



CITY OF LA VISTA

CERTIFICATE OF APPRECIATION

A CERTIFICATE OF APPRECIATION PRESENTED TO **MICHALA IVEY** FOR 5 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, **Michala Ivey** has served the City of La Vista since July 15, 2002, and

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

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

DATED THIS SEVENTEENTH DAY OF JULY 2007.

Douglas Kindig, Mayor

Ron Sheehan
Councilmember, Ward I

Brenda Carlisle
Councilmember, Ward I

Robert McLaughlin
Councilmember, Ward II

Terrilyn Quick
Councilmember, Ward II

Mark Ellerbeck
Councilmember, Ward III

Alan Ronan
Councilmember, Ward III

Kelly Sell
Councilmember, Ward IV

Anthony Gowan
Councilmember, Ward IV

ATTEST:

Pamela A. Buethe, CMC
City Clerk





***PROCLAMATION
INTERNATIONAL CLOWN WEEK***

WHEREAS, down through the centuries, the clowns' aim has been to induce hearty laughter in all; and

WHEREAS, the clown is a person that is dedicated to bringing joy and sunshine into the lives of others; and

WHEREAS, the clown is a person that gives everyone a chance to forget their troubles for a moment and smile; and

WHEREAS, clowns devote their time and energy to entertain people in hospitals, schools, nursing homes, parades, festivals, and fairs.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim the week of August 1 – 7, 2007 as

INTERNATIONAL CLOWN WEEK

in Nebraska with Omaha Wild Clown-Dum Alley #147 of Omaha, and I encourage all citizens of La Vista to take due note of the observance.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 17th day of July, 2007.



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



***PROCLAMATION
NATIONAL NIGHT OUT***

WHEREAS, the National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime, drug, and violence prevention program on August 7, 2007.

WHEREAS, the "24th Annual National Night Out" provides a unique opportunity for La Vista to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, La Vista residents play a vital role in assisting the La Vista Police Department through joint crime, drug, and violence prevention efforts in La Vista and in supporting "National Night Out"

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby call upon all citizens of La Vista to join the La Vista Police Department and the National Association of Town Watch in supporting the "24th Annual National Night Out" on August 7th, 2007.

FURTHER, LET IT BE RESOLVED THAT I, Mayor Douglas Kindig, do hereby proclaim Tuesday, August 7th, 2007 as **NATIONAL NIGHT OUT** in La Vista, Nebraska.

DATED THIS 17TH DAY OF JULY, 2007.



Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk



CITIZEN BOARD AND COMMISSION EXPRESSION OF INTEREST FORM

Please indicate with an "X" all that meet your interest:

- | | |
|-------------------------------------|--------------------------|
| <input type="checkbox"/> | Board of Adjustments |
| <input type="checkbox"/> | Civil Service Commission |
| <input checked="" type="checkbox"/> | Library Advisory Board |
| <input type="checkbox"/> | Planning Commission |

- | | |
|--------------------------|---|
| <input type="checkbox"/> | Board of Health |
| <input type="checkbox"/> | Parks and Recreation Advisory Board |
| <input type="checkbox"/> | Personnel Board |
| <input type="checkbox"/> | Citizen Advisory Review Committee
(for Economic Development) |

Special instructions:

1. Please print in black ink or type, if possible. Please do not write on the back of this form, use another sheet of paper if necessary.
2. Please return to City Clerk's Office, 8116 Park View Blvd La Vista, NE 68128
3. Please Note- All information provided by you on this form is subject to Nebraska Open Public Record Statutes. As public information, it may be requested by news media representatives or discussed in public meetings.

Name Valerie Russell

Home Address 6602 Crabapple Street, La Vista, NE 68128

Telephone (Home) 402/339-5667 (Business) same (Fax) 402/339-5712

Number of years you have lived in La Vista 8

Occupation Grant Writer Employer The Russell Center, LLC (self)

Business Address 6602 Crabapple Street, La Vista, NE 68128

Education (highest school year, degree, etc.) Masters in Public Administration

Political Party Affiliation (Civil Service only) _____

Prior Appointed or Elected Offices Held (if any) Library Advisory Board 2002-03

Present/Past Community Volunteer Activities Faith Presb. Church-Sunday School Teacher, 2005-2007, Elder 2006-present; PLV Community Theatre-Volunteer 2006-pres.

Why would you like to serve? (Please note specific interests, experience and qualifications which would make you an effective commission member). I am hopeful that I can serve the Library Board from the perspective of an avid reader,

a parent, and active community member. I also hope to apply for & secure grants for library programs & projects.

Date _____ Signature _____

This interest form will be kept on file for two (2) years.

FOR CITY USE ONLY

Appointed to _____

Date _____

Term _____

MINUTE RECORD

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

LA VISTA CITY COUNCIL MEETING July 3, 2007

A meeting of the City Council of the City of La Vista, Nebraska was convened in open and public session at 7:00 p.m. on July 3, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: Quick. Also in attendance were City Attorney McKeon, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Community Development Director Birch, Assistant Library Director Wilder, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Street Superintendent Goldman, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on June 21, 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.

SERVICE AWARDS – RICH CARSTENSEN – 10 YEARS, RANDY ERICKSON - 10 YEARS, AND SCOTT WOOD - 15 YEARS

Mayor Kindig presented a certificate and pin to Randy Erickson for 10 years of service to the City. He also read a letter from the City of Hastings commending Erickson's dedication to the City of La Vista and stated that he comes from a long line of firefighters in the family.

APPOINTMENT OF FIRE DEPARTMENT RECRUITS – NEIL ARCHIBALD, OLIVER BERGLUND, GREG GRAHAM, HEATHER LEVI, DONALD MCKAY, DAVID MONAGHAN, NICHOLAS POWERS, AARON ROCK, JAMES TIEHEN, JOEL TYNER, JENNIFER VILLOTTA

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department recruits: Neil Archibald, Oliver Berglund, Greg Graham, Heather Levi, Donald McKay, David Monaghan, Nicholas Powers, Aaron Rock, James Tiehen, Joel Tyner, and Jennifer Villotta. Councilmember Sheehan motioned the approval, seconded by Councilmember Sell. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

APPOINTMENT OF FIRE DEPARTMENT OFFICERS – TY EBEL FIRE CAPTAIN, BO WILSON RESCUE LIEUTENANT

Mayor Kindig stated, with the approval of Council, he would like to appoint Ty Ebel as Fire Captain of the La Vista Volunteer Fire Department District 1 and Bo Wilson as Rescue Lieutenant of the La Vista Volunteer Fire Department District 1. Councilmember Sheehan motioned the approval, seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried. Mayor Kindig thanked Pat Eccles for his service as Captain.

APPOINTMENT TO LIBRARY ADVISORY BOARD – KAREN CAHILL – 2 YEAR TERM

Mayor Kindig stated, with the approval of the City Council, he would like to appoint Karen Cahill to the Library Advisory Board for a 2 year term. Councilmember Carlisle motioned the approval, seconded by Councilmember McLaughlin. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

A. CONSENT AGENDA

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. MINUTES OF THE JUNE 19, 2007 CITY COUNCIL MEETING**
- 3. MINUTES OF THE JUNE 21, 2007 PLANNING COMMISSION MEETING**
- 4. SOUTHPORT WEST IMPROVEMENTS**
- a. PAY REQUEST FROM KERSTENS & LEE, INC. FOR OUTFALL SEWER NO. 2 - \$55,726.06**
- 5. PAY REQUEST FROM WESTERN ENGINEERING CO., INC. FOR 84TH STREET**

MINUTE RECORD

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

July 3, 2007

PAVEMENT RESURFACING - \$86,357.47

6. FIRE STATION NO. 2

a. PAY REQUEST FROM MIXAN HEATING & AIR CONDITIONING, INC. FOR GENERATOR EXHAUST SYSTEM - \$3,840.00

7. PAY REQUEST FROM FELSBURG HOLT & ULLEVIG FOR QUIET ZONE STUDY – \$750.00

8. APPROVAL OF CLAIMS

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

2ND WIND EXERCISE, LV Fire Dept Donations	8,405.00
ACTION BATTERIES, Vehicle Maint./Supplies	994.83
AKSARBEN GARAGE DOOR, Bldg & Grnds	101.00
ALADDIN CUSTOM SPORTSWEAR, Wearing Apparel	201.45
ALAMAR UNIFORMS, Wearing Apparel	1,816.63
AQUA-CHEM, Supplies	392.50
AQUILA, Utilities	2,407.77
ARAMARK UNIFORM SERVICES, Contract Services	204.99
ASPHALT & CONCRETE MATERIALS, Street Maint.	548.16
BAKER & TAYLOR BOOKS, Books	1,229.49
BEACON BUILDING SERVICES, Contract Services	6,737.00
BENNINGTON IMPLEMENT, Vehicle Maint/Supplies	2,602.97
BENSON RECORDS, Contract Services	50.30
BETTER BUSINESS EQUIPMENT, Rental	37.00
BIRCH, ANN, Auto Allowance	50.00
BOOK FARM, Books	1,663.47
BRADLEY, KIRSTEN, Travel	86.00
BRODART, Books	1,496.74
BUETHE, PAM, Auto Allowance/Vehicle Maint.	140.10
BUILDERS SUPPLY, Bldg & Grnds/Street Maint.	97.70
BURESH GOLF & EQUIPMENT, Electric Cart	320.00
CARPENTER, PHILLIP, Books	15.00
CIVIC PLUS, Contract Services	1,200.00
CORBIT, JEFF, Auto Allowance	100.00
COX, Contract Services	43.95
CUMMINS CENTRAL POWER, Contract Services	456.65
DIAMOND VOGEL PAINTS, Maintenance	48.75
DON'S PIONEER UNIFORMS, Wearing Apparel	360.45
DOSTALS CONSTRUCTION, Parking District 1	27,338.55
EDGEWEAR SCREEN PRINTING, Wearing Apparel	2,573.60
ELECTRONIC ENGINEERING, Vehicle Maint.	7.41
ERICKSON, RANDALL, Auto Allowance	100.00
ESTEE, KEN, Travel	86.00
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL COMPANY, Bldg & Grnds	5.77
FEDEX, Professional Services	70.09
FIREGUARD, Vehicle Maint.	225.20
FORT DEARBORN LIFE INSURANCE, Employee Benefits	1,168.00
FUTUREWARE DISTRIBUTING, Contract Services	85.00
GASSERT, MIKE, Contract Services	648.00
GCR OMAHA TRUCK TIRE CENTER, Vehicle Supplies	138.02
GENWORTH LIFE AND HEALTH, Employee Benefits	8,442.51
G-M ROAD MARKING, Street Maint.	274.00
GOLDMAN, JOHN, Telephone	40.00
GUNN, BRENDA, Auto Allowance	300.00
HANEY SHOE STORE, Wearing Apparel	229.90
HEARTLAND AWARDS, Supplies	38.20
HELGET GAS PRODUCTS, Squad Supplies	140.50
HENRY, MARK, Contract Services	18.00
HOOK-FAST SPECIALTIES, Wearing Apparel	54.79
HOST COFFEE SERVICE, Concessions	39.60
HURLEY, KATHY, Books	3.99
HUSKER MIDWEST PRINTING, Printing	175.35
HY-VEE, Wupplies	26.71
ICMA-INTL CITY/COUNTY MANAGE, Dues	424.00

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INDUSTRIAL SALES, Bldg & Grnds	64.10
IWAN, ROSE, Auto Allowance	45.00
J Q OFFICE EQUIPMENT, Supplies	1,623.08
JACK'S UNIFORMS & EQUIPMENT, Wearing Apparel	572.48
JO DON'S, Supplies	140.00
JONES, JIM, Refund	165.00
KINDIG, DOUGLAS, Professional Services/Telephone	245.51
KLINKER, MARK, Professional Services	214.00
KROGER, Supplies	50.40
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	375.50
LA VISTA PHARMACY, Squad Supplies	63.25
LAMP RYNEARSON/ASSOCIATES, Professional Services	154.90
LAUGHLIN, KATHLEEN A, TRUSTEE, Payroll Withholdings	372.00
LEAGUE OF NEBRASKA MUN, Dues	50.00
LINWELD, Street Maint.	95.63
LOGAN CONTRACTORS SUPPLY, Vehicle Maint.	99.78
LUKASIEWICZ, BRIAN, Telephone	40.00
M & M PORTABLES, Rentals	131.41
MARKOWSKY, THOMAS, Travel	86.00
MARK'S PLACE, Vehicle Maint.	200.00
METEORLOGIX, Professional Services	1,284.00
MID AMERICA PAY PHONES, Telephone	150.00
MID-AMERICA COCA-COLA BOTTLING, Concessions	390.00
MIDWEST LABORATORIES, Street Maint.	167.50
MIDWEST PLASTICS, Bldg & Grnds	174.08
MILLER BRANDS, Concessions	435.85
MILLER PRESS, Printing	150.00
MONARCH OIL, Street Maint.	303.00
MOORE, WAYNE, Contract Services	18.00
MUD, Utilities	781.88
MUNICIPAL PIPE TOOL, Vehicle Maint.	58.31
NE FIRE CHIEF'S ASSN, Dues	60.00
NE IOWA SUPPLY, Vehicle Supplies	9,888.90
NE LANDSCAPE SOLUTIONS, Supplies	86.30
NE NATIONAL BANK, Cart Lease	660.00
NE STATE VOLUNTEER, Dues	675.00
NE TURF PRODUCTS, Supplies	1,102.20
NEXTEL PARTNERS, Telephone	387.03
NOBBIES, Supplies	25.30
OABR PRINT SHOP, Printing	355.47
OFFICE DEPOT, Supplies	477.75
OMAHA COMPOUND, Equipment	26.43
ORIZON CPAS, Professional Services	1,000.00
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	320.58
PATRICK, JOHN, Contract Services	32.00
PAYLESS, Supplies	11.38
PEPSI COLA COMPANY, Concessions	568.40
PITNEY BOWES, Supplies	504.00
PRECISION INDUSTRIES, Vehicle Maint.	14.96
PREMIER-MIDWEST BEVERAGE, Concessions	102.30
PRIME TIME SPORTING GOODS, Equipment	135.00
PROPERTY SERVICES, Supplies	174.00
PRUITT, Vehicle Maint.	170.00
PUSH PEDAL PULL, Equipment	152.00
QUALITY BRANDS, Concessions	463.40
QUILL CORPORATION, Supplies	51.99
QWEST, Telephone	2,389.38
RAPTOR RECOVERY, Summer Reading Program	65.00
READY MIXED CONCRETE, Street Maint.	1,898.97
RECREONICS, Supplies	36.04
ROSE EQUIPMENT, Vehicle Maint.	338.65
SAPP BROS, Vehicle Maint.	60.75
SARPY COUNTY COURTHOUSE, Contract Services	3,099.17
SCHILDHAUER, BARB, Travel	86.00
SMITH, MELANIE, Auto Allowance	100.00
SMOOTHER CUT ENTERPRISES, Contract Services	1,650.00
SOFTWARE PLUS, Supplies	123.84
SOUICIE, JOSEPH, Telephone	30.00

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STAPLES, Supplies	382.67
STEVENS, MARK, Travel	86.00
STOPAK, SCOTT, Travel	85.73
SUBURBAN NEWSPAPERS, Legal Advertising	1,123.50
SUN SOURCE, Vehicle Maint.	464.62
TARGET BANK, Equipment	354.97
THOMSON GALE, Books	44.93
TITLEIST, Supplies	179.88
TODCO BARRICADE, Supplies	160.00
T-SHIRT ENGINEERS, Wearing Apparel	122.47
TURFWERKS, Vehicle Maint.	52.59
UHL, RICHARD, Relocation	661.29
UNIVERSITY OF NE LINCOLN, Training	15.00
UPS, Postage	36.60
VERIZON, Telephone	65.94
VIERREGGER ELECTRIC, Southport Subdivision	41,469.79
VIERS, STEVE, Auto Allowance	100.00
WAL-MART, Supplies/Equipment/Bldg & Grnds	1,151.44
WASTE MANAGEMENT, Contract Services	281.74
WATER'S EDGE AQUATIC DESIGN, Pool Study	1,837.57
WEST, MANDY, Travel	86.00
WILDER, JONI, Auto Allowance	33.00
WILLETT, MARTIN, Summer Reading Program	40.00
ZIEMBA, BARBIE, Refund	40.00

REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Assistant City Administrator Ramirez reminded the Council to turn in their CIP notebooks to be updated, and that their budget workbooks would be ready on Friday. She also reminded the Council that the Employee Picnic is July 14th at 6:30 p.m.

