



## ***NATIONAL SAFE KIDS WEEK PROCLAMATION***

- WHEREAS, unintentional injury is the number one killer of children 14 and under; and
- WHEREAS, each year, more than 5,000 children 14 and under die from unintentional injuries; and
- WHEREAS, emergency rooms experience nearly 2.4 million visits from children 14 and under each summer; and
- WHEREAS 90 percent of these injuries and deaths are preventable; and
- WHEREAS, 41 percent of these deaths occur during "trauma season," the months of May, June, July, and August; and
- WHEREAS, Safe Kids Worldwide and Safe Kids Sarpy/Cass County promotes childhood injury prevention by uniting diverse groups into local and state coalitions, developing innovative educational tools and strategies, initiating public policy changes, promoting new technology and raising awareness through the media; and
- WHEREAS, Safe Kids Worldwide, with the support of founding sponsor Johnson & Johnson, launches Safe Kids Week 2007, "Make it a Safe Kids Summer," which focuses on five of the deadliest warm-weather risk areas of motor vehicles, drownings, pedestrian, biking, and falls.
- WHEREAS, Safe Kids Sarpy/Cass County has planned special childhood injury prevention activities and community-based events for Safe Kids Week 2007 in an effort to educate families about summer safety.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim April 28 - May 6, 2007 as **National Safe Kids Week** in the City of La Vista, and call upon all residents of La Vista to join with me in supporting the efforts and activities of Safe Kids Sarpy/Cass County to prevent childhood injury.

DATED THIS 1ST DAY OF MAY, 2007.



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

ATTEST:

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





***PROCLAMATION  
BUILDING SAFETY WEEK 2007***

WHEREAS, through our continuing attention to building safer for everyday life and in times of disaster, we enjoy the comfort and peace of mind of structures that are safe and sound; and

WHEREAS, building safety and fire prevention officials are at work year round to guide the safe construction of buildings; and

WHEREAS, Building Safety Week, sponsored by the International Code Council Foundation®, is an excellent opportunity to educate the public. It is a perfect time to increase public awareness of the role building safety and fire prevention officials, local and state building departments, and federal agencies play in protecting lives and property.

WHEREAS, this year's theme, "*Building Smarter...for Disasters and Everyday Life*" encourages all Americans to raise our awareness of building safety. Everyone can take appropriate steps to ensure that the places where we live, work, play, and learn are safe. Countless lives have been saved because of the building safety codes adopted and enforced by local and state agencies.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim that May 6 through May 12, 2007 is Building Safety Week in La Vista. Accordingly our citizens are encouraged to join their fellow Americans in participating in Building Safety Week activities and assisting efforts to improve building safety.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 1st day of May, 2007.



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

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





***PROCLAMATION  
PUBLIC SERVICE RECOGNITION WEEK***

WHEREAS, Americans are served every single day by public servants at the federal, state, county, and city levels. These unsung heroes do the work that keeps our nation functioning; and

WHEREAS, public employees take not only jobs, but oaths; and

WHEREAS, many public servants, including military personnel, police officers, and firefighters, risk their lives each day in service to the people of the United States and around the world; and

WHEREAS, public servants include countless occupations that day in and day out provide the diverse services demanded by the American people of their government with efficiency and integrity; and

WHEREAS, without these public servants at every level, continuity would be impossible in a democracy that regularly changes its leaders and elected officials.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim the week of May 7 - 13, 2007 as **PUBLIC SERVICE RECOGNITION WEEK** in La Vista and encourage all citizens to recognize the accomplishments and contributions of government employees at all levels.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 1st day of May, 2007.



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

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk





***PROCLAMATION  
NATIONAL POLICE WEEK***

WHEREAS, The Congress and President of the United States have designated May 15th as Peace Officers' Memorial Day, and the week in which May 15<sup>th</sup> falls as National Police week; and

WHEREAS, the members of the La Vista Police Department play an essential role in safeguarding the rights and freedoms of La Vista; and

WHEREAS, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and

WHEREAS, the men and women of the La Vista Police Department unceasingly provide a vital public service.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, call upon all citizens of La Vista and upon all patriotic, civic, and educational organizations to observe the week of May 13 through May 19<sup>th</sup>, 2007 as **NATIONAL POLICE WEEK** in La Vista and call upon all citizens and civic organizations to observe this week with appropriate ceremonies commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. I further call upon all citizens of La Vista to observe Tuesday, May 15, 2007 as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 1st day of May, 2007.



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

ATTEST:

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



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING April 17, 2007

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 6:00 p.m. on April 17, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, McLaughlin, Ellerbeck, and Gowan. Absent: Carlisle. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, Library Director Iwan, Finance Director Lindberg, Police Chief Lausten, Assistant Fire Chief Corbit, Public Works Director Soucie, Recreation Director Stopak, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on April 5, 2007. 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 within 10 days after said meeting and prior to the next convened meeting of said body.

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

Mayor Kindig made an announcement of the location of the posted copy of the Open Meetings Act for public reference.

### WORKSHOP – CAPITAL IMPROVEMENT PROGRAM (CIP)

Assistant City Administrator Ramirez gave some background about the CIP program and thanked the committee members for their work on this project. Ramirez went through the draft of the CIP book with the Mayor and Council to give an overview and explanation of the content of the book. Finance Director Lindberg gave a preliminary overview and projections in the Bond and Keno funds which are two of the main sources for funding capital improvement projects. Ramirez concluded the sections of the book stating that the equipment requests in the back of the book are not included in the CIP Summary Sheet.

City Administrator Gunn thanked Ramirez for the hard work on this process. Gunn explained to the Mayor and Council that this is the rough draft of the CIP and this entire process will be evolutionary. It will give the council a source when planning for years ahead and working through the budget process. There should be another draft ready during the budget process.

Councilmember Carlisle arrived at 6:34 p.m.

Mayor Kindig moved the presentation and proclamations to the latter part of the meeting to allow honorees time to arrive at the meeting.

#### A. CONSENT AGENDA

1. APPROVAL OF THE AGENDA AS PRESENTED
2. MINUTES OF THE APRIL 3, 2007 CITY COUNCIL MEETING
3. MINUTES OF THE MARCH 28, 2007 CIVIL SERVICE COMMITTEE MEETING
4. PAY REQUEST WATER'S EDGE AQUATIC DESIGN LLC POOL STUDY-CONCEPT PLAN -  
\$1,500.00
5. NEW FIRE STATION #2
  - a. PAY REQUEST KRUEGER INTERNATIONAL, INC. - \$13,633.08
  - b. PAY REQUEST AVI SYSTEMS - \$6,289.04
6. CHANGE ORDER NO. 1 FOR LA VISTA FALLS GOLF COURSE DRAINAGEWAY  
STABILIZATION – NELSON & ROCK CONTRACTING, INC. - \$6,480.00
7. APPROVAL OF CLAIMS

Councilmember Gowan made a motion to approve the consent agenda as presented. Seconded by Councilmember Sell. Councilmember Gowan reviewed the claims for this period and reported that he found everything to be in order. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

ALAMAR UNIFORMS, Wearing Apparel  
AQUILA, Utilities  
ARAMARK UNIFORM, Contract Services

61.49  
3,102.87  
165.95



# MINUTE RECORD

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

April 17, 2007

ASAP SOFTWARE, Contract Services	1,684.20
ASPHALT & CONCRETE MATERIALS, Street Maint.	93.74
ASSOCIATED FIRE PROTECTION, Inspection	53.50
BAKER & TAYLOR BOOKS, Books	1,703.63
BAKER, MARCUS, Travel	24.80
BCDM-BERINGER CIACCIO DENNELL, Professional Services	1,597.50
BENSON RECORDS MANAGEMENT, Contract Services	37.40
BETTER BUSINESS EQUIPMENT, Contract Services	98.88
BRENTWOOD AUTO WASH, Vehicle Maint.	135.00
BUETHE, PAM, Travel/Postage	404.20
BUILDERS SUPPLY, Bldg & Grnds	22.00
CAPSTONE PRESS, Books	2,275.25
CARDMEMBER SERVICE-ELAN, Travel/Books/Supplies/Training	2,961.47
CARROT-TOP INDUSTRIES, Equipment	1,983.30
CENTER POINT PUBLISHING, Books	78.48
CITY OF OMAHA, Contract Services	28,131.53
CJ'S HOME CENTER, Bldg & Grnds/Street Maint/Vehicle Maint.	1,132.96
CLEMENGER, PAUL, Contract Services	112.50
COURTESY CLEANERS, Cleaning	417.36
DON'S PIONEER UNIFORMS, Wearing Apparel	379.30
EBSCO SUBSCRIPTION SERVICES, Books	29.28
ED M. FELD EQUIPMENT, Wearing Apparel	479.00
EMS BILLING SERVICES, Rescue Revenue	687.95
FBINAA-FBI NATL ACAD ASSOCS, Training	150.00
FEDEX, Postage/Squad Supplies	23.79
FIREGUARD, Repair	222.42
FITZGERALD SCHORR BARMETTLER, Professional Services	25,582.33
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,110.50
GALL'S, Wearing Apparel/Postage/Equip.	1,004.84
GENERAL FIRE & SAFETY EQUIP, Contract Services	67.00
GENWORTH LIFE AND HEALTH, Employee Benefits	9,613.89
GLENDALE PARADE STORE, Flag Pole	85.70
GRAYBAR ELECTRIC, Bldg & Grnds	40.00
GREAT PLAINS ONE-CALL SVC, Contract Services	211.74
GREAT WESTERN BANK, Fees	250.00
GROLIER PUBLISHING, Books	138.81
HALPAIN, LEAH, Contract Services	75.00
HARLEY DAVIDSON, Wearing Apparel	81.00
HOME DEPOT, Vehicle Maint.	51.02
HOST COFFEE, Concessions	20.60
HY-VEE, Supplies	126.56
INTERNATIONAL CODE COUNCIL, Books	25.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	444.61
KROGER, Supplies	231.69
LANDS' END, Deferred Revenue	35.00
LAUGHLIN, KATHLEEN, Payroll Withholding	372.00
LAWLESS DISTRIBUTING, Concessions	191.75
LEAGUE ASSN OF RISK MGMT, Insurance	7,799.00
LINWELD, Street Maint.	95.63
LODES, CHRIS, Contract Services	37.50
LOU'S SPORTING GOODS, Equipment	114.50
LUPOMECH, CATHY, Travel	377.73
MCCANN PLUMBING, Bldg & Grnds	239.40
METRO AREA TRANSIT, Contract Services	1,033.00
METROPOLITAN COMM COLLEGE, Utilities/Telephone/Contract Serv.	9,492.78
MUNICIPAL EMERGENCY SVCS INC, Wearing Apparel	454.03
NAPE-NE ASSN PROPERTY/EVIDENCE, Dues	40.00
NEBRASKALAND CONF BLDG OFFCL, Dues	145.00
NESBIT, KELVIN, Contract Services	22.00
NOBBIES, Supplies	20.28
OABR PRINT SHOP, Printing	123.15
OFFICE DEPOT, Supplies	589.31
OMNIGRAPHICS, Books	57.78
ON YOUR MARKS, Printing	400.19
OPPD, Utilities	27,080.71
ORIZON CPAS, Professional Services	6,885.54
PRECISION INDUSTRIES, Equipment	21.02
PROJECT HARMONY, Contract Services	150.00



# MINUTE RECORD

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

April 17, 2007

QUALITY INN, Travel	391.65
QUILL CORPORATION, Supplies	70.18
QWEST, Telephone	80.78
RAMIREZ, JOHN, Contract Services	22.00
RAMIREZ, RITA, Travel	93.67
SAM'S CLUB, Supplies	1,312.70
SAPP BROS, Vehicle Maint.	6.75
SIGNS NOW, Advertising	489.67
STAPLES, Supplies	173.43
STOP TECH, Equipment	30.45
SUBURBAN NEWSPAPERS, Legal Advertising	484.31
THERMO KING CHRISTENSEN, Vehicle Maint.	335.70
THOMPSON DREESSEN & DORNER, Professional Services	9,865.97
THREE RING ENTERPRISES, Vehicle Maint.	1,995.17
TIERNEY, JOHN, Bldg & Grnds	1,340.00
UNITED WAY, Travel	13.00
UPSTART, Summer Reading Program	218.86

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

Police Chief Lausten addressed Council to inform them the Police Officers are now contacting homeowners with open garage doors in the middle of the night as there have been incidents of theft from open garages and unlocked vehicles. He informed Council the Police Department has been working on active shooter training and dealing with Virginia Tech type incidents.

Assistant Fire Chief Corbit addressed Council to report on the structure fire on Greenleaf that 30 fire fighters responded to. The first truck arrived on the scene within 5 minutes of the call. The New Fire Station No. 2 is open and responding to calls. The La Vista Volunteer Fire Department now has 49 active members, with approximately 25 in each station.

Mayor Kindig stated donations are being accepted at his barbershop to help the victims of the fire on Greenleaf.

Recreation Director Stopak reminded Council of the Park and Recreation Advisory Committee meeting on Wednesday, April 18, 2007. He also informed Council of the Arbor Day observance to be held on April 27, 2007.

Public Works Director Soucie informed Council that the Golf Course project has been completed, and the City will begin reseeding the area. The Golf Course was closed today for aeration and mowing. Soucie informed Council the City's water feature has been cleaned up and started for the summer. Soucie informed Council that Street Foreman Cavlovic and Human Resource Assistant Fagin staffed a City booth at the Business Fair last Thursday. Soucie attended the Harrison Street Project open house two weeks ago.

## **B. CITIZEN ADVISORY REVIEW COMMITTEE – EDP REPORT**

### **1. PUBLIC HEARING**

Lynda Shafer addressed Council to present the EDP Report from the Citizen Advisory Review Committee.

At 6:43 p.m. Mayor Kindig stated the floor was now open for discussion on the Citizen Advisory Review Committee - EDP Report.

There was no additional information presented by City staff.

At 6:44 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **C. RESOLUTION - APPROVING LEASE AGREEMENT - PUBLIC LIBRARY COPY MACHINE**

Councilmember Sell introduced and moved for the adoption of Resolution No. 07-039: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF A LEASE AGREEMENT WITH BETTER BUSINESS EQUIPMENT, OMAHA, NEBRASKA, FOR A PUBLIC COPY MACHINE IN THE LIBRARY.

WHEREAS, THE City Council has deemed it necessary and desirable to lease a Gestetner DMm721d Digital Imaging System to replace a 5-year old copy machine currently available to the public within the La Vista Public Library; and



# MINUTE RECORD

April 17, 2007

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

WHEREAS, Paragraph 9 of §1-316 of the La Vista Municipal Code requires that the City Administrator secure Council approval prior to authorizing any purchase over \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of La Vista, Nebraska, hereby authorizes the Mayor to execute the necessary lease documents, for a 60 month lease term with a monthly payment of \$98.21.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **D. RESOLUTION – AUTHORIZATION TO PURCHASE 4 X 4 TRACTOR AND BAT WING MOWING ATTACHMENT**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-040: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF A 2007 JOHN DEERE 6430 TRACTOR AND HX15 BAT WING MOWING ATTACHMENT FROM BENNINGTON EQUIPMENT INC., ELKHORN, NEBRASKA, IN AN AMOUNT NOT TO EXCEED \$63,780.73.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of a 4 x 4 tractor and bat wing mowing attachment is necessary; and

WHEREAS, the FY 2006/07 General Fund Park Maintenance Operating Budget did include funds for the purchase of said 4 x 4 tractor and bat wing mowing attachment; and

WHEREAS, the City Council authorized the solicitation of bids for said 4 x 4 tractor and bat wing mowing attachment on March 20, 2007 with the passage of Resolution No. 07-030; and

WHEREAS, after review of the bids it has been determined that Bennington Equipment Inc. has submitted the most responsible bid, and

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

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of a 2007 John Deere 6430 and HX15 Bat Wing Mowing Attachment from Bennington Equipment Inc., Elkhorn, Nebraska, in an amount not to exceed \$63,780.73.

Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **E. RESOLUTION – AUTHORIZE REQUEST FOR BIDS – RE-ROOFING ON FLAT PORTION OF CITY HALL/COMMUNITY CENTER FACILITY**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-041: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE REQUEST FOR BIDS FOR RE-ROOFING THE FLAT PORTION OF THE CITY HALL/COMMUNITY CENTER BUILDING.

WHEREAS, the City Council has determined that a need exists to re-roof the flat portion of the City Hall/Community Center building; and

WHEREAS, the FY 2006/07 Construction Fund Budget provides funding for re-roofing the flat portion of the City Hall/Community Center building; and

WHEREAS, the Public Building and Grounds Director has prepared specifications for said re-roofing project.

NOW, THEREFORE BE IT RESOLVED, that the City Administrator is hereby authorized to advertise for bids for the re-roofing of the flat portion of the City Hall/Community Center building in accordance with specifications prepared by the Director of Public

# MINUTE RECORD

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

April 17, 2007

Building and Grounds, and said bids are to be opened and publicly read aloud at 10:00 a.m. at La Vista City Hall, 8116 Park View Blvd., La Vista, on May 10, 2007.

Advertise for Bids      April 26, 2007

Open Bids              May 10, 2007

Award Bid              May 15, 2007

Seconded by Councilmember Quick. Councilmember McLaughlin inquired as to why only one part of the building's roof was being replaced. Building and Grounds Director Archibald reported that the flat part of the roof needs immediate repair, but the dome is doing okay at this time. Councilmembers McLaughlin and Sheehan stated they had seen a new type of covering for a roof at a conference they had attended. They stated they would bring the information to Building and Grounds Director Archibald. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **F. SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS**

### **1. PUBLIC HEARING**

At 6:50 p.m. Mayor Kindig stated the floor was now open for public comment regarding a special assessment for property improvements.

There was no additional information presented by City staff.

At 6:50 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Sheehan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. Motion carried.

### **2. RESOLUTION**

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-042: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT LOCATIONS AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
Lot 7/Ardmore Subdivision \$177.65  
were notified to clean up their property as they were in violation of the City of La Vista's Municipal Code, Section 93.015, or the City would do so and bill them accordingly, and

WHEREAS, the property owner of said address chose not to clean the property, thus necessitating the City to do the clean up, and

WHEREAS, the City sent the property owner a bill for said clean up which has not been paid, and

WHEREAS, the City may file a Special Assessment for Improvements against property for which a City bill for services has not been paid.

NOW THEREFORE BE IT RESOLVED, that the La Vista City Clerk is hereby authorized to file with the Sarpy County Treasurer Special Assessments for Improvements in the amounts and against the property specified above, located within Sarpy County, La Vista, Nebraska.

Seconded by Councilmember McLaughlin. A discussion was held by Council concerning the collection of assessments. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## **PROCLAMATIONS – NATIONAL VOLUNTEER WEEK, MUNICIPAL CLERKS' WEEK, ARBOR DAY**

Mayor Kindig presented a proclamation declaring April 15 - 21, 2007 as National Volunteer Week to a local Girl Scout Troop and to Jamie Moore, a representative of United Way. Mayor Kindig presented a proclamation declaring April 27, 2007 as Arbor Day to Recreation Director Scott



# MINUTE RECORD

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

April 17, 2007

Stopak, and Mayor Kindig presented a proclamation declaring April 29 - May 5, 2007 as Municipal Clerks' Week to City Clerk Pam Buethe.

