



## **PROCLAMATION**

### **DOMESTIC VIOLENCE AWARENESS MONTH**

WHEREAS, societal indifference contributes to the endangerment of women and children and to the mistaken belief of batterers that they are within their rights; and

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial, sexual orientation, and societal barriers; and

WHEREAS, it is the victims who are survivors of abuse themselves who have been in the forefront of efforts to bring peace and equality to the home; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity; and

WHEREAS, the impact of domestic violence is wide ranging, affecting society as a whole.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim the month of October 2007 as

### **DOMESTIC VIOLENCE AWARENESS MONTH**

and in recognition of the important work done by domestic violence programs, I urge all citizens to actively participate in the scheduled activities and programs and to work toward the elimination of personal and institutional violence against women.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 2nd day of October, 2007.



Douglas Kindig, Mayor

ATTEST:

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



**PROCLAMATION  
FIRE PREVENTION WEEK**

WHEREAS, the City of La Vista is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, the City of La Vista's first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, La Vista's residents are responsive to public education measures and are able to take personal steps to increase their safety from fire; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the 2007 Fire Prevention Week theme, "It's Fire Prevention Week - Practice Your Escape Plan!", effectively serves to remind us all of the simple actions we can take to stay safer from fire during Fire Prevention Week and year-round.

NOW, THEREFORE, I, Douglas Kindig, Mayor of the City of La Vista, do hereby proclaim October 7 - 13, 2007 as Fire Prevention Week throughout La Vista, and I urge all the people of La Vista to heed the important safety messages of Fire Prevention Week 2007, and to support the many public safety activities and efforts of La Vista's fire and emergency services.

IN WITNESS WHEREOF, I have set my hand and caused the official Seal of the City of La Vista to be affixed this 2nd day of October, 2007.



Douglas Kindig, Mayor

ATTEST:

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

# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING September 18, 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 September 18, 2007. Present were Mayor Kindig and Councilmembers: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, Deputy City Clerk Lupomech, Finance Director Lindberg, Community Development Director Birch, Library Director Iwan, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, and Public Works Director Soucie.

A notice of the meeting was given in advance thereof by publication in the Times on September 6, 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 AWARD – ANDREW JOHNSON AND JAMES THOMPSON – 5 YEARS**

Mayor Kindig and Police Chief Lausten presented a certificate and pin to Andrew Johnson and James Thompson for 5 years of service to the City.

#### **A. CONSENT AGENDA**

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM AUGUST 28, 2007**
- 3. APPROVAL OF CITY COUNCIL MINUTES FROM SEPTEMBER 4, 2007**
- 4. APPROVAL OF PARK & RECREATION ADVISORY COMMITTEE MINUTES FROM AUGUST 15, 2007**
- 5. APPROVAL OF CITIZEN ADVISORY REVIEW COMMITTEE MEETING SEPTEMBER 10, 2007**
- 6. APPROVAL OF CLAIMS**

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

ACCURATE TESTING, Bldg & Grnds	70.00
ALADDIN CUSTOM SPORTSWEAR, Wearing Apparel	72.64
ALAMAR UNIFORMS, Wearing Apparel	80.97
ALERT-ALL CORP, Printing	1,837.00
AQUA-CHEM, Supplies	324.50
AQUILA, Utilities	78.88
ARAMARK UNIFORM SERVICES, Contract Services	222.05
ASH, KIMBERLY, Books	12.95
ASPHALT & CONCRETE MATERIALS, Street Maintenance	392.21
BAKER & TAYLOR BOOKS, Books	2,753.05
BATTERY ZONE, Supplies	77.18
BENNINGTON IMPLEMENT, Vehicle Maint.	204.24
BLAND, CHRIS, Contract Services	24.00
BOBCAT, Vehicle Maint.	39.19
BOB'S RADIATOR REPAIR, Vehicle Maint.	110.00
BRENTWOOD AUTO WASH, Vehicle Maint.	85.00
BRODART, Books	14.25
BUETHE, PAM, Travel	35.00
BUILDERS SUPPLY, Street Maint.	1.70
CALLAWAY GOLF COMPANY, Supplies	643.79
CARDMEMBER SERVICE-ELAN, Travel/Training/Telephone	3,045.50
CARL JARL LOCKSMITHS, Supplies	14.70
CENTER POINT PUBLISHING, Books	77.28

# MINUTE RECORD

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

September 18, 2007

CENTRAL STATES TACTICAL, Equipment	543.40
CIACCIO ROOFING, Bldg & Grnds	1,085.00
CITY OF PAPILLION, Supplies	30.00
CJ'S HOME CENTER, Vehicle Maint./Street Maint./Bldg & Grnds	898.31
CLEMENGER, PAUL, Contract Services	18.00
CONTROL MASTERS, Repair	395.00
CORNHUSKER SIGN & MFG CORP, Bldg & Grnds	4,785.00
COVENTRY HEALTH CARE, Rescue Revenue	440.00
COX COMMUNICATIONS, Contract Services	242.75
CUMMINS CENTRAL POWER LLC #410, Bldg & Grnds	468.60
CZARNICK, MICHAEL, Travel	220.00
DECOSTA SPORTING GOODS, Equipment	940.25
DEMCO, Supplies	192.42
DIAMOND VOGEL PAINTS, Equipment	22.25
DON'S PIONEER UNIFORMS, Wearing Apparel	88.89
DOOR EXPRESS INCORPORATED, Bldg & Grnds	32.00
DOUGLAS COUNTY SHERIFF'S OFC, Contract Services	50.00
DULTMEIER SALES & SERVICE, Vehicle Maint.	4.66
ED M. FELD EQUIPMENT, Wearing Apparel	501.00
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,287.00
ELECTRONIC ENGINEERING, Vehicle Maint.	127.41
FASTENAL COMPANY, Street Maint/Vehicle Maint.	67.57
FEDEX KINKO'S, Printing	18.00
FELSBURG HOLT & ULLEVIG, Southport	816.54
FILTER CARE, Vehicle Maint.	37.80
FIRE-EXTRICATION-HAZMAT, Rescue Revenue	86.50
GALL'S INCORPORATED, Vehicle Maint./Wearing Apparel	278.66
GRAPHIC IMAGINATION, Vehicle Maint.	189.76
GRAYBAR ELECTRIC, Bldg & Grnds	227.92
GREAT PLAINS ONE-CALL SVC, Contract Services	351.16
GUNN, BRENDA, Travel	54.50
HANEY SHOE STORE, Wearing Apparel	120.00
HARM'S CONCRETE, Street Maint.	75.00
HD SUPPLY WHITE CAP CONSTR., Supplies	29.99
HEIMAN FIRE EQUIPMENT, Equipment	2,520.00
HEIMES CORPORATION, Street Maint.	97.58
HELGET SAFETY SUPPLY, Equipment	70.50
HOME DEPOT, Supplies	119.95
IAFC-INTL ASSN OF FIRE CHIEFS, Dues	170.00
INLAND TRUCK PARTS, Vehicle Maint.	61.85
INSIGHT TECHNOLOGY, Contact Services	887.96
INTERSTATE POLICE SUPPLY, Wearing Apparel	24.98
J Q OFFICE EQUIPMENT, Contract Services/Supplies	437.85
JOHNSTONE SUPPLY, Supplies/Bldg & Grnds	88.73
KARLSON, DAVID, Travel	264.00
KINSEY, JEREMY, Travel	220.00
KROGER, Supplies	157.99
LA VISTA FIREFIGHTERS ASSN, Equipment	100.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00
LEAGUE ASSN OF RISK MGMT, Insurance	90.00
LEAGUE OF NE MUNICIPALITIES, Contract Services	1,025.00
LEAGUE OF NE MUNICIPALITIES, Training/Travel	443.00
LINWELD, Street Maint.	288.08
LOGAN CONTRACTORS SUPPLY, Equip. Repair	21.00
LOU'S SPORTING GOODS, Wearing Apparel	320.99
LOVELAND LAWNS, Street Maint.	187.50
M & M PORTABLES, Rentals	204.00
METROPOLITAN COMMUNITY COLLEGE, Contract Services	10,436.73
MIDLANDS BUSINESS JOURNAL, Books	70.00
MIDWEST GANG INVESTIGATORS, Training	160.00
MILLER BRANDS, Concessions	133.30
MIRACLE RECREATION EQUIPMENT, Bldg & Grnds	13.44
MOBILE COMMUNICATIONS, Equipment	75.00
MUNICIPAL EMERGENCY SVCS, Equipment	8,292.48
N PITLOR & SON, Bldg & Grnds	269.00
NE DEPT OF REVENUE-FORM 94, Fees	25.00
NE LAW ENFORCEMENT, Training	150.00
NE LIBRARY COMMISSION, Database	2,078.61

# MINUTE RECORD

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

September 18, 2007

NE MOSQUITO/VECTOR ASSN, Training	100.00
NEWMAN TRAFFIC SIGNS, Street Maint.	1,357.75
OFFICE DEPOT, Supplies	359.09
OFFUTT YOUTH CENTER, Contract Services	828.00
OMAHA WINDUSTRIAL, Equipment	227.51
ON YOUR MARKS, Magnets	914.78
OPPD, Utilities	34,646.64
PARAMOUNT LINEN & UNIFORM, Cleaning Service	320.58
PEPSI COLA, Concessions	190.90
PERFORMANCE CHRYSLER JEEP, Vehicle Maint.	5.13
POWER PLAN, Vehicle Maint.	103.14
PRIME TIME SPORTING GOODS, Equipment	225.00
PRUITT, Vehicle Maint.	1,416.25
PURCELL, SANDI, Refund	40.00
QUALITY BRANDS, Concessions	308.60
RAINBOW GLASS & SUPPLY, Bldg & Grnds/Vehicle Maint.	115.00
READY MIXED CONCRETE, Street Maint.	2,969.91
SALEM PRESS, Books	498.30
SAM'S CLUB, Concessions/Supplies	932.69
SAPP BROS PETROLEUM, Vehicle Supplies	113.38
SARPY COUNTY CHAMBER, Travel	90.00
SUBURBAN NEWSPAPERS, Legal Advertising	860.35
SUBWAY SANDWICHES, Supplies	35.99
SUTPHEN, Contract Services	1,200.00
TED'S MOWER SALES & SERVICE, Vehicle Maint.	101.06
THOMPSON DREESSEN & DORNER, Professional Services/Southport	27,809.47
THORPE'S BODY SHOP, Vehicle Maint.	2,036.68
THREE RING ENTERPRISES, Vehicle Maint.	1,697.37
TITLEIST, Equipment	427.82
TRUGREEN-CHEMLAWN, Contract Services	844.33
TURFWERKS, Vehicle Maint.	50.83
UAP DISTRIBUTION, Supplies	1,075.50
UPS, Postage	16.93
WICK'S STERLING TRUCKS, Vehicle Maint.	168.88

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

Fire Chief Uhl informed Council of an upcoming recruitment event for the La Vista Volunteer Fire Department. It is a Citizen's Fire Academy Weekend scheduled for October 20 – 21st. Uhl handed out a brochure which explained the schedule of the Academy. He stated the weekend event is to identify people in the community who are interested in becoming a volunteer, and give them information on the responsibilities of a volunteer firefighter.

Fire Chief Uhl informed Council that Fire Station District #1 is now equipped with sleeping quarters.

Public Works Director Soucie updated Council on the erosion problems on Valley Road, which included power poles that were having problems. OPPD has made contact with the five homeowners that they need to purchase some additional easements from to take care of the project. Four of the five homeowners do not live in Nebraska, which has delayed a solution. As soon as OPPD gets contracts signed and gains the additional easement they will be able to move the power poles back and stabilize the area.

Soucie updated Council on an issue brought before Council by resident Glen Franta who lives on Thompson Creek. His concern was the storm sewer that ran through his backyard. Soucie stated that Public Works has been working on the issues and have secured the storm sewer pipe. The County is scheduled to help the City trench the project out this week, but repair is dependent on the weather.

Soucie commented on a question that was asked by Councilmember Sheehan concerning electric door locks on the public restroom in City parks. Soucie stated that new locks have a battery backup, and if the backup fails, the default is for the lock to open.

Soucie thanked Council for allowing Street Superintendent Goldman and him attend the recent APWA meeting in San Antonio Texas. The earned 12 hours of continuing education units, and were able to visit with approximately 450 vendors in attendance. This gave them the opportunity to physically see equipment and to comparison shop. Two big things brought back were: a possible solution to snow removal with a piece of equipment called the Snow Dragon, which melts snow on sight and eliminates the need to haul snow to other locations; and the issue of funding short falls for road projects. Soucie sat in on a session that talked about different

# MINUTE RECORD

September 18, 2007

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

alternatives, and one of the most unique ones was a city in Oregon that set up a Street Utility, run like water or sewer utilities.

Recreation Director Stopak informed Council that Assistant Recreation Director Stopak would be attending the National Park and Recreation Conference next week. Stopak informed Council that he would be attending a symposium in Lincoln on Thursday, and will be speaking on planning and procedures.

## **B. ADOPTION OF THE 2008-2012 CAPITAL IMPROVEMENT PROGRAM (CIP)**

### **1. PUBLIC HEARING**

At 7:13 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the Adoption of the 2008-2012 Capital Improvement Program (CIP). Resident Marshal Noker addressed Council to question the \$400,000 in lottery funds for 2008. City Administrator Gunn responded that lottery funds are transferred into this fund. Mr. Noker also questioned other funding. City Administrator Gunn stated the numbers are based on long range projections. The Council is only considering approval of the 2008 funding at this meeting (in Agenda Item C). Future year numbers are projected figures, not approved funding.

At 7:15 p.m. Councilmember McLaughlin made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

### **2. RESOLUTION**

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-094: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE 2008-2012 CAPITAL IMPROVEMENT PROGRAM (CIP) FOR INFRASTRUCTURE AND OTHER CAPITAL IMPROVEMENTS FOR THE CITY OF LA VISTA.

WHEREAS, the City of La Vista's first Capital Improvement Program (CIP) document has been prepared and presented to Council; and

WHEREAS, the La Vista Planning Commission has reviewed the 2008-2012 Capital Improvement Program (CIP) for the City of La Vista and recommends to Council approval of the Plan, and

WHEREAS, the Mayor and City Council of the City of La Vista, Nebraska held a public hearing on the City of La Vista's 2008-2012 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista; and

WHEREAS, the citizens of the City of La Vista have therefore had an opportunity to comment on the 2008-2012 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the La Vista City Council.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska that the 2008-2012 Capital Improvement Program (CIP) for infrastructure and other capital improvements for the City of La Vista as submitted and reviewed by the Mayor and City Council of the City of La Vista be, and the same hereby is, accepted and approved.

Seconded by Councilmember Sell. Councilmember Sheehan asked if the City received any grant funds for the Keystone Trail. Assistant City Administrator Ramirez addressed Council and referred them to the yearly summary page for 2008. The \$345,000 figure is the City's cost, the remaining amount is grant funding. Councilmember Sheehan stated the resolution reads 2008 – 2012 Capital Improvement Program which suggests Council might fund the amount shown for the aquatic center. Assistant City Administrator Ramirez stated that only 2008 funding requests are being submitted for approval as part of the Municipal Budget. Councilmember Sheehan stated he was not comfortable with even giving the slightest impression that the amount included for an aquatic center in 2010 may be acceptable or approved. City Administrator Gunn acknowledged that staff is still in the information gathering stage for an aquatic center and has made no proposal or recommendation to the Mayor and City Council. Nevertheless, she stated that the CIP is necessary as a planning tool rather than a funding mechanism. Projects listed in future years only are included for planning purposes. The understanding is that any projects listed will be subject to approval and funding of the Mayor and City Council in the annual budgeting process, similar to projects listed in the six year road plan. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

# MINUTE RECORD

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

September 18, 2007

## C. FISCAL YEAR 07/08 MUNICIPAL BUDGET

### 1. APPROPRIATIONS ORDINANCE NO. 1043 – FINAL READING

Mayor Kindig stated, "Ordinance No. 1043 now comes on for its third and final reading: AN ORDINANCE TO APPROPRIATE THE SUMS OF MONEY DEEMED NECESSARY TO DEFRAY ALL OF THE NECESSARY EXPENSES AND LIABILITIES OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA FOR THE FISCAL PERIOD BEGINNING ON OCTOBER 1, 2007 AND ENDING ON SEPTEMBER 30, 2008; SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SUCH APPROPRIATIONS ARE MADE AND THE AMOUNT TO BE APPROPRIATED FOR EACH OBJECT OR PURPOSE; SPECIFYING THE AMOUNT TO BE RAISED BY TAX LEVY; PROVIDING FOR THE CERTIFICATION OF THE TAX LEVY HEREIN SENT TO THE COUNTY CLERK OF SARPY COUNTY; AND PRESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Said ordinance was then read by title and thereafter Councilmember Quick moved for approval of third reading and final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1043 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Carlisle, Ellerbeck, and Gowan. The following voted nay: Sheehan and McLaughlin. The following were absent: None. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

### 2. MASTER FEE ORDINANCE NO. 1044 – FINAL READING

Mayor Kindig stated, "Ordinance No. 1044 now comes on for its third and final reading: AN ORDINANCE TO AMEND ORDINANCE NO. 1024, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Said ordinance was then read by title and thereafter Councilmember Gowan moved for approval of third reading and final passage of the ordinance which motion was seconded by Councilmember Carlisle. The Mayor then stated the question was, "Shall Ordinance No.1044 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

### 3. INCREASE BASE OF RESTRICTED FUNDS AUTHORITY

#### A. PUBLIC HEARING

At 7:25 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion regarding increasing the Base of Restricted Funds Authority by an additional 1%.