Police Chief Lausten reported on the concern of a citizen regarding the patrolling on 72nd Street. Lausten reported that between June 5 and June 25 the police made 75 contacts out of which came 8 arrests. The year total as of June 2006 was 391 contacts with 26 arrests. The year total as of June 2007 was 470 contacts with 38 arrests.

Fire Chief Uhl reported the efforts of a citizen to contain a fire until the La Vista Fire Department arrived on scene and stated that a thank you will be sent to this individual.

Street Superintendent Goldman gave Council an update on the 84th Street Project. The company is behind on the concrete but milling should begin Sunday evening as planned.

B. ORDINANCE - ECONOMIC DEVELOPMENT PROGRAM - EXTEND PRINCIPAL REPAYMENT ON JOHN Q. HAMMONS CONFERENCE CENTER CONSTRUCTION LOAN FROM 7 TO 10 YEARS

Councilmember Carlisle introduced Ordinance No. 1040 entitled: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL, LA VISTA, NEBRASKA TO EXTEND PRINCIPAL REPAYMENT OF CITY ECONOMIC DEVELOPMENT PROGRAM CONSTRUCTION LOAN FOR JOHN Q. HAMMONS FOR THE CONFERENCE CENTER IN SOUTHPORT WEST FROM 7 TO 10 YEARS, WITH QUARTERLY INTEREST PAYMENTS UNTIL PRINCIPAL REPAYMENT, TO MAKE CERTAIN FINDINGS, TO AUTHORIZE MODIFICATION OF DOCUMENTS FOR EXTENDED PRINCIPAL REPAYMENT PERIOD, TO AUTHORIZE FURTHER ACTIONS AND TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED AND PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Sheehan seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: Quick. The motion to suspend the rules was adopted and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilmember McLaughlin moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Councilmember Sell questioned what the benefit to the city would be. The Mayor stated that we are in a partnership with Hammons and this would be a fair action to be good partners. The Mayor also stated that this longer time frame would make the bonds easier to sell. The Mayor then stated the question was, "Shall Ordinance No. 1040 be passed and adopted?" Upon roll call

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vote the following Councilmembers voted aye: Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: Sell. The following were absent: Quick. The passage and adoption of said ordinance having been concurred on by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the City Clerk attested the passage/approval of the same and affixed her signature thereto.

C. RESOLUTION – AMENDMENT TO RESIDENTIAL SUBDIVISION AGREEMENT – PORTAL RIDGE

Councilmember Gowan introduced and moved for the adoption of Resolution No. 07-067: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING AN AMENDMENT TO THE RESIDENTIAL SUBDIVISION AGREEMENT FOR PORTAL RIDGE IN A FORM SATISFACTORY TO THE CITY ADMINISTRATOR AND CITY ATTORNEY.

WHEREAS, the City did on June 6, 2006, approve the Residential Subdivision Agreement for Portal Ridge; and

WHEREAS, the City has proposed an amendment to allow the District to construct ADA sidewalk ramps at all street intersections at a total estimated cost to the District of \$78,563.80.

NOW THEREFORE, BE IT RESOLVED, that an Amendment to the Residential Subdivision Agreement presented at the July 3, 2007, City Council meeting for Portal Ridge be, and hereby is approved, and the Mayor and City Clerk be and hereby are, authorized to execute same on behalf of the City with such revisions or amendments thereto that the City Administrator and City Attorney may determine necessary to carry out the intent of the City Council.

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

D. RESOLUTION - CLASS C LIQUOR LICENSE - LA VISTA LODGING INVESTORS LLC DBA HAMPTON INN & SUITES, 12331 SOUTHPORT PARKWAY

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-068: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA RECOMMENDING TO THE NEBRASKA LIQUOR CONTROL COMMISSION, APPROVAL OF THE CLASS C LIQUOR LICENSE APPLICATION OF LA VISTA LODGING INVESTORS LLC DBA HAMPTON INN & SUITES, LA VISTA, NEBRASKA.

WHEREAS, La Vista Lodging Investors LLC, dba Hampton Inn & Suites, 12331 Southport Parkway, La Vista, Sarpy County, Nebraska, has applied to the Nebraska Liquor Control Commission for a Class C Liquor License, and

WHEREAS, the Nebraska Liquor Control Commission has notified the City of said application, and

WHEREAS, the City has adopted local licensing standards to be considered in making recommendations to the Nebraska Liquor Control Commission, and

WHEREAS, said licensing standards have been considered by the City Council in making its decision.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, hereby recommend to the Nebraska Liquor Control Commission approval of the Class C Liquor License application submitted by La Vista Lodging Investors LLC, dba Hampton Inn & Suites.

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

COMMENTS FROM THE FLOOR

There were no comments from the floor.

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July 3, 2007

COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Council of the Employee golf outing and picnic on July 14, 2007. Mayor Kindig informed Council that, unless they saw a problem, he would like staff to research and bring something back to Council next time to allow family members of Council to be members of the Volunteer Fire & Rescue Department. This has been changed in the personnel manual a few years before as some wording was changed to include the Fire Department in some areas of the manual. Mayor Kindig said he did not think the intent of the Council at that time was to hinder the addition of Volunteers to the department. Council spoke in favor of having staff work on this for presentation at the next meeting.

Councilmember Sheehan expressed the pride he feels for the La Vista Police Department and the way they worked with other agencies during the homicide investigation. Sheehan said he was very proud of their professionalism and the great job they do.

Assistant City Administrator Ramirez added that there had been an interview with Police Chief Lausten on television in which they talked about the interaction of the agencies in Sarpy County and Omaha that came together to do a thorough expedient investigation in order to have a suspect this quickly.

Ramirez reminded council to return their annexation notebooks in order for Community Development Director Birch to update those and return them.

ADJOURNMENT

At 7:30 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: Quick. Motion carried.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

K:\APPS\CITYHALL\07 COUNCIL MINUTES\July 3

MEETING OF THE LIBRARY ADVISORY BOARD CITY OF LA VISTA

MINUTES OF MEETING May 10, 2007

Members Present: Rose Iwan Barbara Weikle
 Samantha Maine Carol Westlund

Agenda Item #1: Call to Order

The meeting was called to order at 5:36 p.m.

Agenda Item #2: Introductions

No introductions were made.

Agenda Item #3: Approval of Minutes of March 8, 2007 Meeting. It was moved by Weikle and seconded by Westlund that the minutes be accepted as presented. Ayes: all. Nays: none. Motion carried.

Agenda Item #4: Library Director's Report.

- a. Programs: an overview of various programs was given including the Metropolitan Community College Home Schooling Program.
- b. Employee updates were given: Marcia Schipper is applying to attend the Nebraska Library Leadership Institution held in July of 2007.

Agenda Item #5: Circulation Report. Library Director Iwan distributed the circulation report. The report was discussed and accepted.

Agenda Item #6: Old Business.

- a. Current and future grants were reviewed. The grant written by Joni Wilder for "Read and Play – Building Literacy and Socialization" and submitted it to the La Vista Community Foundation. Wilder was awarded the grant and will implement. Wilder also wrote a Youth Grant for \$800 through the Nebraska Library Commission. This grant focuses on Boys and Reading to build literacy and socialization skills through reading and game programs for boys in grades 4-6.
- b. State Report. A written synopsis was distributed to each board member.
- c. One position still exists for the Library Advisory Board.
- d. Summer Reading Program 2007. This year's theme: Get a Clue @ your library TM. A letter of support was sent to the Fire Fighters Association (FFA) requesting their continued financial support. In response, the FFA increased the amount of support from last year. This is a valuable way the library continues to offer quality programming.
- e. Library Safety. This item is still open due to an inspection. The library is waiting on the results of that inspection.

Agenda Item #7: New Business.

- a. Budget FY 2007/08. The budget for the upcoming fiscal year is being planned.
- b. New Library Cards. New library cards are being considered as this will reduce library costs through materials and staff time.

Agenda Item #8: Comments from the Floor. There were no comments from the floor.

Agenda Item #9: Comments from the Board. A comment was made by Maine about getting high schoolers involved in the library.

There was a motion by Westlund and seconded by Maine to adjourn the meeting at 6:08 p.m.

The next meeting is scheduled for July 12th, 2007 at 5:30 p.m. at the La Vista Public Library, Room #142.

City of LaVista
Park & Recreation Advisory Committee Minutes
June 20, 2007

A meeting of the Park and Recreation Advisory Committee for the City of LaVista convened in open and public session at 7:02 p.m. on June 20, 2007. Present were Recreation Director Scott Stopak, John Vendetti, Greg Johnson, Randy Cahill and Chris Kuehner. Absent: George Forst.

A notice of the meeting was given advance thereof by publication in the Times on June 14, 2007. Simultaneously given to the members of the Park and Recreation Advisory Committee and a copy of their acknowledgment of receipt of the notice are attached to the minutes. Availability of the agenda was communicated in the advance notice to the members of the Park and Recreation Advisory Committee of this meeting. All proceedings hereafter were taken while the convened meeting was open to attendance of the public. Further, all the subjects included in said proceedings were contained in the agenda for inspection within ten working days after said meeting, prior to the convened meeting of said body.

A. CALL TO ORDER

Recreation Director Stopak called the meeting to order.

Seconded by Committee Member Kuehner. Motion carried.

Recreation Director Stopak led the audience in the Pledge of Allegiance.

B. CONSENT AGENDA

Committee Member Johnson made the motion to approve the consent agenda. Seconded by Committee Member Vendetti. Motion carried.

REPORTS FROM STAFF

Recreation Director Stopak made an announcement of the location in City Hall of the posted copy of the Open Meetings Act for public reference.

Stopak informed the Committee that a new Special Services Van was delivered last week, and that it was shown at the City Council meeting on Tuesday, June 19. The van's appearance is different from the others with a two-tone bronze paint job, and larger, seating 12. Stopak reported that the van will be in service soon.

Stopak addressed questions from May 19th meeting. Committee Member Johnson had asked if there were individual apparatus cost breakdown figures provided for the proposed aquatic facility. Recreation Director Stopak said the cost breakdown figures were provided at the June 13 meeting. Committee Member Vendetti asked if any consideration was allowed for employee parking at the proposed aquatic facility. Stopak reported it is anticipated that employees would park in the public parking lot or at a possible site near the access road leading to the pump house.

Assistant Recreation Director David Karlson reported on the special event "Dinosaur Egg Hunt" the Recreation Department is hosting on Tuesday, June 26, 2007 at 3:00 pm. in Central Park. The event is for family and friends who will gather at Central Park to hunt GIANT DINOSAUR EGGS! When all the "eggs" are found, they will gather back at the shelter to "crack open our eggs" and enjoy a cold slice of watermelon. The fee is \$1 per person or \$3 per family.

Program Director Rich Carstensen reported on a nightly event at the La Vista Sports Complex. The Midwest Performance Fliers meet every evening from 4:00 p.m. until dark to fly planes. The public is welcome to come down and watch. They will also let people try to fly. Wednesday evenings they have flight training classes, and on Friday evenings they fly helicopters, which the public is also welcome to attend.

COMMENTS FROM THE FLOOR

Resident Donna Kozak gave history of the Economic Development Plan from September 2003, and expressed concerns on increasing taxes and creating debt for the City.

Resident Doug Speicher said he was not notified properly of May 30, 2007 meeting. He expressed concern on the lack of studies on the effect of traffic, property values, congestion, noise and children crossing 84th Street. He also questioned if a water park would be viable and profitable. He would like a consideration to put the aquatic facility out by Cabela's. Speicher asked where money comes from if there is a shortfall.

Committee Member Vendetti said that the property by Cabela's is very expensive, and the City already owns the property of the current pool. Vendetti stated that kids have been walking to the pool across 84th Street for years, and Cabela's is too far away. This site would be appealing and attract people from other areas because of location and price. Vendetti also stated that they are just an advisory committee, and the final say would be by City Council. Committee Member Cahill said the City Council has done extensive studies, and that the May 30, 2007 pool meeting was a review of the concept that was chosen by the Swimming Pool Advisory Committee.

Resident Angela Higgs raised concerns about higher taxes for a facility that will be open for 85 days per year. She would like to see the money go elsewhere in recreation, such as yoga classes, clogging, nature programs, etc. She wondered if another playground would be built to replace the one that would be taken down. Higgs also wanted to know if an environmental impact study had been done. Recreation Director Stopak said that an environmental impact study has not been done and it's not even known if the existing playground would have to be removed.

Resident Ken Willenberg has not formed an opinion yet, but said his kids growing up would have loved it. He said he has missed the meetings, but would like copies of information on studies that have been done. Recreation Director Stopak said Mr. Willenberg could request copies at City Hall.

Committee Member Vendetti stated again that this was a concept right now, and that the advisory committee cannot authorize studies. All questions brought to the advisory committee would be forwarded to the City, but the City Council is primarily responsible. Traffic, lighting, etc. has been discussed. Vendetti also voiced that a pool and recreation is very important to kids.

Committee Member Cahill stated that traffic on his street, Birch, is heavy now, so this new pool would divert traffic to 84th Street instead. He agreed that recreation is very important to kids, and that it helps keep them off streets and out of trouble.

Committee Member Kuehner said it is important to remember that this is a conceptual idea, and they invite the public to come to the meetings with their issues and concerns.

Resident Klaus Lindner offered that the new pool will be too large, and that no one has said if La Vista can afford this.

Committee Member Cahill replied that the amenities proposed on the conceptual design were voted on by the public through surveys and the current proposed conceptual design was decided upon by the swimming pool committee based on these surveys.