## PRESENTATION – UNITED WAY OF THE MIDLANDS

Jaime Moore – Vice President of Volunteerism and Community Services at United Way of the Midlands gave a presentation on the benefits of the Call 2-1-1 program which gives people links in times of need and phone numbers of local resources. Moore encouraged everyone to view the sight and to call 1-888-PASS-211 to show support for this program.

## COMMENTS FROM THE FLOOR

There were no comments from the floor.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of the D.A.R.E. Graduation at La Vista West Elementary on April 19, 2007 and at Portal Elementary on May 17 2007.

Mayor Kindig thanked Councilmember Gowan and Councilmember Quick for attending the ribbon cutting ceremony at First State Bank at 97<sup>th</sup> and Giles.

## ADJOURNMENT

At 7:10 p.m. Councilmember Gowan made a motion to adjourn the meeting. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

ATTEST:

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Douglas Kindig, Mayor

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Pamela A. Buethe, CMC  
City Clerk

**LA VISTA CIVIL SERVICE COMMISSION  
MEETING MINUTES  
April 10, 2007**

A meeting of the Civil Service Commission of the City of La Vista, Nebraska was convened at 4:30 p.m. on April 10, 2007 at La Vista City Hall, 8116 Park View Blvd. Present were Chairman Filbrandt, and Commissioners Birkey, Bragg, and Paulhamus. Absent: Kollars. Also in attendance were: City Administrator Gunn, Police Chief Lausten, Police Lt. Pokorny, Police Lt. Barcal, and Civil Service Secretary Pam Buethe.

A notice of the meeting was given in advance by advertising in the Times Newspaper on March 29, 2007. Notice was simultaneously given to the Chairman and all members of the Civil Service Commission and a copy of the acknowledgement of the receipt of notice was attached to the minutes. Availability of the agenda was communicated to the Civil Service Commission members 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 within 10 days after said meeting and prior to the next convened meeting of said body.

**I. CALL TO ORDER**

Chairman Filbrandt called the meeting to order at 4:37 p.m.

**II. APPROVAL OF MINUTES OF MARCH 28, 2007 MEETING**

Commissioner Paulhamus made a motion to approve the minutes of the March 28, 2007 Civil Service Commission meeting as presented. Seconded by Commissioner Bragg. Ayes: Birkey, Bragg, Filbrandt, and Paulhamus. Nays: None. Absent: Kollars. Motion carried.

**III. POLICE CHIEF'S REPORT**

Police Chief Lausten talked about applicant testing and the avenues the City of La Vista is looking at as alternatives to the MAPA testing as there are other agencies that have or are looking into not participating in the MAPA testing. The options he discussed included going into a joint testing group with Sarpy County and agencies within the county, hiring a private firm to do the testing, or taking the testing back in house. City Administrator stated that the City is better staffed to handle the internal process than they were in previous years. Commissioner Birkey stated that we would have the advantage of testing when we wanted to. Commissioners expressed interest in having the City look into bringing the process back in house.

**IV. REVIEW ORIGINAL LIST OF CANDIDATES FOR ENTRY LEVEL POLICE OFFICER**

Commissioners were provided with a spreadsheet showing the names of all of the candidates considered by La Vista, those who were disqualified from the process, and those who participated in the police panel interviews, resulting in the final list of candidates that will be interviewed by the Commission tonight. Commissioner Filbrandt inquired about the total number of applicants testing at MAPA. Police Chief Lausten stated the numbers testing have been in the 100-140 range.



#### **V. INTERVIEW CANDIDATES FOR ENTRY LEVEL POLICE OFFICER**

The following candidates were interviewed by the Civil Service Commission: Matthew Austin, Coray Bell, Joshua Berlie, Jordan Bradley, Pablo Jimenez, Andrew Kubik, Mike Loyd, Justin Rudloff, Alan Wartenbee, and Jack Washburn. The Civil Service Secretary compiled the final scores and reported them to the Commission.

#### **VI. CERTIFY ELIGIBILITY LIST FOR ENTRY LEVEL POLICE OFFICER**

At the request of Police Chief Lausten, Commissioner Bragg made a motion to certify a list of four candidates for entry level police officer—Matthew Austin, Joshua Berlie, Pablo, Jimenez, and Mike Loyd. Seconded by Commissioner Paulhamus. Ayes: Birkey, Bragg, Filbrandt, and Paulhamus. Nays: None. Absent: Kollars. Motion carried.

#### **VII. CITY ADMINISTRATOR'S REPORT**

City Administrator Gunn had not report.

#### **VIII. COMMENTS FROM THE FLOOR**

There were no comments from the floor.

#### **IX. COMMENTS FROM THE COMMISSION**

There were no comments from the Commission.

#### **X. ADJOURNMENT**

At 8:45 p.m. Commissioner Birkey made a motion to adjourn the meeting. Seconded by Commissioner Bragg. Ayes: Birkey, Bragg, Filbrandt, and Paulhamus. Nays: None. Absent: Kollars. Motion carried.



Pamela A. Buethe  
Civil Service Secretary

City of LaVista  
Park & Recreation Advisory Committee Minutes  
April 18, 2007

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened at 7:03 p.m. Members present were John Vendetti, George Forst, and Chris Kuehner. Randy Cahill and Greg Johnson were absent. A notice of the meeting was given advance thereof by publication in the Papillion Times on April 12, 2007. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice is 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.

A. CALL TO ORDER

George Forst made the motion to call the meeting to order. Seconded by John Vendetti, motion carried.

B. CONSENT AGENDA

John Vendetti made the motion to approve the consent agenda. Seconded by Chris Kuehner, motion carried.

REPORTS FROM STAFF

Dave Karlson, Assistant Recreation Director reported on current programs. Adult softball currently has 16 coed teams and 72 men's teams for the summer session.

We are currently accepting registrations for the following sports, youth baseball, and youth softball.

Rich Carstensen, Program Director reported on the 3 special events that the recreation department hosted or will be hosting. The first event was the annual Easter Egg Hunt that was held on Saturday, April 7, 2007 at Central Park for children 12 and under. An estimated 600 – 800 children hunted for 18,000 eggs on a cold and windy day.

The second event will be the Spring Kite Fly that will be held on Sunday, April 29 from 12:00 noon to 5pm at the La Vista Sports Complex.

The third event will be the Hershey Track & Field Meet that will be held on Sunday, May 20 from 12:00 noon to 4:00 p.m. at the Papillion La Vista South Track.



Recreation Director Stopak informed the Committee that the open house to inform the community on the possible aquatic facility will be on Wednesday, May 30 at 6:30 p.m. at La Vista City Hall.

COMMENTS FROM THE FLOOR  
NO COMMENT.

COMMENTS FROM COMMITTEE MEMBERS

George Forst suggested that the golf course may want to advertise in local and statewide tourism brochures. Staff will look into this.

ADJOURNMENT

George Forst made the motion to adjourn. Seconded by Chris Kuehner, motion carried. Adjourned at 7:16 p.m.

# HunTel Communications

14109 "S" Street  
Omaha, Nebraska 68137  
Phone 402.493.5200

DATE	NUMBER	PAGE
3 30 07	96994	2

## INVOICE

CITY OF LA VISTA  
SOLD 8116 PARKVIEW BLVD.  
TO: LA VISTA, NE  
ATTN: ACCOUNTS PAYABLE  
68128

FIRE STATION  
SHIP 10727 CHANDLER RD.  
TO: LA VISTA, NE  
ATTN: PAT ARCHIBALD  
68128

ORDER NO.	ORDER DATE	CUSTOMER NO.	SALES PERSON	PURCHASE ORDER NO.	SHIP VIA	DATE SHIPPED	TERMS
79509	8 21 06	9388HARRIS		LFD2-06	402-331-434	Mar 30 07	Net 10 Days

QTY. ORDERED	QTY. SHIPPED	QTY. B.O.	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
				SUBTOTAL		18,406.86
				DOWNPAYMENT		0.00

SALE AMOUNT	
MISC. CHARGES SALES TAX FREIGHT	
TOTAL	18,406.86

Free Bond

OK

Consent

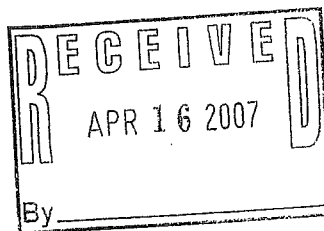
5-1-07

*Free Bond*  
*OK*  
*Consent*  
*Agenda*  
*5-1-07*



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68128

*Bob*

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79509	8 21 06	9388	HARRIS	LFD2-06	402-331-434	Mar 30 07	Net 10 Days

QTY. ORDERED	QTY. SHIPPED	QTY. B.O.	ITEM NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
			NSI-MITEL	MIT54000661 (AMC) 1 IP NE		
			MIT-50002976	MITEL IP POWER CORD PACK		
			MIT-50004894	MITEL 5224 DUAL IP PHONE		
S/N	AVABQ3058		AVABQ2970	AVABQ2952	AVABQ2969	
S/N	AVABQ3359		AVABQ3336	AVABQ2993	AVABQ3000	
S/N	AVABQ3097		AVABQ2870	AVABQ2843	AVABQ2746	
S/N	AVABQ2926		AVABQ3320	AVABQ2928	AVABQ3348	
S/N	AVABQ2955		AVABQ3346	AVABQ2951	AVABQ2840	
S/N	AVACB1563		AVACB1293			
			MIT-54000890	MITEL COMPRESSION RESOURC		
			MIT-54000923	MITEL IP SET LICENSE (4)		
			NSI-MITEL	MIT52001320 SX-200 ICP 6x		
S/N	PXAAB9845		AVAAW2698	AVAAV9042	AVAAV9044	
S/N	AVAAW8456		AVAAW8452	AVAAW3821	AVAAV9019	
S/N	AVAAW8515					
S/N	PXAAG4921		MIT-50003725	MITEL ICP ANALOG OPTION C		
			NSI-MITEL	MIT54000929 PC (2ND) PORT		
S/N	AABGD1479		NSI-MITEL	MIT50001267 ASU-24 PORT (		
S/N	AABGJ6969		MIT-50002979	MITEL IP 3300 QUAD DSP		
			MUL-MODEM	MULTITECH MT5656ZDX MODEM		
			NSI-ITEM	MISC. INSTALLATION EQUIP.		
			MAX-SURGEKSU	PANAMAX SURGE PROTECTOR F		
			AMP-4063311	AMP 48PT CAT5E PATCH PANE		
			WIR-TAILMXLE1	AMPHENOL TAIL 25PR.MALE/L		
			LAB-VOCINSTAL	LABOR-VOICE EQUIPMENT INS		
			LAB-IMPAC	LABOR-M/A/C VOICE PER HOU		
			LAB-TRAIN/COO	LABOR-PROJECT COORD/TRAIN		
			LAB-IMPVTR	LABOR-PROJECT COORD/TRAIN		

SALE AMOUNT

MISC. CHARGES  
SALES TAX  
FREIGHT

TOTAL

April 17, 2007

Invoice No: 04-0114.01 - 25

 Bob Lausten  
 Police Chief  
 City of La Vista  
 7701 South 96th St  
 La Vista, NE 68128-2198

Project 04-0114.01 La Vista Fire Department Satellite

**Current Construction Cost :**

 \$4,476,393 Contract Sum to Date  
 (135,000) Less allowances  
 \$4,341,393 Current construction cost

**Professional Services from March 1, 2007 to March 31, 2007**
**Fee**


Construction Cost	4,341,393.00
Fee Percentage	10.00
Total Fee	434,139.30

Billing Phase	Percent of Fee	Fee	Percent Complete	Earned
Schematic Design	10.00	43,413.93	100.00	43,413.93
Design Development	15.00	65,120.90	100.00	65,120.90
Construction Documents	40.00	173,655.72	100.00	173,655.72
Bidding	5.00	21,706.97	100.00	21,706.97
Construction Administration	30.00	130,241.79	95.00	123,729.70

Total Earned 427,627.22

Previous Fee Billing 421,115.13

Current Fee Billing 6,512.09

**Total Fee 6,512.09**
**Total this Invoice \$6,512.09**
  
 Bob Lausten  
 Consent Agenda  
 5-1-07

From:

04/25/2007 10:25

#310 P.002/017

4

March 27, 2007

Account Number: 001 7210 026967901

City of La Vista  
10727 CHANDLER RD  
OMAHA NE 68137

Page 1 of 4

Previous Balance	Payments Received	Adjustments	Current Charges	Total Due	Due By
\$3,311.20	\$0.00	\$4.95 Remove	\$0.34 Remove	3311.20 <del>\$3,316.49</del>	Apr 8, 2007

Current Charges as of March 27, 2007

Total Taxes 0.34

Total Current Charges \$0.34

Questions?

CUSTOMER SERV: 402-933-3000

BUSINESS ACCTS: 402-934-6000

SPANISH ACCTS: 402-932-9100

AMOUNT PAST DUE

\$3,311.20

### About Your Account

\*\*\*PAST DUE NOTICE\*\*\* Your payment may have crossed in the mail with this bill. If it did, please disregard this notice. Our records indicate the balance on your last bill was not paid by the due date. A late fee has been charged. PLEASE RUSH PAYMENT to our office to avoid interruption of service. If there is anything we can do to help clear up this matter, please call 934-6000. Please see the back of the statement for office hours and locations. Cox accepts all major credit cards.

### What's New from Cox

KETV has refused to give Cox permission to broadcast its HD signal. KETV wants Cox customers to pay millions of dollars for a signal that is available to the community for free. To express your dissatisfaction please contact KETV at 345-7777.

Please return this portion with your payment.

Amount Enclosed \$ \_\_\_\_\_

Allow 7 days for mail processing. Please include your account number on your check. Make checks payable to Cox Communications. Payment of this bill confirms your subscription to services and possession of equipment as listed.

07210001132026967901540331649



11505 W. DODGE ROAD  
OMAHA, NE 68164-2636

6400 0010 XC RP 01 0020037 03282007 NYNNNNNY 01

Account Number:  
001 7210 026967901  
Total Due: \$3,316.49

Payment Due By:  
Apr 8, 2007

#BWNJNPF  
#132PBFIFGIPA0019#  
City of La Vista  
10727 CHANDLER RD  
OMAHA NE 68137



COX BUSINESS SERVICES  
P.O. BOX 2380  
OMAHA NE 68103-2380



*Handwritten:*  
FIREBOND  
OK Consent  
Agenda  
BP 5-1-07



February 3, 2007

Account Number: **001 7210 026967901**

City of La Vista  
10727 CHANDLER RD  
OMAHA NE 68137

Page 1 of 4

Previous Balance	Payments Received	Adjustments	Current Charges	Total Due	Due By
\$0.00	\$0.00	\$0.00	\$3,311.20	<b>\$3,311.20</b>	<b>Feb 19, 2007</b>

**Current Charges as of February 3, 2007**

Total Cable Services	3,100.00
Total Taxes	211.20
<b>Total Current Charges</b>	<b>\$3,311.20</b>

**Questions?**

CUSTOMER SERV: 402-933-3000  
BUSINESS ACCTS: 402-934-6000  
SPANISH ACCTS: 402-932-9100

**About Your Account**

THANK YOU FOR YOUR BUSINESS! If we can help you in any way, please call us at 933-3000 or visit our Cox Express locations: 340 N 76th St, Mon-Fri 9A-7P, Sat 10A-4P; 717 N.132nd St, Mon-Fri 10A-7P, Sat 10A-4P; 1729 McPherson Ave in Council Bluffs, Mon-Fri 9A-6P; and 11507 S 42nd St in Bellevue, Mon-Fri 9A-6P. NOTE: FOR YOUR CONVENIENCE, COX ACCEPTS VISA, MASTERCARD, DISCOVER, AND AMERICAN EXPRESS. You may also pay your bill at any 1st National Bank location with your current bill stub.

**What's New from Cox**

KETV has refused to give Cox permission to broadcast its HD signal. KETV wants Cox customers to pay millions of dollars for a signal that is available to the community for free. To express your dissatisfaction please contact KETV at 345-7777.



11506 W. DODGE ROAD  
OMAHA, NE 68154-2538

6400 0010 XC RP 03 0026657 02042007 NNYNNY 01

**Account Number:**  
001 7210 026967901  
**Total Due:** \$3,311.20

**Payment Due By:**  
Feb 19, 2007

Please return this portion with your payment.

**Amount Enclosed \$** \_\_\_\_\_

Allow 7 days for mail processing. Please include your account number on your check. Make checks payable to Cox Communications. Payment of this bill confirms your subscription to services and possession of equipment as listed.

07210001132026967901560331120

#BWNJNPF  
#132PBFIFGIPA0019#  
City of La Vista  
10727 CHANDLER RD  
OMAHA NE 68137



COX BUSINESS SERVICES  
P.O. BOX 2380  
OMAHA NE 68103-2380

6400 0010 XC RP 03 0026657 02042007 NNYNNNNY 01

February 3, 2007

Account Number 001 7210 026967901

City of La Vista

Page 3 of 4

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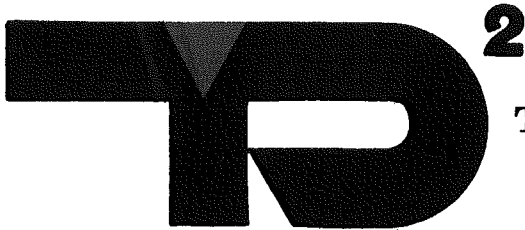
**Cox Cable Service**

Other Entertainment Services	Quantity	Amount
CONSTRUCTION COSTS (02/01)	1	3,100.00
<i>Total Other Entertainment Services</i>		<i>\$3,100.00</i>
<b>Total Cox Cable Service</b>		<b>\$3,100.00</b>

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**Taxes and Surcharge**

Cable/Internet Taxes	Amount
Franchise Fee	211.20
<i>Total Cable/Internet Taxes</i>	<i>\$211.20</i>
<b>Total Taxes and Surcharge</b>	<b>\$211.20</b>



**THOMPSON, DREESSEN & DORNER, INC.**  
**Consulting Engineers & Land Surveyors**

April 24, 2007

Mayor and City Council Members  
City of La Vista  
c/o Ms. Brenda Gunn, City Administrator  
8116 Park View Boulevard  
La Vista, Nebraska 68128

RE: La Vista Falls Golf Course Drainageway Stabilization  
TD<sup>2</sup> File No. 171-320.20

ROBERT E. DREESSEN, P.E.	TIMOTHY T. PAPSTEIN, P.E.
NELSON J. HYMANS, P.E.	MICHAEL J. SMITH, L.S.
JAMES D. WARNER, L.S.	TROY J. NISSEN, P.E., S.E.
CHARLES E. RIGGS, P.E.	DOUGLAS E. KELLNER, P.E.
KA "KIP" P. SQUIRE III, P.E., S.E.	KEVIN L. TRUE, L.S.
JOHN M. KOTTMANN, P.E.	GARY A. NORTON, P.E.
ARTHUR D. BECCARD, P.E.	BRIAN L. LODES, P.E.
JOSEPH G. KOSINOVSKY, P.E.	KURTIS L. ROHN, P.E.
DOUGLAS S. DREESSEN, P.E.	JEFFREY L. THOMPSON, P.E.
DEAN A. JAEGER, P.E.	DAREN A. KONDA, P.E.
RICHARD M. BROYLES, L.S.	MICHAEL T. CANIGLIA, L.S.
DAVID H. NEEF, L.S.	JEREMY T. STEENHOEK, P.E.
RONALD M. KOENIG, L.S.	JOSHUA J. STORM, P.E.
CHRIS E. DORNER, L.S.	