At 7:25 p.m. Councilmember Carlisle made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

#### B. RESOLUTION

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-095: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO INCREASE THE BASE OF RESTRICTED FUNDS AUTHORITY IN THE 2007-08 MUNICIPAL BUDGET BY AN ADDITIONAL ONE PERCENT.

WHEREAS, the Mayor and City Council, after notice and public hearing as required by state statute, approved the 2007-08 municipal budget on September 18, 2007; and

# MINUTE RECORD

September 18, 2007

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

WHEREAS, the unused restricted funds authority was included in the notice of budget hearing; and

WHEREAS, an increase in the base of restricted funds authority by an additional one percent in the 2007-08 municipal budget is allowed following the approval of at least 75% of the governing body.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska, do hereby authorize an increase in the base of restricted funds authority in the 2007-08 municipal budget by an additional percent.

Seconded by Councilmember Quick. Councilmember Sheehan asked to have the resolution explained to the members of the audience. City Administrator Gunn stated that the City can only use a limited amount of restricted funds in each budget; with restricted funds being comprised of items such as property taxes, sales taxes and state aid. Every year the City is given an amount in allowable growth based on the increase in property valuations, which has increased authority over time. The City can approve exceeding this base limitation in restricted funds by an additional 1% and carry unused authority forward for use in future budget years. Gunn stated that increasing the base of restricted funds authority will help the City in future years. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## 4. SETTING THE PROPERTY TAX LEVY

### A. PUBLIC HEARING

At 7:26 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on Setting the Property Tax Levy and request at a different amount than last year. Resident Marshall Noker addressed Council and asked about the need for the increased tax levy especially since the City recently annexed additional subdivisions. Mayor Kindig responded that the City has made a great investment in the western part of the City. Kindig also commented on the loss of business on 84th Street. Kindig stated that annexation brings additional value to the City but also brings in debt, plus the additional areas will be the responsibility of the City to provide services, so additional personnel and equipment is required to maintain services. Mr. Noker questioned the need for the City to extend a loan to a billionaire developer. Mayor Kindig responded the financial arrangements were the reason the developer came to La Vista. Kindig went on to explain the loan arrangements to the audience, stating the cost of the loan would be recovered in 10 years.

At 7:35 p.m. Councilmember Ellerbeck made a motion to close the public hearing. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### B. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 07-096: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ESTABLISHING THE PROPERTY TAX REQUEST FOR FY 07/08.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization unless the Mayor and City Council of the City of La Vista passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

WHEREAS, it is in the best interest of the City of La Vista that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, by a majority vote, hereby resolve that:

The FY 07/08 property tax request be set at \$4,700,177.29 which would require a mill levy of \$0.5235.

A copy of this resolution be certified and forwarded to the County Clerk prior to October 13, 2007.

# MINUTE RECORD

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

September 18, 2007

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

## D. AMENDING THE COMPENSATION ORDINANCE AND SETTING RATES OF AUTO ALLOWANCE

### 1. ORDINANCE – AMEND THE COMPENSATION ORDINANCE

Councilmember Gowan introduced Ordinance No. 1047 entitled: AN ORDINANCE TO FIX THE COMPENSATION OF OFFICERS AND EMPLOYEES OF THE CITY OF LA VISTA; TO PROVIDE FOR THE REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT HEREWITH; ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

Councilmember Carlisle moved that the statutory rule requiring reading on three different days be suspended. Councilmember Quick seconded the motion to suspend the rules and upon roll call vote on the motion the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. 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 Ellerbeck moved for final passage of the ordinance which motion was seconded by Councilmember Carlisle. Councilmember Sheehan asked the mileage requirement number used to determine when an individual who receives an auto allowance will also receive mileage reimbursement. City Administrator Gunn stated her contract stated mileage will be paid on any travels over 40 miles. She stated other employees are paid if traveling out of the metro area. Sheehan stated his feeling that a stipulation should be specified, which the City Administrator said she would prepare for consideration in policy or otherwise. The Mayor then stated the question was, "Shall Ordinance No.1047 be passed and adopted?" Upon roll call vote the following Councilmembers voted aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. The following voted nay: None. The following were absent: None. 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 Deputy City Clerk attested the passage/approval of the same and affixed her signature thereto.

### 2. RESOLUTION – SETTING RATES OF AUTO ALLOWANCE

Councilmember Carlisle introduced and moved for the adoption of Resolution No. 07-097: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING MONTHLY VEHICLE AND MOBILE PHONE ALLOWANCES FOR SPECIFIC OFFICERS AND EMPLOYEES OF THE CITY.

WHEREAS, the Mayor and City Council establish by ordinance the compensation for officers and employees of the City of La Vista and said ordinance establishes that the Mayor and Council may additionally fix by resolution such vehicle and other allowances as may from time to time be fixed in the municipal budget; and

WHEREAS, the FY 08 municipal budget establishes funds for vehicle and mobile phone allowances for various officers and employees of the City and are recommended by the Finance Director and City Administrator.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize the following vehicle and mobile phone allowances:

Position	Monthly Vehicle Allowance
Mayor	\$150
City Clerk	\$100
City Administrator	\$300
Assistant City Administrator	\$ 75
1 <sup>st</sup> Asst. Fire Chief	\$100
2 <sup>nd</sup> Asst. Fire Chief	\$100
District Fire Chief	\$100
Public Information Officer – Fire	\$100
Community Development Director	\$ 50
City Planner	\$ 50
Library Director	\$ 45
Asst. Library Director	\$ 33

# MINUTE RECORD

September 18, 2007

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

NOW THEREFORE BE IT FURTHER RESOLVED, that the Finance Director may establish a monthly allowance for mobile phone service for the Mayor, Public Works Director, Park Superintendent and Street Superintendent in an amount not to exceed \$50 per month based upon a review of actually monthly expenses related to City services.

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

## E. PUBLIC WORKS EMPLOYEES COLLECTIVE BARGAINING GROUP – MEMORANDUM OF UNDERSTANDING AND PERSONNEL POLICY AMENDMENTS

### 1. RESOLUTION – MEMORANDUM OF UNDERSTANDING

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-098: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA ACCEPTING AN EMPLOYMENT AGREEMENT BETWEEN THE LA VISTA PUBLIC WORKS EMPLOYEES' COLLECTIVE BARGAINING GROUP AND THE CITY OF LA VISTA.

WHEREAS, the representatives for the La Vista Public Works Employees and the City of La Vista have negotiated an employment agreement in good faith, and

WHEREAS, the terms of said agreement have been designated in the attached Memorandum of Understanding signed by both parties, and

WHEREAS, said agreement is to be effective for a period of three years.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska that the Memorandum of Understanding between the La Vista Public Works Employees' Collective Bargaining Group and the City regarding salary and benefit adjustments for fiscal years 2008, 2009 and 2010 be, and the same hereby is ratified.

Seconded by Councilmember Carlisle. City Administrator Gunn informed Council that Public Works is comfortable with the changes in the policy. She informed Council that the date in the Memorandum of Understanding on page 2, Section 7 should read: Fiscal Year 2011 (I.E., by February 1, 2010). Motion of adoption amended for the recommended change to the agreement by Councilmember McLaughlin; seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

### 2. RESOLUTION – AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-099: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 7, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING NATIONAL GUARD OR RESERVE ACTIVE DUTY MILITARY LEAVE OF ABSENCE.

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, it is being proposed that Subsection 7.23 in the manual regarding the reference to allowable military leave be amended to reflect that the limitation on the amount of leave allowed shall be during the fiscal year rather than the calendar year; and

WHEREAS, it is the desire of the City Council to amend Section 7, 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 7.23 regarding National Guard or reserve active duty military leave of absence.

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

# MINUTE RECORD

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

September 18, 2007

## 3. RESOLUTION - AMEND CITY PERSONNEL POLICY AND PROCEDURES MANUAL

Councilmember McLaughlin introduced and moved for the adoption of Resolution No. 07-100: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AMENDING SECTION 8, OF THE CITY PERSONNEL POLICY AND PROCEDURES MANUAL REGARDING HOLIDAY PAY.

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, it is being proposed that Subsection 8.3 in the manual regarding holidays be amended to reflect that employees shall receive holiday pay according to their scheduled shift at the time of the holiday; and

WHEREAS, it is the desire of the City Council to amend Section 8, 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 8.3 regarding holiday pay.

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

## F. CONDITIONAL USE PERMIT - CHILDCARE CENTER ON LOT 1, SOUTHPORT EAST

### REPLAT 10

#### 1. PUBLIC HEARING

At 7:40 p.m. Mayor Kindig stated the floor was now open for discussion on a Conditional Use Permit – Childcare Center on Lot 1, Southport East Replat 10.

Councilmember Carlisle made a motion to continue the public hearing for the Conditional Use Permit – Childcare Center on Lot 1, Southport East Replat 10 until the October 2, 2007 meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

## G. DISCUSSION – GILES ROAD AND LA VISTA DRIVE

#### 1. PUBLIC COMMENT

Public Works Director Soucie put up a drawing of the Giles Road and La Vista Drive intersection for Council and the audience to see. Soucie explained the reasons the “pork chop” intersection was constructed and the problems that have occurred, which include illegal turns, legal right hand turns going east on Giles, but then turning left on 69th Street and making a u-turn around the island in the Ardmore subdivision. Soucie stated the City has completed traffic surveys for the area and have not seen drivers using the Ardmore subdivision. Mostly, drivers have been attempting to reach 72<sup>nd</sup> Street or travel westbound on Giles Road. Consequently, Soucie recommended that the City reconstruct the intersection for a full left hand turn. Councilmember Sheehan asked the cost for reconstruction. Soucie responded the cost would be \$4,000 - \$5,000. Councilmember Sell stated he has seen kids on the island at the intersection, which is a safety concern. Soucie responded that pedestrians are to use the 72nd Street and Giles Road intersection for crossing.

Several residents, including Joe Garcia, Gene Marcley, Mike Davis, Cecilia Garcia, John Vendetti, Jeanine Caldarelli, and John Heskett of the Ardmore Subdivision addressed Council with their concerns. They are concerned with the safety issues of the current intersection, the safety of children riding their bikes to Wal-Mart, the additional traffic into the Ardmore subdivision, and a few expressed their thoughts on solutions to the problem at the location. There was not a consensus to a solution. Closing the intersection at Giles Road and La Vista Drive would increase traffic at 69th Street and Giles road, which will affect Ardmore residents in that area. Some residents felt the solution would be to close the exit out of the Wal-Mart shopping center. Councilmember Sheehan responded that the City of La Vista does not have jurisdiction over the south side of Giles Road nor the parking lot. A discussion was held about increasing the “pork chop” island at the intersection to make it more difficult to make a left hand turn going west on Giles Road. Public Works Director Soucie stated people will still try to make the turn, making the intersection more dangerous or it will increase the number of vehicles making the u-turn at 69th Street.

# MINUTE RECORD

NO. 729—REFFIELD & COMPANY, INC., OMAHA

September 18, 2007

Mayor Kindig thanked everyone for their comments and suggestions. He stated the staff will look into the suggestions and possible improvements and then bring updates back to Council. He informed the audience that residents of Ardmore would be notified when the issue is brought back to Council.

## H. STRATEGIC PLAN UPDATE

Councilmember Sell moved to approve the Strategic Plan Update. Seconded by Councilmember Carlisle. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried

Councilmember McLaughlin made a motion to move "Comments from the Floor" up on the agenda ahead of Item 1, "Executive Session". Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor, and asked that each individual limit his or her comments to 5 minutes. Resident Joe Garcia addressed Council to suggest adding cameras to the intersection of La Vista Drive and Giles Road. Police Chief Lausten responded that by state statute all fees collected from traffic stops go to the school district, not to the City. Further, using cameras in such a manner would first require a constitutional amendment.

## I. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE – FOP COLLECTIVE BARGAINING UNIT; PERSONNEL PERFORMANCE

At 8:50 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a strategy session/negotiating guidance – FOP Collective Bargaining Unit; and to prevent needless injury to the reputation of an individual to discuss personnel performance. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried. Mayor Kindig stated the executive session would be limited to the subject matter contained in the motion and repeated the motion.

At 9:26 p.m. the Council came out of executive session. Councilmember Carlisle made a motion to reconvene in open and public session. Seconded by Councilmember Ellerbeck. Mayor Kindig stated the discussion in executive session was limited to the subject matter contained in the original motion. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

There were no comments from Mayor or Council.

## ADJOURNMENT

At 9:26 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, McLaughlin, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 2ND DAY OF OCTOBER 2007.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Mary C. Lupomech  
Deputy City Clerk

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

**MINUTES OF MEETING  
September 13, 2007**

Members Present: Karen Cahill Rose Iwan Samantha Maine Valerie Russell  
Barbara Weikle Carol Westlund

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

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

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

**Agenda Item #3: Introductions**

Introductions were made for the new Library Advisory Board members Karen Cahill and Valerie Russell.

**Agenda Item #4: Approval of Minutes of March 8, 2007 Meeting**

It was moved by Weikle and seconded by Maine that the minutes be accepted as presented. Ayes: all. Nays: none. Motion carried.

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

- a. Programs: an overview of various programs was given including the new Home School Library Orientation Program beginning this fall.
- b. Employee updates were given: Marcia Schipper attended the Nebraska Library Leadership Institution held in July.

**Agenda Item #6: Circulation Report**

Library Director Iwan distributed the circulation report. The report was discussed and accepted.

**Agenda Item #7: Old Business**

- a. Current and future grants were reviewed. The grant for "Read and Play – Building Literacy and Socialization" was funded by the La Vista Community Foundation. The grant has been completed and the final report finished. The Youth Grant through the Nebraska Library Commission has been completed and the final report finished. A grant for books is being considered.
- b. The two new Library Advisory Board members were introduced.
- c. Summer Reading Program 2007. This year's theme: Get a Clue @ your library™. The final report has been submitted.
- d. Library Safety. The results of the library inspection were discussed.
- e. Budget FY 2007/08. The budget for the upcoming fiscal year will have its final reading by the City Council.
- f. New Library Cards. New library cards are being introduced. The new cards will reduce library costs through materials and staff time.

**Agenda Item #8: New Business**

- a. Patron Request for Drive-up Book Drop. More information is being gathered including if local libraries have outside book drops.
- b. Weekend book fines were discussed. Additional information is being gathered from local libraries.

Agenda Item #9: Comments from the Floor

There were no comments from the floor.

Agenda Item #10: Comments from the Board

There were no comments from the Board.

There was a motion by Maine and seconded by Russell to adjourn the meeting at 6:28 p.m.

The next meeting is scheduled for November 8<sup>th</sup>, 2007 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.

**CITY OF LA VISTA  
SAFETY COMMITTEE MEETING  
MINUTES  
JULY 25, 2007**

**I. CALL TO ORDER**

A meeting of the Safety Committee convened on July 25, 2007 at 8:30 a.m. at the La Vista Police Facility, 7701 South 96<sup>th</sup> Street, La Vista, NE 68128.

Present were Mary Alex, Pat Archibald, Ann Birch, Pam Buethe, Pat Cavlovic, Ray Crane, Karen Fagin, Brenda Gunn, Bob Lausten, Sheila Lindberg, Cathy Lupomech, Brian Lukasiewicz, Jeff Siebels, Jeff Sinnott, Lori Spethnian-Twiford, Scott Stopak, and Randy Ruhge, Rich Uhl and Joni Wilder.

Emergency Procedures announcement made by Lausten.

**II. APPROVAL OF MINUTES FROM MARCH MEETING**

A motion was made by Buethe to approve the minutes from the April 25, 2007 meeting. Seconded by Ruhge. Ayes: All.