Committee Member Johnson agreed that this is a very large project and smaller ones were discussed, but the concept contains the amenities the public voted upon.

Committee Member Kuehner stated that the City's current deteriorating pool is what started the process. The current pool is not viable and is costing money.

Resident Kathy Cook asked if any studies had been done for other plans. La Vista is working class and cannot afford higher taxes. She stated that the City needs to look at a pool such as the one located in the City of Wahoo.

Committee Member Johnson said there were several concepts looked at.

Committee Member Vendetti said the public is always welcome to contact their council members.

Committee Member Cahill said letters were sent to residents in the pool vicinity approximately 5 to 6 months ago, and notices of meetings have been in the newsletters, papers, etc.

Resident Tim Heidenreich asked about the Park & Recreation Master Plan and when the meetings are held. He is concerned that park in Val Vista has not been developed. He is also concerned that we will lose a large park and green space by putting in a water park, and that the west end of La Vista needs to be looked at.

Recreation Director Stopak said the Park & Recreation Master Plan Action Plan is used as a guide for developing the La Vista park and recreation system. The Action Plan should be updated annually as new projects arise, priorities change, budgets are proposed, projects are completed, etc. The Park & Recreation Advisory Committee meetings are the forum where public input is sought regarding the Park & Recreation Master Plan.

COMMENTS FROM COMMITTEE MEMBERS

Committee Member Johnson thanked everyone for coming. He told those in attendance to talk to their council members.

ADJOURNMENT

Recreation Director Stopak made the motion to adjourn. Seconded by Committee Member Johnson. Motion carried. Meeting adjourned at 8:09 p.m.

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

July 10, 2007

Ms. Sheila Lindberg
City Finance Director
City of La Vista
8116 Park View Boulevard
La Vista, NE 68128

RE: Southport West
Traffic Signals Section 1
Thiele Geotech, Inc. Invoice No. 21599
TD² File No. 171-325.45

Sheila:

I have received Invoice No. 21599 from Thiele Geotech, Inc. with a recommendation from E&A Consulting Group, Inc. in the amount of \$455.00, which is enclosed. This invoice is for concrete testing related to the construction of traffic signals at the Giles Road and Southport Parkway intersection. I recommend that payment be made to Thiele Geotech, Inc. in the amount of \$455.00.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

Enclosure

cc: Mr. Joe Soucie, City of La Vista – w/o enclosure
File

ROBERT E. DREESSEN, P.E.
NELSON J. HYMANS, P.E.
JAMES D. WARNER, L.S.
CHARLES E. RIGGS, P.E.
KA "KJP" 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.

Consent Agenda
7-17-07
05.71.0658


Thiele Geotech Inc

 PM: MG
 Dept: M

Invoice

 13478 Chandler Road
 Omaha, Nebraska 68138-3716
 402/556-2171 Fax 402/556-7831
 FTIN# 47-0794664

Invoice #: 21599
Date: 4/26/07
Job #: 04381.5
Page: 1 of 1
Bill to:

 SID 253 c/o E&A
 Attn: Randy Pierce
 330 North 117th Street
 Omaha, NE 681542509

Project:

 Traffic Signals Imp. - Section I
 Southport West
 126th & Southport Parkway
 E&A # 2000 030.11

Date	Quant	Code	Description	Rate	Amount
4/4/07	1.0	T	Trip Charge - Zone 1 (/trip)	44.00	44.00
	1.0	F-3	Concrete Test Set (slump/air/temp/cast up to 3 cyl) (/set)	65.00	65.00
	3.0	C-1	Compressive Strength of Cylinder (ea.) C474	14.00	42.00
4/5/07	1.0	T	Trip Charge - Zone 1 (/trip) p/u sample	44.00	44.00
4/10/07	1.0	T	Trip Charge - Zone 1 (/trip)	44.00	44.00
	2.0	F-3	Concrete Test Set (slump/air/temp/cast up to 3 cyl) (/set)	65.00	130.00
	3.0	C-1	Compressive Strength of Cylinder (ea.) C525	14.00	42.00
	3.0	C-1	Compressive Strength of Cylinder (ea.) C521		
4/11/07	1.0	T	Trip Charge - Zone 1 (/trip) p/u sample	44.00	44.00

Invoice Total 455.00



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES

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Quality and Service for You

330 NORTH 117TH STREET
OMAHA, NE 68154-2509

www.eacg.com

PHONE: (402) 895-4700
FAX: (402) 895-3599

June 5, 2007

City of La Vista Public Works
Joe Soucie
9900 Cornhusker Rd
La Vista, NE 68128

RE: TESTING – SOUTHPORT WEST
Traffic Signals Section I
E & A #2000030.11

Dear Mr. Soucie:

Enclosed is Invoice #21599 from Thiele Geotech, Inc. in the total amount of \$455.00, which we recommend for payment.

This invoice includes concrete testing of the paving within the referenced subdivision.

Please make payment directly to Thiele Geotech, Inc. in the amount of \$455.00.

If you have any questions relative to the above, please contact the undersigned.

E & A CONSULTING GROUP, INC.

Randall L. Pierce, P.E.

RLP/mc

cc: Thiele Geotech Inc.

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL

1	Bank of Nebraska (600-873)								
		45910			Payroll Checks				
Thru		45911							
		45912			Missing Checks				
Thru		39803							
		89804	7/04/2007	2888	HOME DEPOT CREDIT SERVICES	59.90			**MANUAL**
		89805	7/05/2007	187	KERSTENS & LEE	55,726.06			**MANUAL**
		89806	7/05/2007	1596	WESTERN ENGINEERING CO INC	86,357.47			**MANUAL**
		89807	7/05/2007	3739	FELSBURG HOLT & ULLEVIG	750.00			**MANUAL**
		89808	7/05/2007	3718	GENWORTH LIFE AND HEALTH	9,199.37			**MANUAL**
		89809	7/05/2007	153	METRO AREA TRANSIT	10,344.74			**MANUAL**
		89810	7/09/2007	3816	ZOCKLEIN & ASSOCIATES	299.00			**MANUAL**
		89811	7/10/2007	1194	QUALITY BRANDS OF OMAHA	261.70			**MANUAL**
		89812	7/12/2007	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	372.00			**MANUAL**
		89813	7/17/2007	762	ACTION BATTERIES UNLTD INC	599.60			
		89814	7/17/2007	571	ALAMER UNIFORMS	79.99			
		89815	7/17/2007	11	ALL FLAGS ETC	562.51			
		89816	7/17/2007	1271	AMERICAN PLANNING ASSOCIATION	695.00			
		89817	7/17/2007	81	AMSAH	218.15			
		89818	7/17/2007	435	ANDERSON FORD LINCOLN MERCURY	138.69			
		89819	7/17/2007	736	AQUA-CHEM INCORPORATED	275.25			
		89820	7/17/2007	196	AQUILA	77.31			
		89821	7/17/2007	536	ARAMARK UNIFORM SERVICES INC	198.92			
		89822	7/17/2007	3685	ASAP SOFTWARE	309.00			
		89823	7/17/2007	188	ASPHALT & CONCRETE MATERIALS	451.71			
		89824	7/17/2007	706	ASSOCIATED FIRE PROTECTION	435.00			
		89825	7/17/2007	201	BAKER & TAYLOR BOOKS	328.39			
		89826	7/17/2007	1839	BCDM-BERINGER CIACCIO DENNELL	1,927.50			
		89827	7/17/2007	843	BEACON ATHLETICS	109.00			
		89828	7/17/2007	1784	BENNINGTON IMPLEMENT	3,707.48			
		89829	7/17/2007	1242	BRENTWOOD AUTO WASH	140.00			
		89830	7/17/2007	117	BRODART	368.04			
		89831	7/17/2007	3760	BUETHE, PAM	160.05			
		89832	7/17/2007	76	BUILDERS SUPPLY CO INC	62.12			
		89833	7/17/2007	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
		89834	7/17/2007	2625	CARDMEMBER SERVICE-ELAN	5,435.49			
		89835	7/17/2007	2285	CENTER POINT PUBLISHING	78.48			
		89836	7/17/2007	3815	CIVIC PLUS	10,100.00			
		89837	7/17/2007	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		89838	7/17/2007	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		89839	7/17/2007	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		89840	7/17/2007	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		89841	7/17/2007	83	CJ'S HOME CENTER	797.44			
		89842	7/17/2007	3176	COMP CHOICE INC	.00	**CLEARED**	**VOIDED**	
		89843	7/17/2007	3176	COMP CHOICE INC	.00	**CLEARED**	**VOIDED**	
		89844	7/17/2007	3176	COMP CHOICE INC	1,498.00			
		89845	7/17/2007	468	CONTROL MASTERS INCORPORATED	45.60			
		89846	7/17/2007	272	COUNCIL OF STATE GOVERNMENTS	112.50			

ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
89847	7/17/2007	2158	COX COMMUNICATIONS	140.15					
89848	7/17/2007	472	CUES	165.35					
89849	7/17/2007	3136	D & D COMMUNICATIONS	45.00					
89850	7/17/2007	77	DIAMOND VOGEL PAINTS	148.05					
89851	7/17/2007	2149	DOUGLAS COUNTY SHERIFF'S OFC	50.00					
89852	7/17/2007	1042	ED M. FELD EQUIPMENT	436.00					
89853	7/17/2007	3193	ED ROEHR SAFETY PRODUCTS CO	1,226.31					
89854	7/17/2007	2318	EMS BILLING SERVICES INC	1,675.15					
89855	7/17/2007	1219	ENTERPRISE LOCKSMITHS INC	102.50					
89856	7/17/2007	3159	FASTENAL COMPANY	24.69					
89857	7/17/2007	1235	FEDEX KINKO'S	.00	**CLEARED**	**VOIDED**			
89858	7/17/2007	1235	FEDEX KINKO'S	47.00					
89859	7/17/2007	1245	FILTER CARE	118.45					
89860	7/17/2007	2234	FIRMATURE, STEVE	36.00					
89861	7/17/2007	142	FITZGERALD SCHORR BARMETTLER	10,742.81					
89862	7/17/2007	3132	FORT DEARBORN LIFE INSURANCE	1,163.50					
89863	7/17/2007	285	GRAYBAR ELECTRIC COMPANY INC	173.28					
89864	7/17/2007	385	GREAT PLAINS ONE-CALL SVC INC	417.82					
89865	7/17/2007	1044	H & H CHEVROLET	347.98					
89866	7/17/2007	426	HANEY SHOE STORE	240.00					
89867	7/17/2007	2663	HARBOR FREIGHT TOOLS	30.96					
89868	7/17/2007	3549	HARLEY DAVIDSON OF OMAHA	6.48					
89869	7/17/2007	387	HARM'S TRAILER CRETE	124.00					
89870	7/17/2007	1705	HENRY, MARK A	54.00					
89871	7/17/2007	390	HOLIDAY INN-KEARNEY	130.00					
89872	7/17/2007	136	HUNTEL COMMUNICATIONS, INC	117.50					
89873	7/17/2007	1612	HY-VEE FOOD STORES & DRUGTOWN	56.30					
89874	7/17/2007	2140	HYDROLOGIC WATER MANAGEMENT	87.45					
89875	7/17/2007	3813	I.D. EDGE INC	133.16					
89876	7/17/2007	1498	INDUSTRIAL SALES COMPANY INC	274.49					
89877	7/17/2007	2307	INFO USA MARKETING INC	1,100.00					
89878	7/17/2007	162	INLAND TRUCK PARTS	77.21					
89879	7/17/2007	1896	J Q OFFICE EQUIPMENT INC	262.45					
89880	7/17/2007	379	JOHNSON HARDWARE COMPANY	37.14					
89881	7/17/2007	3819	KREIS, KELLIE	20.00					
89882	7/17/2007	2394	KRIHA FLUID POWER CO INC	5.80					
89883	7/17/2007	2697	KROGER-DILLON CUST CHARGES	75.52					
89884	7/17/2007	1061	KUSTOM SIGNALS INCORPORATED	111.00					
89885	7/17/2007	1241	LEAGUE ASSN OF RISK MGMT	7,275.00					
89886	7/17/2007	231	LEAGUE OF NEBRASKA MUNICIPA-	424.00					
89887	7/17/2007	377	LINWELD	159.20					
89888	7/17/2007	1573	LOGAN CONTRACTORS SUPPLY	40.78					
89889	7/17/2007	2664	LOU'S SPORTING GOODS	151.44					
89890	7/17/2007	418	LUEBBERT, RAY	264.00					
89891	7/17/2007	838	LYMAN-RICHEY SAND & GRAVEL CO	185.51					
89892	7/17/2007	153	METRO AREA TRANSIT	493.00					
89893	7/17/2007	1046	MIDWEST TURF & IRRIGATION	183.36					
89894	7/17/2007	2229	MOORE, WAYNE	54.00					
89895	7/17/2007	3341	MORRELL WATER SERVICES	3,652.00					
89896	7/17/2007	2818	MULHALL'S	509.50					
89897	7/17/2007	911	NEBRASKA AIR FILTER INC	111.60					
89898	7/17/2007	370	NEBRASKA LAW ENFORCEMENT	410.00					
89899	7/17/2007	2685	NEBRASKA TURF PRODUCTS	195.00					