**CERTIFICATE OF COMPLETION**

We hereby certify that Nelson & Rock Contracting, Inc. has completed the construction of the above-referenced project in substantial compliance with the plans and specifications.

The work was satisfactorily performed and final payment is recommended in the amount shown on the enclosed Final Payment Recommendation.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.  
City Engineer

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, w/enclosure  
Mr. Gerry Bowen, PMRNRD, w/enclosure



FINAL PAYMENT RECOMMENDATION ON CONTRACT FOR LA VISTA FALLS GOLF  
COURSE DRAINAGEWAY STABILIZATION

Owner: City of La Vista  
8116 Park View Boulevard  
La Vista, Nebraska 68128

Contractor: Nelson & Rock Contracting, Inc.  
23565 Hwy K45  
Onawa, Iowa 51040

AMOUNT OF PREVIOUS PAYMENT RECOMMENDATIONS: \$0.00

Item	Description	Approx. Quantities		Unit Price		Amount
Schedule I - Eligible Items						
1	Clearing and Grubbing	1	LS	\$10,000.00	/ LS	\$10,000.00
2	Channel Grading (Haul Excess Off-Site Approx. 865 CY )	1,330	CY	\$7.00	/ CY	\$9,310.00
3	Top Soil (300 C.Y. Moved Twice)	600	CY	\$5.00	/ CY	\$3,000.00
4	Construct Energy Dissipation Elements in Armoflex Mat, in place	1	LS	\$4,000.00	/ LS	\$4,000.00
5	Construct Articulated Concrete Block Revetment Mattress Grouted and Anchored, in place	5,805	SF	\$10.00	/ SF	\$58,050.00
6	Geotextile Fabric, in place	685	SY	\$2.00	/ SY	\$1,370.00
7	Clean Crushed Rock, in place, if required	210	TON	\$15.00	/ TON	\$3,150.00
8	Remove and Reset Exsiting Storm Sewer pipe and Outlet	1	LS	\$2,000.00	/ LS	\$2,000.00
9	Remove and Dispose of Existing 15" PVC Pipe	80	LF	\$1.00	/ LF	\$80.00
10	Remove and Dispose of Existing Rip Rap	1	LS	\$3,000.00	/ LS	\$3,000.00
11	Mobilize/Demobilize	1	LS	\$12,000.00	/ LS	\$12,000.00
Sub-Total Schedule I Bid						\$105,960.00
Schedule II - Non-Eligible Items						
1	Remove and Replace 5" ACC Pavement	244	SF	\$5.00	/ SF	\$1,220.00
2	Remove and Replace 5" Thick Crushed Rock Cart Path	420	SF	\$1.00	/ SF	\$420.00
3	Construct 84" I.D. Storm Sewer Manhole	1	LS	\$12,000.00	/ LS	\$12,000.00
4	Construct 48" I.D. R.C.P., Class III w/Bedding, in place	20	LF	\$120.00	/ LF	\$2,400.00
Sub-Total Schedule II Bid						\$16,040.00

Item	Description	Approx. Quantities	Unit Price	Amount
	Change Order No.1			
	Additions			
1.1	Add sheet pile wing walls at south end of cart path bridge	220 SF	\$22.00 / SF	\$4,840.00
1.2	Fill voids around existing 48" storm sewer with flowable concrete	7 CY	\$650.00 / CY	\$4,550.00
	Deletions			
1.3	Delete crushed rock bedding	194 Ton	\$15.00 / Ton	(\$2,910.00)
	Total Change Order No.1			\$6,480.00
	TOTAL			\$128,480.00
	LESS PREVIOUS PAYMENT RECOMMENDATION			\$0.00
	<b>AMOUNT DUE CONTRACTOR</b>			<b>\$128,480.00</b>

We recommend that payment in the amount of \$128,480.00 be made to Nelson & Rock Contracting, Inc.

Respectfully submitted,

THOMPSON, DREESSEN & DORNER, INC.



John M. Kottmann, P.E.  
City Engineer

JMK/jlf

cc: Nelson & Rock Contracting, Inc.

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----									
1	Bank of Nebraska (600-873)								
		45876			Payroll Check				
		45877			Missing Checks				
Thru		88990							
		88991	4/18/2007	257	SOUTHEAST AREA CLERKS ASSN	100.00			**MANUAL**
		88992	4/18/2007	3435	WATER'S EDGE AQUATIC DESIGN	1,500.00			**MANUAL**
		88993	4/19/2007	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	372.00			**MANUAL**
		88994	4/19/2007	944	NE DEPT OF REVENUE-LOTT/51	66,418.43			**MANUAL**
		88995	4/23/2007	480	UNITED STATES POSTAL SERVICE	889.00			**MANUAL**
		88996	4/23/2007	615	MILLER BRANDS OF OMAHA INC	204.60			**MANUAL**
		88997	4/23/2007	1270	PREMIER-MIDWEST BEVERAGE CO	102.30			**MANUAL**
		88998	4/23/2007	1194	LAWLESS DISTRIBUTING	355.50			**MANUAL**
		88999	5/01/2007	762	ACTION BATTERIES UNLTD INC	10.96			
		89000	5/01/2007	2723	AKSARBEN GARAGE DOOR SVCS INC	405.00			
		89001	5/01/2007	87	AMERICAN FENCE COMPANY INC	95.50			
		89002	5/01/2007	81	AMSAN	892.23			
		89003	5/01/2007	557	APWA-AMER PUBLIC WORKS ASSN	129.00			
		89004	5/01/2007	196	AQUILA	6,093.01			
		89005	5/01/2007	536	ARAMARK UNIFORM SERVICES INC	202.98			
		89006	5/01/2007	3685	ASAP SOFTWARE	.00	**CLEARED**	**VOIDED**	
		89007	5/01/2007	3685	ASAP SOFTWARE	336.00			
		89008	5/01/2007	201	BAKER & TAYLOR BOOKS	328.22			
		89009	5/01/2007	849	BARONE SECURITY SYSTEMS	780.00			
		89010	5/01/2007	3169	BATTERY ZONE INC	57.90			
		89011	5/01/2007	1839	BCDM-BERINGER CIACCIO DENNELL	585.00			
		89012	5/01/2007	843	BEACON ATHLETICS	570.00			
		89013	5/01/2007	929	BEACON BUILDING SERVICES	6,737.00			
		89014	5/01/2007	1784	BENNINGTON IMPLEMENT	2,029.58			
		89015	5/01/2007	3448	BIRCH, ANN	50.00			
		89016	5/01/2007	117	BRODART	357.84			
		89017	5/01/2007	1294	CAPSTONE PRESS INCORPORATED	30.90			
		89018	5/01/2007	2285	CENTER POINT PUBLISHING	77.88			
		89019	5/01/2007	252	CITY OF RALSTON	1,155.51			
		89020	5/01/2007	468	CONTROL MASTERS INCORPORATED	384.70			
		89021	5/01/2007	3706	CORBIT, JEFF	100.00			
		89022	5/01/2007	2158	COX COMMUNICATIONS	184.10			
		89023	5/01/2007	2433	DANIELSON EQUIPMENT/SUPPLY CO	62.50			
		89024	5/01/2007	2374	DAYSPRING PRINTING	124.50			
		89025	5/01/2007	77	DIAMOND VOGEL PAINTS	208.45			
		89026	5/01/2007	127	DON'S PIONEER UNIFORMS	140.85			
		89027	5/01/2007	364	DULYMEIER SALES & SERVICE	43.44			
		89028	5/01/2007	3084	EBSCO SUBSCRIPTION SERVICES	52.45			
		89029	5/01/2007	1042	ED M. FELD EQUIPMENT	1,192.74			
		89030	5/01/2007	3334	EDGEWEAR SCREEN PRINTING	1,520.00			
		89031	5/01/2007	462	EDM EQUIPMENT	213.00			
		89032	5/01/2007	3776	ELECTRIC SPECIALTIES COMPANY	120.00			
		89033	5/01/2007	3463	FARQUHAR, MIKE	100.00			
		89034	5/01/2007	3771	FEAUTO, RYAN	22.00			



## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89035	5/01/2007	1245	FILTER CARE	104.05			
89036	5/01/2007	439	FIREGUARD INC	109.68			
89037	5/01/2007	142	FITZGERALD SCHORR BARMETTLER	17,938.30			
89038	5/01/2007	3673	FOSTER, TERRY	20.00			
89039	5/01/2007	3756	FROEHLICH, RORY	63.00			
89040	5/01/2007	35	GOLDMAN, JOHN G	80.00			
89041	5/01/2007	3773	GRIECO, ANGELA	45.00			
89042	5/01/2007	3473	GUNN, BRENDA S	300.00			
89043	5/01/2007	1044	H & H CHEVROLET	42.80			
89044	5/01/2007	3775	HARTS AUTO SUPPLY	117.00			
89045	5/01/2007	1744	HEARTLAND AWARDS	44.80			
89046	5/01/2007	2407	HEIMES CORPORATION	54.67			
89047	5/01/2007	1403	HELGET GAS PRODUCTS INC	50.00			
89048	5/01/2007	3496	HELWIG, JOHN	20.00			
89049	5/01/2007	3757	HOWE, NICK	63.00			
89050	5/01/2007	136	HUNTEL COMMUNICATIONS, INC	528.00			
89051	5/01/2007	1151	ICMA-INTL CITY/COUNTY MANAGE	848.00			
89052	5/01/2007	835	IVERSON, DENNIS	40.00			
89053	5/01/2007	2534	IWAN, ROSE	45.00			
89054	5/01/2007	1896	J Q OFFICE EQUIPMENT INC	518.65			
89055	5/01/2007	3112	JACK'S UNIFORMS & EQUIPMENT	3,599.69			
89056	5/01/2007	3020	JENSEN, APRIL	40.00			
89057	5/01/2007	379	JOHNSON HARDWARE COMPANY	20.80			
89058	5/01/2007	2862	KELLER, RON	20.00			
89059	5/01/2007	3047	KEY MASTERS OF GREATER OMAHA	72.50			
89060	5/01/2007	3687	KIMBALL MIDWEST	52.13			
89061	5/01/2007	788	KINDIG, DOUGLAS	30.00			
89062	5/01/2007	3474	KINDIG, DOUGLAS	150.00			
89063	5/01/2007	1054	KLINKER, MARK A	200.00			
89064	5/01/2007	274	KOSISKI AUTO PARTS INC	50.00			
89065	5/01/2007	1061	KUSTOM SIGNALS INCORPORATED	200.00			
89066	5/01/2007	2057	LA VISTA COMMUNITY FOUNDATION	257.00			
89067	5/01/2007	926	LAMP RYNEARSON/ASSOCIATES INC	282.54			
89068	5/01/2007	1288	LIFE ASSIST	5,920.85			
89069	5/01/2007	877	LINWELD	441.23			
89070	5/01/2007	418	LUEBBERT, RAY	20.00			
89071	5/01/2007	2124	LUKASIEWICZ, BRIAN	71.25			
89072	5/01/2007	741	LYNN PEAVEY COMPANY	3.40			
89073	5/01/2007	1081	M & M PORTABLES	94.86			
89074	5/01/2007	3770	MATT FRIEND TRUCK EQUIPMENT	7,512.00			
89075	5/01/2007	3215	MCS SOLUTIONS	131.25			
89076	5/01/2007	153	METRO AREA TRANSIT	510.00			
89077	5/01/2007	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
89078	5/01/2007	553	METROPOLITAN UTILITIES DIST.	356.46			
89079	5/01/2007	2497	MID AMERICA PAY PHONES	100.00			
89080	5/01/2007	2030	MIDWEST FENCE COMPANY	108.33			
89081	5/01/2007	2701	MIDWEST MUDJACKING INC	277.50			
89082	5/01/2007	1046	MIDWEST TURF & IRRIGATION	653.39			
89083	5/01/2007	2382	MONARCH OIL INC	345.00			
89084	5/01/2007	342	MUNICIPAL PIPE TOOL CO INC	7,980.00			
89085	5/01/2007	488	NATIONAL SAFETY COUNCIL	640.00			
89086	5/01/2007	590	NE DEPT OF ROADS	14,000.00			
89087	5/01/2007	981	NEBRASKA CHAPTER APWA	720.00			

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89088	5/01/2007	3350	NEBRASKA IOWA SUPPLY			.00	**CLEARED**	**VOIDED**	
89089	5/01/2007	3350	NEBRASKA IOWA SUPPLY			26,151.30			
89090	5/01/2007	479	NEBRASKA LIBRARY COMMISSION			1,825.00			
89091	5/01/2007	440	NEBRASKA MACHINERY COMPANY			116.08			
89092	5/01/2007	2388	NEBRASKA NATIONAL BANK			660.00			
89093	5/01/2007	2529	NEBRASKA SOFTBALL ASSN DIST#10			1,760.00			
89094	5/01/2007	1830	NEBRASKA U C FUND			6,502.00			
89095	5/01/2007	808	NEWMAN TRAFFIC SIGNS INC			624.00			
89096	5/01/2007	2631	NEXTEL PARTNERS INC			1,184.92			
89097	5/01/2007	3778	ODEY'S INCORPORATED			94.08			
89098	5/01/2007	1014	OFFICE DEPOT INC-CINCINNATI			188.55			
89099	5/01/2007	79	OMAHA COMPOUND COMPANY			62.75			
89100	5/01/2007	195	OMAHA PUBLIC POWER DISTRICT			88.40			
89101	5/01/2007	2129	OMB EXPRESS POLICE SUPPLY			128.98			
89102	5/01/2007	3758	OVERLY, STEVE			63.00			
89103	5/01/2007	2647	PAPILLION LA VISTA SCHOOL DIST			40.00			
89104	5/01/2007	3039	PAPILLION SANITATION			273.18			
89105	5/01/2007	976	PAPILLION TIRE INCORPORATED			75.70			
89106	5/01/2007	2686	PARAMOUNT LINEN & UNIFORM			628.66			
89107	5/01/2007	629	PATTON EQUIPMENT CO INC			170.00			
89108	5/01/2007	1769	PAYLESS OFFICE PRODUCTS INC			17.97			
89109	5/01/2007	1723	PENWORTHY COMPANY			768.17			
89110	5/01/2007	3058	PERFORMANCE CHRYSLER JEEP			346.00			
89111	5/01/2007	1821	PETTY CASH-PAM BUETHE			162.79			
89112	5/01/2007	3759	PICS SMARTCARD INC			61.28			
89113	5/01/2007	159	PRECISION INDUSTRIES INC			167.42			
89114	5/01/2007	3657	PROPERTY SERVICES			132.00			
89115	5/01/2007	686	PRUITT INCORPORATED			151.16			
89116	5/01/2007	3498	PVP COMMUNICATIONS			41.00			
89117	5/01/2007	3763	QUEDENSLEY, BRAD			63.00			
89118	5/01/2007	219	QWEST			2,547.87			
89119	5/01/2007	58	RAINBOW GLASS & SUPPLY			120.95			
89120	5/01/2007	1365	RANDOM HOUSE INC			34.00			
89121	5/01/2007	191	READY MIXED CONCRETE COMPANY			195.10			
89122	5/01/2007	3139	RECORDED BOOKS, LLC			1,073.15			
89123	5/01/2007	3764	REVIVE INCORPORATED			340.00			
89124	5/01/2007	1063	ROSE EQUIPMENT INCORPORATED			59.93			
89125	5/01/2007	643	SAFETY-KLEEN CORPORATION			273.35			
89126	5/01/2007	487	SAPP BROS PETROLEUM INC			951.56			
89127	5/01/2007	2240	SARPY COUNTY COURTHOUSE			3,099.17			
89128	5/01/2007	150	SARPY COUNTY TREASURER			.00	**CLEARED**	**VOIDED**	
89129	5/01/2007	150	SARPY COUNTY TREASURER			24,473.25			
89130	5/01/2007	3767	SETON IDENTIFICATION PRODUCTS			104.60			
89131	5/01/2007	3779	SEVENER, DUTCH			20.00			
89132	5/01/2007	3217	SHERWIN-WILLIAMS			169.28			
89133	5/01/2007	2186	SID 195 - MAYFAIR			660.00			
89134	5/01/2007	2188	SID 200 - SOUTHWIND			3,300.00			
89135	5/01/2007	461	SIMPLEX GRINNELL LP			949.50			
89136	5/01/2007	2272	SMALL, BRADY			40.00			
89137	5/01/2007	3707	SMITH, MELANIE			100.00			
89138	5/01/2007	533	SOUICIE, JOSEPH H JR			30.00			
89139	5/01/2007	2190	SPETHMAN-TWIFORD, LORI			40.00			
89140	5/01/2007	505	STANDARD HEATING AND AIR COND			574.00			

COUNCIL MEMBER



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND SECTIONS 31.21, 33.17, 33.21, 33.57, 35.48, 35.50, 70.035, 70.056, 71.016, AND 114.30 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAMELA A. BUETHE CITY CLERK

**SYNOPSIS**

Ordinances have been prepared to amend Sections 31.21, 33.17, 33.21, 33.57, 35.48, 35.50, 70.035, 70.056, 71.016, and 114.30 of the La Vista Municipal Code.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

These changes are a result of American Legal Publishing Corporation incorporating the legislative changes from the previous legislative session into our Code including some minor language changes.

Note: Additions are highlighted in yellow and deletions have a line through them.