**III. OLD BUSINESS**

**A. SUB-COMMITTEE BRIEFINGS**

**1. STANDARD POLICIES**

Lausten gave an update on the “Emergency Signs” and noted where the sign was posted at the Police Facility. All other facilities signs are in the process of being updated with the new logo and laminated at the library. Signs will be posted as soon as completed. The golf course will also need to have an emergency plan.

**2. SAFETY ANALYSIS AND TRACKING OF INCIDENTS**

Lupomech distributed updated and revised incident reports. Discussion held on the forms which included additional tracking information, general consensus was that all the information previously requested was included. The forms will be used as presented. Lausten suggested a sign be posted at the golf course that states the City is not responsible for damage from golf balls.

**3. TRAINING AND INSPECTIONS**

Inspection reports were distributed by Fagin. Cavlovic suggested that the inspections be done 3 times per year as opposed to the current 4 times per year to allow time for repairs. All agreed. Discussion was held on splitting the form containing the information for City Hall and the Recreation Center. It was suggested by Gunn that the form be split. Department Heads will provide reports for the September Safety

Committee meeting regarding the progress made in addressing the violations in these reports in their respective departments / facilities.

**4. REWARDS AND INCENTIVES**

Stopak reported that there was a BINGO winner and all losing cards should be turned in. There are enough BINGO cards to play through January of 2008. Suggestions are welcome for future incentives.

Gunn would like to see a reward program for departments with no safety violation incidents.

**IV. NEW BUSINESS**

Driver's Training for new employees is scheduled for Friday, September 14<sup>th</sup>, time to be announced. Sgt. Davis will be handling the details of this training.

Spethman-Twiford reported on her attendance at the "Safety Summit". She had handouts from the summit available for committee members to look at.

Sinnett reported that he will be attending the "Damage Assessment" training on Thursday, July 26, 2007 and will report on it at the next Safety Committee meeting in September.

Lausten suggested that a city-wide fire drill be held at least once a year and that it include a complete evacuation of the building. Cavlovic and Archibald will form a subcommittee to facilitate the drill.

Lausten provided a law enforcement video on "Distracted Drivers".

**A. DISCUSS NEXT MEETING DATE**

The next safety committee meeting is scheduled for September 26, 2007 at 8:30 a.m. at the Police Facility.

**V. ADJOURNMENT**

The meeting was adjourned at 9:10 AM.



**FELSBURG  
HOLT &  
ULLEVIG**

*engineering paths to transportation solutions*

**Invoice**

tel 303.721.1440  
fax 303.721.0832

**Mail Payments to:**  
Department 1704  
Denver, CO 80291-1704

September 14, 2007

Brenda Gunn  
City of La Vista  
8116 Park View Boulevard  
La Vista, NE 68128

RE: La Vista Quiet Zone Study  
Felsburg Holt & Ullevig Project # 06-282  
Invoice # 06-282-8

For Professional Services for the Period from August 1, 2007 to August 31, 2007:

**Professional Services**

Principal I, 2.50 hours @ \$150.00	\$375.00
Engineer II, 3.50 hours @ \$85.00	297.50
	<hr/>
<b>Total Professional Services:</b>	<b>\$672.50</b>

**Other Direct Costs**

Mileage	\$18.14
Reproduction	0.42
	<hr/>
<b>Total Other Direct Costs:</b>	<b>\$18.56</b>

**Total Amount Due This Invoice**

**\$691.06**

Previously Billed	\$7,523.90	Contract Maximum	\$9,500.00
Current Invoice	<hr/> <b>\$691.06</b>	Less Total Billed To Date	<hr/> <b>\$8,214.96</b>
Total Billed To Date	<b>\$8,214.96</b>	Remaining	<b>\$1,285.04</b>

*OKD/SJ*

*10/02/07  
Consent  
Agreement*

*571-0658*

*KAA*

*All invoices are due upon receipt.*

# Memorandum



**To:** Mayor & City Council

**CC:** Finance Director

**From:** Brenda Gunn, City Administrator *BG*

**Date:** 9/28/2007

**Re:** JQH Grant

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We have received a request from John Q. Hammons for release of the City's grant of \$3,000,000.00 which was approved by the Mayor and City Council on February 20, 2007 via Ordinance No. 1023. As you know, construction is underway on both the Embassy Suites Hotel and Conference Center. The Embassy is at 56% completion and conference center at 42%. We have received a permit application and construction plans for the Marriott Courtyard and anticipate issuing a footings and foundation permit by the end of next week. The contractor is ready to commence construction immediately following receipt of the permit.

It is therefore recommended that Council approve releasing the \$3,000,000.00 grant upon commencement of construction on the Courtyard.

U



John Q Hammons  
HOTELS & RESORTS

September 24, 2007

**VIA FEDERAL EXPRESS/(402) 331-4343**

City of La Vista  
Attn: Sheila Lindberg, Finance Director  
8116 Park View Blvd.  
La Vista, NE 68128

Re: Grant from the City of La Vista to John Q. Hammons

Dear Ms. Lindberg:

Pursuant to the Master Development Agreement (the "MDA") between the City of La Vista, Nebraska (the "City") and the John Q. Hammons Affiliated Parties (as defined in the MDA), please accept this letter as our formal request for the release of the City's grant in the amount of \$3,000,000.00. Please forward the grant to me via federal express at your earliest possible convenience.

If you have any questions or need any additional information, please contact me immediately. Thank you for your prompt attention to this matter.

Very truly yours,

Debra M. Shantz,  
Sr. Vice President and General Counsel

Enclosures

cc: Brenda Gunn (w/out encls.)  
Jacqueline Dowdy (w/out encls.)

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
1	Bank of Nebraska (600-873)								
90550	9/19/2007	1194	QUALITY BRANDS OF OMAHA		241.55		**MANUAL**		
90551	9/19/2007	1270	PREMIER-MIDWEST BEVERAGE CO		68.20		**MANUAL**		
90552	9/20/2007	3702	LAUGHLIN, KATHLEEN A, TRUSTEE		372.00		**MANUAL**		
90553	9/25/2007	1194	QUALITY BRANDS OF OMAHA		263.10		**MANUAL**		
90554	9/25/2007	1821	PETTY CASH-PAM BUETHE		30.00		**MANUAL**		
90555	9/30/2007	1815	A.S.A.		1,420.00				
90556	9/30/2007	3854	AED SUPERSTORE		149.00				
90557	9/30/2007	3807	ALADDIN CUSTOM SPORTSWEAR INC		39.28				
90558	9/30/2007	571	ALAMAR UNIFORMS		.00	**CLEARED**	**VOIDED**		
90559	9/30/2007	571	ALAMAR UNIFORMS		495.98				
90560	9/30/2007	1823	ALKAR BILLIARDS		4,714.00				
90561	9/30/2007	2959	ALUMINUM ATHLETIC EQUIPMENT CO		160.00				
90562	9/30/2007	81	AMSAN		353.27				
90563	9/30/2007	196	AQUILA		25.53				
90564	9/30/2007	536	ARAMARK UNIFORM SERVICES INC		249.97				
90565	9/30/2007	188	ASPHALT & CONCRETE MATERIALS		188.32				
90566	9/30/2007	201	BAKER & TAYLOR BOOKS		2,737.00				
90567	9/30/2007	3761	BAKER, MARCUS		72.95				
90568	9/30/2007	1839	BCDM-BERINGER CIACCIO DENNELL		712.50				
90569	9/30/2007	929	BEACON BUILDING SERVICES		6,737.00				
90570	9/30/2007	1784	BENNINGTON IMPLEMENT		73.84				
90571	9/30/2007	3774	BENSON RECORDS MANAGEMENT CTR		50.30				
90572	9/30/2007	410	BETTER BUSINESS EQUIPMENT		37.00				
90573	9/30/2007	3865	BIG RED BILLIARDS		251.00				
90574	9/30/2007	3760	BUETHE, PAM		477.73				
90575	9/30/2007	76	BUILDERS SUPPLY CO INC		30.02				
90576	9/30/2007	3840	C. N. IS BELIEVING INC		280.21				
90577	9/30/2007	3529	CENTRAL STATES TACTICAL		1,411.80				
90578	9/30/2007	2821	CHASE AUTO TRANSMISSION REPAIR		60.00				
90579	9/30/2007	152	CITY OF OMAHA		29,251.04				
90580	9/30/2007	3305	DAGANAAR, MONTY L		200.00				
90581	9/30/2007	270	DECOSTA SPORTING GOODS		87.97				
90582	9/30/2007	111	DEMCO		202.58				
90583	9/30/2007	3281	DIAMONDS GROUNDSKEEPER		139.00				
90584	9/30/2007	127	DON'S PIONEER UNIFORMS		591.62				
90585	9/30/2007	2149	DOUGLAS COUNTY SHERIFF'S OFC		50.00				
90586	9/30/2007	1042	ED M. FELD EQUIPMENT		74.85				
90587	9/30/2007	3334	EDGEWEAR SCREEN PRINTING		1,238.00				
90588	9/30/2007	3617	FAIRWAY GOLF LLC		569.00				
90589	9/30/2007	3159	FASTENAL COMPANY		373.62				
90590	9/30/2007	1235	FEDEX KINKO'S		13.66				
90591	9/30/2007	439	FIREGUARD INC		784.45				
90592	9/30/2007	34	FOLLETT SOFTWARE COMPANY		160.20				
90593	9/30/2007	3132	FORT DEARBORN LIFE INSURANCE		1,195.00				
90594	9/30/2007	1161	GALL'S INCORPORATED		491.99				
90595	9/30/2007	1248	GASSERT, MIKE		992.00				
90596	9/30/2007	1697	GAYLORD BROS		157.40				
90597	9/30/2007	53	GCR OMAHA TRUCK TIRE CENTER		70.63				
90598	9/30/2007	3718	GENWORTH LIFE AND HEALTH		1,649.02				
90599	9/30/2007	1660	GODFATHER'S PIZZA		48.47				
90600	9/30/2007	35	GOLDMAN, JOHN G		631.76				

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
90601	9/30/2007	164	GRAINGER	229.21			
90602	9/30/2007	285	GRAYBAR ELECTRIC COMPANY INC	40.31			
90603	9/30/2007	426	HANEY SHOE STORE	477.85			
90604	9/30/2007	3150	HD SUPPLY WHITE CAP CONSTRUC-	1,140.54			
90605	9/30/2007	1744	HEARTLAND AWARDS	24.00			
90606	9/30/2007	2407	HEIMES CORPORATION	430.73			
90607	9/30/2007	1403	HELGET GAS PRODUCTS INC	97.00			
90608	9/30/2007	136	HUNTEL COMMUNICATIONS, INC	9,993.35			
90609	9/30/2007	3050	INSIGHT TECHNOLOGY	.00	**CLEARED**	**VOIDED**	
90610	9/30/2007	3050	INSIGHT TECHNOLOGY	623.97			
90611	9/30/2007	1896	J Q OFFICE EQUIPMENT INC	792.64			
90612	9/30/2007	2379	JO DON'S	480.00			
90613	9/30/2007	3870	JOHNSON CONTROLS INC	2,234.97			
90614	9/30/2007	3663	JONES AND BARTLETT PUBLISHERS	98.59			
90615	9/30/2007	3645	JUSTIN THYME CAFE	315.00			
90616	9/30/2007	3687	KIMBALL MIDWEST	64.48			
90617	9/30/2007	3862	KRESGE MEMORIAL LIBRARY	12.07			
90618	9/30/2007	2394	KRIHA FLUID POWER CO INC	29.00			
90619	9/30/2007	2697	KROGER-DILLON CUST CHARGES	11.85			
90620	9/30/2007	2057	LA VISTA COMMUNITY FOUNDATION	257.00			
90621	9/30/2007	381	LANDS' END BUSINESS OUTFITTERS	543.90			
90622	9/30/2007	2817	LANOHA NURSERIES INC	8,149.00			
90623	9/30/2007	84	LARRY'S BOILER SERVICE INC	135.00			
90624	9/30/2007	877	LINWELD	768.61			
90625	9/30/2007	1573	LOGAN CONTRACTORS SUPPLY	4,121.15			
90626	9/30/2007	838	LYMAN-RICHEY SAND & GRAVEL CO	187.65			
90627	9/30/2007	3537	MASTER SIGN	40.00			
90628	9/30/2007	3868	MAX I WALKER CLEANERS	226.20			
90629	9/30/2007	153	METRO AREA TRANSIT	532.00			
90630	9/30/2007	872	METROPOLITAN COMMUNITY COLLEGE	27,710.89			
90631	9/30/2007	553	METROPOLITAN UTILITIES DIST.	.00	**CLEARED**	**VOIDED**	
90632	9/30/2007	553	METROPOLITAN UTILITIES DIST.	2,755.45			
90633	9/30/2007	98	MICHAEL TODD AND COMPANY INC	3,972.42			
90634	9/30/2007	2497	MID AMERICA PAY PHONES	150.00			
90635	9/30/2007	3126	MID-AMERICA COCA-COLA BOTTLING	195.00			
90636	9/30/2007	1526	MIDLANDS LIGHTING & ELECTRIC	50.98			
90637	9/30/2007	371	MIDWEST SERVICE AND SALES CO	3,206.88			
90638	9/30/2007	1046	MIDWEST TURF & IRRIGATION	417.57			
90639	9/30/2007	3863	MIXAN, SUSANA	13.96			
90640	9/30/2007	346	MOBILE COMMUNICATIONS INC	4,821.50			
90641	9/30/2007	2382	MONARCH OIL INC	303.00			
90642	9/30/2007	288	MOTOROLA INC	6,284.20			
90643	9/30/2007	2550	MSC INDUSTRIAL SUPPLY CO	51.83			
90644	9/30/2007	3350	NEBRASKA IOWA SUPPLY	5,220.81			
90645	9/30/2007	440	NEBRASKA MACHINERY COMPANY	211.40			
90646	9/30/2007	214	NEBRASKA MUNICIPAL CLERKS ASSN	70.00			
90647	9/30/2007	2388	NEBRASKA NATIONAL BANK	660.00			
90648	9/30/2007	2685	NEBRASKA TURF PRODUCTS	587.50			
90649	9/30/2007	808	NEWMAN TRAFFIC SIGNS INC	3.00			
90650	9/30/2007	2631	NEXTEL COMMUNICATIONS	471.56			
90651	9/30/2007	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
90652	9/30/2007	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
90653	9/30/2007	1014	OFFICE DEPOT INC-CINCINNATI	697.08			

## BANK NO BANK NAME

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VENDOR NO VENDOR NAME

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CLEARED

VOIDED

MANUAL

90654	9/30/2007	181 OMAHA SLINGS INCORPORATED	250.69
90655	9/30/2007	46 OMAHA WORLD HERALD COMPANY	1,272.48
90656	9/30/2007	401 PAPILLION LA VISTA SCHL DISTR	4,947.50
90657	9/30/2007	3039 PAPILLION SANITATION	214.60
90658	9/30/2007	2686 PARAMOUNT LINEN & UNIFORM	160.29
90659	9/30/2007	1769 PAYLESS OFFICE PRODUCTS INC	433.40
90660	9/30/2007	1821 PETTY CASH-PAM BUETHE	.00
90661	9/30/2007	1821 PETTY CASH-PAM BUETHE	211.41
90662	9/30/2007	74 PITNEY BOWES INC-KY	504.00
90663	9/30/2007	3861 PODANY PROMOTIONS	205.80
90664	9/30/2007	3867 POPELKA, JULIANNE	45.00
90665	9/30/2007	159 PRECISION INDUSTRIES INC	65.64
90666	9/30/2007	3743 PROGRESSIVE BUSINESS	110.20
90667	9/30/2007	3657 PROPERTY SERVICES	31.00
90668	9/30/2007	1725 PUSH PEDAL PULL	1,560.00
90669	9/30/2007	219 QWEST	2,367.48
90670	9/30/2007	191 READY MIXED CONCRETE COMPANY	2,738.86
90671	9/30/2007	3464 RESOLVE SERVICES LLC	1,570.75
90672	9/30/2007	487 SAPP BROS PETROLEUM INC	985.30
90673	9/30/2007	3866 SIEBERT & ASSOCIATES INC	240.00
90674	9/30/2007	2704 SMOOTHER CUT ENTERPRISES INC	1,320.00
90675	9/30/2007	3838 SPRINT	88.93
90676	9/30/2007	264 TED'S MOWER SALES & SERVICE	777.00
90677	9/30/2007	3864 THACKER, SHARON	45.00
90678	9/30/2007	822 THERMO KING CHRISTENSEN	191.81
90679	9/30/2007	143 THOMPSON DREESSEN & DORNER	.00
90680	9/30/2007	143 THOMPSON DREESSEN & DORNER	11,837.35
90681	9/30/2007	1344 THOMSON GALE	44.93
90682	9/30/2007	438 THORPE'S BODY SHOP	979.40
90683	9/30/2007	1122 TURF CARS LTD	46.70
90684	9/30/2007	176 TURFWERKS	520.00
90685	9/30/2007	167 U S ASPHALT COMPANY	105.06
90686	9/30/2007	3123 UAP DISTRIBUTION INC	181.44
90687	9/30/2007	2719 UNDERWRITERS LABORATORIES INC	2,889.00
90688	9/30/2007	445 UNITED ELECTRIC SUPPLY CO	12.31
90689	9/30/2007	988 UPSTART	82.35
90690	9/30/2007	809 VERIZON WIRELESS, BELLEVUE	65.86
90691	9/30/2007	1174 WAL-MART COMMUNITY BRC	362.99
90692	9/30/2007	78 WASTE MANAGEMENT NEBRASKA	730.96
90693	9/30/2007	968 WICK'S STERLING TRUCKS INC	113.75

BANK TOTAL 188,894.15

OUTSTANDING 188,894.15

CLEARED .00

VOIDED .00

## FUND

TOTAL

OUTSTANDING

CLEARED

VOIDED

01	GENERAL FUND	120,637.94	120,637.94	.00	.00
02	SEWER FUND	38,795.53	38,795.53	.00	.00
05	CONSTRUCTION	16,483.62	16,483.62	.00	.00
09	GOLF COURSE FUND	4,828.06	4,828.06	.00	.00
15	OFF-STREET PARKING	8,149.00	8,149.00	.00	.00

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REPORT TOTAL	188,894.15
OUTSTANDING	188,894.15
CLEARED	.00
VOIDED	.00

+ Gross Payroll 9-21-07 192,327.93

GRAND TOTAL \$381,222.08

APPROVED BY COUNCIL MEMBERS 10-3-07

\_\_\_\_\_  
COUNCIL MEMBER

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CITIZEN ADVISORY REVIEW COMMITTEE — EDP REPORT	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	BRENDA GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A public hearing has been scheduled for the Citizen Advisory Review Committee to submit a written report to the Mayor and City Council regarding the City's Economic Development Program. A copy of the report is attached.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Receive/File.