ACCOUNTS PAYABLE CHECK REGISTER

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		89900	7/17/2007	407	NEBRASKALAND CONF BLDG OFFCL	90.00			
		89901	7/17/2007	653	NEUMAN EQUIPMENT COMPANY	38.00			
		89902	7/17/2007	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
		89903	7/17/2007	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
		89904	7/17/2007	1014	OFFICE DEPOT INC-CINCINNATI	303.39			
		89905	7/17/2007	79	OMAHA COMPOUND COMPANY	11.26			
		89906	7/17/2007	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
		89907	7/17/2007	195	OMAHA PUBLIC POWER DISTRICT	33,645.76			
		89908	7/17/2007	195	OMAHA PUBLIC POWER DISTRICT	57.99			
		89909	7/17/2007	319	OMAHA WINNELSON	115.70			
		89910	7/17/2007	2686	PARAMOUNT LINEN & UNIFORM	320.58			
		89911	7/17/2007	1769	PAYLESS OFFICE PRODUCTS INC	21.17			
		89912	7/17/2007	709	PEPSI COLA COMPANY	530.00			
		89913	7/17/2007	1321	PETTY CASH-PAM BUETHE	140.26			
		89914	7/17/2007	2429	POWER PLAN	65.69			
		89915	7/17/2007	159	PRECISION INDUSTRIES INC	82.53			
		89916	7/17/2007	1921	PRINCIPAL LIFE-FLEX SPENDING	155.25			
		89917	7/17/2007	3814	PSI PLASTIC GRAPHICS	492.44			
		89918	7/17/2007	219	QWEST	81.31			
		89919	7/17/2007	58	RAINBOW GLASS & SUPPLY	25.00			
		89920	7/17/2007	427	RAMIREZ, RITA M	89.76			
		89921	7/17/2007	191	READY MIXED CONCRETE COMPANY	4,639.05			
		89922	7/17/2007	292	SAM'S CLUB	1,851.08			
		89923	7/17/2007	1335	SARPY COUNTY CHAMBER OF	135.00			
		89924	7/17/2007	168	SARPY COUNTY LANDFILL	86.56			
		89925	7/17/2007	3167	SCHILDHAUER, BARB	41.95			
		89926	7/17/2007	2111	STAPLES BUSINESS ADVANTAGE	69.47			
		89927	7/17/2007	47	SUBURBAN NEWSPAPERS INC	806.39			
		89928	7/17/2007	264	TED'S MOWER SALES & SERVICE	23.70			
		89929	7/17/2007	143	THOMPSON DREESSEN & DORNER	.00	**CLEARED**	**VOIDED**	
		89930	7/17/2007	143	THOMPSON DREESSEN & DORNER	13,393.52			
		89931	7/17/2007	3309	THREE RING ENTERPRISES INC	.00	**CLEARED**	**VOIDED**	
		89932	7/17/2007	3309	THREE RING ENTERPRISES INC	880.00			
		89933	7/17/2007	1507	TREADWAY GRAPHICS	256.60			
		89934	7/17/2007	3368	TURF SUPPLY COMPANY	1,485.00			
		89935	7/17/2007	3123	UAP DISTRIBUTION INC	744.44			
		89936	7/17/2007	3097	UNITED HEALTHCARE	410.00			
		89937	7/17/2007	2426	UNITED PARCEL SERVICE	10.89			
		89938	7/17/2007	2399	UNITED WAY OF THE MIDLANDS	60.00			
		89939	7/17/2007	33	UNIVERSITY OF NEBRASKA LINCOLN	15.00			
		89940	7/17/2007	988	UPSTART	34.50			
		89941	7/17/2007	78	WASTE MANAGEMENT NEBRASKA	893.14			
		89942	7/17/2007	3820	WULF, ANGELA M	29.95			
		89943	7/17/2007	295	ZEE MEDICAL SERVICE INC	255.05			
		89944	7/17/2007	984	ZIMCO SUPPLY COMPANY	427.50			
					BANK TOTAL	239,208.73			
					OUTSTANDING	239,208.73			
					CLEARED	.00			
					VOIDED	.00			

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
FUND		TOTAL		OUTSTANDING		CLEARED		VOIDED	
01	GENERAL FUND			97,536.43	97,536.43	.00		.00	
02	SEWER FUND			15,935.97	15,935.97	.00		.00	
05	CONSTRUCTION			156,749.11	156,749.11	.00		.00	
08	LOTTERY FUND			935.21	935.21	.00		.00	
09	GOLF COURSE FUND			13,528.45	13,528.45	.00		.00	
14	ECONOMIC DEVELOPMENT			3,893.24	3,893.24	.00		.00	
15	OFF-STREET PARKING			630.32	630.32	.00		.00	
REPORT TOTAL					289,208.73				
OUTSTANDING					289,208.73				
CLEARED					.00				
VOIDED					.00				
+ Gross Payroll 7-13-07					197,304.30				
GRAND TOTAL					<u>\$486,513.03</u>				

APPROVED BY COUNCIL MEMBERS 7-17-07

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

COUNCIL MEMBER

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
APPLICATION FOR REPLAT & FINAL PUD PLAN & AMENDMENT TO PUD ORDINANCE — LOTS 1-4, SOUTHPORT EAST REPLAT NINE (SOUTHPORT PKWY. & EASTPORT PKWY.)	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

The public hearing was continued from the June 19, 2007 City Council meeting to consider a replat application for Lots 1-4 Southport East Replat Nine (a replat of Lots 1 and 2, Southport East Replat Six); and an application for final planned unit development (PUD-1) for approximately 8.88 acres at Southport Parkway and Eastport Parkway.

FISCAL IMPACT

None.

RECOMMENDATION

Continue.

BACKGROUND

The public hearing was continued from the June 19, 2007 Council meeting to consider a replat application for Lots 1-4 Southport East Replat Nine (a replat of Lots 1 and 2, Southport East Replat Six); and an application for an amendment to the PUD Plan and ordinance for Lots 1-4, Southport East Replat Nine. The application was submitted by John L. Hoich.

An amendment to the subdivision agreement must be prepared in order for the final plat to be considered by the City Council. The draft of the agreement and exhibits as submitted by the applicant are still under review by the City Attorney. Staff requests the hearing to be continued to the August 7th City Council meeting.

\\Lvdcp01\users\Administration\BRENDA\WORD\COUNCIL\07 Memos\Southport East Replat 9-continue.doc

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
PURCHASE OF FIREFIGHTER BUNKER GEAR	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RICH UHL FIRE CHIEF

SYNOPSIS

A resolution has been prepared authorizing the purchase of five sets of firefighter bunker gear from Municipal Emergency Services, Inc., Snyder NE in an amount not to exceed \$8,500.00.

FISCAL IMPACT

The FY 06/07 Fire Department budget provides a remainder of \$9,026.00 for the proposed purchase.

RECOMMENDATION

Approval.

BACKGROUND

Funding was included in the current year's budget for the purchase of five new sets of firefighter bunker gear. This purchase will bring the department closer to its goal of attaining NFPA 1971 compliance for the 2007 standards for protective gear.

Experience and consultation indicates that the Globe G7 bunker gear meets NFPA 1971 standards and will provide excellent protection for fire fighting applications. Several brands and models of bunker gear were evaluated by department members and prices were submitted by vendors for each. It was concluded that this selection will best meet the needs of the department.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE PURCHASE OF FIVE SETS OF GLOBE G7 BUNKER GEAR FROM MUNICIPAL EMERGENCY SERVICES, INC., SNYDER, NEBRASKA IN AN AMOUNT NOT TO EXCEED \$8,500.00.

WHEREAS, the Mayor and City Council have determined that it is necessary to purchase bunker gear for the Fire Department; and

WHEREAS, funds are provided in the FY 06/07 General Fund Budget for the proposed purchase; and

WHEREAS, the purchase of this bunker gear will bring the department closer to attaining NFPA 1971 compliance for the 2007 standards for protective gear; 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 authorizes the purchase of five sets of Globe G7 Bunker Gear from Municipal Emergency Services, Inc., Snyder, Nebraska in an amount not to exceed \$8,500.00.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
AWARD OF CONTRACT — EASTERN NEBRASKA OFFICE ON AGING	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SCOTT STOPAK RECREATION DIRECTOR

SYNOPSIS

A resolution has been prepared authorizing the Mayor to execute a contract with the Eastern Nebraska Office On Aging to provide a nutrition program to persons sixty (60) years of age and older living within the limits of Sarpy County.

FISCAL IMPACT

There is no cost to the city for the nutrition program.

RECOMMENDATION

Approval.

BACKGROUND

Eastern Nebraska Office On Aging supplies the meals and paper products that allow the La Vista Senior Center to serve and provide meals to not less than ten (10) senior adults between the hours of 9:00 a.m. and 1:00 p.m. three (3) days per week on Monday, Wednesday, and Friday.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE EASTERN NEBRASKA OFFICE ON AGING FOR PROVISION OF A NUTRITION PROGRAM.

WHEREAS, the City of La Vista's Community Center has annually served as a hot meal site for senior citizens in conjunction with the Nutrition program of the Eastern Nebraska Office on Aging (ENOA); and

WHEREAS, the Mayor and City Council believe it is desirable to continue to participate in this important program.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City of La Vista be, and hereby is, authorized to execute an agreement with the Eastern Nebraska Office on Aging for provision of a nutrition program

PASSED AND APPROVED THIS 17TH DAY OF JULY, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

CONTRACT

THIS CONTRACT is made and entered into the **first day of July 2007** by and between the **EASTERN NEBRASKA OFFICE ON AGING**, a division of the Eastern Nebraska Human Services Agency, an agency formed under the Nebraska Interlocal Cooperation Act (herein referred to as "**ENOA**") and **CITY OF LAVISTA**, a Nebraska non-profit corporation (herein referred to as "**Contractor**").

WHEREAS, ENOA has entered into an agreement with the Nebraska Health & Human Services System-Division on Aging, an agency of the State of Nebraska (herein referred to as the "**State**") to provide a nutrition program to persons sixty (60) years of age and older living within the limits of Sarpy County (herein referred to as the "**Area**"); and

WHEREAS, ENOA has been created according to Sections 13-801 through 13-807 Revised Statutes of Nebraska, 1943, Reissue 1987, and further has been recognized by the State as the official area agency on aging for the Area; and

WHEREAS, ENOA has determined in its area plan for fiscal year 2007-2008 that there exists a significant and clear need for a nutrition program for older persons living in the Area; and

WHEREAS, Contractor maintains premises located at 8116 Parkview Boulevard in LaVista, Nebraska with accommodations suitable to serve and provide meals to not less than ten (10) older adults between the hours of 9:00a.m. and 1:00pm, three (3) days per week on Monday, Wednesday, and Friday.

NOW, THEREFORE, IT IS AGREED as follows:

ARTICLE I

APPOINTMENT

Contractor is hereby retained and appointed to represent ENOA in connection with providing a Nutrition Program for the elderly at 8116 Parkview Blvd. in LaVista, Nebraska. Contractor acknowledges it is an independent contractor and shall be solely responsible for, and indemnify ENOA, for all matters relating to any employees of contractor including, but not limited to, all federal, state, and local taxes including FICA and any and all claims arising under the Fair Labor Standards Act for Contractor's employees retained to effectuate the purpose of this Contract.

ARTICLE II

SERVICES

In carrying out the terms of this Contract, Contractor agrees to provide the following services:

- (a) To provide a Senior Center Manager who will be responsible for the day-to-day operation of the program and meet all requirements of the Senior Center Manager job description attached hereto and identified as Exhibit "A" and by this reference made a part of this Contract.
- (b) To provide persons to receive and serve meals and to clean up following the noon meal in accordance with Nutrition Program policies and procedures.
- (c) To place food order with the ENOA Nutrition Division by 1:15pm, on day prior to serving day, for the number of meals needed for the serving day.
- (d) To ascertain that all claims for meals delivered are correct. Contractor shall not order more meals than the actual number of reservations made by the center participants.
- (e) To collect money contributed for meals, record on cash contribution sheet, obtain two (2) verifying signatures (initials are acceptable), and deposit amount in ENOA designated account, according to ENOA policies and procedures.
- (f) To ensure that food temperatures are no less than 140 degrees F for hot food items and no higher than 45 degrees F for cold food items.
- (g) To clean the utensils or containers food is delivered in and properly dispose of all leftovers.
- (h) To make special provisions as necessary to serve handicapped individuals, i.e., home-delivered meals on a short-term basis, two weeks or less due to illness (long-term basis requires referral to ENOA Care Management Division).
- (i) To submit a documented current Food Service Establishment Inspection Report by the Nebraska Department of Health at the time Contract is signed.
- (j) To keep senior center dining area, entry area, and restrooms clean, sanitary, and uncluttered.

- (k) Center staff must complete required paperwork in a timely and correct manner. Guest logs and cash contribution sheets must be completed daily.
- (l) To provide for supporting social services as follows:
 - 1) Conduct outreach activities by identifying and contacting older persons in the vicinity who are eligible for the Nutrition Program.
 - 2) Refer senior citizens to ENOA for additional available services.
 - 3) Provide activities which create opportunities for socialization. These activities could include but not be limited to trips, crafts, games, and special entertainment/programs.
 - 4) Provide activities which enhance potential for creating and maintaining a healthy lifestyle. These activities could include but not limited to health promotion, nutrition education, physical activities and dissemination of information regarding mental and physical health issues.
- (m) To account for all equipment purchased with funds received from ENOA when required.
- (n) To publicize the availability of the Nutrition Program for the elderly at the facility.
- (o) To determine that all recipients meet requisite age requirements or are the spouse of an active participant. Under-age participants must be certified for Title XX congregate services or pay full cost of the meal as required by ENOA Nutrition Program policies.
- (p) Participant level at the center must average a minimum of 10 per day in the various activities.
- (q) To operate the center every Monday, Wednesday, and Friday, except for those occurring on a holiday. Contractor shall notify ENOA of holidays to be taken. Any other center closing must be pre-approved by ENOA.

In carrying out the terms of this Contract, ENOA agrees to provide the following services:

- (a) To provide in-service training for senior center staff to improve job-related skills.
- (b) To provide nutrition education and recreational technical assistance to center staff.

- (c) To provide administrative and technical assistance and monitor contract compliance by:
 - 1) Reviewing reports and records submitted to ENOA as described in Contract;
 - 2) Unannounced center evaluations and center visits by program administrative staff; and
 - 3) Other activities as deemed necessary by ENOA Director.
- (d) To provide meals which supply one-third of the Recommended Daily Allowance. Paper products, coffee, tea, sugar, cream, condiments, etc. supplied by ENOA.

ARTICLE III

TERM

This Contract shall be in effect for one (1) year from **July 1, 2007** through and including **June 30, 2008**. Either party may terminate this Contract by thirty (30) days advance written notice for failure to comply with any terms or conditions of Contract. It is specifically understood and agreed by and between the parties hereto that this Contract shall remain in force only so long as funds are made available through the State.

ARTICLE IV

AUTHORIZED REPRESENTATIVE

The Director of ENOA or designated representative shall be the authorized representative to monitor performance under this Contract. ENOA shall prescribe accounting systems for records and accounts and shall require progress reports, including a Contract Completion Report of the activities and functions of Contractor. ENOA shall not be authorized to change any of the terms and conditions of the Contract. Such changes, if any, shall be accomplished only by a properly executed modification of this Contract in accordance with terms and conditions of Article VII hereof.

ARTICLE V

CONDITIONS

This Contract is subject to the following conditions:

- (a) Respect the right to confidentiality and safeguard confidential information as required by the Health Insurance Portability and Accountability Act of 1996 for every person served. Violations of HIPPA regulations may result in the termination of this contract.
- (b) Contractor shall maintain such records and accounts, attendance records (required paperwork specified in Article II hereof), including property, personnel, and financial records, as are deemed necessary to assure a proper accounting for all contract expenses. These records shall be made available for audit purposes to the authorized ENOA Representative, and shall be retained by Contractor for a period of five (5) years after final payment under this Contract. Additionally, Contractor must submit an audit upon demand by ENOA.
- (c) Contractor shall give credit to ENOA for its technical assistance and its moral and financial support of the program in all publicity regarding this program, whether in the media, written communication, or public presentations.
- (d) Contractor shall be subject to all federal, state, and local legislation prohibiting discrimination on the basis of race, color, creed, religion, national origin, ancestry, sex, age, or political opinion or affiliation, including the 1964 Civil Rights Act and Section 28-1122 Revised Statutes of Nebraska, 1943, as amended. Contractor assures that no person shall, on the grounds of age, race, color, creed, religion, national origin, ancestry, sex, or political opinion or affiliation, be excluded from participation in, be denied the 3 breach of this assurance, ENOA shall have the right to terminate this Contract or take appropriate judicial action for its enforcement. Contractor shall furnish such compliance information and other reports as may be required by ENOA.
- (e) Contractor covenants that it has not retained or employed any company or person, other than bona fide employees working for Contractor, to solicit or secure this Contract and that it has not paid or agreed to pay any company or person, other than bona fide employees working solely for the Contractor, any fees, commissions, percentages, brokerage fees, gifts, or any other considerations, contingent upon or resulting from the award or making of this Contract. For breach of this statement, ENOA shall have the right to annul this Contract without liability.
- (f) Contractor shall comply with all municipal ordinances and state and federal laws relating to or applicable to this work, including but not limited to Nebraska Unemployment Laws and Fair Labor Standards Act.
- (g) Contractor or ENOA shall consent to enter into discussion at any time to review terms of the Contract should an evaluation suggest that the program requirements necessitate a modification or change in center operations.

