA, NEBRASKA

Public Works Department

Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Fax (402) 444-5248

Robert G. Stubbe, P.E.  
Public Works Director

Honorable President

and Members of the City Council,

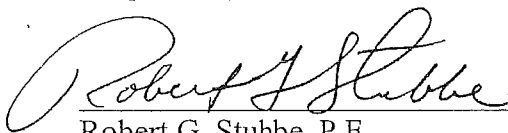
Transmitted herewith is a Resolution approving an Interlocal Agreement with the City of Bellevue, the City of LaVista, Sarpy County and Douglas County to split the engineering cost for the improvement of Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street. This project is known as City of Omaha Project OPW 50007. A portion of this project lies in the jurisdiction of each entity. Costs for right-of-way, construction and contract administration will be added by addendum.

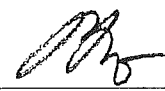
According to the terms of this Interlocal Agreement, 32% of the cost for engineering services will be paid by the City of Bellevue in the amount of \$151,360, 4% will be paid by the City of LaVista in the amount of \$18,920, 13% will be paid by Douglas County in the amount of \$61,490, 14% will be paid by Sarpy County in the amount of \$66,230, and 37% of the total will be paid by the City of Omaha in the amount of \$175,000 from the 2000 Street & Highway Bond, Organization 116167, Fund 13175.

The Public Works Department requests your consideration and approval of the attached Resolution and Interlocal Agreement.

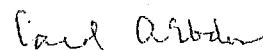
Respectfully submitted,

Referred to City Council for Consideration:

  
Robert G. Stubbe, P.E.  
Public Works Director  
1-19-06  
Date

  
Mayor's Office  
1-20-06  
Date

Approved as to Funding:

  
Carol A. Ebdon  
Finance Director  
1/20/06  
Date

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## INTERLOCAL AGREEMENT

This Interlocal Agreement is made and entered into this 112 day of February, 2006 by and between the CITY OF OMAHA, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "Omaha"; the CITY OF BELLEVUE, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "Bellevue"; the CITY OF LAVISTA, a Municipal Corporation of the State of Nebraska, hereinafter referred to as "La Vista"; DOUGLAS COUNTY of the State of Nebraska, hereinafter referred to as "Douglas County", and SARPY COUNTY of the State of Nebraska, hereinafter referred to as "Sarpy County",

### W I T N E S S E T H

WHEREAS, Omaha, Bellevue, LaVista, Sarpy County and Douglas County are desirous of entering into a mutual endeavor to improve Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street, which is in the jurisdiction of all entities; and,

WHEREAS, this project is known as City of Omaha Project OPW 50007; and,

WHEREAS, all entities desire to describe and define the responsibilities of the project, to enable them to jointly undertake the project in the manner described as follows.

NOW THEREFORE, the following is agreed between the parties hereto:

1. The total estimated cost for this portion of the project, which includes engineering only, is \$473,000. Costs for right-of-way (ROW), construction, and contract administration will be added by amendment.
2. This project will be paid for entirely by the entities listed with \$175,000 (37%) paid by the City of Omaha, \$151,360 (32%) paid by the City of Bellevue, \$18,920 (4%) paid by the City of La Vista, \$61,490 (13%) paid by Douglas County, and \$66,230 (14%) paid by Sarpy County.
3. Any cost sharing or participation from local property owners or Sanitary & Improvement Districts (S&ID's) towards this project will be credited toward the total local share and not to any party's share of the cost.
4. Upon the acceptance of the contract for design of the project, Omaha will bill the other entities for their share of the local costs as they come due. The bill shall be paid within thirty (30) days. If, at the completion of the work, said payments made by the other entities are more than the actual cost, Omaha shall refund the excess payments to the other entities.
5. No change order to this contract shall be made without prior approval of all parties to the agreement. Any amendment to this contract which taken alone increases the original

bid price as awarded (a) by ten percent, if the original bid price is \$150,000 or more, or (b) by \$75,000 or more, shall be approved by the City Council in advance of the authorization of any additional work in excess of such limits. However, neither contract nor purchase amendments will be split to avoid advance approval of the City Council.

6. This agreement shall remain in effect until the project has been completed, and accepted by the City. Amendments hereto shall be made in writing.
7. The parties to this agreement shall not in the performance of the terms of this contract discriminate or permit discrimination against any parties on account of race, national origin, sex, age, disability, or political or religious affiliations in violation of federal or state laws or local ordinances.
8. Drug Free Policy. Each party provides assurance that it has established and maintains a drug free workplace policy.
9. Entire Agreement. This instrument contains the entire agreement of the parties and shall be binding upon the successors and assigns of the respective parties. No amendments, deletions, or additions shall be made to this Agreement except in writing signed by all parties. Nebraska law shall govern the terms and performances under this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by the proper officials hereunto duly authorized as of the dates below indicated.