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 31.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 31.21 of the La Vista Municipal Code is amended to read as follows:

**§ 31.21 CITY TREASURER.**

(A) (1) The City Treasurer shall receive all money belonging to the city and shall keep books and accounts in such a manner as the Mayor and City Council shall prescribe. The Treasurer shall keep a daily cash book, which shall be footed and balanced daily, and such books and accounts shall always be subject to inspection of the Mayor, members of the City Council, and such other persons as they may designate. (Neb. RS 16-717)

(2) The Treasurer shall keep all money in his or her hands belonging to the city separate and distinct from the Treasurer's own money. The Treasurer is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his or her custody and keeping for his or her own use and benefit or that of any other person whomsoever. Any violation of this provision shall subject the Treasurer to immediate removal from office by the City Council, and it may declare such office vacant. The Mayor shall appoint a successor who shall be confirmed by the City Council to hold office for the remainder of the term. (Neb. RS 16-719)

(3) The Treasurer shall be required to give bond in not less than \$25,000 or may be required to give bond in double the sum of money estimated by the City Council at any time to be in his or her hands belonging to the city and school district, and the Treasurer shall be the custodian of all money belonging to the corporation. The City Council shall pay the actual premium of the bond of the Treasurer. The Treasurer shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. The Treasurer shall give every person paying money into the treasury a receipt therefore, specifying date of payment and on what account paid and shall also file a copy of the receipts, except tax receipts, with his or her monthly reports. The Treasurer shall at the end of every month, and as often as may be requested, render an account to the City Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money in the treasury. The Treasurer shall also accompany such account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with all vouchers held by the Treasurer, shall be filed with the account in the Clerk's office. The Treasurer shall produce and show all funds shown by the report to be on hand or satisfy the City Council or its committee that he or she has such funds in custody or under control. If the Treasurer neglects or fails for the space of ten days from the end of every month to render his or her account, the treasurer's office may, by resolution of the Mayor and City



Council, be declared vacant, and the Mayor shall appoint and the City Council confirm some person to fill the vacancy until the next election for city officers. The Treasurer may employ and appoint a delinquent tax collector, who shall be allowed a percent upon collections to be fixed by the City Council not to exceed the fees allowed by law to the county treasurer for like services, and upon taxes collected by such delinquent tax collector the City Treasurer shall receive no fees. The City Treasurer shall prepare all paving and curbing tax lists and shall collect all paving and curbing taxes.  
(Neb. RS 16-318) ('79 Code, § 1-309)

**Statutory reference:**

*Treasurer's statutory duties, Neb. RS 16-717 through 16-722*

(B) The Treasurer shall make duplicate receipts for all sums paid into the Treasury, which receipts shall (i) specify the date of payment and what account paid; (ii) show the source from which such funds are derived and (iii) by distinct lines and columns, show the amount received to the credit of each separate fund, and whether same was paid in cash, in warrants, or otherwise, one of which duplicates the Treasurer shall deliver to the person making such payment and the other he or her shall retain in his or her office and file such copy (except tax receipts) with his or her monthly reports.  
(Neb. RS 77-2209) ('79 Code, § 1-310)

(C) The Treasurer shall daily, as moneys are received, foot the several columns of his or her cashbook and of his or her register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in such register and shall carry forward the excess. Any Treasurer who shall fail regularly to enter upon his or her cashbook the amounts so received and receipted for, or who shall fail to keep his or her cashbook footed from day to day for the space of three days, shall forfeit for each offense the sum of \$100 to be recovered in a civil action on his or her official bond by any person holding a warrant drawn on such Treasurer, one-half to the person bringing such action and one-half to the school fund of the county in which the action is brought. The cashbook, register and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid.  
(Neb. RS 77-2210 through 77-2212) ('79 Code, § 1-311)

(D) It shall be the duty of the Treasurer to prepare and publish annually, within 60 days following the close of the city fiscal year, a statement of the receipts and expenditures by funds of the city for the preceding fiscal year. Not more than the legal rate shall be charged and paid for such publication. Such publication shall be made in one legal newspaper of general circulation in the city. Any Treasurer failing or neglecting to prepare and publish such statement of receipts and expenditures shall be deemed guilty of a misdemeanor and shall upon conviction pay a fine not to exceed \$25 and be liable in addition to removal from office for such failure or neglect.  
(Neb. RS 19-1101, 19-1103, 19-1104) ('79 Code, § 1-312)

(E) (1) The Treasurer shall keep a warrant register which **register** shall show in columns arranged for that purpose, the number, date and amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest and the total amount paid thereon, with the date when notice to the person in whose name such warrant is mailed as herein provided **registered is mailed**.  
(Neb. RS 77-2202)

(2) On presentation of a warrant for payment to the Treasurer when there are not sufficient moneys on hand to the credit of the proper fund to pay the same, it shall be the duty of the Treasurer to enter such warrant in his or her warrant register for payment in the order of its presentation, and he or she shall endorse on the warrant the words "registered for payment" with the date of registration and shall sign such endorsement, whereupon the warrant shall draw interest at the rate fixed by the Mayor and City Council, which rate shall be endorsed on the warrant, until notice of payment shall be given the registered owner.  
(Neb. RS 45-106 and 77-2203)

(3) The Treasurer shall neither directly or indirectly contract for or purchase any city warrant at any discount whatever upon the sum due on such warrant or order, and if he or she shall so contract for or purchase any such order or warrant, he or she shall not be allowed in settlement the amount of such order or warrant, or any part thereof, and shall also forfeit the whole amount due on such order or warrant.  
(Neb. RS 77-1741) ('79 Code, § 1-313)

**Cross-reference:**

*Finance Director to perform duties of the City Treasurer, see § 31.01 of this code of ordinances*

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 3. Severability.** 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 or constitutionality 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 4. Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk



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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.17; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 33.17 of the La Vista Municipal Code is amended to read as follows:

**§ 33.17 CLOSED SESSIONS.**

(A) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for but shall not be limited to such reasons as:

(1) (a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(2) Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(B) The vote to hold a closed session shall be taken in open session. The entire motion the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (A)(1)(a).

(C) Any member of the public body shall have the right to challenge the

continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(D) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this subchapter **or the Open Meetings Act**. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this subchapter **or the Act**.

(E) The provisions of this subchapter **and the Act** shall **do** not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened **and if** there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction or advisory power.  
(Neb. RS 84-1410) ('79 Code, § 1-604) (Am. Ord. 353, passed 12-6-83; Am. Ord. 563, passed 5-4-93; Am. Ord. 626, passed 9-5-95)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

K:\APPS\City Hall\ORDINANCES\Amend 33.17 Closed Sessions



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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.21; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 33.21 of the La Vista Municipal Code is amended to read as follows:

**§ 33.21 NOTICE TO NEWS MEDIA.**

The City Clerk, in the case of the City Council, and the secretary or other designee of each other public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(Neb. RS 84-1411) ('79 Code, § 1-608)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.57; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 33.57 of the La Vista Municipal Code is amended to read as follows:

**§ 33.57 CONFLICT OF INTEREST INVOLVING CONTRACTS.**

~~(A) (1) For purposes of this section, **OFFICER** shall mean:~~

~~\_\_\_\_\_ (a) Any member of any board or commission of the city;~~

~~\_\_\_\_\_ (b) Any appointed official, if such city official serves on a board or commission which spends and administers its own funds and is dealing with a contract made by such board or commission; or~~

~~\_\_\_\_\_ (c) Any elected city official.~~

~~\_\_\_\_\_ (2) Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section, with respect to their duties as firefighters and ambulance drivers.~~

~~\_\_\_\_\_ (B) (1) No officer of the city shall be permitted to benefit from any contract to which the city is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the city or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor or services furnished under the contract, to the extent that the city has benefitted thereby.~~

~~\_\_\_\_\_ (2) The prohibition in this section shall apply only when the officer or his or her parent, spouse or child:~~

~~\_\_\_\_\_ (a) Has a business association with the business involved in the contract.~~  
~~**BUSINESS ASSOCIATION** means a business:~~

~~\_\_\_\_\_ 1. In which the individual is a partner, limited liability company member, director or officer; or~~

~~\_\_\_\_\_ 2. In which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock worth \$10,000 or more at fair market value or which represents more than 10% equity interest; or~~



~~\_\_\_\_\_ (b) Will receive a direct pecuniary fee or commission as a result of the contract, except that if such officer is an employee of the business involved in the contract and has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.~~

~~\_\_\_\_\_ (3) The provisions of this section shall not apply if the interested officer:~~

~~\_\_\_\_\_ (a) Makes a declaration on the record to the City Council responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;~~

~~\_\_\_\_\_ (b) Does not vote on the matter of granting the contract, except that if the number of members of the Board declaring an interest in the contract would prevent the Board, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and~~

~~\_\_\_\_\_ (c) Does not act for the city as to inspection or performance under the contract in which he or she has an interest.~~

~~\_\_\_\_\_ (D) The receiving of deposits, cashing of checks and buying and selling of warrants and bonds of indebtedness of any city by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of division (C), if an officer's parent, spouse or child is an employee of the city, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse or child for special action. If an officer has the power to employ personnel and he or she hires his or her parent, spouse or child, such officer shall disclose the hiring pursuant to division (E), except that if the parent, spouse or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the city.~~

~~(Neb. RS 49-14,103.01)~~

~~\_\_\_\_\_ (E) (1) The City Clerk shall maintain, separately from other records, a ledger containing the information listed in subdivisions (2)(a) through (e) of this division (E) about every contract entered into by the city in which an officer has an interest as specified above for which disclosure is made as provided in division (C).~~

~~\_\_\_\_\_ (2) Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the:~~

~~\_\_\_\_\_ (a) Names of the contracting parties;~~

~~\_\_\_\_\_ (b) Nature of the interest of the officer in question;~~

~~\_\_\_\_\_ (c) Date that the contract was approved by the city involved;~~

~~\_\_\_\_\_ (d) Amount of the contract; and~~

~~\_\_\_\_\_ (e) Basic terms of the contract.~~

~~—(F) The information supplied relative to the contract shall be provided to the Clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the Clerk shall be available for public inspection during the normal working hours of the office in which it is kept.~~

~~(Neb. RS 49-14,103.02)~~

~~—(G) An open account established for the benefit of any city or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the Clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.~~

~~(Neb. RS 49-14,103.03)~~

~~—(H) Notwithstanding divisions (D) through (G) of this section, the City Council may prohibit contracts over a specific dollar amount in which an officer of the City Council may have an interest.~~

~~(Neb. RS 49-14,103.05)~~

~~—(I) The city may enact ordinances exempting from the provisions of this section contracts involving \$100 or less in which an officer of such city may have an interest.~~

~~(Neb. RS 49-14,103.06)~~

~~—(J) No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the city other than his or her salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which shall come within the proper scope of the duties of any officer of the city, unless the same is specifically appropriated and ordered by a vote of three-fourths of all the members elected to the City Council.~~

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

#### BUSINESS ASSOCIATION

##### (a) A business:

1. In which the individual is a partner, limited liability company member, director, or officer, or

2. In which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock worth \$10,000 or more at fair market value or which represents more than 10% equity interest.

(b) An individual who occupies a confidential professional relationship protected by law shall be exempt from this definition. This definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockholder.

(Neb. RS 49-1408)

IMMEDIATE FAMILY. A child residing in an individual's household, a spouse of an



individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.  
(Neb. RS 49-1425)

**OFFICER.**

**(a) Includes:**

1. A member of any board or commission of the city which spends and administers its own funds, who is dealing with a contract made by such board or commission; or

2. Any elected city official.

(b) OFFICER does not mean volunteer firefighters or ambulance drivers with respect to their duties as firefighters or ambulance drivers.

(B) (1) Except as provided in Neb. RS 49-1499.04 or 70-624.04, no officer may have an interest in any contract to which his or her governing body, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of the contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the County Attorney, the governing body, or any resident within the jurisdiction of the governing body and shall be brought within 1 year after the contract is signed or assigned. The decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the governing body has benefited thereby.

(2) The prohibition in this division (B) shall apply only when the officer or his or her parent, spouse, or child:

(a) Has a business association with the business involved in the contract;  
or

(b) Will receive a direct pecuniary fee or commission as a result of the contract.

(C) Division (B) of this section does not apply if the contract is an agenda item approved at a meeting of the governing body and the interested officer.

(1) Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest prior to official consideration of the contract;

(2) Does not vote on the matters of granting the contract, making payments pursuant to the contract, or accepting performance of work under the contract, or similar matters relating to the contract, except that if the number of members of the governing body declaring an interest in the contract would prevent the body with all members present from securing a quorum on the issue, then all members may vote on the matters; and

(3) Does not act for the governing body which is a party to the contract as to inspection or performance under the contract in which he or she has an interest.



(D) An officer who has no business association with the business involved in the contract, or will not receive a direct pecuniary fee or commission as a result of the contract, shall not be deemed to have an interest within the meaning of this section.

(E) The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such governing body by a financial institution shall not be considered a contract for purposes of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.

(F) If an officer's parent, spouse, or child is an employee of the officer's governing body, the officer may vote on all issues of the contract which are generally applicable to all employees, or all employees within a classification, and do not single out his or her parent, spouse, or child for special action.

(G) Neb. RS 49-14,102 does not apply to contracts covered by this section.  
(Neb. RS 49-14,103.01)

(H) (1) The person charged with keeping records for the governing body shall maintain separately from other records a ledger containing the information listed in divisions (H)(1)(a) through (H)(1)(e) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to division (C) of this section. This information shall be kept in the ledger for 5 years from the date of the officer's last day in office and shall include:

(a) The names of the contracting parties;

(b) The nature of the interest of the officer in question;

(c) The date that the contract was approved by the governing body;

(d) The amount of the contract; and

(e) The basic terms of the contract

(2) The information supplied relative to the contract shall be provided no later than 10 days after the contract has been signed by both parties. The ledger kept pursuant to this division (H) shall be available for public inspection during the normal working hours of the office in which it is kept.  
(Neb. RS 49-14,103.02)

(I) An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to this section. The statement required to be filed by division (H) of this section shall be filed within 10 days after the account is opened. Thereafter, the person charged with keeping records for the governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to this section.  
(Neb. RS 49-14,103.03)

(J) Notwithstanding division (A) through (I) of this section, the governing body may prohibit contracts over a specific dollar amount in which an officer of the governing body may have an interest.

(Neb. RS 49-14,103.05)

(K) The governing body may exempt from divisions (A) through (I) of this section, contracts involving \$100 or less in which an officer of that body may have an interest.  
(Neb. RS 49-14,103.06)

(L) No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the city other than his or her salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which shall come within the proper scope of the duties of any officer of the city, unless the same is specifically appropriated and ordered by a vote of three-fourths of all the members elected to the City Council.

(Neb. RS 16-502)

('79 Code, § 1-404) (Am. Ord. 352, passed 11-15-83; Am. Ord. 379, passed 2-5-85; Am. Ord. 421, passed 10-7-86)

**Statutory reference:**

*Private gain by public officers, see Neb. RS 18-305 through 18-312*

*Holding dual elective offices, see Neb. RS 32-604*

*Penalty for violation of Neb. RS 49-14,103.01 to 49-14,103.03, see Neb. RS 49-14,103.04*

*Utility directors and employees permitted to serve in elected office, see Neb. RS 70-624.04*

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 3. Severability.** 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 or constitutionality 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 4. Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

K:\APPS\City Hall\ORDINANCES\Amend 33.57 Conflict of Interest Involving Contracts



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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.48; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 35.48 of the La Vista Municipal Code is amended to read as follows:

**§ 35.48 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT TAXED.**

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the City Council shall file with and certify to the levying board **or boards** on or before September 20 of each year and file with the Auditor of Public Accounts a copy of the adopted budget statement **which complies with Neb. RS 13-518 to 13-522**, together with the amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued by the City Council, and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) The City Council, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year which is still pending. Except for such allowances, the City Council shall not certify an amount of tax more than 1% greater or lesser than the amount determined under § 35.46(C) and Neb. RS 13-505.

(C) The City Council shall use the final adjusted values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the levy. The City Council may designate one of its members to perform any duty or responsibility required of ~~such body~~ **the Council** by this section. (Neb. RS 13-508) ('79 Code, § 1-904) (Am. Ord. 603, passed 1-3-95; Am. Ord. 670, passed 6-17-97; Am. Ord. 702, passed 10-21-97)

***Statutory reference:***

*Additional provisions regarding reimbursement of property taxes pursuant to Neb. RS 13-504(1), see Neb. RS 13-508(1)*

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 35.50; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 35.50 of the La Vista Municipal Code is amended to read as follows:

**§ 35.50 PROPERTY TAX LEVY REQUEST; AUTHORITY TO SET PROCEDURE.**

(A) The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. RS 77-1601 unless the City Council passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the city at least five days prior to the hearing.

(B) The hearing notice shall contain the following information:

(1) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;

(2) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and

**Finance and Revenue**

(3) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

(C) Any resolution setting a tax request under this section shall be certified and forwarded to the County Clerk prior to October 14 of the year for which the tax request is to apply. Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606.  
(Neb. RS 77-1601.02) ('79 Code, § 1-904.01) (Ord. 703, passed 10-21-97)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.035; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 70.035 of the La Vista Municipal Code is amended to read as follows:

**§ 70.035 CHILD PASSENGER RESTRAINT SYSTEM.**

(A) (1) Any person driving any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(a) All children ~~under the age of five or weighing less than 40 pounds~~ **up to six years of age** being transported in such vehicle use a child **passenger** restraint system of a type which meets federal Motor Vehicle Safety Standard 213 as developed by the National Highway Safety Administration as of ~~July 10, 1990~~ **January 1, 2006**, and which is correctly installed in such vehicle; and

(b) All children ~~under the age of 16 and weighing 40 or more pounds~~ **six years of age and less than 18 years of age** being transported in such vehicle use an occupant protection system.

(2) This division (A) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to federal Motor Vehicle Safety Standard 208, **as such standard existed on January 1, 2006**, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(B) Whenever any licensed physician determines through accepted medical procedures that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of division (A) of this section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(C) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (A) of this section when operating such authorized emergency



vehicles pursuant to their employment.

(Neb. RS 60-6,267)

(D) A driver of a motor vehicle shall not be subject to the requirements of division (A) of this section if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law or local ordinances and resolutions.

(E) All persons being transported by a motor vehicle operated by the holder of a provisional operator's permit or a school permit shall use such motor vehicles' occupant protection system.

(F) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been cited or charged with a violation or some other offense.

('79 Code, § 5-442) (Ord. 402, passed 11-19-85; Am. Ord. 523, passed 3-5-91) Penalty, see § 70.999

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.056; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 70.056 of the La Vista Municipal Code is amended to read as follows:

**§ 70.056 PENALTY.**

Every person convicted of violating the provisions of this subchapter relative to the duty to stop in the event of accident **certain accidents** shall be subject to the penalties set forth in state statutes for the particular violation or violations, which statutes provide for varying penalties depending on the circumstances, in some cases providing for a fine of up to \$1,000, or up to one year imprisonment, or both. In addition, the court in some cases shall prohibit the person from driving any motor vehicle for a period of not more than one year from the date of payment, or satisfaction of fine, or discharge from jail or a correctional facility, whichever is later, and revoke any operator's or chauffeur's license for a like period.

(Neb. RS 60-696, 60-698) ('79 Code, § 5-431)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\City Hall\ORDINANCES\Amend 70.056 Penalty



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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 71.016; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 71.016 of the La Vista Municipal Code is amended to read as follows:

**§ 71.016 DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS.**

(A) It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle:

(1) While under the influence of alcoholic liquor or of any drug;

(2) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood; or

(3) When such person has a concentration of ten-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.

(B) Any person who operates or has in his or her actual physical control a motor vehicle in this state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood, breath or urine for purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath or urine.

(C) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the city may require any person arrested for any offense arising out of acts alleged to have been committed while the person was driving or was in actual physical control of a motor vehicle while under the influence of alcoholic liquor or drugs to submit to a chemical test or tests of his or her blood, breath or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath or urine when the officer has reasonable grounds to believe that such person was driving or was in the actual physical control of a motor vehicle in the city while under the influence of alcoholic liquor or drugs in violation of this section.