- (h) The Center Manager shall agree to attend the regularly scheduled center manager meetings. Further, the Center Manager agrees to attend any training meetings that ENOA may provide for skill development.
- (i) Contractor shall indemnify and hold ENOA harmless from and against: (1) any and all claims or causes of action arising from contracts between the Contractor and third parties made to effectuate the purpose of this Contract and any claims made by recipients of services contemplated by this Contract and (2) any and all claims, liabilities or damages arising from the preparation or presentation of any work covered by this Contract.
- (j) Contractor shall carry liability insurance coverage against injuries incurred by center participants while in the center and shall handle any such claims filed against the senior center through its insurance company. Contractor shall furnish ENOA with proof of insurance coverage.

ARTICLE VI

ASSIGNMENT

Contractor may not assign its rights under this Contract without the express prior written consent of ENOA.

ARTICLE VII

MODIFICATION

This Contract contains the entire agreement of the parties. No representations were made or relied upon by either party other than those that are expressly set forth herein. No agent, employee or other representative of either party is empowered to alter any of the terms hereof unless done in writing and signed by an authorized officer of the respective parties.

IN WITNESS WHEREOF, the parties hereto have executed this Contract this _____ day
of _____ 2007.

ATTEST:

CITY OF LAVISTA

By _____
Authorized Representative

Date _____

ATTEST:

**EASTERN NEBRASKA HUMAN
SERVICES AGENCY-OFFICE ON AGING**

By _____
Governing Board

Date _____

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007**

Subject:	Type:	Submitted By:
AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL	◆ RESOLUTION ORDINANCE RECEIVE/FILE	PAMELA A. BUETHE CITY CLERK

SYNOPSIS

A resolution has been prepared to amend Subsection 3.7 of the City Personnel Policy and Procedures Manual regarding membership in the Volunteer Fire Department.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

On October 1, 2002 the Mayor and City Council adopted Resolution 02-099 for the purpose of adding, where relevant, language to the City personnel manual pertaining to members of the Volunteer Fire Department. The Mayor and City Council have indicated they do not wish to eliminate any eligible candidates from membership in the La Vista Volunteer Fire Department because of their relationship to the elected officials. The proposed amendment would delete language that currently prohibits such an arrangement.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 3, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING MEMBERSHIP IN THE VOLUNTEER FIRE DEPARTMENT.

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska, has determined that a need exists to make changes to the existing La Vista City Personnel Policy and Procedures Manual as adopted on December 20, 2005; and

WHEREAS, Subsection 3.7 is being proposed for change in the manual to delete the words "or membership in the Volunteer Fire Department".

WHEREAS, it is the desire of the City Council to amend Section 3, of the Personnel Policy and Procedures Manual to incorporate the change to the above listed subsection; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the existing La Vista City Personnel Policy and Procedures Manual adopted on December 20, 2005, is hereby amended to reflect the proposed change submitted at the City Council meeting to Section 3 regarding membership in the La Vista Volunteer Fire Department.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
ECONOMIC DEVELOPMENT PROGRAM — BOND ISSUANCE FINAL RATES	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

SYNOPSIS

Bond Counsel has prepared a resolution to approve execution and delivery of designation of final rates and maturity schedule for the Economic Development Fund bonds, Series 2007, in the stated principal amount of \$20,695,000 and with a maximum interest rate of 7.73%.

FISCAL IMPACT

The City will provide a grant of \$3M. It is estimated that the City can recoup this investment in the first three (3) years the hotels & conference center are open through enhanced revenues. The City will provide an \$18M loan which will be repaid by JQH with interest in ten (10) years.

RECOMMENDATION

Approval.

BACKGROUND

On February 20, 2007, by Ordinance No. 1023, the City Council approved the Economic Development program application of John Q. Hammons along with a Development Agreement, Loan Classification, Loan Application and grant of \$3 Million and loan of \$18 Million to construct a full service hotel and conference center facility in Southport West.

A complete copy of all supporting documents is on file at City Hall.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION AND DELIVERY OF THE DESIGNATION OF FINAL RATES AND MATURITY SCHEDULE FOR THE ECONOMIC DEVELOPMENT FUND BONDS, SERIES 2007, OF THE CITY OF LA VISTA, NEBRASKA, IN THE PRINCIPAL AMOUNT OF \$20,695,000, INCLUDING FINAL INTEREST RATES VARYING FROM THOSE SET IN RESOLUTION 07-064.

BE IT RESOLVED by the Mayor and Council of the City of La Vista, Nebraska, as follows:

Section 1. The Mayor and Council of the City of La Vista, Nebraska, hereby find and determine that pursuant to Resolution No. 07-064 (the "Bond Resolution") the City's Economic Development Fund Bonds, Series 2007, (the "Bonds") have been offered for sale and because of changes in interest market conditions, it is necessary and advisable for the Mayor and Council to approve the final rates and maturity schedule varying from the directions set under the Bond Resolution; that the final terms for the Bonds are set forth in the form of Designation of Final Rates and Maturity Schedule (the "Designation") presented at this meeting; that the Designation includes certain undertakings on the part of the City related to the sale and issuance of the Bonds and is in proper form and should be and is hereby approved.

Section 2. The officers of the City (or any one or more of them), including but not limited to the Mayor and the City Treasurer are hereby authorized to execute and deliver the Designation for and on behalf of the City.

Section 3. The terms of the Bond Resolution as modified by the final terms set forth in the Designation are hereby ratified and confirmed. This resolution is hereby determined to be a measure necessary to carry out the contractual obligations of the City relating to the issuance of bonds as provided for in the Master Agreement (as defined in the Bond Resolution) and shall be in force and take effect from and after its adoption, as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF JULY, 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

DESIGNATION OF FINAL RATES AND MATURITY SCHEDULE

The undersigned Mayor and Treasurer for the City of La Vista, pursuant to Resolution No. 07-064 duly adopted on June 19, 2007 (the "Bond Resolution") and a further resolution adopted on July 17, 2007, do hereby designate final interest rates and maturity schedule for the \$20,695,000 of Economic Development Fund Bonds, Series 2007, date of original issue – July 24, 2007, (the "Bonds") as follows:

<u>Principal Amount</u>	<u>Maturing October 15,</u>	<u>Interest Rate</u>	<u>Price</u>
\$ 505,000	2010	6.00%	100
535,000	2011	6.06	100
570,000	2012	6.07	100
605,000	2013	6.27	100
1,330,000	2015	6.38	100
1,510,000	2017	6.53	100
2,000,000	2020	6.83	100
13,640,000	2029	7.73	100

The mandatory redemption amounts for each term maturity shall be as follows:

\$1,330,000 Principal Maturing October 15, 2015

\$645,000 to be called October 15, 2014

\$685,000 Payable October 15, 2015

\$1,510,000 Principal Maturing October 15, 2017

\$730,000 to be called October 15, 2016

\$780,000 Payable October 15, 2017

\$2,000,000 Principal Maturing October 15, 2020

\$835,000 to be called October 15, 2018

\$890,000 to be called October 15, 2019

\$275,000 Payable October 15, 2020

\$13,640,000 Principal Maturing October 15, 2029

\$685,000 to be called October 15, 2020

\$1,035,000 to be called October 15, 2021

\$1,120,000 to be called October 15, 2022

\$1,210,000 to be called October 15, 2023

\$1,305,000 to be called October 15, 2024

\$1,410,000 to be called October 15, 2025

\$1,525,000 to be called October 15, 2026

\$1,645,000 to be called October 15, 2027

\$1,780,000 to be called October 15, 2028

\$1,925,000 Payable October 15, 2029

Optional redemption prices as set forth in Section 5 of the Bond Resolution are hereby confirmed.

The Preliminary Official Statement for the Bonds dated July 3, 2007 is hereby confirmed as deemed final by the City as of its date. The City hereby undertakes that within seven business days after the date of this Designation, the Underwriter shall receive a sufficient quantity of copies of the final Official Statement in order to comply with the requirements of Rule 15c2-12 of the Securities and Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

Dated as of the 17th day of July, 2007.

Mayor

Treasurer

Agreed to by Underwriter:

Senior Vice President
D.A. Davidson & Co.

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
CONDITIONAL USE PERMIT — HOME OCCUPATION (BEAUTY SALON) 9106 GROVE COURT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing is scheduled for Council to consider a Conditional Use Permit for the location and operation of a Home Occupation (Beauty Salon) at 9106 Grove Court.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled to consider an application submitted by Jina Sedlacek for a conditional use permit to locate and operate a home occupation (beauty salon) at 9106 Grove Court.

The property is zoned R-1 Single Family Residential. According to the La Vista Zoning Ordinance, beauty salons are considered class one home occupations and are permitted within the R-1 Zoning District as a conditional use subject to the following regulations prescribed in Section 7.10:

- 7.10.01 No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two square foot in area attached flat against the building located on local or collector streets. However, four square feet in area attached flat against the building located on arterial streets.
- 7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 7.10.03 No more than 25% of the home, not to exceed 400 square feet, can be used for the home occupation, except for Child Care Home.
- 7.10.04 No one other than the resident(s) can work from that site.
- 7.10.05 No retail sales are permitted from the site other than incidental sales related to services provided.
- 7.10.07 No exterior storage is permitted.

- 7.10.08 There shall not be a stock of goods or material on the premises in excess of one hundred twenty (120) square feet of the area of the home occupation, none of which shall be of a flammable or hazardous nature.
- 7.10.09 Additional off-street parking may be required for the business.
- 7.10.10 If home occupation is for a business office for services rendered at another location then not more than two business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one piece of equipment shall be counted as one of the two business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.
- 7.10.11 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.12 Home Occupation License shall be required.
- 7.10.13 Conditional use permit is required, except for Home Occupation II uses and child care homes.
- 7.10.14 Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.
- 7.10.15 All fees shall be paid in accordance with the Master Fee Schedule.

In addition to and in compliance with Section 7.10.12 stated above, a home occupation license as defined in Section 2.02.137 of the Zoning Ordinance must be obtained and includes the following:

- 2.02.137.01 Application fee in accordance with Master Fee Schedule.
- 2.02.137.02 A minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address.
- 2.02.137.03 Minimum standards for home occupations as provided in Section 7.10 of the Supplemental Regulations.
- 2.02.137.04 Conditional use permit, except for Home Occupation II uses and child care homes.

Staff has reviewed the request for a conditional use permit and has determined that the applicant has successfully completed or adhered to the required regulations. Furthermore, it has been determined that parking for such a use is adequate. The application states there is room for four vehicles in the driveway in front of the house; no parking is allowed on Grove Court. Since the applicant has stated that she is the only operator and she takes customers by appointment only, the parking appears to be adequate.

The Planning Commission held a public hearing on June 21, 2007 and recommended approval.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT TO JINA SEDLACEK TO LOCATE AND OPERATE A HOME OCCUPATION (BEAUTY SALON) AT 9106 GROVE COURT.

WHEREAS, Jina Sedlacek has applied for a conditional use permit for the purpose of locating and operating a Home Occupation (Beauty Salon) at 9106 Grove Court; and

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

WHEREAS, the Mayor and City Council of the City of La Vista are agreeable to the issuance of a conditional use permit for such purposes, subject to the conditions identified within Section 7.10 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit for Jina Sedlacek to locate and operate a Home Occupation (Beauty Salon) at 9106 Grove Court.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER:

**FOR HEARING OF: July 17, 2007
Report prepared on July 10, 2007**

I. GENERAL INFORMATION

- A. APPLICANT:
Jina Sedlacek
- B. PROPERTY OWNER:
Steven and Jina Sedlacek
- C. LOCATION:
9106 Grove Court
- D. LEGAL DESCRIPTION:
Lot 116, Apple Grove Subdivision
- E. REQUESTED ACTIONS(S):
Conditional Use Permit to locate and operate a home occupation (beauty salon).
- F. EXISTING ZONING AND LAND USE:
R-1, Single Family Residential
- G. PURPOSE OF REQUEST:
The applicant requests to operate a beauty shop at her residence from one side of their two car garage. The space will be renovated for 200 square feet to support her business.
- H. SIZE OF SITE: 0.25 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE: A single family home exists on the site.
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:
 - 1. North: R-1/Single Family Home
 - 2. East: (same)
 - 3. South: (same)
 - 4. West: R-1, Harvest Hills Drive
- C. REVELANT CASE HISTORY: None.

D. APPLICABLE REGULATIONS:

1. Section 5.06, Zoning Ordinance, regarding the Single Family Residential District.
2. Article 6, Zoning Ordinance, regarding Conditional Use Permits.
3. Section 7.10, Zoning Ordinance, regarding Home Occupations

III. ANALYSIS

- A. COMPREHENSIVE PLAN: The Comprehensive Plan identifies this area as medium density residential.
- B. OTHER PLANS: None.
- C. TRAFFIC AND ACCESS:
 1. Access to the lot is from Grove Court.
 2. Off-street parking must be provided as no parking is allowed in the cul-de-sac.
- D. UTILITIES: Necessary utilities already serve the single family residence.
- E. PUBLIC COMMENTS: A letter was received from a neighbor. The following is a list of her concerns:
 1. Parking on-street, which is not legal on a cul-de-sac, and partially blocking access to their driveway and/or mailbox.
 2. Safety of children playing in neighborhood with regards to added traffic.
 3. Snow removal

IV. REVIEW COMMENTS:

1. The application indicates there is space for four vehicles (off-street). According to the City Engineer, no on-street parking is allowed on Grove Court.
2. The applicant will take appointments only Tuesday - Saturday.

- V. PLANNING COMMISSION RECOMMENDATION: Approval with the condition that parking will not be allowed in the cul-de-sac and hours of operation will not exceed what has been proposed in the application.