**BACKGROUND**

Ordinance No. 921 established the City's Economic Development Program and formed the Citizen Advisory Review Committee which is charged with reporting to the Mayor and City Council in a public hearing at least once every six months.

## LA VISTA CITIZEN ADVISORY REVIEW COMMITTEE

To: Mayor and Members of the City Council      Dt: September 10, 2007  
Fr: Citizen Advisory Review Committee      Re: Economic Development Program Bi-  
Annual Report

Pursuant to §117-15 (g) the Citizen Advisory Review Committee shall report to the Mayor and City Council, at least once every six months, regarding the Economic Development Program. The following report generally covers activity for the period of October 2006 to date:

1. One application to the Economic Development Program has been received to date. The application was from John Q. Hammons to construct in Southport West a full service hotel and conference center facility comprised of a full service Embassy Suites Hotel (257 guest suites), adjacent conference center (approximately 80,000 gross s.f.) and an adjacent limited service Marriott Courtyard (221 rooms). This application was approved by the City Council of February 20, 2007.
2. The City has been collecting sales tax revenue for the Economic Development fund since its effective date. To date the fund has \$480,000. The FY 08 budget includes revenue from a General Fund sales tax transfer of \$650,320.08 and \$246,052.23 in interest to be collected on the construction loan. Budgeted expenditures for FY 08 include \$1,094,519.81 for debt service associated with the grant and construction loan and \$25,000 for legal fees.
3. The City's assessed valuation grew 10.4% from 2006 to 2007 to over \$719 million. *(This does not include the recent annexation of the Val Verde and Southwind residential subdivisions, effective on September 14, 2007).*
4. The City's assessed valuation grew 159% (two hundred and fifty-nine percent) in last ten years (since 1998).
5. Net taxable sales decreased by 4.77% from 2005 to 2006. (\$170,076,160 to \$161,970,244)
6. Since the start of the 2007 fiscal year on October 1, 2006, the City has received \$2,578,703 in local option sales tax revenue. This is a slight increase of approximately 12% as compared to the same period in the prior fiscal year.
7. Since 1997, the City has issued building permits totaling in excess of \$608 million in valuation.

As previously reported, the members of the Citizen Advisory Review Committee consider themselves trustees of La Vista's Economic Development Program, based upon the parameters of Ordinance 921. In submitting this bi-annual report, the Committee notes that it has a sincere interest in monitoring and reporting to the Mayor and City Council on the City's economic health and objectively evaluating the City's progress and success in the economic arena. Thank you for this opportunity and we are happy to answer any questions.

Respectfully submitted:

Lynda Shafer, Chair  
Doug Kellner, Vice-Chair  
Paula Bragg, Secretary  
Rick Burns  
Jim Placzek

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
UPDATE— FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN AND ZONING MAP	◆ RESOLUTION(S) ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

The public hearing was continued from the August 21, 2007 City Council meeting and resolutions have been prepared to approve an update of the City's Future Land Use Map component of the Comprehensive Plan, and an updated Zoning Map.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing was advertised and continued from the August 21, 2007 City Council meeting to consider an update to the City's Future Land Use Map component of the Comprehensive Plan, and an updated Zoning Map. Due to the recent annexations, staff recommended a continuance so that the new city limits could be included on the maps. The changes to the base maps have now been completed and are ready for adoption.

Staff has been working with the Geographic Information System (GIS) office at Sarpy County to update the Future Land Use Map of the Comprehensive Plan and the Zoning Map. The majority of the updates were made as a result of actions taken by the City Council to amend the maps based on rezoning cases. Other minor changes were made to update street names, include new subdivisions, identify new parks or trails, and etc. Finally changes were made to the city limits based on the recent annexation of the Val Verde and Southwind SID's.

The Planning Commission held a public hearing on July 19, 2007 and recommended approval.

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

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO APPROVE THE UPDATE OF THE CITY'S FUTURE LAND USE MAP, A COMPONENT OF THE CITY'S COMPREHENSIVE PLAN.**

**WHEREAS, the City's recent growth and development have made it necessary to update the Future Land Use Map; and**

**WHEREAS, as a result of actions taken by the City Council to amend the map since its adoption in 2001, and other minor updates, the planning staff has recommended approval of the attached Future Land Use Map to the Planning Commission; and**

**WHEREAS, the Planning Commission held a public hearing on July 19, 2007 to consider the update of the Future Land Use Map and recommended approval.**

**NOW THEREFORE, BE IT RESOLVED** that the Mayor and City Council of the City of La Vista, Nebraska, hereby approve the update of the City's Future Land Use Map, a component of the City's Comprehensive Plan as attached.

**PASSED AND APPROVED THIS 2<sup>ND</sup> DAY OF OCTOBER, 2007.**

**CITY OF LA VISTA**

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**Douglas Kindig, Mayor**

**ATTEST:**

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

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, TO ADOPT A NEW OFFICIAL ZONING MAP.

WHEREAS, Section 3.02 of the Zoning Ordinance establishes provisions for the Official Zoning Map; and

WHEREAS, because of the nature and number of changes as a result of actions taken by the City Council to amend the map since its adoption in 2001, and other minor updates, the Official Zoning Map has become difficult to interpret and it is now necessary to update the map; and

WHEREAS, the planning staff has prepared the updated Official Zoning Map and recommended approval to the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on July 19, 2007 to consider the update of the Official Zoning Map and recommended approval.

NOW THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of La Vista, Nebraska, hereby approve the attached map as the Official Zoning Map as required by Section 3.02 of the Zoning Ordinance.

PASSED AND APPROVED THIS 2<sup>ND</sup> DAY OF OCTOBER, 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

0.5 miles



La Vista

Official Zoning Map

2007

100th St

98th St

96th St

94th St

92nd St

90th St

88th St

86th St

84th St

82nd St

80th St

78th St

76th St

74th St

72nd St

70th St

68th St

66th St

64th St

62nd St

60th St

58th St

56th St

54th St

52nd St

50th St

48th St

46th St

44th St

42nd St

40th St

38th St

36th St

34th St

32nd St

30th St

28th St

26th St

24th St

22nd St

20th St

18th St

16th St

14th St

12th St

10th St

8th St

6th St

4th St

2nd St

1st St

Blvd

Ln

Pl

St

St</p

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — GATEWAY CORRIDOR OVERLAY DISTRICT	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

#### **SYNOPSIS**

The public hearing was continued from the August 21, 2007 City Council meeting and an ordinance has been prepared to consider an amendment to Section 5.17 of the Zoning Ordinance pertaining to the Gateway Corridor District (Overlay District).

#### **FISCAL IMPACT**

N/A.

#### **RECOMMENDATION**

Approve.

#### **BACKGROUND**

The public hearing was continued from the August 21, 2007 City Council meeting to consider a proposed zoning text amendments to Sections 5.17.01 and 5.17.03 of the Zoning Ordinance pertaining to the Gateway Corridor District (Overlay District). The hearing on this amendment was continued so that the adoption of this amendment would coincide with the adoption of the updated Zoning Map.

The proposed changes were drafted to clarify the types of projects which are intended to be included (multi-family, commercial and industrial) in the Gateway Corridor District, and to change the description of the boundary of the district so that the description coincides with the new Zoning Map.

#### ***Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)***

##### **5.17.01 Intent:**

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for a cohesive and properly developed entrance into the City of La Vista from the Interstate corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor.

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96<sup>th</sup> and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a

partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this project-district be the standard of quality for all multi-family, industrial, and Commercial-commercial Building building projects within this geographic region. See Section 5.17.06 for special design criteria for this sub-area.

#### 5.17.02 Purpose:

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of La Vista's environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

#### 5.17.03 Geographic Area:

The Gateway Corridor Overlay District extends generally to the east from the intersection of Interstate 80 and Giles Road and the interchange of Interstate 80 and 126<sup>th</sup> Street and Harrison Road. The district includes this entire area and continues to the intersection of 96<sup>th</sup> and Giles Road, extending approximately one-quarter (1/4) mile on each side of the centerline of Giles Road from 132<sup>nd</sup> Street to 108<sup>th</sup> Street and from Harrison Street to West Giles Road/Giles Road, roughly following close to West Giles Road, Giles Road, and Interstate 80.. If a site is partially covered by said overlay district, then the entire portion of the site facing the Gateway Corridor is to be covered by these regulations. For a geographically defined area, see the Official Zoning Map.

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.
- 96th Street Corridor – from Harrison Street to Cornhusker-Portal Road

The sub-area shall extend away from the centerline of each street for approximately one-quarter (1/4) mile. If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96<sup>th</sup> and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. For a geographically defined area, see the Official Zoning Map.

The Planning Commission held a public hearing on July 19, 2007, and recommended approval.

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

AN ORDINANCE TO AMEND SECTION 5.17 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 5.17 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 5.17. Section 5.17 of Ordinance No. 848 is hereby amended to read as follows:

**Section 5.17 GATEWAY CORRIDOR DISTRICT (OVERLAY DISTRICT)**

**5.17.01 Intent:**

The City of La Vista has established basic site and building development criteria to be implemented within the boundaries of this overlay district. The Gateway Corridor District has been established in order to implement the policies developed in the Future Land Use Plan portion of the Comprehensive Development Plan. These criteria include, but are not limited to the following: landscaping, building material selection, lighting, and interior street development. The purpose for regulating these issues is to provide for a cohesive and properly developed entrance into the City of La Vista from the Interstate corridor. Guiding development in this manner promotes the general health, safety and welfare of the residents within the zoning jurisdiction of the City, by providing quality design and construction which will also aid in the protection of past and future investment in the corridor.

Within the Gateway Corridor Overlay District there is a sub-area secondary overlay centered on the intersection of 96<sup>th</sup> and Giles Road (see Official Zoning map). The purpose of this secondary overlay evolves around a partnership between the City of La Vista and Metropolitan Community College which have made a significant investment in the community with the new La Vista Public Library / MCC Sarpy Center. The City's desire is that this *district* be the standard of quality for all *multi-family, industrial, and commercial building* projects within this geographic region. See Section 5.17.06 for special design criteria for this sub-area.

**5.17.02 Purpose:**

The purpose of these criteria is to establish a checklist of those items that affect the physical aspect of La Vista's environment. Pertinent to appearance is the design of the site, building and structures, planting, signs, street hardware, and miscellaneous other objects that are observed by the public.

The criteria contained herein are not intended to restrict imagination, innovation or variety, but rather to assist in focusing on design principles that can result in creative solutions that will develop a satisfactory visual appearance within the city, preserve taxable values, and promote the public health, safety and welfare.

**5.17.03 Geographic Area:**

The Gateway Corridor Overlay District extends generally *from 132<sup>nd</sup> Street to 108<sup>th</sup> Street and from Harrison Street to West Giles Road/Giles Road, roughly following close to West Giles Road, Giles Road, and Interstate 80.* If a site is partially covered by said overlay district, then the entire portion of the site facing the Gateway Corridor is to be covered by these regulations. For a geographically defined area, see the Official Zoning Map.

The sub-area secondary overlay -area occurs within all developments that front on the 96th Street and Giles Road corridors including:

- Giles Road Corridor – from 90th Street to 108th Street.

▪ 96th Street Corridor – from Harrison Street to *Portal* Road

If a site is partially covered by said sub-area secondary overlay district, then the entire portion of the site facing 96<sup>th</sup> and/or Giles Road is to be covered by these regulations. See Section 5.17.06 for special design criteria for this geographic area. *For a geographically defined area, see the Official Zoning Map.*

SECTION 2. Repeal of Section 5.17 as Previously Enacted. Section 5.17 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 2<sup>ND</sup> DAY OF OCTOBER 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

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**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT — CHILD CARE CENTER LOT 1, SOUTHPORT EAST REPLAT TEN	◆RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

The public hearing was continued from the September 18, 2007 City Council meeting and a resolution has been prepared to approve a Conditional Use Permit to operate a child care center on Lot 1, Southport East Replat Ten, generally located northwest of Port Grace Blvd. and Eastport Parkway.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The public hearing was continued from the September 18, 2007 City Council meeting to consider an application submitted by Brad Underwood on behalf of the property owner, Southport Investors, LLC, for a conditional use permit to operate a child care center at on Lot 1, Southport East Replat Ten, generally located northwest of Port Grace Blvd. and Eastport Parkway. The property is zoned C-3 Highway Commercial/Office Park District and is currently vacant. A new building is proposed to be constructed and a portion would be leased for this use.

City Engineer John Kottmann and staff have reviewed the application for the conditional use permit and have the following comments:

1. The child care center is proposing to be licensed for 140 children and will employ 14 care providers. Therefore 28 parking spaces will be needed for this use. Because only 21 spaces are provided in front of the child care center, staff recommends that employee parking be located in designated areas away from the front of the building. This should help on-site circulation for clients of the child care center and reduce overflow into the adjacent tenant's parking area.
2. The child care center is proposed to operate from 6:30 a.m. to 6:00 p.m., Monday – Friday (no weekends). Lunch would be catered during days of operation.

3. Both the Fire Chief and the Police Chief have reviewed the proposal and have no concerns at this time. Additional review will be done at the time of building permit review.
4. Proposed fencing is following the example of the approved Education Express project, also located in the Gateway Corridor District.
5. Building design review has been completed; several revisions were required and have been corrected.

The Planning Commission held a public hearing on August 16, 2007, and recommended approval of the conditional use permit to City Council subject to the following condition:

The applicant shall demonstrate they can provide the necessary number of parking spaces for the child care center without negatively impacting the parking required for future tenants on this lot.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE EXECUTION OF A CONDITIONAL USE PERMIT FOR SOUTHPORT INVESTORS, LLC TO OPERATE A CHILD CARE CENTER ON LOT 1, SOUTHPORT EAST REPLAT TEN.

WHEREAS, Brad Underwood, on behalf of Southport Investors, LLC has applied for a conditional use permit for the purpose of operating a child care center on Lot 1, Southport East Replat Ten, located northwest of Port Grace Blvd. and Eastport Parkway; and

WHEREAS, the La Vista Planning Commission has reviewed the application and recommends approval subject to the applicant demonstrating they can provide the necessary number of parking spaces for the child care center without negatively impacting the parking required for future tenants on this lot; 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 following conditions:

1. The child care center is proposing to be licensed for 140 children and will employ 14 care providers. Therefore 28 parking spaces will be needed for this use. Because only 21 spaces are provided in front of the child care center, staff recommends that employee parking be located in designated areas away from the front of the building. This should help on-site circulation for clients of the child care center and reduce overflow into the adjacent tenant's parking area.
2. The child care center is proposed to operate from 6:30 a.m. to 6:00 p.m., Monday – Friday (no weekends). Lunch would be catered during days of operation.
3. Both the Fire Chief and the Police Chief have reviewed the proposal and have no concerns at this time. Additional review will be done at the time of building permit review.
4. Proposed fencing is following the example of the approved Education Express project, also located in the Gateway Corridor District.
5. Building design review has been completed; several revisions were required and have been corrected.