(D) Any peace officer who has been duly authorized to make arrests for violation of traffic laws of the state or of ordinances of the city may require any person who operates or has in his or her actual physical control a motor vehicle in the city to submit to a preliminary test of his or her breath for alcohol concentration if the officer has reasonable

grounds to believe that such person has alcohol in his or her body, has committed a moving traffic violation or has been involved in a traffic accident. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicated an alcohol concentration in violation of division (A) of this section shall be placed under arrest. Any person who refuses to submit to such preliminary breath test shall be guilty of an offense.

(E) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood, breath or urine for a determination of the concentration of alcohol or the presence of drugs. If the chemical test discloses the presence of a concentration of alcohol in violation of division (A) of this section, the person shall be subject to the administrative revocation procedures provided in Neb. RS 60-498.01 to 60-498.04, and upon conviction shall be punished as provided in Neb. RS 60-6, 197.02 to 69-6, 197.08. Any person who or if any person refuses to submit to such test or tests required pursuant to this section, such person shall be subject to the administrative revocation procedures provided in Neb. RS 60-6, 205 to 60-6, 208 60-498.01 to 60-498.04, and shall be guilty of an offense—a crime upon conviction punished as provided in Neb. RS 60-6, 197.02 to 60-6, 197.08.

(F) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6, 201, for the test administered and the analysis thereof if such test was actually made. (Neb. RS 60-6, 196, 60-6, 197, 60-6, 203) ('79 Code, § 5-511)

***Statutory reference:***

*Statutory penalties, see Neb. RS 60-6, 196 et seq.*

**SECTION 2. Repeal of Conflicting Ordinances.** All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

**SECTION 3. Severability.** 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 or constitutionality 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 4. Effective Date.** This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.



PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\City Hall\ORDINANCES\Amend 71.016 Driving under the Influence

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

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 114.30; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 114.30 of the La Vista Municipal Code is amended to read as follows:

**§ 114.30 CATERING LICENSE.**

(A) The holder of a Class C, Class D or Class I license issued under Neb. RS 53-124(5) or a craft brewery license, may obtain an annual catering license as prescribed in this section. Any such licensee desiring to obtain a catering license shall file an application with the **Nebraska** Liquor Control Commission.  
(Neb. RS 53-124.12(1))

(B) Upon receipt from the Commission of the notice and copy of the application as provided in Neb. RS 53-124.12, the City Council shall process the application in the same manner as provided in § 111.23.

(C) The City Council with respect to catering licensees within its corporate limits may cancel a catering license for cause for the remainder of the period for which the **that** license is issued. Any person whose catering license is canceled may appeal to the District Court.

(Neb. RS 53-124.12(4)) ('79 Code, § 10-134) (Am. Ord. 545, passed 6-16-92; Am. Ord. 638, passed 12-19-95; Am. Ord. 708, passed 11-18-97)

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

K:\APPS\City Hall\ORDINANCES\Amend 71.016 Driving under the Influence

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
EASEMENT RELEASE — LOT 1 & 4, SOUTHPORT WEST (N OF GILES RD, W OF WESTPORT PKWY)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to approve the execution of a storm sewer easement release due to new easements being granted in a portion of the Southport West subdivision.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City has been working on getting new storm sewer easements from the Southport West Partners due to some utility conflicts and the need to change the location of the existing easements. The new easements have been executed by the owners and the city must now execute a termination and release of easement for the existing easement.



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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA TO ADJUST THE LOCATION OF PART OF A STORM SEWER EASEMENT, LOT 1 AND LOT 4, SOUTHPORT WEST SUBDIVISION; AND TO AUTHORIZE THE MAYOR TO TAKE SUCH ACTIONS AS NECESSARY OR APPROPRIATE TO CARRY OUT THE ACTIONS APPROVED HEREIN.

WHEREAS, Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement per the plat of Southport West, a subdivision in Sarpy County, Nebraska, recorded as Instrument No. 2005-21955 (the "Plat") in the Sarpy County Register of Deeds office; and

WHEREAS, the City annexed the property located with Southport West, and is now the sole beneficiary of the dedicated storm sewer easement; and

WHEREAS, SPW Partners, LLC is the owner of Lot 1, Southport West, and Southport West Partners, LLC is the owner of Lot 4, Southport West, per special warranty deeds recorded as Instruments No. 2006-12539 and 2004-20235, respectively, in the Sarpy County Register of Deeds office ("Owner"); and

WHEREAS, the location of part of the original storm sewer easement across Lot 1 and Lot 4, Southport West, must be adjusted due to utility conflicts; and

WHEREAS, the City, SPW Partners, LLC and Southport West Partners, LLC desire to accomplish said adjustment by the termination and release of the original easement across Lot 1 and Lot 4, and concurrent grant of new easements by separate instruments.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby approve the adjustment of part of the existing permanent storm sewer easement across Lot 1 and Lot 4, Southport West, pursuant to the Termination and Release of part of Existing permanent Storm Sewer Easement and the Permanent Storm Sewer Easements in form and content presented at this meeting and incorporated herein by this reference.

BE IT FURTHER RESOLVED, that the Mayor and City Council hereby approve said Termination and Release of Part of Existing Permanent Storm Sewer Easement.

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute the Termination and Release of Part of Existing Permanent Storm Sewer Easement, and to take such further actions as necessary or appropriate to carry out the resolutions approved herein.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF MAY 2007.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

\\Lvdcp01\users\BRENDA\WORD\COUNCIL\07 Resolutions\Southport West Easement Release.DOC

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**TERMINATION AND RELEASE OF PART OF EXISTING PERMANENT STORM SEWER  
EASEMENT**

This Termination and Release of Part of Existing Permanent Storm Sewer Easement is executed effective as of the \_\_\_\_ day of \_\_\_\_\_, 2007.

**RECITALS:**

1. Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement per the plat of Southport West, a subdivision in Sarpy County, Nebraska, recorded as Instrument No. 2005-21955 (the "Plat") in the Sarpy County Register of Deeds office.

2. The City annexed the property located within Southport West, and is now the sole beneficiary of the dedicated storm sewer easement.

3. SPW Partners, LLC is the owner of Lot 1, Southport West, and Southport West Partners, LLC is the owner of Lot 4, Southport West, per special warranty deeds recorded as Instruments No. 2006-12539 and 2004-20235, respectively, in the Sarpy County Register of Deeds office ("Owner").

4. The location of part of the original storm sewer easement across Lot 1 and Lot 4, Southport West, must be adjusted due to utility conflicts; and the City, SPW Partners, LLC and Southport West Partners, LLC desire to accomplish said adjustment by the termination and release of the original easement across Lot 1 and Lot 4, and concurrent grant of new easements by separate instruments.

NOW, THEREFORE, the City and Owner, each on behalf of itself, its successors and assigns, hereby fully and irrevocably terminates and releases part of the existing Permanent Storm Sewer Easement granted to S.I.D. No. 253 and the City of La Vista dedicated on instrument No. 2005-21955, as described on Exhibit "A" attached hereto and incorporated herein by this reference, and as of the date first written above.

(Executed on following page)



SPW PARTNERS, LLC

Date 3-22-07

By: Dennis Hoff  
Its: Managing Member

SOUTHPORT WEST PARTNERS, LLC

Date 3-22-07

By: Dennis Hoff  
Its: Managing Member

CITY OF LA VISTA, NEBRASKA

Date \_\_\_\_\_

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

ATTEST:

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

STATE OF NEBRASKA )  
COUNTY OF Douglas ) SS

Before me, the undersigned, Notary Public in and for said County and State appeared Dennis Hoff, Managing Member of SPW Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 22 day of March, 2007.

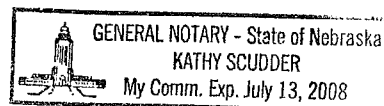
Kathy Scudder  
Notary Public

STATE OF NEBRASKA     )  
  ) SS  
COUNTY OF Douglas     )

Before me, the undersigned, Notary Public in and for said County and State appeared Dennis Roth, Managing Member of Southport West Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 32 day of March, 2007.

Kathy Scudder  
Notary Public



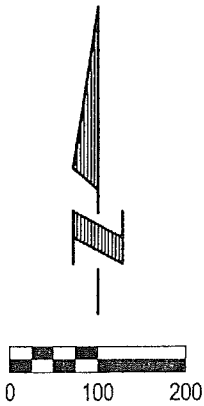
STATE OF NEBRASKA     )  
  ) SS  
COUNTY OF SARPY     )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by Douglas Kindig, the Mayor of the City of La Vista and the identical person whose name is affixed to the foregoing and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of said City.

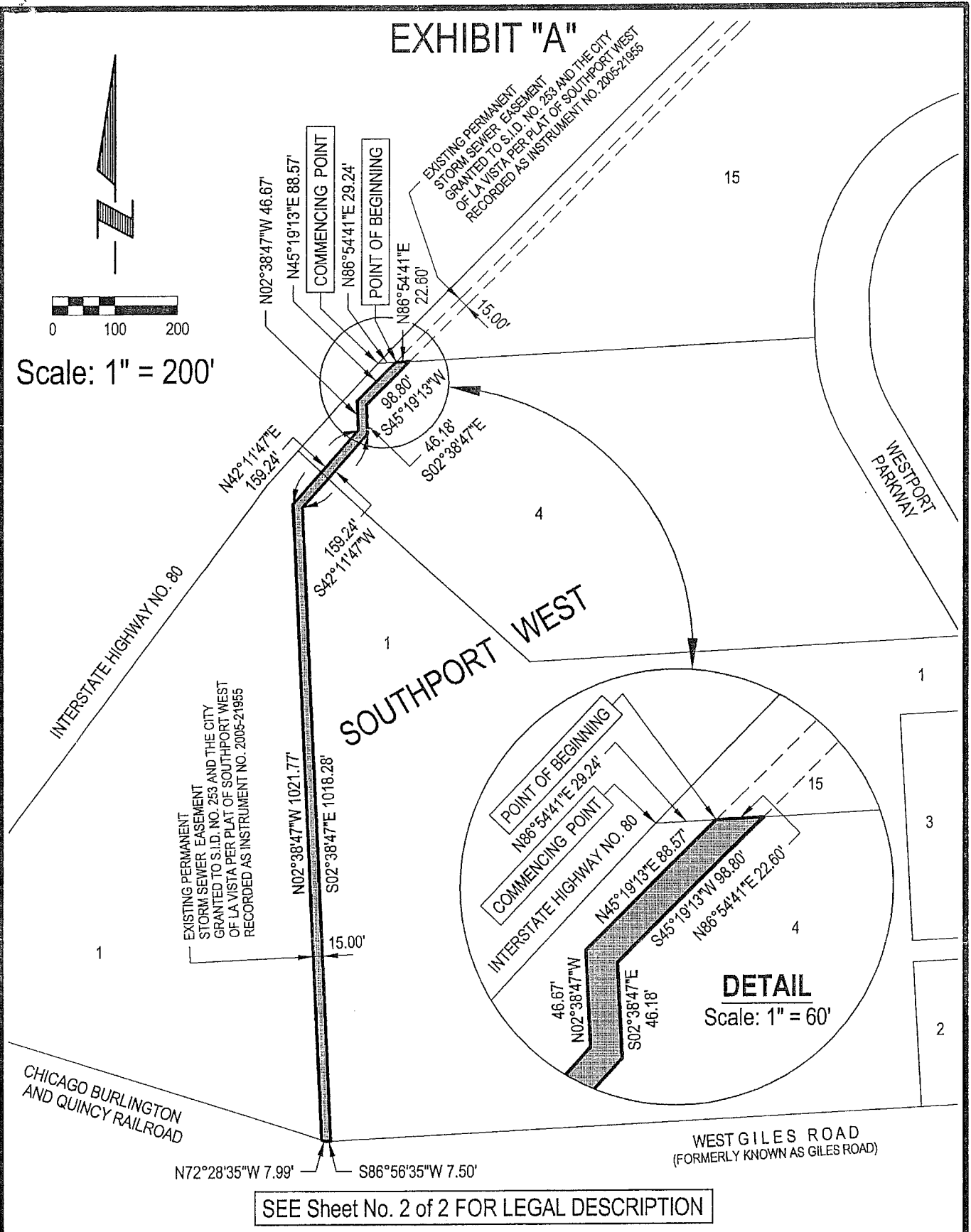
\_\_\_\_\_  
Notary Public

WHEN RECORDED RETURN TO:

# EXHIBIT "A"



Scale: 1" = 200'



SEE Sheet No. 2 of 2 FOR LEGAL DESCRIPTION



**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 835-4700

**PERMANENT STORM SEWER  
EASEMENT TO BE VACATED**  
LOTS 1 AND 4, SOUTHPORT WEST  
SARPY COUNTY, NEBRASKA

Drawn by: JAF Chkd by: \_\_\_\_\_ Chkd by: \_\_\_\_\_  
Job No.: P2000.030.011 Date: 01/11/2007 Sheet No.: 1 of 2



# EXHIBIT "A"

## LEGAL DESCRIPTION

### EXISTING PERMANENT STORM SEWER EASEMENT TO BE VACATED

#### LOTS 1 AND 4, SOUTHPORT WEST

#### GRANTED TO S.I.D. NO. 253 AND THE CITY OF LA VISTA PER

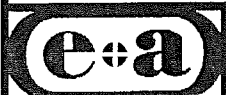
#### PLAT OF SOUTHPORT WEST INSTRUMENT NO. 2005-21955

Part of an existing Permanent Storm Sewer Easement to be vacated located in Lots 1 and 4, Southport West, a subdivision located in the SW1/4 of Section 18; and also the SE1/4 of said Section 18; all located in Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot 4, Southport West, said point also being the Southwest corner of Lot 15, said Southport West, said point also being on the Southeasterly right-of-way line of Interstate Highway No. 80; thence N86°54'41"E (assumed bearing) along the Northerly line of said Lot 4, Southport West, said line also being the Southerly line of said Lot 15, Southport West, a distance of 29.24 feet to the point of beginning; thence continuing N86°54'41"E along said Northerly line of Lot 4, Southport West, said line also being said Southerly line of Lot 15, Southport West, a distance of 22.60 feet; thence S45°19'13"W, a distance of 98.80 feet; thence S02°38'47"E, a distance of 46.18 feet; thence S42°11'47"W, a distance of 159.24 feet; thence S02°38'47"E, a distance of 1018.28 feet to a point on the Southerly line of said Lot 1, Southport West, said line also being the Northerly right-of-way line of West Giles Road (formerly known as Giles Road); thence S86°56'35"W along said Southerly line of Lot 1, Southport West, said line also being said Northerly right-of-way line of West Giles Road (formerly known as Giles Road), a distance of 7.50 feet to the point of intersection of said Northerly right-of-way line of West Giles Road (formerly known as Giles Road), and the Northeasterly right-of-way line of the Chicago, Burlington and Quincy Railroad; thence N72°28'35"W along said Southerly line of Lot 1, Southport West, said line also being said Northeasterly right-of-way line of the Chicago, Burlington and Quincy Railroad, a distance of 7.99 feet; thence N02°38'47"W, a distance of 1021.77 feet; thence N42°11'47"E, a distance of 159.24 feet; thence N02°38'47"W, a distance of 46.67 feet; thence N45°19'13"E, a distance of 88.57 feet to the point of beginning.

Said part of an existing Permanent Storm Sewer Easement to be vacated contains an area of 19,801 square feet or 0.455 acres, more or less.

SEE Sheet No. 1 of 2 FOR BOUNDARY DRAWING



**E&A CONSULTING GROUP, INC.**

ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 635-4700

Drawn by: JAF

Chkd by: \_\_\_\_\_

Chkd by: \_\_\_\_\_

Job No.: P2000.030.011 Date: 01/11/2007

Sheet No.: 2 of 2

**PERMANENT STORM SEWER  
EASEMENT TO BE VACATED**

**LOTS 1 AND 4, SOUTHPORT WEST**

**SARPY COUNTY, NEBRASKA**

-----[Space above this line for recording data.]-----

**TERMINATION AND RELEASE OF PART OF EXISTING PERMANENT STORM SEWER  
EASEMENT**

This Termination and Release of Part of Existing Permanent Storm Sewer Easement is executed effective as of the \_\_\_\_ day of \_\_\_\_\_, 2007.

**RECITALS:**

1. Sanitary and Improvement District No. 253 and the City of La Vista, Sarpy County, Nebraska, ("City") were granted a Permanent Storm Sewer Easement per the plat of Southport West, a subdivision in Sarpy County, Nebraska, recorded as Instrument No. 2005-21955 (the "Plat") in the Sarpy County Register of Deeds office.

2. The City annexed the property located within Southport West, and is now the sole beneficiary of the dedicated storm sewer easement.

3. SPW Partners, LLC is the owner of Lot 1, Southport West, and Southport West Partners, LLC is the owner of Lot 4, Southport West, per special warranty deeds recorded as Instruments No. 2006-12539 and 2004-20235, respectively, in the Sarpy County Register of Deeds office ("Owner").

4. The location of part of the original storm sewer easement across Lot 1 and Lot 4, Southport West, must be adjusted due to utility conflicts; and the City, SPW Partners, LLC and Southport West Partners, LLC desire to accomplish said adjustment by the termination and release of the original easement across Lot 1 and Lot 4, and concurrent grant of new easements by separate instruments.

NOW, THEREFORE, the City and Owner, each on behalf of itself, its successors and assigns, hereby fully and irrevocably terminates and releases part of the existing Permanent Storm Sewer Easement granted to S.I.D. No. 253 and the City of La Vista dedicated on instrument No. 2005-21955, as described on Exhibit "A" attached hereto and incorporated herein by this reference, and as of the date first written above.

**(Executed on following page)**

SPW PARTNERS, LLC

Date 3-22-07

By: Dennis Hoch

Its: Managing Member

SOUTHPORT WEST PARTNERS, LLC

Date 3-22-07

By: Dennis Hoch

Its: Managing Member

CITY OF LA VISTA, NEBRASKA

Date \_\_\_\_\_

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

ATTEST:

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

STATE OF NEBRASKA     )  
                                  ) SS  
COUNTY OF Douglas )

Before me, the undersigned, Notary Public in and for said County and State appeared Dennis Hoch Managing Member of SPW Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 22 day of March, 2007.

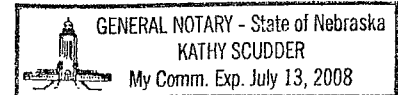
Kathy Scudder  
Notary Public

STATE OF NEBRASKA       )  
COUNTY OF Douglas       ) SS

Before me, the undersigned, Notary Public in and for said County and State appeared Dennis Grotz, Managing Member Southport West Partners, LLC, a Nebraska limited liability company, known to me to be the identical person who signed the above instrument and acknowledged the execution thereof to be his/her voluntary act and deed on behalf of the limited liability company.

WITNESS my hand and Notarial Seal this 22 day of March, 2007.