VI. ATTACHMENTS TO REPORTS:

1. Vicinity Map
2. Letter from City Engineer dated April 17, 2007
3. Letter from surrounding property owner, Cindy Mettlen
4. Conditional Use Permit

VII. COPIES OF REPORT TO:

1. Jina Sedlacek, Applicant



Prepared by:

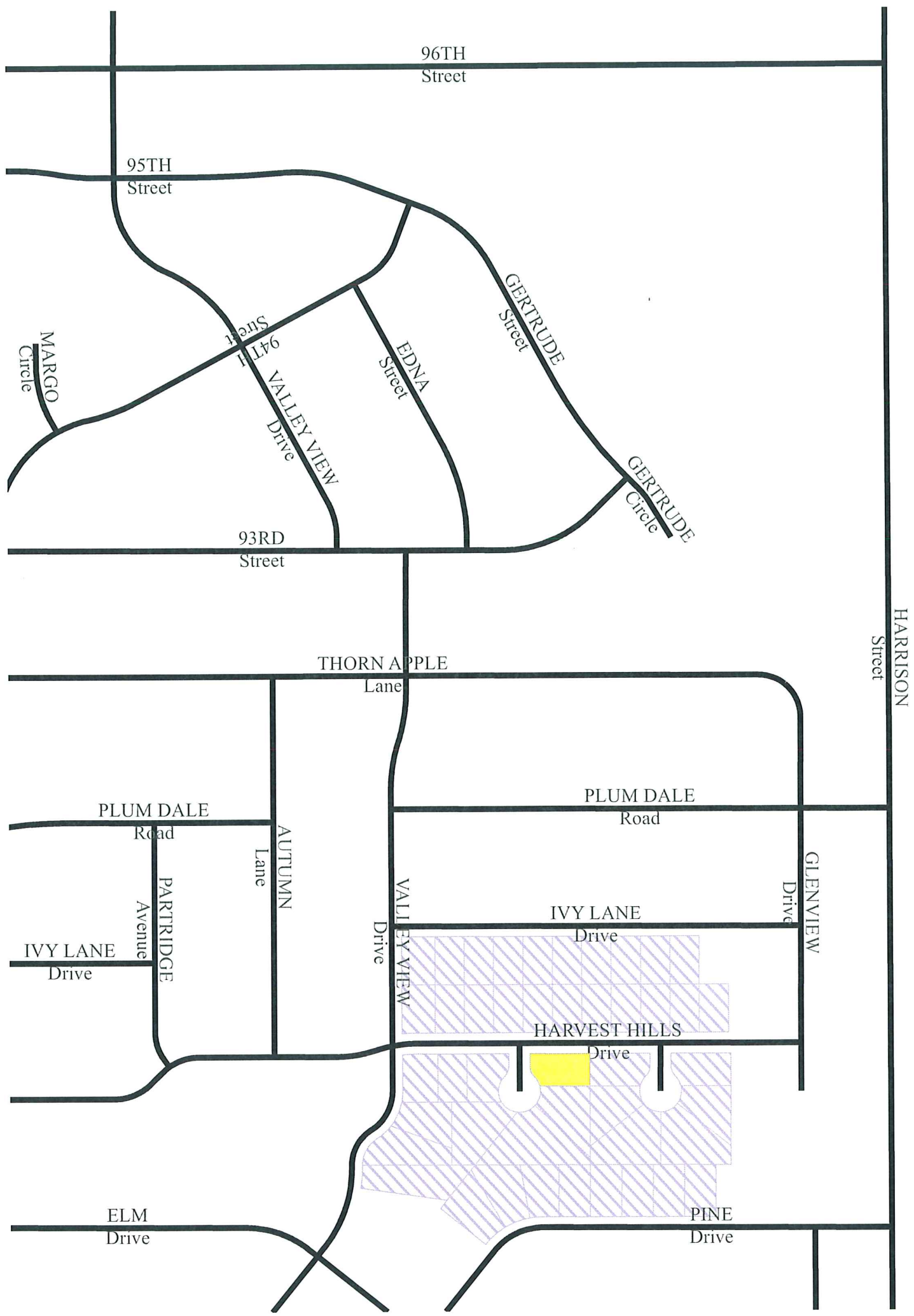


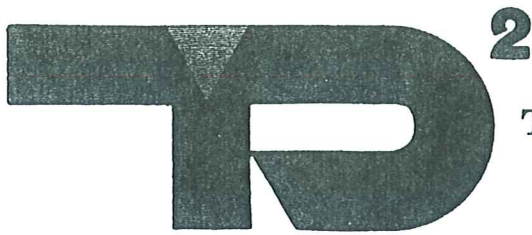
7-12-07

Community Development Director

Date

I:\MBaker\plancomm\c.u.p\home occ. - salon-Newell07.doc





THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

May 14, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

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. JASGER, 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. KEILNER, 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.

RE: Home Occupation Conditional Use Permit
9106 Grove Court-Beauty Salon
2007 Rezoning & Use Permit Reviews
City of La Vista
TD² File No. 171-345.7

Mr. Baker:

I have reviewed the application sent to me in your transmittal dated May 7, 2007. This is a corner lot in a cul-de-sac and no on-street parking is allowed along either side of the lot.

The only engineering consideration I have is in regards to parking. The existing driveway is a double width driveway and there is room for four cars as noted in the application. The application states that the business is by appointment only and that only one customer is served at a time. Therefore, this would not be expected to have a parking impact on the neighbors.

Therefore, I recommend that the use permit contain a condition limiting the facility to two customer cars parked on the property at a time. The applicant should also provide information as to the hours of operation for the facility.

Submitted by,

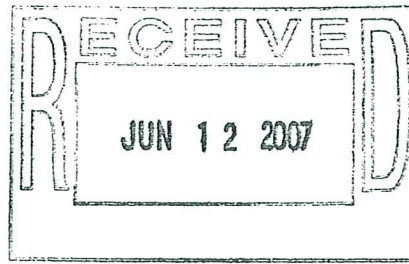
THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File

June 11, 2007



Marcus Baker
Community Development
City Hall
8116 Park View Blvd.
LaVista, NE 68128

Not mailed out to applicant.

Re: Proposed beauty salon at 9106 Grove Court, LaVista, NE

Dear Mr. Baker:

Please accept this letter as the undersigned's opinion regarding the application of a proposed beauty salon at the above referenced address.

To that end, I have serious concerns regarding the opening of a beauty salon at this address.

My first concern is **parking**. As the next door neighbor to the aforementioned address, I have witnessed the lack of parking for this family, relatives and visitors. The mother and father-in-law of the homeowner's at 9106 Grove Court visit this family **and stay with** this family on a regular basis. That is to say that the mother and father-in-law visit at least three out of four weeks during a one month span. They sometimes stay for the weekend; however, many times they stay for several days during the week. Sometimes they park in the residents' driveway; however, many times they park in the cul-de-sac. When they park in the cul-de-sac they block a portion of our driveway (9104 Grove Court) as well as our mailbox. In addition, the oldest son of the homeowners at 9106 Grove Court has his own vehicle as does his girlfriend, who visits and either parks in the driveway or, again, in the cul-de-sac which again, is in the same place the in-laws park which again, blocks a portion of our driveway and mailbox. When we get home and want to pull into our driveway, we have to go around their vehicles to get into our driveway. In addition, the wife's sister is at this house on a regular basis and either parks in the homeowners' driveway or, once again, in the cul-de-sac, which once again, blocks a portion of our driveway and mailbox.

Also, the family who resides at 9106 Grove Court owns three vehicles: a Ford Explorer, a mini van and a F-150 pickup. It is my understanding half of the garage at this address is being converted into the beauty salon. I presume these vehicles will be parked in their driveway year round. If this is the case, where will the customers for this beauty salon park – in the cul-de-sac blocking a portion of my driveway and mailbox? Where will the family and friends park - in the cul-de-sac blocking a portion of my driveway and mailbox?

Furthermore, there are two signs posted in the cul-de-sac that read: "NO PARKING ANYTIME." I understand someone can get permission to ignore these signs should they have a gathering of some sort at their home for a special occasion; however, I presume these signs are not to be ignored on a daily basis.

In addition, there are four homes in the immediate area of this residence with small children. It is my opinion that, with the additional traffic of customers going to a beauty salon in a residential area, the likelihood of a possible accident occurring regarding the children playing in the neighborhood would only increase.

As well, the residents at 9106 Grove Court let their children play in other people's yards – mine included – as they have a fenced backyard and a dog that is always outside in the backyard (barking I might add). The point here is that there is already lack of respect for neighbors, and to have a business within their home would only lead to more disrespect for their surrounding neighbors, i.e. parking (which already occurs), a place for their children to play, additional traffic which could increase the possibility of an unnecessary accident to occur, etc.

Also, what will the snow removal situation be? If there is additional traffic parking either on the side of the street that allows parking (Harvest Hills Drive) or in the cul-de-sac, how will snow removal in this area be affected? My husband pushes the snow in the cul-de-sac to clear it for the residents who live in the cul-de-sac when he can. If there are cars parked there, how will either he or the city be able to remove the snow? I believe snow removal to become a problem.

In addition, it has just recently been noticed that the cars being parked on Harvest Hills Drive has increased due to customers already going to 9106 Grove Court for hair services. The point being – traffic has already increased and there isn't even a full-fledged beauty salon at this address.

The bottom line is . . . I believe allowing a beauty salon to be put in at 9106 Grove Court would only compound the already "troubled" atmosphere this residence possesses. That is to say, there is **constantly** either family or visitors at this house; their children are either playing in their front yard, our front **and** back yard or in the cul-de-sac, their dog barks constantly, and their family and friends park in the cul-de-sac [blocking a portion of our driveway and our mailbox]. To add a business around this type of atmosphere that already exists only begs for more "trouble."

As a neighbor of 9106 Grove Court, I would caution the City Planning Board/Community Development Dept. in allowing a beauty salon at 9106 Grove Court.

Sincerely,

Cindy Mettlen

City of La Vista Conditional Use Permit

Conditional Use Permit for Home Occupation (Beauty Salon)

This Conditional Use Permit issued this 17th day of July, 2007, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Jina Sedlacek ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to locate and operate a home occupation (beauty salon) in a single-family dwelling at 9106 Grove Court upon the following legally described property of land within the City of La Vista zoning jurisdiction:

Lot 116, Apple Grove Addition, located in the NE ¼ NW ¼ of Section 15,
Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska.

WHEREAS, Owner has applied for a conditional use permit for the purpose of locating and operating a home occupation (beauty salon); and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area of the property described herein for a home occupation (beauty salon), said use hereinafter being referred to as "Permitted Use or Use".

Conditions of Permit

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the proposed Use:
 - a. Permitted use will utilize approximately 198 square feet of the two car garage. Use will consist of equipment and supplies commonly associated with a beauty salon including salon chairs, a sink and dryer area, and a waiting area.
 - b. Hours of operation will be from 1:00 p.m. to 8:00 p.m., Tuesday through Friday; and 9:00 a.m. to 5:00 p.m. on Saturday. Clients are taken by appointment only and total hours worked in a week are not to exceed twenty hours.
 - c. There will be no parking of motor vehicles on Grove Court.
 - d. There will be no employees.
 - e. Fires escapes (36" doors) shall be designated.
 - f. There shall be no storage, placement or display of goods or supplies outside described areas relating to permitted use. Hair care products may be sold, which include hairspray, gel, shampoo, conditioner, and related items.
 - g. Waste materials shall be stored in proper containers. Disposal of perm and color containers are to be wrapped in plastic bags and then placed in the dumpster.

- h. Client parking will consist of owner's driveway (off-street parking).
 - i. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Building Inspector.
 - j. Owner shall comply (and shall ensure that all, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
 - k. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his/her agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
- a. An annual renewal of a home occupation license and annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
 - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
 - c. All obsolete or unused structures and accessory facilities or materials specifically pertaining to such permitted use shall be removed at owner's expense within twelve (12) months of cessation of the conditional use, if required by the City.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as a permitted use hereunder upon the first of the following to occur:
- a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
 - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
 - c. Owner's breach of any other terms hereof and his/her failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If the permitted use is not commenced within one (1) year from July 17, 2007, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

Miscellaneous

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

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

Contact Name and Address: Jina Sedlacek
9106 Grove Court
La Vista, NE 68128

Effective Date:

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

THE CITY OF LA VISTA

By _____
Douglas Kindig, Mayor

Attest:

Pamela A. Buethe, CMC
City Clerk

CONSENT AND AGREEMENT

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

Owner:

By: _____

Title: owner/operator

Date: _____

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
APPLICATIONS FOR REPLAT & ZONING TEXT AMENDMENT — SOUTH PORT EAST REPLAT TEN, LOTS 1 & 2 (PORT GRACE BLVD. & EASTPORT PARKWAY)	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and an ordinance and resolution have been prepared to consider a zoning text amendment to allow Child Care Centers as a conditional use in the C-3 Highway Commercial/Office Park District, and a replat of approximately 5.2 acres to be known as Lots 1 & 2 Southport East Replat Ten (a replat of Lot 10B, Southport East), located northwest of Port Grace Blvd. & Eastport Parkway.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and an ordinance and resolution have been prepared to consider a zoning text amendment to allow child care centers as a conditional use in the C-3 Highway Commercial/Office Park District, and a replat of approximately 5.2 acres to be known as Lots 1 & 2 Southport East Replat Ten, generally located northwest of Port Grace Blvd. & Eastport Parkway. The property is currently zoned C-3 Highway Commercial/Office Park District with the Gateway Corridor Overlay District.

According to the City's Zoning Ordinance, the intent of the C-3 District is for large scale commercial and office park development. The applicant proposes to replat the property to create two lots, one of which would be the site of a child care center. The C-3 District does not list child care centers however this use is a permitted use in the C-1 and C-2 Districts. Staff recommends that the Zoning Ordinance be amended to allow Child Care Centers as a conditional use in the C-3 District, as follows:

5.12.03 Permitted Conditional Uses:

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
- 5.12.03.05 Coffee Kiosks.
- 5.12.03.06 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.08 Convenience store with limited fuel sales.

5.12.03.09	Churches and temples.
5.12.03.10	Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
5.12.03.11	Department Stores.
5.12.03.12	Retail trade centers.
5.12.03.13	Shopping centers.
5.12.03.14	Commercial Strip Shopping Center.
5.12.03.15	Outlet Shopping Center.
5.12.03.16	Health Clubs and tanning salon, not including uses defined in Adult Establishment.
5.12.03.17	Health Recreation Facilities, not including uses defined in Adult Establishment.
5.12.03.18	<i>Child care center.</i>

If this amendment is approved, the applicant will be required to apply for a conditional use permit to operate a child care center.

A replat application has also been submitted which would replat approximately 5.2 acres currently known as Lot 10B, Southport East, into two lots to be known as Southport East Replat Ten.

City Engineer John Kottmann and staff have reviewed the application and have the following comments:

1. An additional full access point is proposed from Eastport Parkway. Review of the site distance for this access will require a site distance easement to ensure that landscaping or other site improvements do not obstruct this sight line.
2. A note shall be added to the plat as follows: "One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations.
3. Access to Lot 1 shall be served by an access easement (see Plat note #5). A waiver is needed to Section 4.15 to allow access by easement only. A condition of this waiver will be that both Port Grace and Eastport Parkway shall be utilized for vehicular access points.
4. No direct vehicular access will be allowed from either lot to Harrison Street.
5. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
6. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
7. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

The Planning Commission held a public hearing on June 21, 2007 and recommended approval of the replat subject to the resolution of the items identified by the City Engineer and staff. The Planning Commission further recommended approval of the zoning text amendment to allow child care centers in the C-3 District as a conditional use.