NOW THEREFORE, BE IT RESOLVED, that the Conditional Use Permit presented at the October 2, 2007, City Council meeting for Southport Investors, LLC to operate a child care center on Lot 1, Southport East Replat Ten 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 may determine necessary to carry out the intent of the City Council.

PASSED AND APPROVED THIS 2<sup>ND</sup> DAY OF OCTOBER 2007.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk

I:\Administration\BRENDA\COUNCIL\07 Resolutions\CUP Child Care Center.doc

**CITY OF LA VISTA  
PLANNING DIVISION**

**RECOMMENDATION REPORT**

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CASE NUMBER:

FOR HEARING OF: October 2, 2007  
Report Prepared on September 26, 2007

**I. GENERAL INFORMATION**

- A. APPLICANT:** Brad Underwood
- B. PROPERTY OWNER:** Southport Investors LLC
- C. LOCATION:** NW of the intersection of Port Grace Blvd. and Eastport Parkway.
- D. LEGAL DESCRIPTION:** Lot 1, Southport East Replat Ten
- E. REQUESTED ACTION(S):** Approval of a Conditional Use Permit
- F. EXISTING ZONING AND LAND USE:**  
C-3, Highway Commercial / Office Park District and Gateway Corridor District. The site is undeveloped.
- G. PURPOSE OF REQUEST:** The proposal is to build a child care center inside of a newly constructed office/retail building.
- H. SIZE OF SITE:** Approx. 6,500 square feet of the building is proposed for the child care center. The lot is approximately two acres.

**II. BACKGROUND INFORMATION**

- A. EXISTING CONDITION OF SITE:** Vacant
- B. GENERAL NEIGHBORHOOD/AREA LAND USES AND ZONING:**
  - 1. North:** C-3, Harrison Street right-of-way
  - 2. East:** TA / Sod Farm
  - 3. South:** C-3, Lot 2, Southport East Replat Ten / Vacant
  - 4. West:** C-3, Southport East Replat Four / Southport Professional Building #2
- C. RELEVANT CASE HISTORY:** This property was recently replatted into Southport East Replat Ten.
- D. APPLICABLE REGULATIONS:**
  - 1.** Section 5.12, Zoning Ordinance, regarding C-3 Zoning District
  - 2.** Section 5.17, Zoning Ordinance, regarding Gateway Corridor Dist.

3. Section 6.05, Zoning Ordinance, CUP Standards for Approval
4. Southport Architectural and Site Design Guidelines

### **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. Access is proposed to Eastport Parkway.
  2. Pedestrian and vehicular cross-lot access is proposed to the adjoining property to the west (Southport Professional Buildings). A cross-lot access easement was included on the plat of Southport East Replat Ten.
  3. Pedestrian access is provided to the perimeter sidewalk, which follows Eastport Parkway. This access point is separate from the vehicular access to Eastport Parkway to provide for pedestrian safety.
  4. Twenty-one parking spaces are proposed in front of the childcare center. The site layout plan shows a total of 50 stalls for this building which meets the requirements of the Zoning Ordinance.
- D. **UTILITIES:** All utilities are available to the site.
- E. **FENCING:** A five-foot high Ameristar Echelon Plus "Monarch" Style aluminum fence w/ gate has been proposed to enclose the outside play area.
- F. **LANDSCAPING:**
  1. A permanent sight distance easement along Eastport Parkway restricts grading and landscaping from obstructing the view of on-coming traffic.
  2. The Southport design guidelines require Autumn Purple Ash along Eastport Parkway, however because these trees may cause a conflict in the site distance easement, Knockout Roses and Daylilies are the only plants proposed in this area.
  3. Landscaping outside the easement is required to meet the requirements of the Southport design guidelines. A landscaping plan has been submitted and is compliant.

### **IV. REVIEW COMMENTS:**

1. The child care center is proposing to be licensed for 140 children and will employ 14 care providers. Therefore 28 parking spaces will be needed for this use. Because only 21 spaces are provided in front of the child care

center, staff recommends that employee parking be located in designated areas away from the front of the building. This should help on-site circulation for clients of the child care center and reduce overflow into the adjacent tenant's parking area.

2. The child care center is proposed to operate from 6:30 a.m. to 6:00 p.m., Monday – Friday (no weekends). Lunch would be catered during days of operation.
3. Both the Fire Chief and the Police Chief have reviewed the proposal and have no concerns at this time. Additional review will be done at the time of building permit review.
4. Proposed fencing is following the example of the approved Education Express project, also located in the Gateway Corridor District.
5. Building design review has been completed; several revisions were required and have been corrected.

**V. PLANNING COMMISSION RECOMMENDATION:**

Approval of the Conditional Use Permit to allow a child care center in the C-3 zoning district with the following conditions:

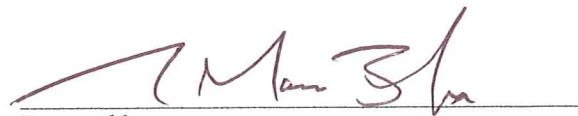
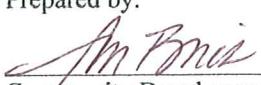
The applicant shall demonstrate they can provide the necessary number of parking spaces for the child care center without negatively impacting the parking required for future tenants on this lot.

**VI. ATTACHMENTS TO REPORT:**

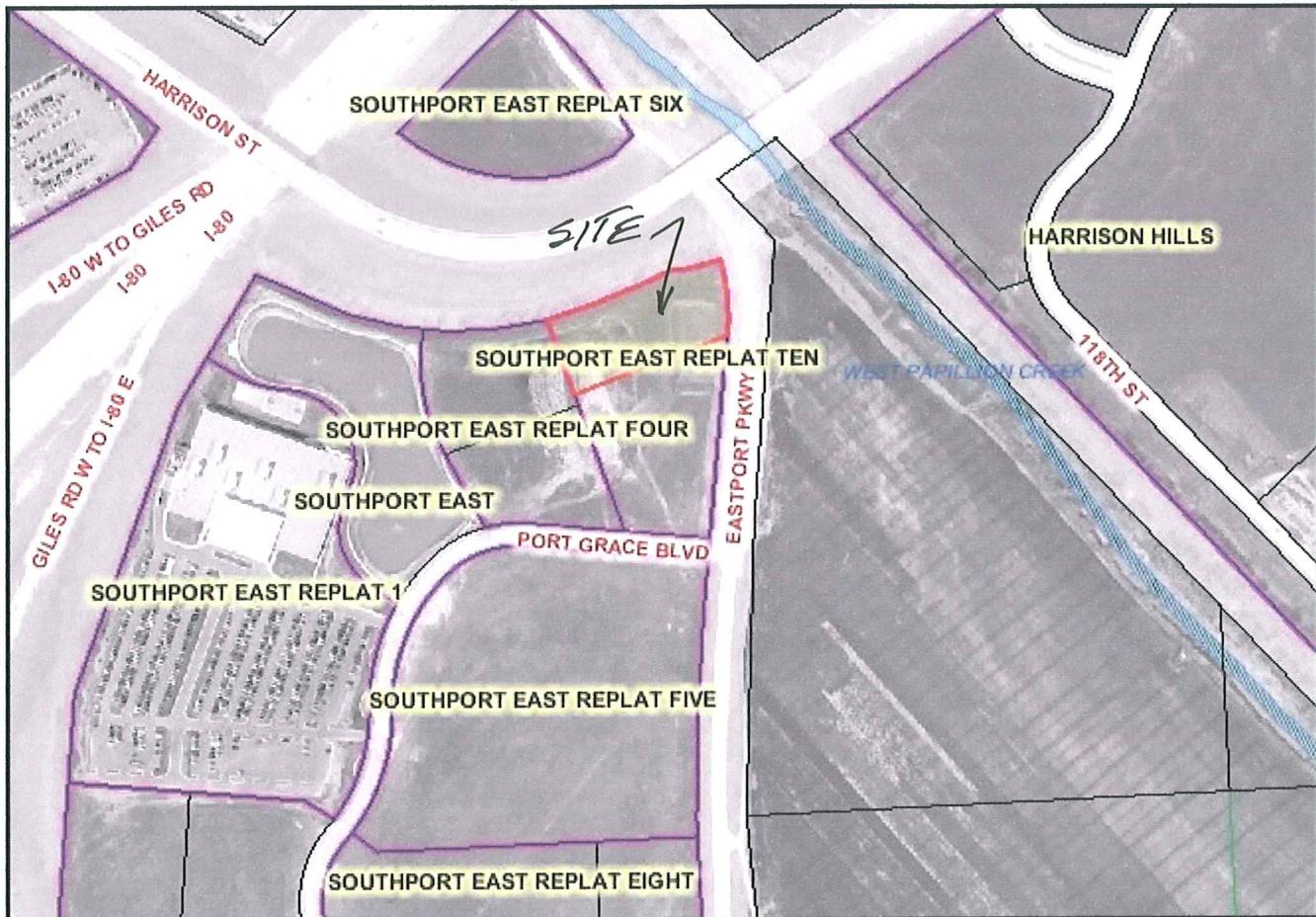
1. Vicinity Map
2. "Learning With Love" handout
3. Letter from Brad Underwood dated September 12, 2007
4. Conditional Use Permit with Exhibits

**VII. COPIES OF REPORT SENT TO:**

1. Brad Underwood, Applicant
2. Todd Ommen, Meyer and Associates
3. Public Upon Request

  
\_\_\_\_\_  
Prepared by:  
 9-26-07  
Community Development Director Date

## Sarpy County, Nebraska



Parcel ID Number	011590976	Neighborhood Code	500
Owner Name	SOUTHPORT INVESTORS LLC	Property Type	COMM
Mailing Address	11717 BURT ST	Improvements Value	
City State	OMAHA NE	Land Value	\$454,650
Zip Code	68154-	Total Value	\$454,650
Property Address		Tax District	27044
Legal Description	LOT 1 SOUTHPORT EAST REPLAT TEN		

*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.

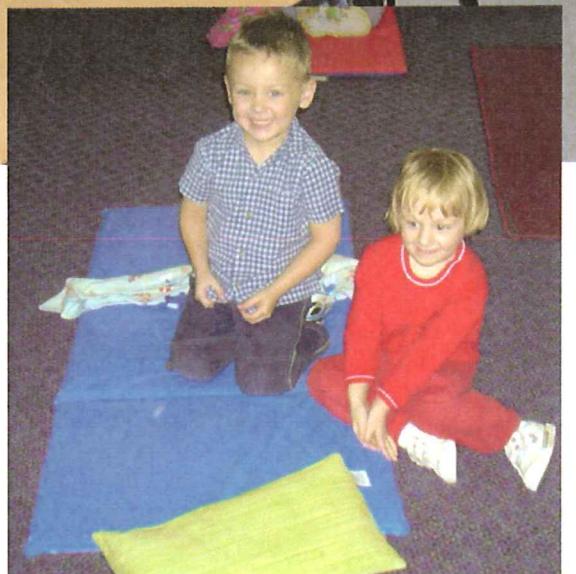
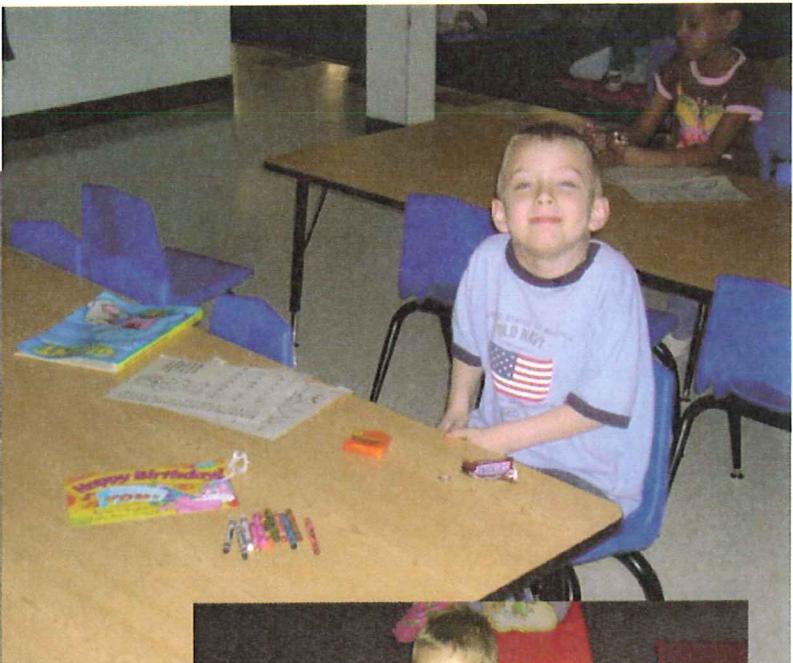
Map Scale  
1 inch = 457 feet

# Learning With Love, Inc.

Please visit our website to learn about our company:  
[www.learningwithlovecenter.com](http://www.learningwithlovecenter.com)



# Learning With Love, Inc.



# State of Nebraska

Department of Health and Human Services  
Regulation and Licensure

## LEARNING WITH LOVE INC

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating Child Care Center.

located at: 6901 NORTH 102 CR Omaha NE 68122

A maximum of 140 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the  
hours of 0630 to 1800 on MTWTF.

LEARNING WITH LOVE INC is hereby issued License No. CCC8823 which is  
effective on 10/17/2006

Given under the name and Seal of the Department  
of Health and Human Services Regulation and  
Licensure of the State of Nebraska at Lincoln on  
10/17/2006.

*[Signature]*  
Jeanne R. Schaefer, M.D., Chief Medical Officer, Director  
Department of Health & Human Services Regulation & Licensure





## NEBRASKA STATE FIRE MARSHAL

# DAY CARE CERTIFICATE

Name of Facility	Learning With Love, Inc. - Child Care Center	
Location	6901 North 102 Circle - Omaha NE 68134	
Date Issued	October 24, 2005	Certificate No. 2005-332
Maximum Occupancy	- 162 - Persons	

Inspected By: *Capt. Phil Chanda*  
Omaha Fire Prevention Bureau  
Delegated Authority

Approved By: *Joe Portman*  
State Fire Marshal  
Delegated Authority

## POST IN PROMINENT PLACE



Yellow Copy - To Be Presented To The State Licensing Agency If Necessary



The Real Estate Brokerage Company

11717 Burt Street, Suite 102  
Omaha, Nebraska 68154  
[www.rebcomaha.com](http://www.rebcomaha.com)  
402.333.3333 office  
402.493.5992 fax

September 12, 2007

Marcus Baker & Ann Birch  
LaVista City Planning  
8116 Park View Boulevard  
LaVista, NE 68128

**RE: Southport Plaza Daycare Parking / Conditional Use Permit**

Dear Marcus and Ann:

At the Planning Board's request, I am submitting a more detailed description of the parking lot accommodations for Southport Plaza, and the number spaces required by Learning With Love daycare. The daycare parking calculations are based on the following enrollment projection:

Age Group	Estimate	Teacher Ratio	Teachers
Baby	8	1:4	2
Todler	12	1:6	2
3 yr olds	10	1:10	1
Preschool	84	1:12	7
<u>School Age</u>	<u>26</u>	<u>1:15</u>	<u>2</u>
<b>TOTAL</b>	<b>140</b>		<b>14</b> <b>(12 staff + 2 owner operators)</b>

With one dedicated space per employee (14), and one space per 10 persons of licensed capacity ( $140 / 10 = 14$ ), a total of 28 spaces are required for the daycare. I have attached a letter from our architect showing that 58 spaces have been provided – 28 for the daycare, 28 as needed for future tenants, and 2 additional spaces. I would also note that the expansion site also has adequate parking without using any of these 58 spaces.

Please feel free to contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Underwood".

Brad Underwood  
The Real Estate Brokerage Company

From: "Todd Ommen" <tommen@meyerarchitecture.com>  
Subject: Parking Count  
Date: September 10, 2007 2:29:43 PM CDT  
To: "Brad Underwood" <bunderwood@rebc.comaha.com>

Here's the parking scoop as I have it calculated now: the following ratios are based on Sec. 7.06 of the La Vista, NE Zoning Ordinance.

1. For your 12,230 s.f. building -

- Office/Retail – 1:200 ratio - 5,656 s.f. (remaining shell divided by 200 = 28.28 stalls req'd.)
- Daycare – one space per employee plus one space or loading stall per each 10 persons of licensed capacity – assuming 14 employees, 14 stalls req'd. PLUS 141 children capacity divided by 10 = 14.1 or 14.1 stalls req'd.