Kathy Scudder  
Notary Public



STATE OF NEBRASKA       )  
COUNTY OF SARPY       ) SS

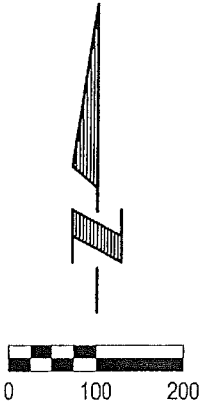
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ by Douglas Kindig, the Mayor of the City of La Vista and the identical person whose name is affixed to the foregoing and acknowledged the execution thereof to be his voluntary act and deed, and the voluntary act and deed of said City.

\_\_\_\_\_  
Notary Public

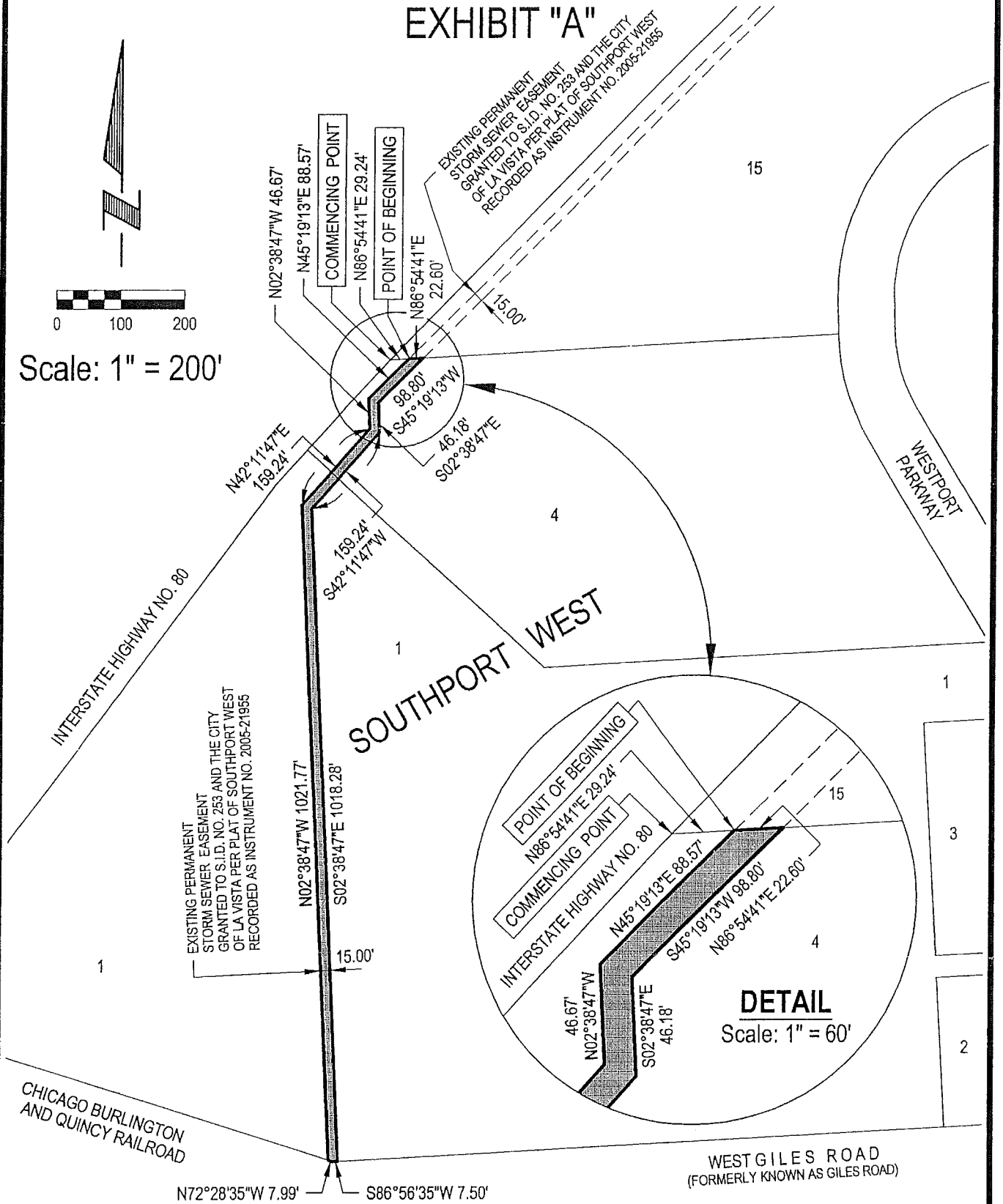
WHEN RECORDED RETURN TO:



# EXHIBIT "A"



Scale: 1" = 200'



**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: JAF Chkd by: Chkd by:

Job No.: P2000.030.011 Date: 01/11/2007 Sheet No.: 1 of 2

**PERMANENT STORM SEWER  
EASEMENT TO BE VACATED**  
LOTS 1 AND 4, SOUTHPORT WEST  
SARPY COUNTY, NEBRASKA

# EXHIBIT "A"

## LEGAL DESCRIPTION

### EXISTING PERMANENT STORM SEWER EASEMENT TO BE VACATED

### LOTS 1 AND 4, SOUTHPORT WEST

### GRANTED TO S.I.D. NO. 253 AND THE CITY OF LA VISTA PER

### PLAT OF SOUTHPORT WEST INSTRUMENT NO. 2005-21955

Part of an existing Permanent Storm Sewer Easement to be vacated located in Lots 1 and 4, Southport West, a subdivision located in the SW1/4 of Section 18; and also the SE1/4 of said Section 18; all located in Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, more particularly described as follows:

Commencing at the Northwest corner of said Lot 4, Southport West, said point also being the Southwest corner of Lot 15, said Southport West, said point also being on the Southeasterly right-of-way line of Interstate Highway No. 80; thence N86°54'41"E (assumed bearing) along the Northerly line of said Lot 4, Southport West, said line also being the Southerly line of said Lot 15, Southport West, a distance of 29.24 feet to the point of beginning; thence continuing N86°54'41"E along said Northerly line of Lot 4, Southport West, said line also being said Southerly line of Lot 15, Southport West, a distance of 22.60 feet; thence S45°19'13"W, a distance of 98.80 feet; thence S02°38'47"E, a distance of 46.18 feet; thence S42°11'47"W, a distance of 159.24 feet; thence S02°38'47"E, a distance of 1018.28 feet to a point on the Southerly line of said Lot 1, Southport West, said line also being the Northerly right-of-way line of West Giles Road (formerly known as Giles Road); thence S86°56'35"W along said Southerly line of Lot 1, Southport West, said line also being said Northerly right-of-way line of West Giles Road (formerly known as Giles Road), a distance of 7.50 feet to the point of intersection of said Northerly right-of-way line of West Giles Road (formerly known as Giles Road), and the Northeasterly right-of-way line of the Chicago, Burlington and Quincy Railroad; thence N72°28'35"W along said Southerly line of Lot 1, Southport West, said line also being said Northeasterly right-of-way line of the Chicago, Burlington and Quincy Railroad, a distance of 7.99 feet; thence N02°38'47"W, a distance of 1021.77 feet; thence N42°11'47"E, a distance of 159.24 feet; thence N02°38'47"W, a distance of 46.67 feet; thence N45°19'13"E, a distance of 88.57 feet to the point of beginning.

Said part of an existing Permanent Storm Sewer Easement to be vacated contains an area of 19,801 square feet or 0.455 acres, more or less.

SEE Sheet No. 1 of 2 FOR BOUNDARY DRAWING



**E&A CONSULTING GROUP, INC.**  
ENGINEERING • PLANNING • FIELD SERVICES  
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: JAF

Chkd by: \_\_\_\_\_

Chkd by: \_\_\_\_\_

Job No.: P2000.030.011

Date: 01/11/2007

Sheet No.: 2 of 2

## PERMANENT STORM SEWER EASEMENT TO BE VACATED

LOTS 1 AND 4, SOUTHPORT WEST

SARPY COUNTY, NEBRASKA

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SARPY COUNTY RIGHT OF WAY VACATION —120 <sup>TH</sup> STREET (SOUTH OF GILES RD.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A resolution has been prepared to repeal Resolution No. 06-136 in order to make a modified recommendation to the County Board regarding their approval of the vacation of a portion of unused right-of-way at 120<sup>th</sup> Street south of Giles Road.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City previously approved Resolution No. 06-136 after receiving a letter from Deb Houghtaling, County Clerk, regarding a request to vacate a portion of unused right-of-way at 120<sup>th</sup> Street south of Giles Road (see attached maps). The state statutes require notification and approval by the city for a road vacation or abandonment in the county if it is within the city's jurisdiction.

The City recommended approval of the vacation subject to a sewer and drainage easement across all of the subject right-of-way and that no filling be permitted in this area. The County Board subsequently took action to vacate the right-of-way with the conditions noted by the La Vista City Council. Since that time the County Attorney has not released the deed to the property due to his concern that the property owner desires to do some filling. The County Surveyor, Tom Lynam, has requested that the City consider revising the conditions for approval to a statement that allows for filling subject to the City's approval of a grading and drainage plan.

A resolution has been prepared to repeal the previous resolution and recommend approval based on the conditions as revised.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING APPROVAL OF THE PROPOSED VACATION OF A PORTION OF UNUSED RIGHT-OF-WAY LOCATED AT 120<sup>TH</sup> STREET SOUTH OF GILES ROAD IN SARPY COUNTY, NEBRASKA AS IDENTIFIED IN THE ATTACHED EXHIBIT "A", SUBJECT TO COMPLIANCE WITH THE CONDITIONS IDENTIFIED BY THE CITY ENGINEER, AND REPEALLING RESOLUTION NO 06-136.

WHEREAS, on October 3, 2006, the City Council approved Resolution No.06-136 regarding the vacation of a portion of unused right-of-way located at 120<sup>th</sup> Street south of Giles Road, located in the Southeast ¼ of Section 18, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska as identified in the attached Exhibit A; and

WHEREAS, the County Attorney and County Surveyor have requested that the City repeal the previous resolution and modify the conditions to allow for filling if a plan is approved by the City; and

WHEREAS, the City Engineer and staff recommend the vacation of this portion of unused right-of-way subject to the following revised conditions:

1. A sewer and drainage easement be granted across all of the right-of-way to be vacated; and
2. Filling shall only be permitted within the right-of-way to be vacated subject to the City's approval of a grading and drainage plan.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby repeal Resolution No. 06-136 and recommend to the County Board the approval the vacation of a portion of unused right-of-way located at 120<sup>th</sup> Street south of Giles Road subject to the two conditions listed in the last recital above.

PASSED AND APPROVED THIS 1<sup>st</sup> DAY OF MAY 2007.

CITY OF LA VISTA

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

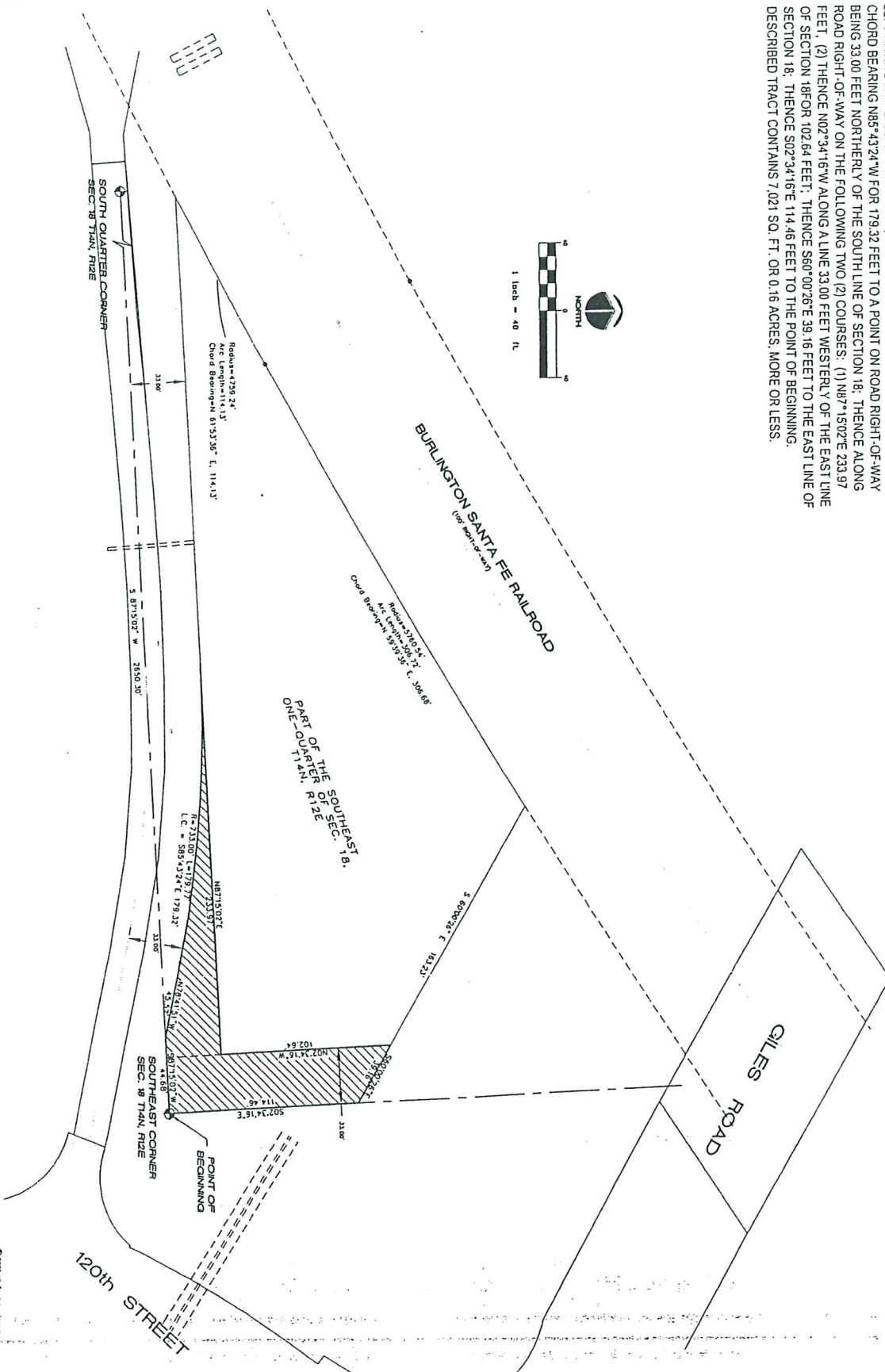
ATTEST:

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



## LEGAL DESCRIPTION

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6th P.M., SARPY COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 18, THENCE S87°15'02"W (ASSUMED BEARING) ALONG THE SOUTH LINE OF SECTION 18 FOR 44.68 FEET; THENCE N78°41'51"W 45.57 FEET, THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 733.00 FEET, AN ARC LENGTH OF 179.77 FEET, AND A LONG CHORD BEARING N85°43'24"W FOR 179.32 FEET TO A POINT ON ROAD RIGHT-OF-WAY BEING 33.00 FEET NORTHERLY OF THE SOUTH LINE OF SECTION 18; THENCE ALONG ROAD RIGHT-OF-WAY ON THE FOLLOWING TWO (2) COURSES: (1) N87°15'02"E 233.97 FEET, (2) THENCE N02°34'16"W ALONG A LINE 33.00 FEET WESTERLY OF THE EAST LINE OF SECTION 18 FOR 102.64 FEET; THENCE S60°00'26"E 39.16 FEET TO THE EAST LINE OF SECTION 18; THENCE S02°34'16"E 114.46 FEET TO THE POINT OF BEGINNING. DESCRIBED TRACT CONTAINS 7.021 SQ. FT. OR 0.16 ACRES, MORE OR LESS.



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PROJECT NO.  
06-231  
SHEET NO.  
1 OF 1



**HILL-FARRELL ASSOCIATES, INC.**  
Architects • Engineers • Surveyors  
9805 Giles Road, La Vista, NE 68128 (402)291-6100

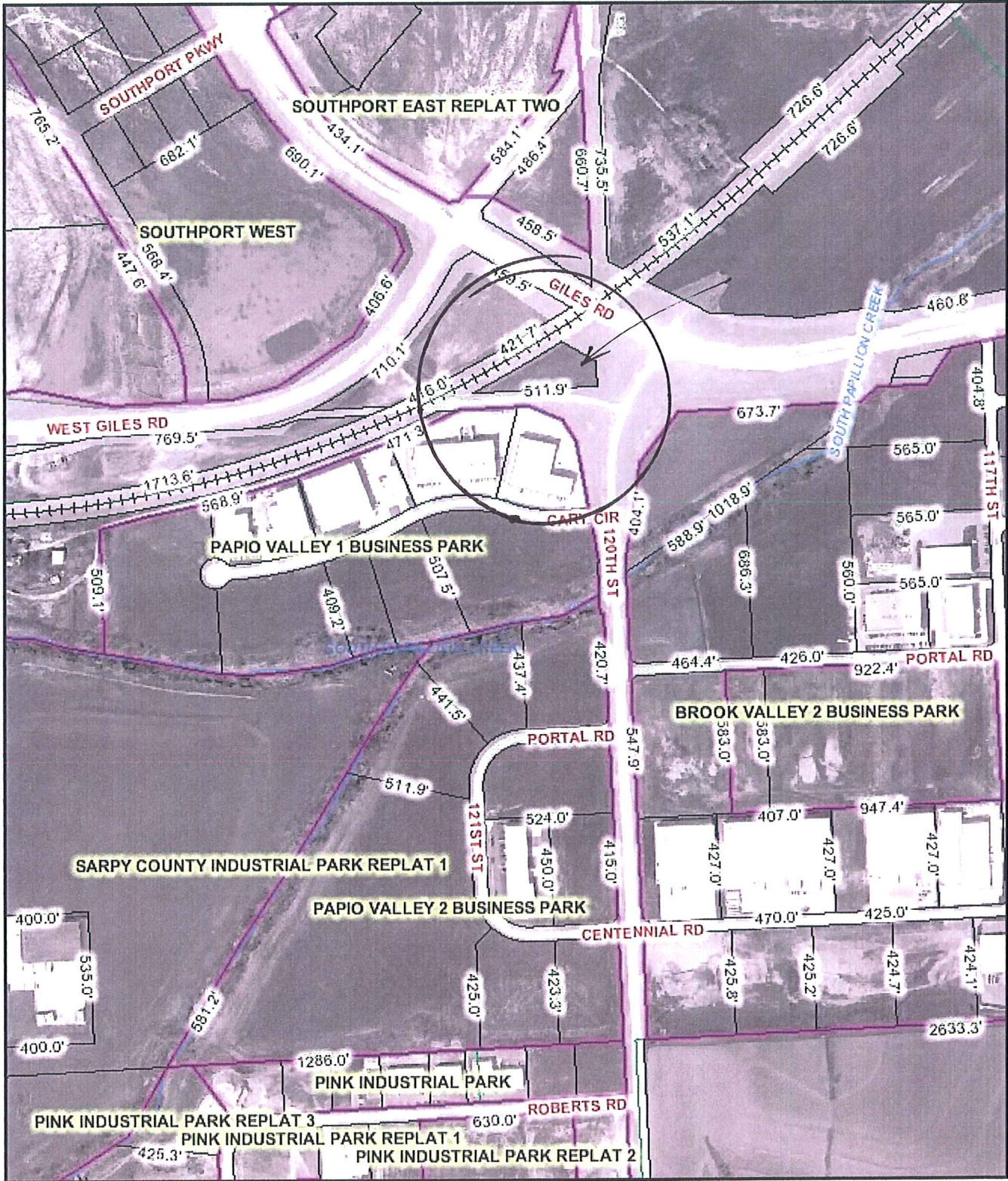
## LEGAL DESCRIPTION

PART OF THE SOUTHEAST ONE QUARTER OF  
SEC. 18, T14N, R12E, SARPY COUNTY, NE

DRAWN: LMB  
CHECKED: GJH  
DATE: 8-2-2003



Sarpy County Map



*Disclaimer:* This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale  
1 inch = 591 feet

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AWARD CONTRACT – 2007 PAVEMENT RECONSTRUCTION PROGRAM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared awarding a contract to Western Engineering Company, Inc., Omaha, Nebraska, for the 2007 Pavement Reconstruction Program to include 84<sup>th</sup> Street and Marisu Lane Court in an amount not to exceed \$578,279.30.