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RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1 AND 2, SOUTHPORT EAST REPLAT TEN, BEING A REPLATTING OF LOT 10B, SOUTHPORT EAST, A SUBDIVISION LOCATED IN THE EAST ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Southport East Replat Ten Subdivision; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on June 21, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1 and 2, Southport East Replat Ten, being a replatting of Lot 10B, Southport East, a subdivision located in the East ½ of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located northwest of Port Grace Blvd. & Eastport Parkway be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. An additional full access point is proposed from Eastport Parkway. Review of the site distance for this access will require a site distance easement to ensure that landscaping or other site improvements do not obstruct this sight line.
3. A note shall be added to the plat as follows: "One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations.
4. No direct vehicular access will be allowed from either lot to Harrison Street.
5. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
6. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
7. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.

BE IT FURTHER RESOLVED that a waiver of Section 4.15 of the Subdivision Regulations, regarding Design Standards, Lots, be granted subject to the following:

1. Access to Lot 1 shall be served by an access easement (see Plat note #5); and
2. Both Port Grace Blvd. and Eastport Parkway shall be utilized for vehicular access points via driveway connections between the lots in Replat Ten and Replat Four.

PASSED AND APPROVED THIS 17th DAY OF JULY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 5.12.03 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.12.03 OF ORDINANCE NO. 848 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Amendment of Section 5.12.03. Section 5.12.03 of Ordinance No. 848 is hereby amended to read as follows:

5.12.03 Permitted Conditional Uses:

- 5.12.03.01 Theater, indoor, not including uses defined in Adult Establishment.
- 5.12.03.02 Automobile display, sales, service, and repair.
- 5.12.03.03 Brew Pubs.
- 5.12.03.04 Micro breweries when in conjunction with a restaurant.
- 5.12.03.05 Coffee Kiosks.
- 5.12.03.06 Automated Teller Machines when not within the interior of a primary use.
- 5.12.03.07 Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 5.12.03.08 Convenience store with limited fuel sales.
- 5.12.03.09 Churches and temples.
- 5.12.03.10 Hotels, including restaurants, convention and meeting facilities and other related uses, not including uses defined in Adult Establishment.
- 5.12.03.11 Department Stores.
- 5.12.03.12 Retail trade centers.
- 5.12.03.13 Shopping centers.
- 5.12.03.14 Commercial Strip Shopping Center.
- 5.12.03.15 Outlet Shopping Center.
- 5.12.03.16 Health Clubs and tanning salon, not including uses defined in Adult Establishment.
- 5.12.03.17 Health Recreation Facilities, not including uses defined in Adult Establishment.
- 5.12.03.18 *Child care center.***

SECTION 2. Repeal of Section 5.12.03 as Previously Enacted. Section 5.12.03 of Ordinance No. 848 as previously enacted is hereby repealed.

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

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

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

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER:

FOR HEARING OF: June 21, 2007

Report Prepared on June 11, 2007

I. GENERAL INFORMATION

- A. APPLICANT:** Brad Underwood, Real Estate Brokerage Co.
- B. PROPERTY OWNER:** Southport Investors, LLC
- C. LOCATION:** The site is located northwest of Eastport Parkway and Giles Road.
- D. LEGAL DESCRIPTION:** Lot 10B, Southport East
- E. REQUESTED ACTION(S):** Replat and Zoning Text Amendment
- F. EXISTING ZONING AND LAND USE:**
C-3, Highway Commercial / Office Park District; PUD-1, Planned Unit Development; and Gateway Corridor District; the property is currently undeveloped.
- G. PURPOSE OF REQUEST:** The proposal is to replat Lot 10B of Southport East into Lots 1 and 2 of Southport East Replat Ten.
- H. SIZE OF SITE:** 5.22 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Vacant
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
 - 1. North:** Harrison Street, C-3, Southport East
 - 2. East:** TA/Sod Farm
 - 3. South:** C-3, Southport East Replat Five/PayPal
 - 4. West:** C-3, Southport East Replat Four/Southport Professional Buildings
- C. RELEVANT CASE HISTORY:** This lot was created through an administrative replat of Lot 10, Southport East.
- D. APPLICABLE REGULATIONS:**
 - 1.** Section 3.08, Subdivision Regulations, regarding Replats.

2. Section 4.15, Subdivision Regulations, regarding Design Standards, Lots.
3. Section 8.01, Subdivision Regulations, regarding Granting of Waivers.
4. Section 5.12, Zoning Ordinance, regarding C-3 Zoning District.
5. Section 5.17, Zoning Ordinance, regarding Gateway Corridor District.

III. ANALYSIS

- A. COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.
- B. OTHER PLANS:** None.
- C. TRAFFIC AND ACCESS:**
 1. Vehicular access is proposed from Eastport Parkway. Access to Lot 1 shall be served by an access easement (see Plat note #5). A waiver is needed to Section 4.15 to allow access by easement only. A condition of this waiver will be that both Port Grace and Eastport Parkway shall be utilized for vehicular access points.
 2. No direct vehicular access will be allowed from either lot to Harrison Street.
 3. Direct vehicular and pedestrian access to Southport East Replat Four shall be provided for in the design of any future development.
 4. Pedestrian access shall also be obtained via sidewalks that will be required on the two frontages of Eastport Pkwy. and Port Grace Blvd.
- D. UTILITIES:** All utilities are available to the site.

IV. REVIEW COMMENTS:

1. "Corner Streetscapes" will be installed on the southeast corner of Lot 2. An existing landscape easement exists on this corner to help accommodate this.
2. The proposed zoning text amendment requests childcare centers to be added to the C-3 Zoning District as a permitted use. If this use is added, then staff recommends it should be added as a conditional use.

- V. STAFF RECOMMENDATION:** Approval of Southport East Replat Ten subject to addressing the items noted above and the items noted in the City Engineer's report.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Southport East Replat Ten Final Plat

3. City Engineer's comments

VII. COPIES OF REPORT TO:

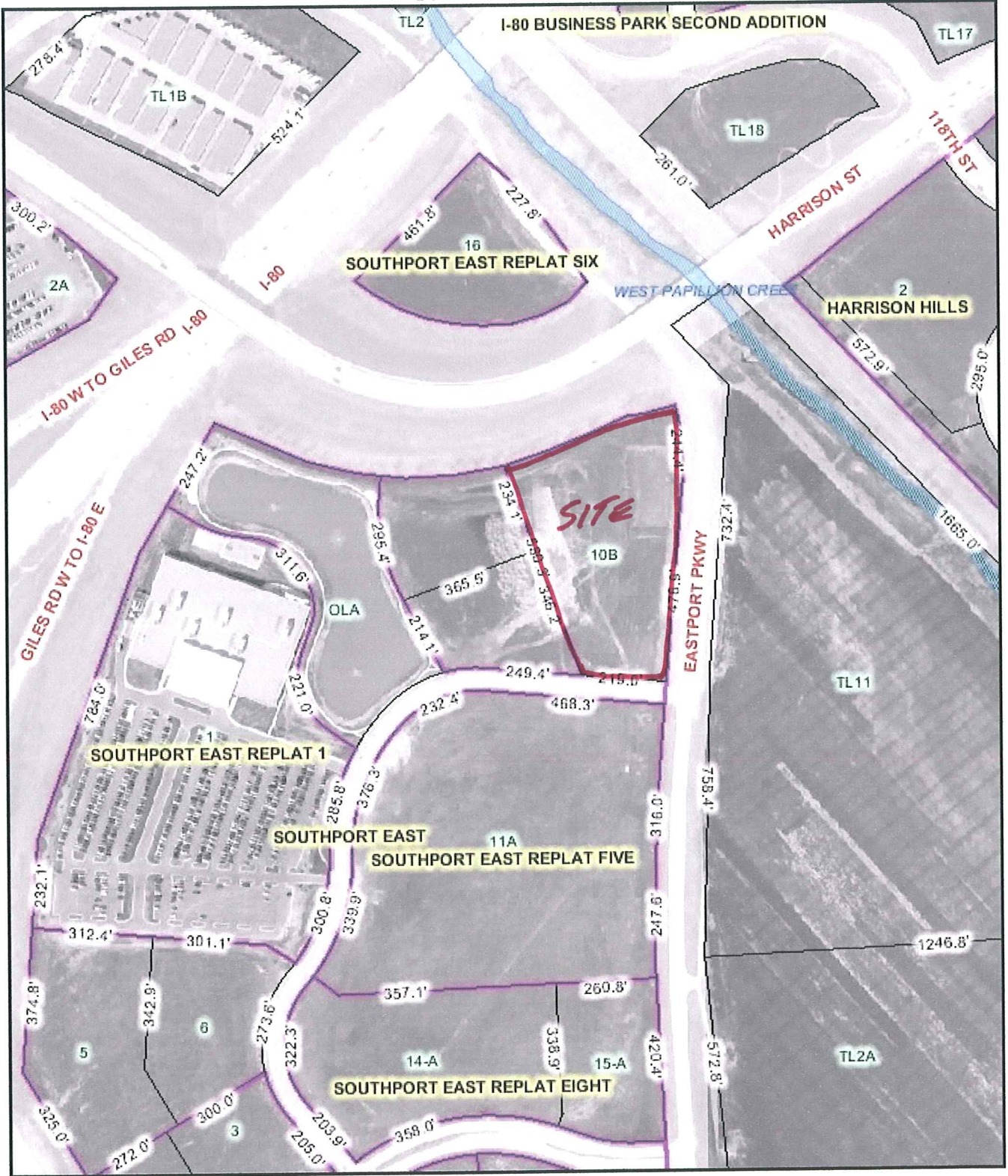
1. Brad Underwood, Applicant
2. Brad Weckerlin, E&A Consulting Group
3. Public Upon Request

MARCUS BAKER
Prepared by: by AB

AM Baker 7-12-07
Community Development Director Date

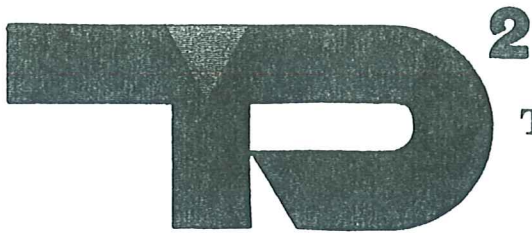
\\Lvdcfp01\users\Community Development\MBaker\plancomm\staff reports\SP East Rep X.doc

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 = 373 feet



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

June 4, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

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.
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KA "KIP" P. SQUIRE III, P.E., S.E.	KEVIN L. TRUE, L.S.
JOHN M. KOTTMANN, P.E.	GARY A. NORTON, P.E.
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RONALD M. KOENIG, L.S.	JOSHUA J. STORM, P.E.
CHRIS E. DORNER, L.S.	

RE: 2007 Minor & Administrative Plat Reviews
Southport East Replat Ten
Review of Revised Submittal
TD² File No. 171-344.6

Mr. Baker:

I have reviewed the revised final plat that you provided me on June 1, 2007, which bears a revision date of May 30, 2007. This revised plat addressed Comment No. 9 in my May 14, 2007 letter. The revised plat also contains an additional full access point onto Eastport Parkway which is a change proposed by the applicant. I received via e-mail a drawing from John Meng-Frecker showing adequate sight distance for this revised location, however, it will require a sight distance easement to ensure that landscaping or other site improvements do not obstruct this sight line. The plat now shows two full access points onto Eastport Parkway, but only one can be used. Therefore, I recommend that a note be added to the plat as follows:

6. One vehicular access onto Eastport Parkway will be allowed to serve Lots 1 and 2 at one of the two locations shown.

Based on our discussions at the Community Development staff meeting on June 1, 2007, I recommend that the development plans for these lots contain two vehicular access points. The applicant should consider connecting to the access road in Southport East Replat Four or utilizing the access point to Port Grace Boulevard.

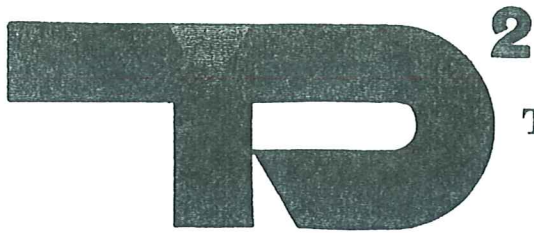
Prepared by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File



THOMPSON, DREESSEN & DORNER, INC.

Consulting Engineers & Land Surveyors

May 14, 2007

Mr. Marcus Baker
City Planner
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

RE: Proposed Zoning Text Amendment
Childcare Centers in C-3
2007 Rezoning & Use Permit Reviews
City of La Vista
TD² File No. 171-345.6

Mr. Baker:

I have reviewed the request to allow Childcare Centers in the C-3 zoning district. I do not have an objection to this revision, but I recommend that it be a conditional use. The reason for this recommendation is to take into consideration the types of adjacent uses that might exist, to evaluate where play areas should be located, and what types of screening should be included in view of the adjacent uses.

Submitted by,

THOMPSON, DREESSEN & DORNER, INC.

John M. Kottmann, P.E.

JMK/jlf

cc: File

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.
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CHRIS E. DORNER, L.S.	

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 17, 2007 AGENDA**

Subject:	Type:	Submitted By:
APPLICATIONS FOR REZONING AND REPLAT — SOUTH PORT EAST REPLAT ELEVEN, LOTS 1-3 & OUTLOT A (EASTPORT PARKWAY & GILES RD.)	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

A public hearing has been scheduled and a resolution and ordinance have been prepared to approve a rezoning of approximately 0.0789 acres of land from TA Transitional Agriculture to C-3 Highway Commercial/Office Park District, and a replat of approximately 5.5 acres to be known as Lots 1-3 & Outlot A, Southport East Replat Eleven (a replat of Lots 1-3 Southport East Replat Seven), located east of Eastport Parkway and Giles Road.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A public hearing has been scheduled and a resolution and ordinance prepared for the Council to consider a rezoning of approximately 0.078 acres of land from TA Transitional Agriculture to C-3 Highway Commercial/Office Park District, and replat application for approximately 5.5 acres referred to as Southport East Replat Eleven, generally located east of Eastport Parkway and Giles Road. The applications have been submitted by Ron Smith on behalf of RS Land, Inc. and Roger and Carol Bargstadt.

The purpose of the replat is to add approximately 6 feet of land along the east side of the previous plat, Southport East Replat Seven, and to create an outlot of equal area to the north. This outlot is intended to allow future access to the property to the east. The replat also adjusts interior lot lines from the previous plat. The request for the rezoning from TA to C-3 is necessary to adjust the zoning boundary six feet to the east to coincide with the replat boundary.

City Engineer John Kottmann and staff have reviewed the application for the rezoning and replat and have the following comments:

1. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
2. The plat needs to notate the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six.

3. No direct vehicular access will be allowed to Giles Road.
4. Pedestrian accesses from Eastport Parkway and between the lots shall be integrated into the design of each lot.
5. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
6. A revised drainage plan must be submitted.

The Planning Commission held a public hearing on June 21, 2007 and recommended approval of the replat and rezoning subject to addressing the items noted above and the items noted in the City Engineer's report.