TOTAL for your building -  $28.28 + 14 + 14.1 = 56.38$  OR 56 stalls req'd.

**MY ARCH. SITE PLAN ACCOMODATES FOR 58 STALLS FOR YOUR BUILDING.**

2. For the 6,000 s.f. future office building -

- Office & Office Buildings – 1 space per 200 s.f. of gross floor area ratio – 6,000 divided by 200 = 30 stalls req'd.

**MY ARCH. SITE PLAN ACCOMODATES FOR 30 FUTURE STALLS FOR YOUR FUTURE OFFICE BUILDING.** If we have to, we can extend the future parking northward along the west property line, if need be.

Therefore, we are 2 stalls over the minimum required.

Todd L. Ommen  
Meyer & Associates Architects  
1065 North 115th St. Suite 200  
Omaha, NE 68154  
Office: (402) 391-1823  
Fax: (402) 391-5645  
Email: [tommen@meyerarchitecture.com](mailto:tommen@meyerarchitecture.com)

## City of La Vista Conditional Use Permit

### Conditional Use Permit for a Childcare Center

This Conditional Use Permit issued this 2<sup>nd</sup> day of October, 2007, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to, Southport Investors, LLC. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate a childcare center upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 1, Southport East Replat Ten located in the NE ¼ Section 18 and the NW ¼ Section 17, 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 childcare center; and

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

NOW, THEREFORE, BE IT KNOWN THAT subject to the conditions hereof, this conditional use permit is issued to the owner to use the area designated on Exhibit "A" hereto for a childcare center, 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. A site plan showing the property boundaries of the tract of land and easements, proposed structures, parking, access points, and drives shall be provided to the City and attached to the permit as Exhibit "B".
  - b. Hours of operation for the use will be from 6:30 a.m. – 6:00 p.m. Monday – Friday (no weekends).
  - c. There will be a maximum of fourteen (14) employees working at any given time in the childcare center.
  - d. The use will be comprised of 6,574 sq. feet of building space, plus an outdoor, fenced play area.
  - e. Adequate parking shall be provided to accommodate the maximum number of children (140) in attendance at any one time between the hours of operation.
  - f. Adequate parking shall be provided to accommodate the maximum number of employees (14) in attendance at any one time between the hours of operation.
  - g. The premises shall be developed and maintained in accordance with the site plan (Exhibit "B") as approved by the City and incorporated herein by this reference. Any modifications must be

submitted to the Chief Building Official for approval.

- h. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the facility, except trash receptacles and those approved in writing by the City.
- i. There shall not be any outside storage of materials. All trash receptacles, benches and planters shall be placed on property and securely fastened to building or concrete.
- j. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, ADA and FAA.
- k. Owner shall comply (and shall ensure that all employees, invitees, suppliers, structures, appurtenances and improvements, and all activities occurring or conducted, on the premises at any time comply) with any applicable federal, state and/or local regulations, as amended or in effect from time to time, including, but not limited to, applicable environmental or safety laws, rules or regulations.
- l. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.

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

- a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval, if the violation continues after written notice from the City to Owner and a reasonable time was given for Owner to cure such violation.

4. In respect to the Gateway Corridor Overlay District and Southport East Design Guidelines:

- a. Building Exterior (Style and Building Materials)
  - i. The elevation plans (Exhibit "C") and material submitted indicate the approved design.
  - ii. Building materials and colors listed (Exhibit "C") are approved. If other building materials / colors are preferred, a sample must be submitted to the City for review and approval.
- b. Mechanical Units
  - i. The mechanical units will be placed on the north side of the building and enclosed and will match the color of the building (Exhibit "C").
- c. Trash Enclosure
  - i. The Enlarged Landscape Plan, showing landscape features (Exhibit "D") indicates that the trash enclosure will be located within an alcove of the retaining wall. A black tube steel frame gate with perforated metal (matching the fencing) will be located to provide screening on the south side of the enclosure.
- d. Exterior Light Fixtures
  - i. Any exterior light fixtures used on this project shall be similar to the light fixtures identified in the Gateway Corridor Design Guideline Booklet and to those used at the La Vista Public Library/MCC Sarpy Center.
  - ii. All exterior light fixtures must be submitted for approval.
- e. Landscaping and Site Treatment
  - i. The site layout plan (Exhibit "B") has identified the required landscaping to the site.
  - ii. Any changes to the landscape plan must be approved by the City of La Vista.
- f. Signage
  - i. All permanent and temporary signs shall comply with the City's sign regulations.

- g. Fencing
  - i. The outdoor play area shall be completely enclosed with gates to the parking lot and sidewalk areas.
  - ii. The fencing shall be of approved fencing material (Exhibit "D"), and shall be maintained and in excellent repair during hours of operations.
- 5. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
  - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
  - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
- 6. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
  - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
  - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
  - c. Owner's construction or placement of a storage tank, structure or other improvement on the premises not specified in this permit.
  - d. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
- 7. If the permitted use is not commenced within one (1) year from October 2, 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.
- 8. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
- 9. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

## **Miscellaneous**

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

1. Delay of City to terminate this permit on account of breach of owner of any of the terms hereof shall not

constitute a waiver of City's right to terminate, unless it shall have expressly waived said breach and a waiver of the right to terminate upon any breach shall not constitute a waiver of the right to terminate upon a subsequent breach of the terms hereof, whether said breach be of the same or different nature.

2. Nothing herein shall be construed to be a waiver or suspension of, or an agreement on the part of the City to waive or suspend, any zoning law or regulation applicable to the premises except to the extent and for the duration specifically authorized by this permit.
3. Any notice to be given by City hereunder shall be in writing and shall be sufficiently given if sent by regular mail, postage prepaid, addressed to the owner as follows:

**Contact Name and Address:** Brad Underwood  
11717 Burt Street, Suite #102  
Omaha, NE 68154  
(402) 333-3333

**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  
Deputy City Clerk

**CONSENT AND AGREEMENT**

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

Owner:

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

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

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





Meyer & Associates, Architects  
1065 N 115th Street • Suite 200

Omaha, NE 68154

402.391.1823 (6)

402.391.5645 (0)

5832 Monroe Street • 2nd Floor

Shawnee, KS 66216

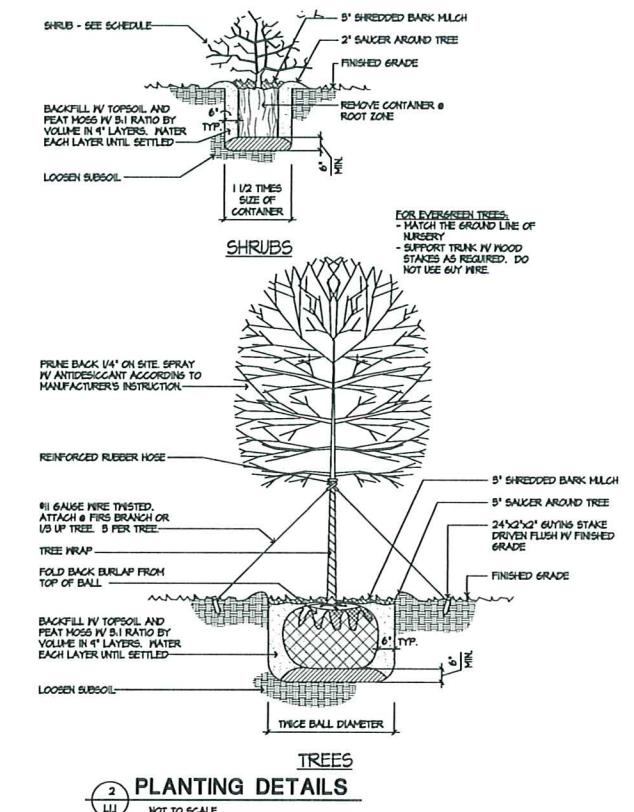
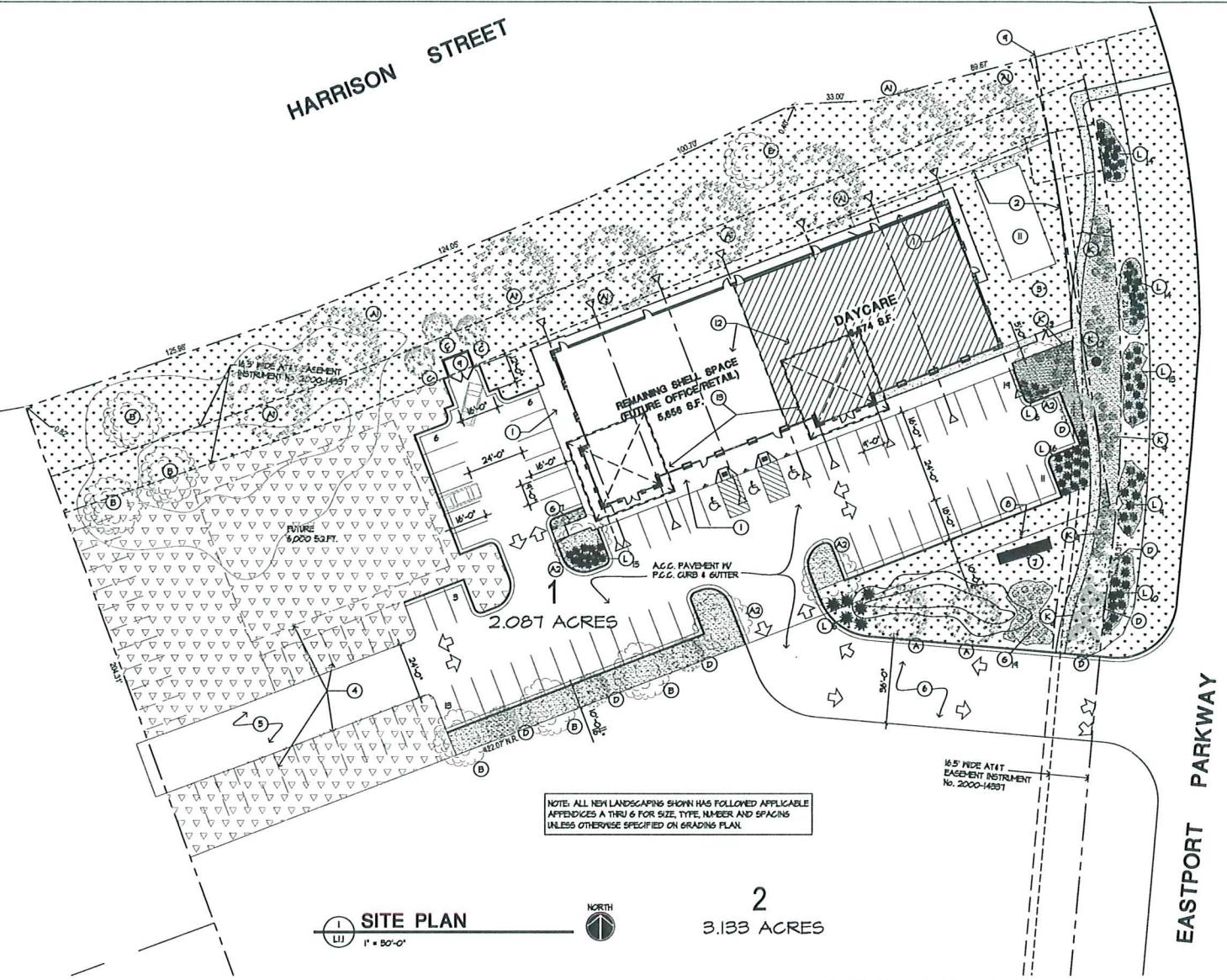
913.825.1306 (6)

913.825.1306 (0)

www.meyerarchitecture.com

## CONSTRUCTION DOCUMENTS FOR: SOUTHPORT PLAZA

LOT 1 SOUTHPORT EAST  
HARRISON ST & EASTPORT PARKWAY  
LA VISTA, NEBRASKA



### GENERAL NOTES:

- ALL DIMENSIONS, ELEVATIONS, & CONDITIONS SHALL BE FIELD VERIFIED IN CIVIL DRAWINGS PRIOR TO COMMENCING WORK.
- LANDSCAPED AREAS DESIGNATED TO BE IRRIGATED BY UNDERGROUND SPRINKLER SYSTEM SHALL BE DESIGNED BY OTHERS. VERIFY LOCATIONS IN PLAN.
- WORK REQUIRED TO EXECUTE THE PLANTING WORK SHALL INCLUDE FURNISHING ALL NECESSARY EQUIPMENT, MATERIAL AND LABOR.
- PROVIDE TREES AND SHRUBS FOR THE TYPE AND SIZE INDICATED BY THE "LANDSCAPE SCHEDULE".
- THE OWNER RESERVES THE RIGHT TO INSPECT AND TAG STOCK AT THEIR PLACE OF GROWTH AND TO INSPECT TREES AND SHRUBS AT THE PROJECT SITE BEFORE PLANTING FOR COMPLIANCE WITH REQUIREMENTS FOR NAME, VARIETY, SIZE AND QUALITY.
- DETERMINE LOCATION OF ALL UNDERGROUND UTILITIES. PERFORM WORK IN A MANNER WHICH WILL AVOID POSSIBLE DAMAGE. HAND EXCAVATE AS REQUIRED TO AVOID POSSIBLE DAMAGE.
- PLANTING METHOD SHALL BE IN ACCORDANCE WITH APPROVED LOCAL HORTICULTURAL PRACTICES.
- GUARANTEE TREES AND SHRUBS FOR A PERIOD OF ONE (1) FULL GROWING SEASON AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM NEGLECT BY OWNER OR ABUSE OR DAMAGE BY OTHERS.
- PROVIDE 2" LAYER OF NO-BLOW CEDAR MULCH IN ALL SHRUB BEDS.
- ALL AREAS DESIGNATED AS 'SOY' ON PLAN SHALL BE SODDED. SOY SHALL BE STATE CERTIFIED AND FESCUE IN TYPE.
- ALL AREAS DESIGNATED AS 'SEED' ON PLAN SHALL BE FESCUE IN TYPE. SEE PLAN FOR LOCATIONS.
- LAWN IRRIGATION SUBCONTRACTOR SHALL SUPPLY PRESSURE RELIEF VALVE AND BACKFLOW PREVENTER IN PIT OUTSIDE OF BUILDING. LAWN IRRIGATION METER AND WATER LINE STUB-OUT ARE LOCATED FROM THE MAIN BUILDING IN TECH / UTILITY ROOM (S) SEE PLANS.
- COORDINATE THE LOCATION OF ALL TREES & SHRUBBRY w/ OWNER.

### LOT 1 INFORMATION

LOT AREA	OCCUPANCY TYPE(S)	BUILDING AREA	BUILDING / LOT COVERAGE %	PARKING REQ/ACTUAL	ACCESSIBLE PARKING	REQD. PARKING RATIOS
LOT 1 2.081 ACRES 60,504.72 SF	GENERAL RETAIL - M DAYCARE - E	12,250 SF 6,574 - DAYCARE 5,656 - RETAIL SHELL	15%	56/56	3	1:200 - GENERAL RETAIL 1 PER EMPLOYEE PLUS 1 PER 10 OF LICENSED CAPACITY - DAYCARE

**EXHIBIT B**



Meyer & Associates, Architects • 2007  
DESIGN AND CONSTRUCTION DOCUMENTS AS  
INSTRUMENTS OF CONTRACT. THEY ARE THE PROPERTY OF  
THE ARCHITECTURAL OFFICES OF MEYER &  
ASSOCIATES, INC. AND ARE TO BE RETURNED UPON  
COMPLETION OF THE PROJECT. THEY ARE  
NOT TO BE COPIED OR REPRODUCED IN WHOLE OR  
IN PART. PERMITTING OF THE  
ARCHITECTURAL OFFICES OF MEYER &  
ASSOCIATES, INC. IS NOT GRANTED FOR CONSTRUCTION  
USE OR CONSTRUCTION USE ARE PROHIBITED BY  
COPYRIGHT LAW.