EXECUTED BY OMAHA this 9<sup>th</sup> day of February, 2006  
Attest: Omaha, Nebraska

[Signature] 2/9/06  
City Clerk Date

[Signature] 2/9/06  
Mayor Date

Approved as to Form:

[Signature]  
Deputy City Attorney

EXECUTED BY DOUGLAS COUNTY this 21st day of June, 2005


Attest:

Douglas County, Nebraska

  
County Clerk Date 6/21/05

  
Chairman, Board of Commissioners Date 6/21 05

APPROVED AS TO FORM:

  
Deputy County Attorney

COUNTY OF DOUGLAS - OFFICIAL RECORD



EXECUTED BY LA VISTA this 30th day of June, 2005

Attest: La Vista, Nebraska

Leta M. Ramirez Harold A. Allen  
County Clerk Date Mayor Date

Approved as to Form:

Thomas A. McK  
City Attorney



EXECUTED BY SARPY COUNTY this 23<sup>rd</sup> day of August, 2005  
Attest: Sarpy County, Nebraska

Renee Lausman

County Clerk Date

Assistant Deputy

Aldona V. Doyle

Chairman, Board of Commissioners Date



Approved as to form:

[Signature]

County Attorney

EXECUTED BY BELLEVUE this 12<sup>th</sup> day of September, 2005  
Attest: Bellevue, Nebraska

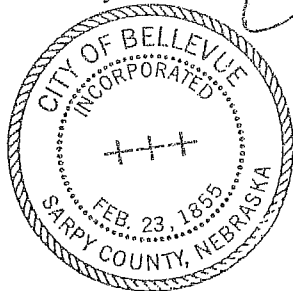
[Signature] 9-12-05  
City Clerk Date

[Signature]  
Mayor Date

12 Sept. 05

Approved as to Form:

[Signature]  
City Attorney



## CITY OF OMAHA

## LEGISLATIVE CHAMBER

Omaha, Nebraska

RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

WHEREAS, the City of Omaha, the City of Bellevue, the City of LaVista, Sarpy County and Douglas County are desirous of improving Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street, which is in the jurisdiction of all entities; and,

WHEREAS, all entities desire to describe and define the responsibilities of the project to enable them to jointly undertake the project; and,

WHEREAS, an Interlocal Agreement, which by this reference is made a part hereof, agrees to split the engineering cost of the project, costs for right-of-way, construction and contract administration will be added by amendment; and,

WHEREAS, the City of Omaha will be responsible for 37% of the local engineering cost, estimated to be \$175,000, 32% to be paid by the City of Bellevue, estimated to be \$151,360, 4% to be paid by the City of LaVista, estimated to be \$18,920, 13% to be paid by Douglas County, estimated to be \$61,490, and 14% to be paid by Sarpy County, estimated to be \$66,230.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

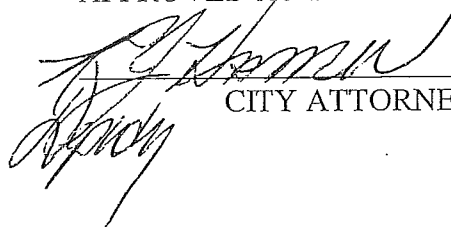
THAT, as recommended by the Mayor, the Interlocal Agreement between the City of Omaha, the City of Bellevue, the City of LaVista, Sarpy County and Douglas County for improvement of Harrison Street from 47<sup>th</sup> Street to 71<sup>st</sup> Street, is hereby approved.

BE IT FURTHER RESOLVED:

THAT, the Finance Department is authorized to pay the City's portion of the local share for engineering services, in the amount of \$175,000 from the 2000 Street & Highway Bond, Organization 116167, Fund 13175.

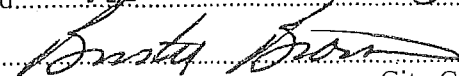
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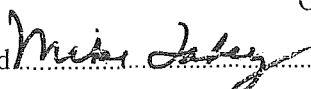
APPROVED AS TO FORM:

 1-23-06  
CITY ATTORNEY DATE

By  Councilmember

Adopted FEB - 7 2006 6-0

 City Clerk

Approved  2/9/06  
Mayor

I hereby certify that the foregoing is a true and correct copy of the original document now on file in the City Clerk's Office.

  
Buster Brown, City Clerk, City of Omaha