**FISCAL IMPACT**

The FY 2006/07 Construction Fund budget provides funding for the proposed improvements.

**RECOMMENDATION**

Approval

**BACKGROUND**

On April 3, 2007, the City Council authorized the advertisement of bids for the 2007 Pavement Reconstruction Program. Improvements will occur on 84<sup>th</sup> Street from Harrison Street to Giles Road, and on Marisu Lane Court. Two bids were received.

Western Engineering Co., Inc.	\$578,279.30
U.S. Asphalt Co.	\$615,281.16

The City Engineer has reviewed the bids and recommends Western Engineering Company, Inc., as the low qualified bidder.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO WESTERN ENGINEERING COMPANY, INC., OMAHA, NEBRASKA, FOR THE 2007 PAVEMENT RECONSTRUCTION PROGRAM IN AN AMOUNT NOT TO EXCEED \$578,279.30.

WHEREAS, the City Council of the City of La Vista has determined that certain pavement reconstruction is necessary; and

WHEREAS, the FY 2006/07 Construction Fund budget includes funds for the 2007 Pavement Reconstruction Program; and

WHEREAS, on April 3, 2007 the City Council authorized the advertisement of bids for said project in accordance with plans and specifications as prepared by the City Engineer; and

WHEREAS, the City Engineer has reviewed the bids and recommends that a contract be awarded to Western Engineering Company, Inc., as the low qualified bidder; 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, by the Mayor and City Council of La Vista, Nebraska, that a contract be awarded to Western Engineering Company, Inc., for the 2007 Pavement Reconstruction Program in an amount not to exceed \$578,279.30, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

PASSED AND APPROVED THIS 1<sup>ST</sup> DAY OF MAY 2007

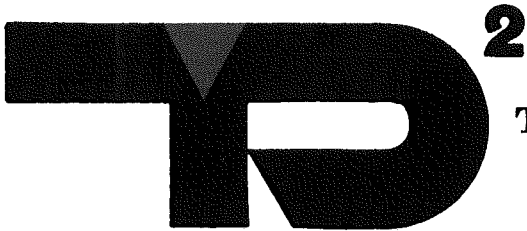
CITY OF LA VISTA

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

ATTEST:

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





## THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

April 24, 2007

Mayor and City Council Members  
City of La Vista  
c/o Ms. Brenda Gunn, City Administrator  
8116 Park View Boulevard  
La Vista, NE 68128

RE: 84<sup>th</sup> Street Pavement Resurfacing  
Recommendation for Award of Contract  
TD<sup>2</sup> File No. 171-328.17

Mayor and Members of the Council:

Bids were received at City Hall on April 23, 2007 at 1:30 P.M. for the above-referenced project. Two bids were received as shown on the enclosed bid tabulation.

This bid also includes the 2007 City Resurfacing program, which consists of Marisu Lane Court and is Schedule C in the bid.

Western Engineering Company, Inc. is the low bidder. Their bid was originally submitted in the amount of \$590,876.10. However, their bid included some math errors and these were corrected in accordance with the Instructions to Bidders. This resulted in their bid being \$578,279.30. They are a qualified contractor and I recommend that a contract be awarded to them in the amount of \$578,279.30.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf


Enclosure

cc: Mr. Joe Soucie, w/enclosure  
Mr. Tim Weander, District 2 Engineer, NDOR w/enclosure  
File

ROBERT E. DREESSEN, P.E.  
NELSON J. HYMANS, P.E.  
JAMES D. WARNER, L.S.  
CHARLES E. RIGGS, P.E.  
KA "KIP" P. SQUIRE III, P.E., S.E.  
JOHN M. KOTTMANN, P.E.  
ARTHUR D. BECCARD, P.E.  
JOSEPH G. KOSINOVSKY, P.E.  
DOUGLAS S. DREESSEN, P.E.  
DEAN A. JAEGER, P.E.  
RICHARD M. BROYLES, L.S.  
DAVID H. NEEF, L.S.  
RONALD M. KOENIG, L.S.  
CHRIS E. DORNER, L.S.

TIMOTHY T. PAPSTEIN, P.E.  
MICHAEL J. SMITH, L.S.  
TROY J. NISSEN, P.E., S.E.  
DOUGLAS E. KELLNER, P.E.  
KEVIN L. TRUE, L.S.  
GARY A. NORTON, P.E.  
BRIAN L. LODES, P.E.  
KURTIS L. ROHN, P.E.  
JEFFREY L. THOMPSON, P.E.  
DAREN A. KONDA, P.E.  
MICHAEL T. CANIGLIA, L.S.  
JEREMY T. STEENHOEK, P.E.  
JOSHUA J. STORM, P.E.



SUBMITTED PROPOSALS & COSTS Date of Bid: April 23, 2007 1:30 p.m. Client: City of La Vista, Nebraska Project: 84th Street Pavement Resurfacing TD <sup>2</sup> File No.: 171-328				<b>Western Engineering Company, Inc.</b> 3345 No. 109th Plaza Omaha NE 68164		Sheet 2 of 5  <b>U.S. Asphalt Co.</b> 14012 Giles Road Omaha NE	
ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
18A	Replace Detector Loop, in place	16	EA.	\$415.00	\$6,640.00	\$448.77	\$7,180.32
19A	Remove Curb Inlet	1	EA.	\$674.00	\$674.00	\$589.04	\$589.04
20A	54" I.D. Storm Manhole, in place	1	EA.	\$2,800.00	\$2,800.00	\$3,365.77	\$3,365.77
21A	Type III Curb Inlet, in place	1	EA.	\$2,600.00	\$2,600.00	\$3,110.45	\$3,110.45
22A	15" I.D. R.C.P., Class III w/Crushed Rock Bedding, in place	15	L.F.	\$68.00	\$1,020.00	\$57.22	\$858.30
23A	Dowel Bars Drilled and Grouted, in place	600	EA.	\$5.20	\$3,120.00	\$5.83	\$3,498.00
24A	Dowel Bar Expansion Joint, in place	312	L.F.	\$9.75	\$3,042.00	\$10.44	\$3,257.28
25A	Remove and Replace Pavement after Milling, if required, w/PR-3625 Concrete, 9" Thick	50	SY	\$76.00	\$3,800.00	\$54.30	\$2,715.00
	<b>SCHEDULE "A" SUBTOTAL</b>				<b>\$429,096.10</b>		<b>\$457,753.79</b>
	<b>SCHEDULE "B"</b> <b>GILES INTERSECTION TURN BAYS</b>						
1B	Remove P.C.C. Pavement	325	S.Y.	\$12.80	\$4,160.00	\$7.86	\$2,554.50
2B	Remove P.C.C. Sidewalk	2,100	S.F.	\$0.50	\$1,050.00	\$0.90	\$1,890.00
3B	Remove Curb Inlet	2	EA.	\$674.00	\$1,348.00	\$635.34	\$1,270.68
4B	Remove 18" Storm Sewer Pipe	7	L.F.	\$20.00	\$140.00	\$33.66	\$235.62
5B	Remove Tree	4	EA.	\$150.00	\$600.00	\$163.39	\$653.56
6B	Adjust Manhole to Grade	1	EA.	\$280.00	\$280.00	\$336.58	\$336.58
7B	Adjust Valve to Grade	1	EA.	\$280.00	\$280.00	\$336.58	\$336.58
8B	Embankment, in place	300	C.Y.	\$36.00	\$10,800.00	\$29.77	\$8,931.00
Bid Est. : \$591,200.00 Bond: 5% of Bid THOMPSON, DREESSEN & DORNER, INC. 10836 Old Mill Road, Omaha, NE 68154							









**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
SOLID WASTE MANAGEMENT AGREEMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute the Solid Waste Management Agreement which provides La Vista access to the Sarpy County Landfill.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

The original agreement with Sarpy County was done in April of 1996 and will expire on May 17, 2007. This new agreement will be for a period of three years and shall automatically renew for additional three year periods until such time as either party elects to terminate said agreement with a 30 day written notice.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE MAYOR TO EXECUTE A SOLID WASTE MANAGEMENT AGREEMENT WITH SARPY COUNTY, NEBRASKA.

WHEREAS, the current Solid Waste Management agreement with Sarpy County will expire on May 17, 2007, and

WHEREAS, Sarpy County Landfill is owned by the County of Sarpy, Nebraska, and

WHEREAS, the City of La Vista desires to use the Sarpy County Landfill, and

WHEREAS, this agreement will permit the City of La Vista to dispose of solid waste on grounds provided by the Sarpy County Landfill,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, authorize the Mayor and City Clerk to enter into a Solid Waste Management Agreement with Sarpy County.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007

CITY OF LA VISTA

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

ATTEST:

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



## **SOLID WASTE MANAGEMENT AGREEMENT**

THIS AGREEMENT, is made and entered into on this \_\_\_\_ day of \_\_\_\_\_ by the County of Sarpy, State of Nebraska, a body politic and corporation, hereinafter "Landfill", \_\_\_\_\_ hereinafter "Hauler", and if applicable, \_\_\_\_\_, hereinafter "Third Party Hauler".

WHEREAS, Sarpy County Landfill is owned by the County of Sarpy, of the State of Nebraska, a body politic and corporate; and

WHEREAS, said Landfill is a solid waste facility as defined in the Nebraska Integrated Solid Waste Management Act (Neb. Rev. Stat. § 13-2001, *et seq.*) (Hereinafter "Act"); and,

WHEREAS, Landfill has certain duties and responsibilities under the Act; and,

WHEREAS, Landfill has promulgated certain duties and responsibilities under the Act; and,

WHEREAS, Hauler and/or Third Party Hauler, whether a federal, state or local governmental political subdivision, individual, partnership, corporation, or other entity, is engaged in the business of or has contracted for the collection of solid waste from residential and other sources, a/k/a primary service solid waste municipal hauling; and,

WHEREAS, Hauler and/or Third Party Hauler is, therefore, subject to the terms and conditions of the Act, and,

WHEREAS, Hauler and/or Third Party Hauler is further in the business of separating, storing, transporting, transferring, processing, treating and/or disposing of said waste, and,

WHEREAS, hauler and/or Third Party Hauler desires to use Landfill;

NOW, THEREFORE, in consideration of the above declarations and the mutual promises and covenants contained herein, LANDFILL and HAULER and/or THIRD PARTY HAULER agree;

### **I. DUTIES OF THE LANDFILL**

- A. Landfill will permit Hauler to dispose of solid waste accumulated by Hauler on grounds provided by the Landfill.

### **II. TERMS AND CONDITIONS OF LANDFILL'S DUTIES**

- A. **Compliance with Laws.** Landfill will comply with all federal, state, and/or local statutes, rules, regulations, and/or ordinances regarding solid waste and the disposal thereof.

- B. **Access to Landfill.** Access to Landfill shall be Monday through Saturday during regular business hours as posted. Reasonable access during those hours on such days to Landfill shall not be denied to hauler in the absence of a violation or violations of this agreement. Closure of Landfill due to blizzard, fire, wind, flood or other national occurrence/Act of God, time of emergency, war or other necessity shall not be considered a denial of reasonable access.
- C. **Limitations to Access.** Hauler's right of access to Landfill is not unlimited, and Hauler may be limited as to types and tonnage of waste which Hauler may deposit in Landfill, according to the rules and regulations of Landfill.
- D. **Billing.** By the fifth (5<sup>th</sup>) day each month, Landfill will provide a written statement for the amounts due from landfill by Hauler for the previous month(s).

### III. **DUTIES OF HAULER**

- A. **Promise to Pay.** Hauler hereby agrees, covenants, and promises to pay Landfill for access to Landfill as set forth in Agreement.
- B. **Insurance.** The Hauler shall not begin work under this Agreement until all current insurance certificates have been filed with the Sarpy County Clerk. Access to Landfill may be denied if current insurance certificates are not on file.

The following insurance coverage's shall be kept in full force during the life of the Agreement and shall be primary with respect to any insurance or self-insurance programs covering the County, its commissioners/supervisors, officials, agents, representatives and employees.

**Worker's Compensation and Employers Liability Insurance.** The minimal acceptable limits as required by the State of Nebraska for Coverage A, Workers' Compensation and \$500,000 each accident for Coverage B, Employers Liability.

**Commercial General Liability Insurance.** Coverage should include broad form coverage written on a commercial general liability form and written on an occurrence basis. The coverage must protect against claims for damages resulting in bodily injury, including death, personal injury and property damage. The minimum acceptable limits of liability shall be \$1,000,000 each occurrence. Coverage should contain a general aggregate, such limit shall not be less than \$2,000,000. The products/completed operations limit shall not be less than \$2,000,000.

Vehicle Liability Insurance. Coverage shall be against claims for damages resulting from bodily injury, including death and property damage, which may arise from the operations of any owned, hired or non-owned vehicle. The minimum acceptable limit of liability shall be \$1,000,000 Combined Single Limit for each accident.

- C. Documentation of Source of Waste. Hauler, will, at the direction of Landfill, provide documentation as to amounts, sources, point of origin, nature, and type of solid waste accepted by Landfill on a monthly basis, or more often as directed, on forms provided by Landfill. Further, Hauler will, at the direction of the Landfill, cooperate with and provide any necessary information regarding amounts, sources, point of origin, nature and type of solid waste left with Landfill, which information may be necessary to provide for the public health, safety and welfare, and which information may also be necessary to allow Landfill to comply with any and all applicable federal, state, and local statutes, rules, regulations and ordinances.
- D. Primary/Secondary Responsibility. When Hauler is a governmental or political subdivision entity which is contracting with another (hereinafter "Third Party Hauler") for the actual physical pick-up, sorting, separating or transporting of waste to landfill, such other entity is required to be signatory to this Agreement; provided, however, such governmental or political subdivision entity shall be and remain primarily responsible for the charges for Landfill services the subject of this Agreement and the Third Party Hauler shall become secondarily liable for such charges.

For convenience, Third Party Hauler may be designated by hauler as the paying agent of hauler; but, such custom and practice shall not constitute a waiver of Landfill's right set forth above to collect such charges (whether current or delinquent) from Hauler in the event Third Party Hauler is in default of payment.

Hauler and/or Third Party Hauler shall use the Hauler Identification Number provided by Landfill for all transactions at the Landfill. The Hauler Identification Number shall be prominently displayed on both sides of the vehicle, in the manner required by the Landfill. Failure to do so will result in the Cubic Yard Rate being charged as opposed to the rate set forth herein.

#### IV COST OF ACCESS TO LANDFILL

- A. Basic Access for "Charge" Customers. For and in consideration of the use of said Landfill, Hauler, who is hereby granted "charge account" status, hereby agrees, covenants, and promises to pay to Landfill the amount of Ten Dollars (\$10.00) per month. Said fee shall be used for weighing, billing, invoicing, bookkeeping and administrative costs allowing Hauler to use the Landfill on a "charge" basis.

- B. **Price per Ton.** Furthermore, Hauler hereby agrees, covenants, and promises to pay to landfill the most recently approved rate schedule attached hereto which may be amended by the Sarpy County Board from time to time.
- C. **Payment Due.** Payment is due on the fifteenth (15<sup>th</sup>) day of each month.
- D. **Late Charges.** Amounts paid and received after the Twentieth (20<sup>th</sup>) day of the month shall be subject to interest at a rate of One and One-Half Percent (1 ½%) per month, or part thereof, (Eighteen Percent (18%) on an Annual Basis) until paid in full.
- E. **Access Limited due to Delinquent Accounts.** Should Hauler be more than Forty-Five (45) days delinquent, Hauler's access to Landfill may be denied unless and until the delinquency is cured. Should hauler be Sixty (60) or more days delinquent, Hauler's access to Landfill may be denied until the delinquency is cured and a security deposit is secured in the reasonable amount determined by Landfill.
- F. **Breach due to Delinquency.** Should Hauler be delinquent more than Thirty (30) days on Two or more occasions in any Twelve (12) month period, Landfill may require Hauler to provide a Surety Bond to guarantee payment in case of delinquency or default.

V. **HOLD HARMLESS AGREEMENT**

- I. Landfill and Hauler shall and do hereby save each other harmless and their officers, employees and agents from any and all claims and/or liability whatsoever due to or arising out of any acts, conducts, omissions or negligence of each to the other. Such covenant is to include each party's officers, employees, agents, or others acting by, for or under the direction of Landfill/Hauler/Third Party Hauler.

VI. **BREACH**

- I. If any provision of this Agreement is violated by either party, all rights hereunder shall be terminated at the option of the non-breaching party. This right shall be in addition to all other legal remedies available to the non-breaching party.

VII. **TERM OF AGREEMENT**

- I. The term for this Agreement shall be for a period of Three (3) years, commencing on the date first above written and shall automatically renew for additional Three (3) year periods until such time as either party elects to terminate said Agreement by delivering written notice to the other party at least Thirty (30) days prior to the effective date of such termination.



Changes other than financial shall be in writing and appended to this Agreement to reflect such changed circumstance(s). If the Hauler has a change in said name or corporation the Agreement shall be terminated and a new agreement will be required.

VIII. **AUTHORITY TO ACT**

- I. Each party hereto declares that it has taken all steps which are legally necessary or required to authorize this Agreement, and the rights, duties and obligations hereunder. Each party further represents and warrants that each has the power and authority to enter into this Agreement, to perform its obligations and to consummate the contemplated transactions.

IX. **NO RIGHT TO ASSIGN BENEFIT**

- I. Hauler hereby declares, represents, warrants and acknowledges that it cannot assign, delegate, transfer or otherwise allow any other person, partnership, corporation, business or entity to exercise any rights, duties or benefits regarding hauling solid waste to Landfill for deposit therein which may be available under this Agreement.

X. **NON-EXCLUSIVE NATURE**

- I. Hauler hereby agrees that this Agreement between Hauler and Landfill is not an exclusive Agreement, and that other Haulers will be allowed access to landfill under like, similar or different terms and conditions.

XI. **PUBLIC ACCESS TO RECORDS**

- I. Hauler acknowledges that certain transactions occurring pursuant to this Agreement are subject to the Public Records Act of Nebraska.