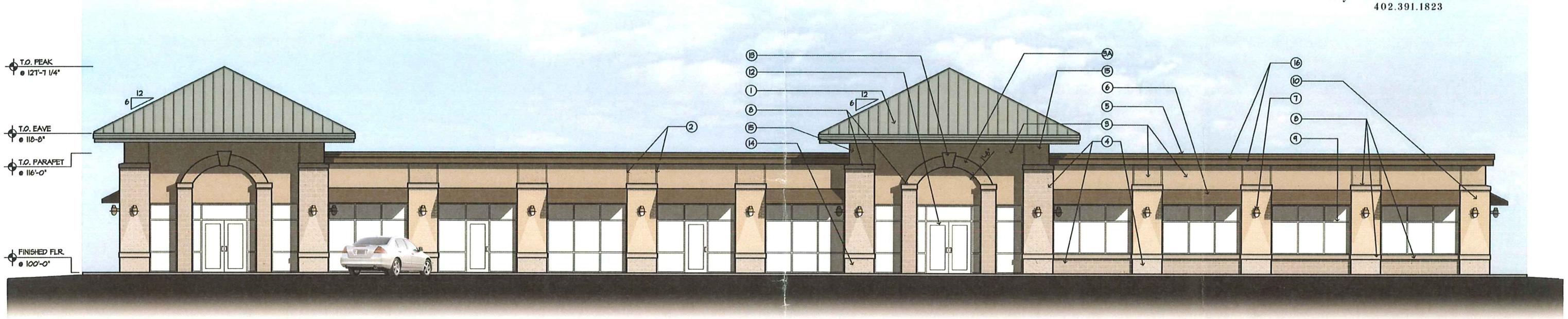
REVISIONS:  
DRAWN BY:  
ISSUED:  
DATE:  
PROJECT NO:  
SHEET NO:

**L1.1**  
ARCHITECTURAL LANDSCAPE PLAN

# SOUTHPORT PLAZA



Meyer & Associates, Architects  
402.391.1823



**SOUTH ELEVATION**

1/8" = 1'-0"

## MATERIALS LEGEND

- ① STANDING SEAM METAL ROOF & GUTTER
- ② 2" W. EIFS. "V" GROOVE
- ③ EIFS, TYP. - 1 1/2"D.
- ④ RAISED EIFS BAND, 3"D.
- ⑤ SPLIT-FACE CMU, TYP.
- ⑥ PRE-FIN. MTL. FLASHING, TYP.
- ⑦ METAL FRAMED, CANVAS ANNING, TYP.
- ⑧ DECORATIVE LIGHT FIXTURE, TYP.
- ⑨ PRE-CAST CONC. ACCENT BAND, TYP.
- ⑩ CLEAR ANODIZED ALUMINUM STOREFRONT WINDOW SYSTEM
- ⑪ FACE BRICK VENEER - RUNNING BOND
- ⑫ HOLLOW METAL DOOR & FRAME
- ⑬ CLEAR ANODIZED ALUMINUM STOREFRONT SYSTEM W/ NARROW STILE DOORS
- ⑭ RAISED EIFS KEYSTONE 4" D.
- ⑮ PRE-CAST CONCRETE VENEER BASE W/ EXPOSED AGGREGATE
- ⑯ RAISED EIFS PILASTER - 3"D.
- ⑰ EIFS PARAPET CAP
- ⑱ PRE-FINISHED METAL FLASHED SCUPPER COLLECTION BOX & DOWNSPOUT TO WALKWAY TRENCH DRAIN

EXHIBIT **C**



Meyer & Associates, Architects

1065 N 115th Street • Suite 200

Omaha, NE 68154

402.391.1823 (0)

402.391.5640 (0)

5832 Monona Street • 2nd Floor

Shawnee, KS 66216

913.825.1306 (0)

913.825.1306 (0)

[www.meyerarchitecture.com](http://www.meyerarchitecture.com)

## SOUTHPORT PLAZA

LOT 1 | SOUTHPORT EAST  
HARRISON ST & EASTPORT PKWY  
LA VISTA, NEBRASKA

CONSTRUCTION DOCUMENTS FOR:



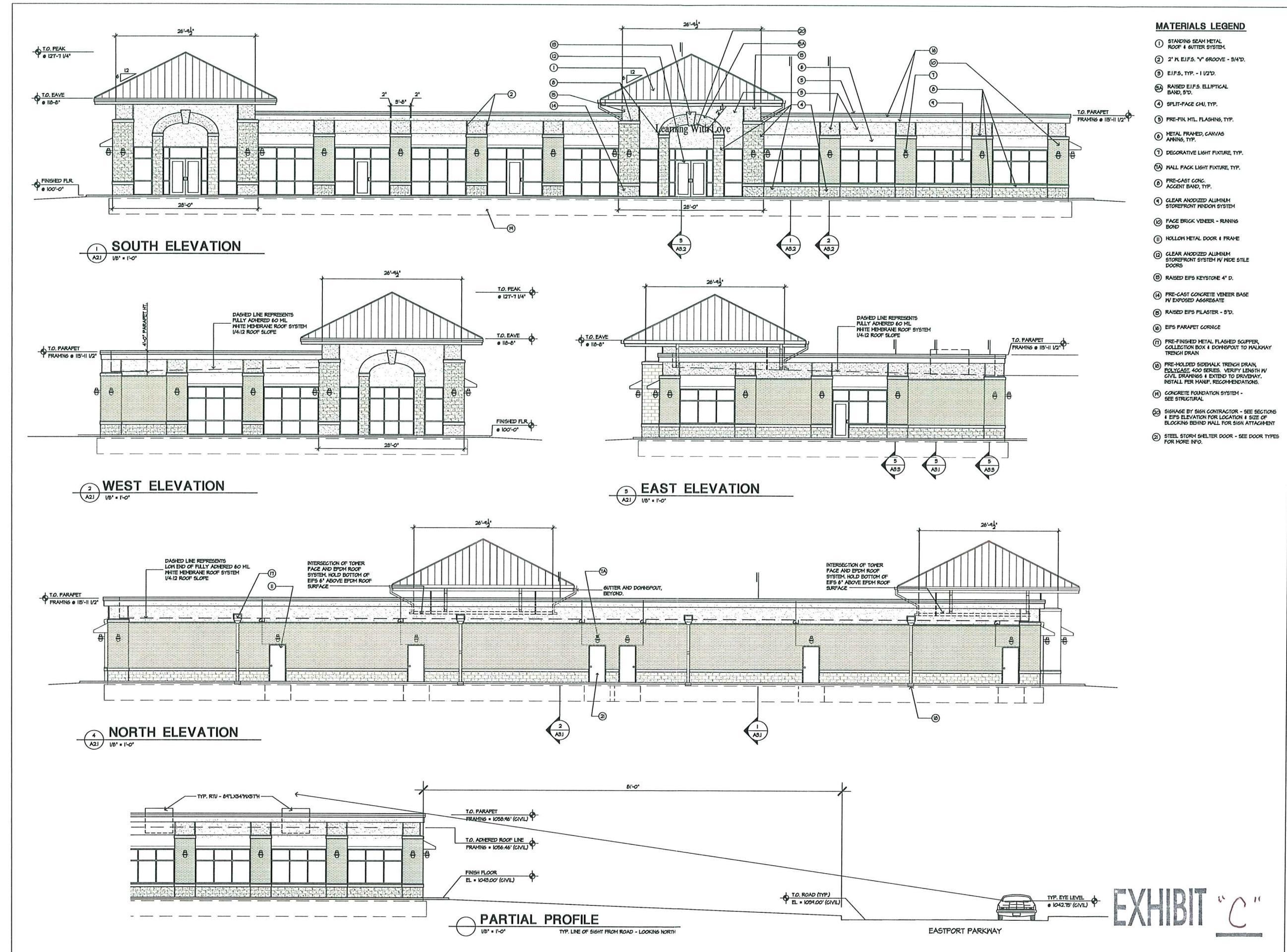
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REVISIONS:

DRAWN BY:  
ISSUED:  
DATE:  
PROJECT NO:  
SHEET NO:

**A2.1**  
EXTERIOR ELEVATIONS





Meyer & Associates, Architects  
1065 N 115th Street • Suite 200  
Omaha, NE 68154  
402.391.1823 (0)  
402.391.5645 (0)  
5532 Monroe Street • 2nd Floor  
Shawnee, KS 66216  
913.825.1306 (0)  
913.825.1306 (0)  
www.meyerarchitecture.com

**SOUTHPORT PLAZA**  
LOT 1 SOUTHPORT EAST  
HARRISON ST & EASTPORT PKWY  
LA VISTA, NEBRASKA

CONSTRUCTION DOCUMENTS FOR:

**EXHIBIT** *D*



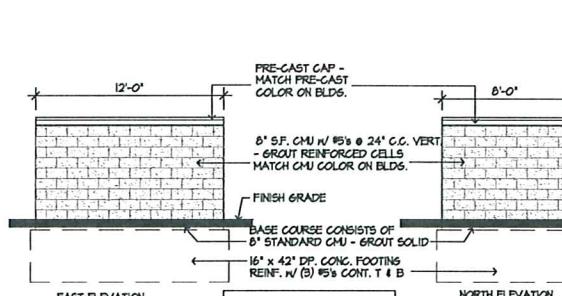
#### SITE ELEMENTS LEGEND

- ① Poured concrete walkway
- ② 5' H. HIGH AMERISTAR ECHELON PLUS 'MAJESTIC' STYLE ALUMINUM FENCE w/ GATE
- ③ SCODDED PLAYGROUND AREA
- ④ FUTURE BUILDING AND PARKING
- ⑤ 24' W. 2-HAY TRAFFIC LANE TO WEST ADJACENT LOT
- ⑥ 86' W. ENTRANCE DRIVE
- ⑦ MONUMENT SIGN
- ⑧ FLAG POLE w/ USA AND/OR STATE FLAG
- ⑨ TRASH ENCLOSURE - MATCH SECONDARY BUILDING MATERIALS USED ON BUILDING
- ⑩ SIGHT DISTANCE EASEMENT LINE - SEE CIVIL
- ⑪ FUTURE PLAYGROUND EQUIPMENT BY OWNER
- ⑫ ROOF CONSISTS OF A 1/4-12 SLOPE, WHITE, FULLY-ADHERED MEMBRANE ROOF SYSTEM w/ POLY-ISO INSULATION OVER METAL DECK AND BAR JOISTS
- ⑬ 6-12 SLOPE, STANDING SEAM METAL ROOF ENTRY TOWERS - SEE ELEVATIONS

#### PARTIAL SITE PLAN

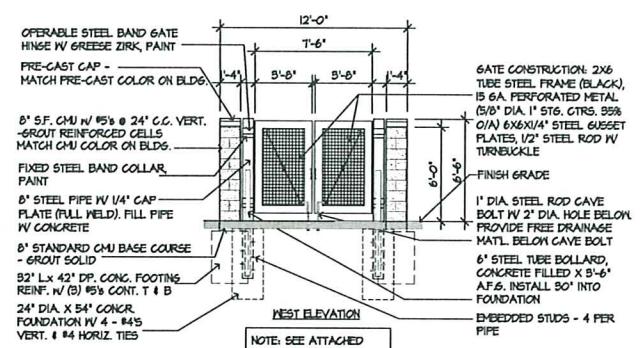
1 L12 1/2' = 1'-0" PLAYGROUND AREA

#### GRASS SYMBOL LEGEND:

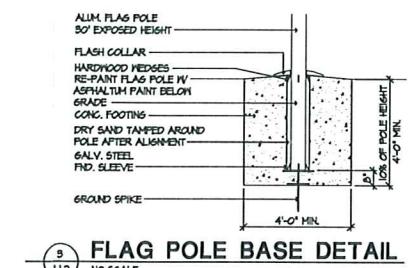


#### TRASH ENCLOSURE

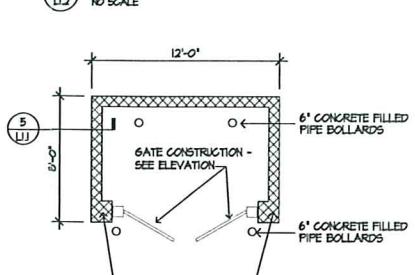
2 L12 3/16' = 1'-0"



NOTE: SEE ATTACHED APPENDIX R FOR TRASH ENCLOSURE GATE DETAIL

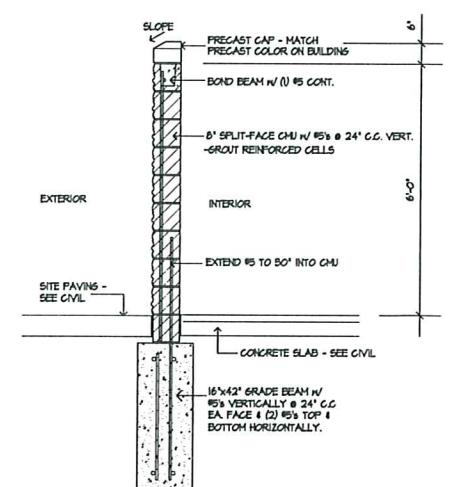


#### FLAG POLE BASE DETAIL



#### PLAN

4 L12 3/16' = 1'-0"



#### SECTION

5 L12 3/16' = 1'-0" TRASH ENCLOSURE WALL

#### GENERAL NOTES:

1. ALL DIMENSIONS, ELEVATIONS, & CONDITIONS SHALL BE FIELD VERIFIED w/ CIVIL DRAWINGS PRIOR TO COMMENCING WORK.
2. LANDSCAPED AREAS DESIGNATED TO BE IRRIGATED w/ UNDERGROUND SPRINKLER SYSTEM SHALL BE DESIGNED BY OTHERS. VERIFY LOCATIONS IN PLAN.
3. WORK REQUIRED TO EXECUTE THE PLANTING WORK SHALL INCLUDE FURNISHING ALL NECESSARY EQUIPMENT, MATERIAL AND LABOR.
4. PROVIDE TREES AND SHRUBS FOR THE TYPE AND SIZE INDICATED BY THE LANDSCAPE SCHEDULE.
5. THE OWNER RESERVES THE RIGHT TO INSPECT AND TAG STOCK AT THEIR PLACE OF BURDEN AND TO INPECT TREES AND SHRUBS AT THE PROJECT SITE DURING PLANTING FOR COMPLIANCE WITH REQUIREMENTS FOR NAME, SIZE AND QUALITY.
6. DETERMINE LOCATION OF ALL UNDERGROUND UTILITIES. PERFORM WORK IN A MANNER WHICH WILL AVOID POSSIBLE DAMAGE. HAND EXCAVATE AS REQUIRED TO AVOID POSSIBLE DAMAGE.
7. PLANTING METHOD SHALL BE IN ACCORDANCE WITH APPROVED LOCAL AGRICULTURAL PRACTICES.
8. GUARANTEE TREES AND SHRUBS FOR A PERIOD OF ONE (1) FULL GROWING SEASON AGAINST DEFECTS INCLUDING DEATH AND UNSATISFACTORY GROWTH, EXCEPT FOR DEFECTS RESULTING FROM NEGLIGENCE BY OWNER OR ABUSE OR DAMAGE BY OTHERS.
9. PROVIDE 2" LAYER OF NO-BLOW CEDAR MULCH IN ALL SHRUB BEDS.
10. ALL AREAS DESIGNATED AS 'SOIL' ON PLAN SHALL BE SCODDED. SOIL SHALL BE STATE CERTIFIED AND FUSION IN TYPE.
11. ALL AREAS DESIGNATED AS 'SOIL' ON PLAN SHALL BE FUSION IN TYPE. SEE PLAN FOR LOCATIONS.
12. LAWN IRRIGATION ELECTRO-TRAP VALVE SHALL SUPPLY PRESSURE RELIEF VALVE AND BACKFLOW PRE-FILTER IN PIT OUTSIDE OF BUILDING. LAWN IRRIGATION HITTER AND WATER LINE STUB-OUT ARE LOCATED FROM THE MAIN BUILDING IN MECH / UTILITY ROOM (2 SEE PLANS).
13. COORDINATE THE LOCATION OF ALL TREES & SHRUBBERY IN OWNER.



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REVISIONS:

DRAWN BY:  
ISSUED:  
DATE:  
PROJECT NO:

SHEET NO:

**L1.2**  
ENLARGED LANDSCAPE PLAN,  
LANDSCAPING FEATURES

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
PUBLIC HEARING — THOMPSON CREEK	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	BRENDA GUNN CITY ADMINISTRATOR

**SYNOPSIS**

At the August 21, 2007 City Council meeting the Mayor and City Council determined it necessary to obtain public input regarding the Thompson Creek study update and as a result directed staff to schedule a public hearing.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

No action is recommended at this time.

**BACKGROUND**

At the June 19, 2007 City Council meeting, City Engineer John Kottmann presented the findings of the 2006 Thompson Creek Channel Study. This topic was also placed on the August 21, 2007 Council agenda as a discussion item to provide an opportunity for the Mayor and Council to discuss the study and have subsequent questions answered.

Prior to making any determinations regarding potential alternatives, the Council thought it necessary to obtain public feedback regarding this issue. As a result, Council directed staff to prepare the appropriate notice and advertise for a public hearing. Letters were also mailed to affected property owners. Council also directed staff to research other similar projects. This work is currently in underway and will be presented at a future Council meeting.