I:\Administration\BRENDA\WORD\COUNCIL\07 Memos\Southport East Replat 11 Replat & Rezone.doc

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. Approval of Rezoning. On June 21, 2007, the La Vista Planning Commission conducted a public hearing on the matter of rezoning the tract of land set forth in Section 2 of this ordinance and reported to the City Council that it recommended the zoning of said tract be changed from "TA" Transitional Agriculture to "C-3" Highway Commercial/Office Park District. On July 17, 2007, the City Council held a public hearing on said proposed change in zoning and found and determined that said proposed changes in zoning are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices, including published notice, written notice to property owners and notice posted at the properties, were duly given pursuant to Section 9.01 of the La Vista Zoning Ordinance. The City Council hereby approves said proposed changes in zoning as set forth in Section 2 of this ordinance.

Section 2. Amendment of the Official Zoning Map. Pursuant to Section 3.02 of the La Vista Zoning Ordinance, the following described tract of land is hereby rezoned from "TA" Transitional Agriculture to "C-3" Highway Commercial/Office Park District, and the Official Zoning Map of the City of La Vista is hereby amended to reflect the changes in zoning of the following described tracts of land from "TA" Transitional Agriculture to "C-3" Highway Commercial/Office Park District:

(metes & bounds description or exhibit)

The amended version of the official zoning map of the City of La Vista is hereby adopted and shall be signed by the Mayor, attested to by the City Clerk and shall bear the seal of the City under the following words:

"This is to certify that this is the official zoning map referred to in Article 3 Section 3.02 of Ordinance No. 848 of the City of La Vista, Nebraska"

and shall show the date of the adoption of that ordinance and this amendment.

Section 3. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF JULY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE REPLAT FOR LOTS 1-3 AND OUTLOT A, SOUTHPORT EAST REPLAT ELEVEN, BEING A REPLATTING OF LOTS 1-3, SOUTHPORT EAST REPLAT SEVEN, A SUBDIVISION LOCATED IN THE EAST ½ OF SECTION 18, TOWNSHIP 14 NORTH, RANGE 12 EAST OF THE 6TH P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a replat for the proposed Southport East Replat Eleven Subdivision; and

WHEREAS, the City Administrator and the City Engineer have reviewed the replat; and

WHEREAS, on June 21, 2007, the La Vista Planning Commission held a public hearing and reviewed the replat and recommended approval subject to resolution of items identified by the city engineer and staff.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the replat for Lots 1-3 and Outlot A, Southport East Replat Eleven, being a replatting of Lots 1-3, Southport East Replat Seven, a subdivision located in the East ½ of Section 18, Township 14 North, Range 12 East of the 6th P.M., Sarpy County, Nebraska, generally located east of Eastport Parkway & Giles Road be, and hereby is, approved subject to the resolution of the following items identified by the City Engineer and staff:

1. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
2. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
3. The plat needs to notate the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six.
4. No direct vehicular access will be allowed to Giles Road.
5. Pedestrian accesses from Eastport Parkway and between the lots shall be integrated into the design of each lot.
6. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
7. A revised drainage plan must be submitted.

PASSED AND APPROVED THIS 17th DAY OF JULY 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

\\Lvdcp01\users\Administration\BRENDA\WORD\COUNCIL\07 Resolutions\Southport East Replat 11.DOC

**CITY OF LA VISTA
PLANNING DIVISION**

CASE NUMBER:

FOR HEARING OF: June 21, 2007

Report Prepared on June 11, 2007

I. GENERAL INFORMATION

- A. APPLICANT:** Ron Smith, RS Land, Inc.
- B. PROPERTY OWNERS:** Ron Smith Lot 1 and 3;
Roger and Carol Bargstadt, Lot 2
- C. LOCATION:** The site is located east of Eastport Parkway & Giles Road.
- D. LEGAL DESCRIPTION:** Lots 1-3, Southport East Replat Seven, generally located at the corner of Eastport Pkwy. and Giles Rd.
- E. REQUESTED ACTION(S):** Replat and Rezoning
- F. EXISTING ZONING AND LAND USE:**
C-3, Highway Commercial / Office Park District; PUD-1, Planned Unit Development; and Gateway Corridor District; the property is currently undeveloped however has been graded and an internal road is being constructed.
- G. PURPOSE OF REQUEST:** The proposal is to replat Lots 1-3 of Southport East Replat Seven into Lots 1-3 and Outlot A of Southport East Replat Eleven. An outlot is being created for future access to the property to the east, and an additional 6 foot wide parcel which is currently zoned TA Transitional Agriculture is being added on the east side of the subdivision.
- H. SIZE OF SITE:** 5.5 acres

II. BACKGROUND INFORMATION

- A. EXISTING CONDITION OF SITE:** Vacant
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
1. **North:** C-3, Southport East Replat Two and Six/Hampton Inn & Suites; vacant
 2. **East:** TA/Sod Farm
 3. **South:** C-3, Papio Valley Business Park
 4. **West:** C-3, Intersection of Eastport Parkway and Giles Road

C. **RELEVANT CASE HISTORY:** This property was recently replatted as Southport East Replat Seven; a PUD Plan and ordinance have also been approved for this site.

D. **APPLICABLE REGULATIONS:**

1. Section 3.08, Subdivision Ordinance, regarding Replats.
2. PUD Plan for Southport East Replat Seven.
3. Section 5.12, Zoning Ordinance, regarding C-3 Zoning District.
4. Section 5.17, Zoning Ordinance, regarding Gateway Corridor District.

III. **ANALYSIS**

A. **COMPREHENSIVE PLAN:** The Future Land Use Map of the Comprehensive Plan designates this property for commercial uses in the gateway corridor.

B. **OTHER PLANS:** Southport East Replat Seven PUD Plan.

C. **TRAFFIC AND ACCESS:**

1. Vehicular access is proposed to Eastport Parkway. Access to Lots 1-3 would be served by an access easement (see Plat note #5). A private street will serve all three lots and Lots 2 and 3 will be connected by an internal vehicular access.
2. No direct vehicular access will be allowed to Giles Road.
3. Pedestrian accesses from Eastport Parkway and between the lots should be integrated into the design of each lot.

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

IV. **REVIEW COMMENTS:**

1. The replat adds approximately 6 feet of land along the east side of the previous plat, Southport East Replat Seven, and creates an outlot of equal area (0.08 acres) to the north. The outlot is intended to allow future access to the property to the east.
2. "Corner Streetscapes" will be installed on the southwest corner of Lot 2. A landscape easement needs to be included on the plat to help accommodate this.
3. The rezoning from TA Transitional Agriculture is necessary to adjust the zoning boundary six feet to the east. This will insure that the properties are completely within the C-3 District.

V. **STAFF RECOMMENDATION:** Approval of Southport East Replat Eleven subject to addressing the items noted above and the items noted in the City Engineer's report.

VI. ATTACHMENTS TO REPORT:

1. Vicinity Map
2. Southport East Replat Eleven Final Plat
3. City Engineer's comments

VII. COPIES OF REPORT TO:

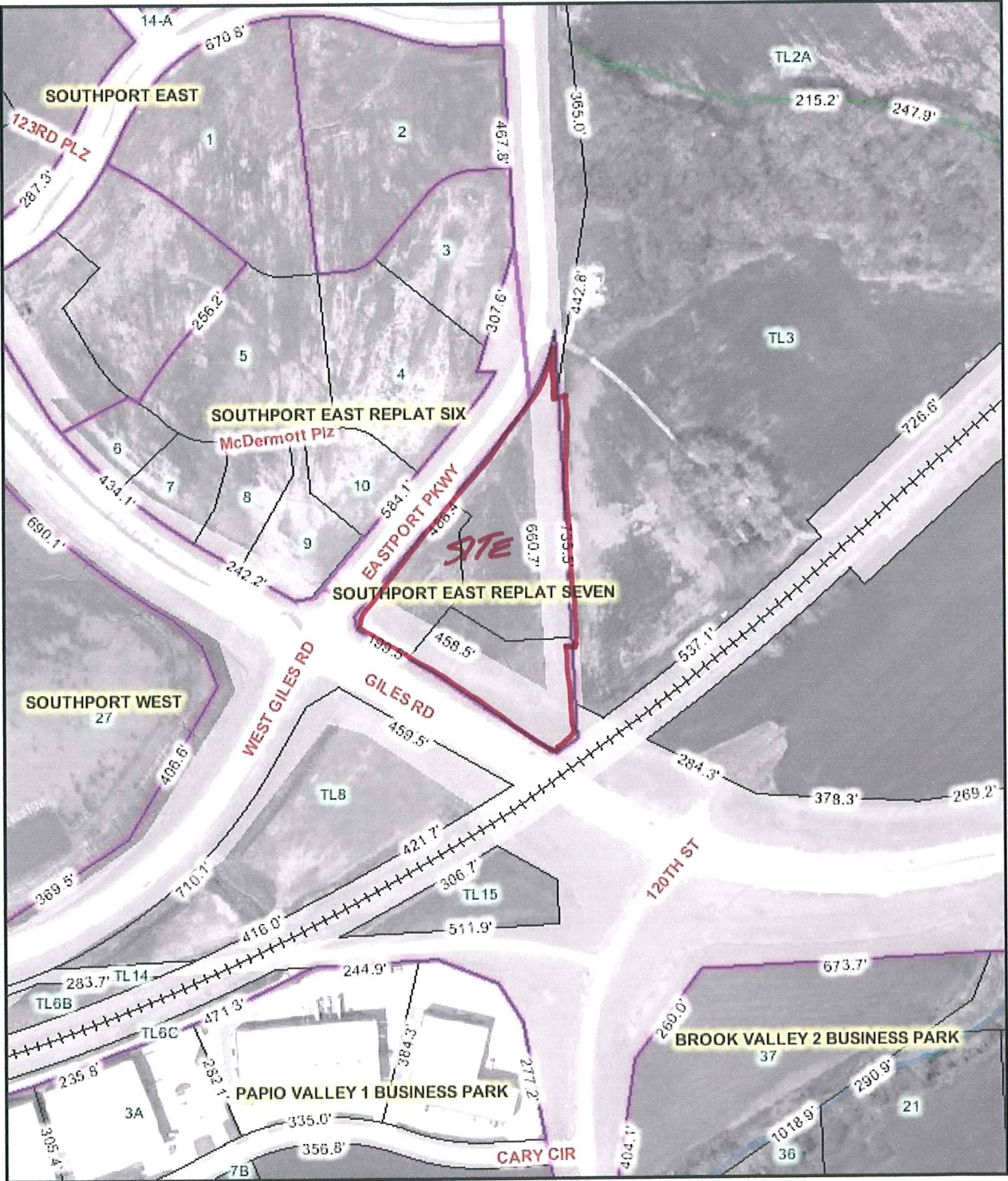
1. Ron Smith, Applicant
2. Jeff Elliott, E&A Consulting Group
3. Public Upon Request

MARCUS BAKER
Prepared by: by AB

Jim Powell 7-12-07
Community Development Director Date

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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 = 336 feet



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

May 30, 2007

Mr. Marcus Baker
City of La Vista
8116 Park View Boulevard
La Vista, Nebraska 68128

RE: Southport East Replat Eleven
Replatting of Part of Replat Seven
Initial Review of Revised Submittal
TD² File No. 171-333.3

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.
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RONALD M. KOENIG, L.S.	JOSHUA J. STORM, P.E.
CHRIS E. DORNER, L.S.	

Mr. Baker:

I have reviewed the proposed final plat that you provided me under your transmittal dated May 22, 2007. The submittal included:

- Final Plat with revision date May 21, 2007

I offer the following comments:

TRAFFIC & ACCESS

1. This replat adds a 6 feet wide strip of land along the east side of the plat and creates an outlot of equal area. Therefore, there is no increase in the developable area and no need for a revised traffic impact study.
2. Perimeter sidewalks will be required as the lots are built upon. Sidewalks along Eastport Parkway will need to be 6 inches thick, at least 4 feet wide, and located with a minimum distance of 6 feet between back of curb and edge of walk. The Southport East design guidelines will also apply to the design of the public sidewalks. A 15 feet wide sidewalk easement was granted along Eastport Parkway with Replat Seven and has been illustrated on this plat. Provide additional sidewalk easement to encompass the sidewalk circle at the southwest corner of Lot 2.
3. A blanket ingress/egress easement is proposed over all of the proposed lots except for those portions occupied by buildings. This will provide access to proposed Lots 2 & 3, which do not have permitted access points to Eastport Parkway. Section 4.15 of the Subdivision Regulations requires each proposed lot to have vehicular access by means of a public street or approved private street. An approved private street was provided in the previous PUD process for Replat Seven.
4. The plat needs to notate the location of a full vehicular ingress/egress location in Outlot A located opposite of the location of the existing access location on the opposite side of Eastport Parkway in Replat Six. The amendment to subdivision agreement for this replatting should provide for the relocation of the existing farm drive approach to this location when there is any change in use in Tax Lot 3 in the SW ¼ of Section 17-14-12 or proposed Lot 1 utilizes the access point in Outlot A.

UTILITIES & DRAINAGE

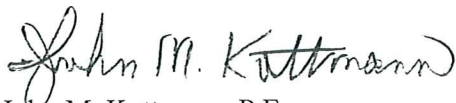
5. The proposed lots will be able to individually access all utilities in Eastport Parkway or the common area improvements addressed in the previous Replat Seven subdivision agreement.
6. Article 3.08.05 of the Subdivision Regulations requires the submittal of a drainage plan as part of the replatting process. While this plan is likely to be much the same as the plan submitted for Replat Seven, it still needs to be submitted to meet the requirements and will be helpful to keep records complete for future reference.

MISCELLANEOUS

7. This proposed replat qualifies as a replat that allows for a waiver of separate submittal of a final and preliminary plat. Article 3.08.04 of the Subdivision Regulations requires a concurrent preliminary plat. However, Article 3.08.08 implies that a preliminary plat is not required if the guidelines of Article 3.09.03 do not apply. The guidelines of Article 3.09.03 do not apply and therefore it is my opinion that a preliminary plat does not need to be submitted.
8. An amendment to subdivision agreement is needed to restate the tract sewer connection fees for the revised lot sizes, address re-allocation of common area improvement costs, sharing in the reconstruction of Eastport Parkway, and address relocation of the existing farmhouse drive approach as noted above.
9. The applicant should identify that the balance of Tax Lot 3 in the SW ¼ of Section 17-14-12, from which the 6 feet is being taken, exceeds 10 acres in size. If it does not, then it would need to be included in the platting.
10. A staking bond or certification that all lot corners have been pinned should be provided prior to the Mayor signing the final plat, if it is approved.
11. The applicant should be aware that Outlot A, by definition, is unbuildable and no building permits will be issued on this parcel.

I recommend that the final plat of Southport East Replat Eleven be approved contingent upon the applicant addressing the items in this letter, which require responses and any other issues that you may identify. The City Attorney should prepare an amendment to the Subdivision Agreement as he determines necessary, prior to this case moving forward to City Council.

Prepared by,



John M. Kottmann, P.E.
THOMPSON, DREESSEN & DORNER, INC.

JMK/jlf

cc: File