XII. **EACH PARTY NOT AGENT FOR THE OTHER**

- I. Each party declares, represents, warrants and acknowledges that it is not an agent for the other now nor will it be in the future. Each party is nor will become the employee of the other as a result of the contractual relationship created by this Agreement.

- XIII. A. Any notice permitted or required by this Agreement shall be served upon the parties hereto at the address, phone numbers or email addresses shown below, unless either party notifies the other in writing of a change in the below information.

Landfill:           Name:       Duwaine Brigman  
                      Affiliation: Sarpy County Landfill  
                      Address:   1210 Golden Gate Drive  
                                     Papillion, NE 68046  
                      Phone:     402-253-2461  
                      Email:     dbrigman@sarpy.com

Clerk:             Name:       Deb Houghtaling  
                      Affiliation: Sarpy County Clerk  
                      Address:   1210 Golden Gate Dr., Ste. 1116  
                                     Papillion, NE 68046  
                      Phone:     402-593-4155  
                      Email:     cvance@sarpy.com

Hauler:            Name:       \_\_\_\_\_  
                      Affiliation: \_\_\_\_\_  
                      Address:   \_\_\_\_\_  
                                     \_\_\_\_\_  
                                     \_\_\_\_\_  
                      Phone:     \_\_\_\_\_  
                      Email:     \_\_\_\_\_

Third Party Hauler:   Name:       \_\_\_\_\_  
                          Affiliation: \_\_\_\_\_  
                          Address:   \_\_\_\_\_  
                          Phone:     \_\_\_\_\_  
                          Email:     \_\_\_\_\_

#### **XIV. COMPLIANCE WITH LAWS**

- I. Hauler hereby agrees, covenants and promises to comply with all federal, state and/or local statutes, rules, regulations or ordinances governing the collection, separation, storage, transportation, transfer, processing and/or treating of solid waste disposal by haulers
- II. The parties hereto promise and agree to comply with all Federal and State laws and County ordinances, and such rules and other regulations which may apply to this Agreement, including but not limited to those set forth herein. Further, pursuant to Neb. Rev. Stat. §13-804(5) (Reissue 1991), the parties hereto acknowledge, stipulate and agree that this Agreement shall not relieve any public agency of any obligation or responsibility imposed upon it by law.
- III. Pursuant to Neb. Rev. Stat. §23-3113 (Reissue 1997), the parties hereto declare and affirm that no officer, member or employee of County, and no member of its governing body and no other public official of County who exercises any functions or responsibilities in the review or approval of the undertaking described in this Agreement, or the performing of either parties' obligations pursuant to this Agreement, shall participate in any decision relating to this Agreement which affects his or her personal interest, or any partnership or association in which he or she is directly or indirectly interested; nor shall any employee of County, nor any member of its governing body have any interest, direct or indirect, in this Agreement or the proceeds thereof.
- IV. Neither party hereto shall engage the service of any person or persons presently in the employ of the other for work covered by this contract without the written consent of the employer of such person or persons.
- V. Each party declares, represents, warrants and acknowledges that it is not an agent for the other now nor will it be in the future. Each party is an independent contractor and neither party is nor will become the employee of the other as a result of the relationship created by this Agreement.

#### **XV. MISCELLANEOUS PROVISIONS**

- I. This Agreement shall be interpreted under the laws of the State of Nebraska. It is understood and agreed by the parties hereto that if any part, term, condition or provision of this Agreement is held to be illegal or in conflict with any law of this State or of the United States, the validity of the remaining parts, terms, conditions or provisions shall not be affected and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular part, term, condition or provisions held to be invalid.

IN WITNESS WHEREOF, we, the contracting parties, by our respective and duly authorized agents, hereto affix our signatures and seals in duplicate this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(SEAL)

COUNTY OF SARPY, NEBRASKA  
A body Politic and Corporate

ATTEST:

\_\_\_\_\_  
Debra Houghtaling  
Sarpy County Clerk

\_\_\_\_\_  
Chairman  
Sarpy County Board of Commissioners

Approved as to form and content:

\_\_\_\_\_  
Deputy County Attorney

\_\_\_\_\_  
A Nebraska Hauler

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

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

\_\_\_\_\_  
Third Party Hauler

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

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

Attest:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE COMPUTER EQUIPMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ROSE IWAN LIBRARY DIRECTOR

**SYNOPSIS**

A resolution has been prepared approving the purchase of fifteen (15) new Hewlett Packard computers with software from CDW Government, Inc. through the Western States Contracting Alliance (WSCA) in an amount not to exceed \$11,904.

**FISCAL IMPACT**

The FY 06/07 General Fund Capital Outlay budget provides funding for replacement of computers.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The State of Nebraska bid through the Western States Contracting Alliance (WSCA) for computer services designates CDW-Government, Inc. as the lowest responsible bidder for the Hewlett Packard hardware and software that is being requested.

These new computers replace seven (7) public access terminals, seven (7) database terminals, and one (1) staff computer.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF FIFTEEN HEWLETT PACKARD COMPUTERS WITH SOFTWARE FROM CDW-GOVERNMENT, INC. IN AN AMOUNT NOT TO EXCEED \$11,904.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of computer equipment is necessary; and

WHEREAS, the FY 06/07 Operating budgets did include funds for the purchase of said computer equipment; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the purchase of eleven Hewlett Packard Computers with Software from CDW-Government, Inc. in an amount not to exceed \$11,904.00.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT —LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to establish that La Vista will continue its participation in the League Association of Risk Management (LARM) the next three years and will agree to provide 180 days notice should it intend to end participation in 2010.

**FISCAL IMPACT**

The City's participation in LARM has allowed stabilization of property and casualty insurance rates as well as worker's compensation insurance rates. Establishment of a three-year commitment will also provide a 5% discount to La Vista on its current year premiums.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City has been a member of LARM, an insurance pool established under the Intergovernmental Risk Management Act, since 1995. La Vista continues to be satisfied with LARM services and premiums remain stable in comparison to the insurance industry in general.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RELATING TO THE TERM OF PARTICIPATION IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT.

WHEREAS the City of La Vista is a member of the League Association of Risk Management (LARM); and

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Director of Insurance at least 90 days prior to the desired termination date and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates, and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM; and

WHEREAS, the Mayor and City Council have determined that it is in the best financial interest of the City to extend the term of agreement by three years and establish notice of termination terms in order to receive participation discounts.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2010, and hereby authorize the Mayor to execute the necessary agreements to implement the action authorized herein.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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



March 28, 2007

City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128-2198

Dear Board or Council Members,

The LARM Board of Directors is offering two options for Members to modify their annual contributions in the upcoming 2007/2008 coverage year, the **Participation Discount Plan** and the **Installment Plan**.

Once again, Members are being given the opportunity to take a 5% discount by extending their membership to September 30, 2010. The Participation Discount plan is illustrated in the chart below:

**Participation Discount Table**

<b>180 Days Notice</b>	<b>Multi Year Commitment</b>	<b>Both</b>
2% Discount	2 % discount (3 year) –Sept 2010	5% total possible discount
2% Discount	1% discount (2 year) - Sept 2009	4% total possible discount
2% Discount	0% discount (1 year) - Sept 2008	2% total possible discount

LARM also offers a quarterly or a semi-annual **Installment Plan**. The additional charge for using an installment plan is 2% of the Member's total annual contribution.

Please complete the attached form by indicating your intention on both the **Participation Discount Plan**, and the **Installment Plan**. Please note that the Participation Discount Plan also requires a resolution to be passed by your Board or Council (sample attached).

If you have any questions about the options set forth on the attached form or resolution, please feel free to contact Yvonne McConnell Svec at (888) 553-5276.

Sincerely,

  
Shannon Novotny  
LARM Customer Service Representative

Enclosure





**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
MAY 1, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS — MUNICIPAL FACILITIES PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared authorizing the advertisement of requests for proposals (RFP) for architectural/professional consulting services related to the development of a Municipal Facilities Plan.

**FISCAL IMPACT**

The FY 06/07 Construction Fund contains \$60,000 for the proposed professional services. No funds for these services will be committed until a contract has been approved by Council.

**RECOMMENDATION**

Approval.

**BACKGROUND**

For the past several years at the annual strategic planning session the City Council has identified adequate City facilities as part of its vision and priority. In FY 03 a Municipal Facilities Plan was proposed to identify what space needs the City would face in both the short-term and long term for several service areas. A decision was made at that time to proceed with a space needs study for the Fire Department and subsequently focus on the design and construction of a second fire station.

The FY 07 budget provides funding for professional consulting services related to the development of a Municipal Facilities Plan for the following service areas:

1. General Administrative services (including Mayor/Council, Administration, City Clerk, Finance, and Public Buildings and Grounds)
2. Community Development services
3. Recreation Department administrative services
4. Public Works services

It is intended that a Municipal Facilities Plan will guide the City in making decisions about the most appropriate use of the vacant sight immediately west of City Hall as well as the vacant unused space in the previous police facility. Further, a Municipal Facilities Plan will save the City money as it converts existing spaces to new uses so that all of the City's needs are considered comprehensively as opposed to piecemeal improvements that may only serve as short-term solutions for municipal facilities.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE ADVERTISEMENT OF REQUEST FOR PROPOSALS FOR ARCHITECTURAL/PROFESSIONAL SERVICES ASSOCIATED WITH THE DEVELOPMENT OF A MUNICIPAL FACILITIES PLAN.

WHEREAS, the Mayor and Council have determined that it is desirable to take proposals for architectural/professional services for the development of a Municipal Facilities Plan; and

WHEREAS, the City Administrator has prepared specifications for the request for proposals; and

WHEREAS, the FY 06/07 Construction Fund budget provides funding for such professional services.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council hereby authorize the advertisement for request for proposals and the City Clerk is hereby authorized to advertise for the proposals in accordance with the specifications prepared by the City Administrator, and said sealed proposals are to be opened publicly at 4:30 p.m. June 13, 2007, at City Hall, 8116 Park View Blvd., La Vista, Nebraska 68128.

Publish Notice  
Open Proposals  
Tentative Award Date

May 10, 2007  
June 13, 2007  
August 7, 2007

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

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

ATTEST:

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

**NOTICE  
REQUEST FOR PROPOSALS  
CITY OF LA VISTA, NEBRASKA**

**DATE ISSUED:** May 2, 2007

**ORIENTATION & FACILITY TOUR:** May 15, 2007, 10:00 a.m. (Registration Required)

**PROPOSALS DUE:** June 13, 2007, 4:30 p.m.

**TENTATIVE AWARD DATE:** August 7, 2007

**THE CITY OF LA VISTA REQUESTS PROPOSALS FOR THE FOLLOWING:**

Architectural/Professional Consulting Services associated with the development of a Municipal Facilities Plan for the following service areas:

1. General Administrative services (including Mayor/Council, Administration, City Clerk, Finance, and Public Buildings and Grounds).
2. Community Development services
3. Recreation Department administrative services.
4. Public Works services.

**INSTRUCTIONS:**

1. Proposals must be sealed and addressed as follows:  
City of La Vista — Proposal for Municipal Facilities Plan  
Attn: Pam Buethe, City Clerk  
8116 Park View Boulevard  
La Vista, NE 68128-2198
2. A facilities orientation meeting and tour will be held on May 15, 2007 at 10:00 a.m. Reservations are required with a maximum of two (2) participants per bidder. To reserve your spaces please contact in writing Pam Buethe, City Clerk, at [pbuethe@ci.la-vista.ne.us](mailto:pbuethe@ci.la-vista.ne.us) or by fax at (402) 331-4375 or by mail to 8116 Park View Blvd., La Vista, NE 68128.
3. Proposals must be received before 4:30 p.m. on Wednesday, June 13, 2007 at La Vista City Hall, 8116 Park View Boulevard.
4. Required submittal information may be obtained at La Vista City Hall, 8116 Park View Boulevard, La Vista, NE 68128-2198, (402) 331-4343.
5. Any questions regarding proposal requests should be directed in writing to Pam Buethe, City Clerk at [pbuethe@ci.la-vista.ne.us](mailto:pbuethe@ci.la-vista.ne.us) or by fax at (402) 331-4375 or by mail to 8116 Park View Blvd., La Vista, NE 68128.

**THE CITY OF LA VISTA RESERVES THE RIGHT TO REJECT ANY OR ALL PROPOSALS.**

**REQUEST FOR PROPOSALS  
FOR ARCHITECTURAL/PROFESSIONAL SERVICES  
CITY OF LA VISTA, NEBRASKA**

The City of LaVista is soliciting proposals from qualified architectural firms interested in providing services required for the development of a Municipal Facilities Plan for the following services areas:

1. General Administrative services (including Mayor/Council, Administration, city Clerk, Finance, Community Development, and Public Buildings and Grounds).
2. Recreation Department administrative services.
3. Public Works services.

**General Information**

Located immediately southwest of Omaha, Nebraska, the City of La Vista, incorporated in 1960, is the youngest city in Sarpy County. La Vista's current population is 16,000 and growing.

The City of La Vista is fortunate to operate its public services from relatively new facilities in most cases, as well as to have additional facility space available. However, as new staff is planned and services expanded in future fiscal years, the City would like to maximize the use of space and minimize the remodeling and relocation of staff on a piecemeal basis.

It is likely that our existing facilities will be inadequate and that they will be unable to accommodate additional growth of staff and changes in services without minor reorganization and in some cases new facilities.

The City is committed to ensuring a participatory facility development process with all City departments involved in this analysis.

The requested Municipal Facilities Plan will focus on the existing service areas identified in Chart A. While Chart A identifies the basic municipal building infrastructure currently available to the City and identifies current authorized staffing levels, the most qualified respondent to this RFP will be prepared to work closely with the various City departments to evaluate future needs and recommend a comprehensive strategy to the Mayor and City Council for the efficient utilization of existing spaces and plans for new space needs.

CHART A	
Service Area	Current Facility
General City Government Administrative Services	City Hall, 8116 Park View Blvd. Opened 1994
Community Development Department Administrative Services	City Hall, 8116 Park View Blvd. Opened 1994
Recreation Department Administrative Services	Community Center, 8116 Park View Blvd. Opened 1994
Public Works Department Streets, Parks, Sewer Services	Public Works Facility, 9900 Portal Road Opened 1993
Vacant Unused Space	Vacated Police Facility, 8110 Park View Blvd. Built in mid 1970s
Vacant Unused Space	Vacated Commercial Property Owned by City at 8118 Park View Blvd.

### **Intent and Services Sought**

The intent of this RFP is to obtain proposals from qualified experts in the assessment of municipal facilities and the development of a municipal facilities plan and who have provided consulting services similar to those requested herein. The project will consist of a single report and shall cover two phases to include Preliminary Analysis and Plan Development.

#### **1. Preliminary Analysis Phase I**

- A. Prepare a needs assessment for the purpose of identifying staffing projections and space requirements which will serve as the foundation for a summary space program. The space program shall define current and future functions to be accommodated in the service area, and related space and site requirements.
- B. Research and analyze potential site options and suitability of such sites for expanded services that are identified in the needs assessment in terms of size, location, etc.
- C. Prepare a preliminary project scope for the identified options.
- D. Prepare and submit a report summarizing the findings in Phase I.

#### **2. Plan Development Phase II**

Prepare a recommended plan for improvements with a proposed timetable that will identify for the City the best way to maximize cost efficiency of improvements and minimize service disruptions. The recommended plan should identify immediate recommendations (within 48 months), short-term recommendations (48 months to 60 months), and a narrative of long-term facility needs considerations applicable to each service area (five years or more).

### **Anticipated Process for Firm Selection**

Approximately three firms will be selected for interviews with a panel of city officials. These interviews will be scheduled for the week of July 9, 2007. Firms will be selected for interviews based on their qualifications, approach presented in the proposal and the success of previous needs



assessments and space needs studies for local government entities. Final selection will be on the basis of a number of considerations including general professional experience, the firm's experience and success with similar projects, experience of the project manager and assigned personnel, project approach and ability to successfully negotiate a contract with the City of La Vista.

Each firm selected for the interview will be allowed 20 minutes to further present their qualifications to the interview panel. At the conclusion of the presentation, 30 minutes will be allowed for questions from the panel and responses from the firm.

The panel will rate the firms interviewed and staff will conduct follow up evaluations of the top ranked firms and make a recommendation to the Mayor and City Council on or about August 7, 2007. Contract negotiations will commence following approval of recommended firm by the Mayor and City Council. If an agreement is not reached with the selected firm, another highly ranked firm will be recommended to the Mayor and City Council for approval.

**Proposals: Evaluation, Right to Reject, Etc.**

Due to the nature of the services sought, evaluation of proposals will in large part be subjective. Award of a contract will be based on a number of factors, and may or may not be on the basis of lowest cost to the City. The City reserves the right to accept any proposal in whole or in part and to reject any and all proposals, to waive irregularities and to negotiate and revise terms with proposers without notice to other proposers.

**Contract Form**

The contract for architectural/professional services and related contracts shall be in a form approved by the City.

**Submittal Requirements**

It is requested that written proposals include the following information:

1. Firm name, address, telephone number and fax number.
2. Type of organization (partnership, corporation, etc.)
3. Names of principals.
4. Provide a brief background of the firm and any proposed consultants.
5. Location of office(s) where the bulk of the work will be carried out.
6. If the above designated office is not local, what will be done locally and by whom.
7. Develop a summary of the firm's approach to each phase of this project.
8. A proposed timeline including the anticipated starting date, progress reviews and completion date for the project.
9. How will work team be organized — staff types and numbers, responsibilities, etc.
10. Provide a review of related project experience including project description, contact person for owner of each project, date of completion and original contract amount (please include a copy of any related aquatic studies).
11. Supply resumes of personnel who would be assigned to this project.
12. General statement regarding extent of necessary client and public meetings.
13. Supply three references from previous clients, to include (2) positive references and (1) negative/questionable reference.
14. Fees. Each submitting firm shall include with its proposal a project estimate based upon the proposal submitted. List hourly billing rates for positions working on the project. Estimate a "lump-sum" breakdown for each major element of the consultant's work for the project. Also, estimate a total to be billed for reimbursable expense including copies, long distance and

authorized travel. An agreement on all fees will need to be reached as part of the contract negotiations, which will commence following approval of the recommended firm by the Mayor and City Council. If an agreement as to fees is not reached with the selected firm, another highly ranked firm will be recommended to the Mayor and City Council for approval.

15. Copies of any proposed contract documents.
16. Listing of any exceptions to the requirements herein.
17. It is requested that proposals be limited to no more than 30 pages.

#### **Submission of Proposals**

Interested firms shall send eleven (11) copies of proposals to Pam Bueth, City Clerk, City of La Vista, 8116 Park View Blvd., La Vista, NE 68128-2198. Proposals must be received no later than 4:30 p.m. on Wednesday, June 13, 2007. Proposals must remain firm for sixty (60) days from proposal due date.

The recommended firm could be required to provide additional copies of their proposal.

#### **Additional Information**

All requests for additional information regarding this solicitation should be directed to Assistant City Administrator Rita Ramirez at [rramirez@ci.la-vista.ne.us](mailto:rramirez@ci.la-vista.ne.us) or via fax at 402-331-4343.