As you know, the Thompson Creek study update was prepared to provide an evaluation of alternatives for the treatment of Thompson Creek downstream of the storm water detention structure located on the La Vista Golf Course. The goals of the update were to present alternatives and provide sufficient information to allow the City to select a desired alternative. The process of reviewing and selecting an alternative is most often a pre-requisite to applying for funding from various agencies and is required for obtaining permits from the Corps of Engineers. This update also will serve as a major component of an alternatives analysis that will be required from the Corps of Engineers for obtaining an individual permit for any physical improvements to be undertaken in future channel improvements on Thompson Creek.

A copy of the study is available in the City Clerk's office.



August 8, 2007

RE: Thompson Creek Discussion

Dear Property Owner:

This is to inform you that the City Council will be discussing the Thompson Creek Study at the regularly scheduled City Council meeting on **Tuesday, August 21, 2007**. This meeting will be held in the Harold "Andy" Anderson Council Chamber at La Vista City Hall at **7:00 p.m.**

You are being notified of this discussion because you are a property owner in the study area. This item is being placed on the Council agenda to give the Mayor and Council a chance to discuss the study and have any subsequent questions they might have answered by the City Engineer. Please note that this is *not a public hearing*. It is anticipated that following this discussion, the Mayor and Council will direct staff to prepare the appropriate notice and advertise a public hearing for sometime in late September or early October.

Sincerely,

Brenda S. Gunn  
City Administrator

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

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

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

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

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

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

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

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

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION — THE NATIONAL CITIZEN SURVEY™	◆ RESOLUTION ORDINANCE RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to authorize The National Citizen Survey™, Boulder, Colorado to administer, analyze and report results from a customizable citizen survey in an amount not to exceed \$9,750.00.

**FISCAL IMPACT**

The FY 07/08 General Fund budget provides funding in the amount of \$10,000 for this purchase.

**RECOMMENDATION**

Approval.

**BACKGROUND**

As part of the City's Strategic Plan for 2007-2009, the Mayor and Council identified as a priority the need to improve and expand the city's quality of life amenities for residents and visitors to the community. A key objective to achieve this goal is *to create strategies for accomplishing other high priority quality of life amenities identified by residents through a citizen survey*. As a result, staff is recommending that a random sample citizen survey be conducted by The National Citizen Survey™.

The National Citizen Survey™, sponsored by the International City/County Management Association (ICMA) in cooperation with National Research Center, Inc., is a unique service to administer, analyze, and report results from a customizable citizen survey. The National Citizen Survey™ offers many advantages over both in-house administration and the use of a consultant. These include reduced costs, comparisons to national norms and the credibility of a widely reputable independent research firm. The questionnaire and survey procedure were designed based on the experience of hundreds of local governments of all sizes. Scientific sampling and weighting of the responses in each city ensure accurate and reliable results. Each participating jurisdiction can also make important customizations for its locale and the report can compare the results with other results across the United States.

In addition to determining quality of life amenities, a random sample citizen survey is useful for: measuring service performance; benchmarking service quality ratings; assessing community needs; facilitating long-range, short-term and strategic plans; and evaluating potential policies. If approved by Council, it is anticipated that the surveys would go out to residents by mid-November and that we will receive the final results and report by the end of January 2008.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE NATIONAL CITIZEN SURVEY™, BOULDER, COLORADO TO ADMINISTER, ANALYZE AND REPORT RESULTS FROM A CUSTOMIZABLE CITIZEN SURVEY IN AN AMOUNT NOT TO EXCEED \$9,750.00.

WHEREAS, the Mayor and City Council have identified the need to create strategies for accomplishing high priority quality of life amenities identified by residents through a citizen survey; and

WHEREAS, the City Council of the City of La Vista has also determined that a random sample citizen survey is useful for the following:

- a. to measure service performance;
- b. to benchmark service quality ratings;
- c. to assess community needs;
- d. to facilitate long-range, short-term and strategic plans;
- e. to evaluate potential policies; and

WHEREAS, the FY07/08 General Fund budget includes funding for a citizen survey; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby authorize The National Citizen Survey™, Boulder, Colorado to administer, analyze and report results from a customizable citizen survey in an amount not to exceed \$9,750.00.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AWARD CONTRACT - MUNICIPAL FACILITIES PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to award a contract to Leo A. Daly for professional services related to the development of a Municipal Facilities Plan in an amount not to exceed \$60,000.

**FISCAL IMPACT**

The FY 07/08 Capital Budget contains funding for the proposed project.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Over the past several years as part of the annual strategic planning process the Mayor and City Council have identified adequate City facilities as part of its vision and priority. In FY03 a Municipal Facilities Plan was proposed to identify the space needs of the City for both the short-term and long term for several service areas. A decision was made at that time to proceed only with a space needs study for the Fire Department and subsequently focus on the design and construction of a second fire station.

Again in FY07 funds were budgeted for professional consulting services related to the development of a Municipal Facilities Plan focusing on General Administrative services (including Mayor/Council, Administration, City Clerk, Finance, and Public Buildings and Grounds), Community Development services, Recreation Department administrative services, and Public Works services.

The purpose of a Municipal Facilities Plan is to provide a framework and guide the City in making decisions about its municipal facilities. Further, a Municipal Facilities Plan will save the City money as it converts existing spaces to new uses so that all of the City's needs are considered comprehensively as opposed to piecemeal improvements that may only serve as short-term solutions for municipal facilities.

Council authorized the advertisement of Request for Proposals in May 2007. Three proposals were received and interviews were conducted with all three firms. Two firms submitted the requested work product samples, which staff has reviewed. It is recommended that a contract be awarded to Leo A. Daly as the Daly firm has an in-depth understanding of the master planning process and their project team has a great deal of master planning experience. As you can see below, Daly originally submitted a

much higher proposal fee. Because staff felt strongly that they were the most qualified firm for this project, we met with members of the project team to review and clarify the City's expectations regarding the process and the scope of the project. As a result, a lower fee was negotiated. (The City reserved the right in the RFP "to .... negotiate and revise terms with proposers without notice to other proposers.")

Prochaska & Associates	\$15,000 - \$20,000
JEO Consulting Group	\$62,500
Leo A. Daly	\$127,500 negotiated to \$60,000

A copy of all proposals is available for review in the City Clerk's office.

APPSCITYHALL\CNCLRPT\07 FILE\07 ADM MF Plan Contract

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AWARDING A CONTRACT TO LEO A. DALY, OMAHA, NEBRASKA, FOR PROFESSIONAL SERVICES RELATED TO THE DEVELOPMENT OF A MUNICIPAL FACILITIES PLAN IN AN AMOUNT NOT TO EXCEED \$60,000.00.

WHEREAS, the City Council of the City of La Vista has determined that adequate City facilities are part of its vision and priority; and

WHEREAS, the development of a Municipal Facilities Plan will enable Council to make informed decisions regarding facility needs and usage; and

WHEREAS, the FY 2006/07 Construction Fund Budget included funding for a Municipal Facilities Plan; and

WHEREAS, on May 1, 2007 the City Council authorized the advertisement of request for proposals for said project; and

WHEREAS, proposals were received on June 13, 2007 and interviews were conducted in August of 2007; and

WHEREAS, as a result of this timeline it was necessary to move funding to the FY 2007/08 Capital Budget; and

WHEREAS, the City Administrator and the Assistant City Administrator have reviewed the proposals and recommend that a contract be awarded to Leo A. Daly, Omaha, Nebraska, as the most qualified bidder; and

WHEREAS, Subsection (C) (9) of Section 31.23 of the La Vista Municipal Code requires that the City Administrator secure council approval prior to authorizing any purchases over \$5,000.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and City Council of La Vista, Nebraska, that a contract in a form satisfactory to the City Administrator and City Attorney, be awarded to Leo A. Daly, Omaha, Nebraska for the development of a Municipal Facilities Plan in an amount not to exceed \$60,000.00, and that the Mayor is hereby authorized to execute said contract and the City Clerk is further directed to attest to the same.

PASSED AND APPROVED THIS 2ND DAY OF OCTOBER 2007.

CITY OF LA VISTA

ATTEST:

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

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

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**OCTOBER 2, 2007 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT – 2007 GIS COALITION	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the Mayor to execute an Interlocal Cooperation Agreement for the 2007 Geographic Information System (GIS) Coalition.

**FISCAL IMPACT**

In FY 2007/08, the cost for La Vista's participation is \$8,874.00. Funds were budgeted in the General Fund (Administration) and Sewer Fund.

**RECOMMENDATION**

Approval

**BACKGROUND**

On November 6, 2007, the City Council passed Resolution No. 01-149 authorizing the Mayor to execute an Interlocal Cooperation Agreement with Sarpy County, the cities of Gretna, Papillion, Springfield and Bellevue, and the Papio Missouri River Natural Resources District for the development and implementation of a Geographic Information System (GIS).

The Sarpy County GIS Coalition has been very successful since its inception. Phase I of the project resulted in the creation of a base map and obtaining the necessary equipment, and Phase II included digital aerial photography and contours; training for users; technical support; and Sarpy County creating and maintaining GIS data and projects for municipalities. The 2007 Interlocal Cooperation Agreement will provide for the continued growth and development of GIS and related geospatial solutions for the next five years. Significant changes in the new agreement include the creation of a coalition GIS user group and a new formula to calculate the cost shares among all coalition members.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT WITH SARPY COUNTY, THE CITIES OF GRETNA, PAPILLION, BELLEVUE, AND SPRINGFIELD FOR IMPLEMENTATION OF THE 2007 GEOGRAPHIC INFORMATION SYSTEM (GIS) COALITION.

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

WHEREAS, each Party engages in the delivery of sundry services to the public supported by information regarding real estate, sewers, water, infrastructure, etc; and

WHEREAS, each Party desires to improve the coordination, cooperation, and efficiency in rendering such services through the development and implementation of a Geographic Information System (GIS); and

WHEREAS, the Parties had previously entered into an agreement for the first and second phase ("Phase I" and "Phase II") of achieving the GIS being the creation of a base map; obtaining related equipment necessary to utilize it; training for users; technical support; obtaining digital aerial photography and contours and creating and maintaining GIS data and projects for municipalities; and

WHEREAS, the Parties desire to enter into an additional agreement for future needs and enhancements to the GIS as determined by the GIS User Group; and

WHEREAS, the Parties desire to establish the parameters for the design, acquisition installation, operation, participation, management, duration and cost thereof; and

WHEREAS, each Party understands that the development, operation and maintenance of the GIS will require long term commitment from the Parties; and

WHEREAS, additional phases and enhancement to the GIS will be determined by the financial considerations of all Parties to the Agreement primarily based upon the recommendations of the GIS User Group.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the La Vista, Nebraska, hereby approves the Interlocal Cooperation Agreement for the 2007 Geographic Information System (GIS) Coalition and authorized the Mayor to execute said agreement.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

CITY OF LA VISTA

---

Douglas Kindig, Mayor

ATTEST:

---

Pamela A. Buethe, CMC  
City Clerk

## MEMO

To: Sarpy County GIS Coalition

From: Eric Herbert  
GIS Coordinator

Re: 2007 GIS Coalition Interlocal Agreement

Attached is the 2007 GIS Coalition Interlocal Agreement. The interlocal agreement paves the way for the continued growth and development of GIS and related geospatial solutions for the next five years. A couple of important changes from the interlocal agreement include the creation of a coalition GIS user group and the implementation of a new formula to better calculate the cost shares amongst all coalition members.

Also attached is a brief description of the services provided to the GIS Coalition members by the GIS department. All coalition members receive desktop GIS software support, server-side software hosting, base-layer data updates and access, application development, project planning and implementation management and assistance, as well as other various services. The services document should provide an overview of each service item that is provided to all members.

Whenever possible the GIS department will seek grant funds to offset the costs placed upon the Coalition. This has proved to be an excellent funding source for geospatial projects, such as the current acquisition of aerial photography and planimetrics data throughout the county.

Please contact me at 593-2274 if you have any questions prior to the report.

April 10, 2007

Eric Herbert

Eric Herbert  
GIS Coordinator

## Sarpy GIS Services for Coalition Members

### Data:

Sarpy County continuously updates the base data layers (streets, parcels, lots, corporate/jurisdictional limits, zoning, etc.) & makes the data available for use by the cities. The number of data layers continues to grow as the coalition progresses, now including information such as crime data, sex offenders, election information, points of interest, etc. The county will continue with the upkeep of these layers and share the information with coalition members.

### Hardware & Software:

Sarpy County has acquired the servers and software to effectively & efficiently host the GIS data at a central location. This data is served the data to the coalition members through existing network connections and via the internet. The GIS department budgets for the costs of the servers solely used for GIS purposes. Approximately \$5000/year is spent on server-related costs.

The applications that reside on the GIS servers originally cost approximately \$30,000. These software components allow for spatial database storage and management and the map generation of the data for website applications. The ongoing maintenance costs for the server software currently totals \$7250. Sarpy County GIS personnel ensure the software is kept current with upgrades and that performance is maximized. To realize this goal, department personnel attend annual training to stay on track with advances in technology as they occur.

Coalition members that currently own ArcView GIS licenses can expect to receive a maintenance invoice from ESRI. I would recommend keeping current with the software maintenance to avoid conflicts with data access in the future. The maintenance costs for the ArcView software is \$700 for the first seat, plus \$500/seat for each additional. Please contact the department if you have other ESRI software and would like to know the maintenance costs.

In the next two years, the GIS department recommends the investment in ArcGIS Server, a new server-side application that would allow a multitude of desktop-type applications to be developed. This could potentially limit the number of desktop seats of GIS software needed throughout each city and the county.

### Application Development:

Sarpy County GIS has continually put development efforts into various desktop, mobile, and internet applications for use by the county, cities, and public. Mobile applications

have been created for the public works departments to GPS storm sewers and signs, while a similar application allows fire departments to GPS hydrant locations. The department has created the applications, loaded them onto the GPS equipment, and has allowed coalition members to use the equipment in the field.

The majority of development efforts will be focused on creating improvements for the existing website applications as well as creating new web applications to meet the needs of the coalition members. Proposed new web applications include a law-enforcement crime analysis site and a planning/zoning website. These applications will be customized to better fit the needs of the primary users, opposed to the existing SIMS/SIMPS applications that are designed to meet the basic needs of all users.

**Projects:**

The GIS department performs project maintenance for the geospatial projects and portions of projects that involve all coalition members. The department assists the individual coalition members with the planning and management of individual projects as well, such as a few GPS data collection projects that have taken place.

Examples of current and recent projects include:

- E-911 Map Books – custom map book series created for fire departments; allows for quick & comprehensive address/street lookup. These currently serve their purpose well and will provide an excellent backup to the software utilized on the mobile data computers on the police and fire vehicles.
- Aerial Photography – current regional project that includes 6" color and grayscale orthophotography for all of Sarpy County; coalition's share 100% funded through UASI funds allocated to the geospatial sub-committee. The deliverables also include building footprint polygons, which will be very beneficial to future projects involving permitting and emergency response. The total benefit to the coalition is approximately \$60,000.
- Addressing standardization – in an effort to provide better 911 response and coherent addresses throughout the county, the GIS department has created a set of addressing standards. We are currently working with coalition members to ensure systematic addressing policies are implemented as development continues.

**GIS  
INTERLOCAL AGREEMENT**  
March 28, 2007

**This GIS Interlocal Agreement (this "Agreement") is made and entered into by and among City of Gretna, Nebraska ("Gretna"), City of Papillion, Nebraska ("Papillion"), City of Bellevue, Nebraska ("Bellevue"), City of La Vista, Nebraska ("La Vista"), City of Springfield, Nebraska ("Springfield"), (hereinafter collectively called "Cities" or a "City" when used in the singular), County of Sarpy, Nebraska, a body politic and corporate ("Sarpy"), and the Papio Missouri River Natural Resource District ("PMRNRD"), (collectively the "Parties"; each individually a "Party").**

**WHEREAS:**

- (A) The Parties hereto engage in the delivery of sundry services to the public supported by information regarding real estate, sewers, water, infrastructure, etc; and,**
- (B) The Parties have previously cooperated in the development and implementation of a Geographic Information System ("GIS"); and,**
- (C) Each Party desires to improve the coordination, cooperation, and efficiency in rendering such services through the ongoing development and implementation of GIS; and,**
- (D) Each Party understands that the development, operation and maintenance of the GIS will require a long term commitment from the Parties; and,**
- (E) Additional phases and enhancement to the GIS will be determined by the financial considerations of all Parties to this Agreement primarily based upon the recommendations of the GIS Advisory Board.**

**NOW, THEREFORE, in consideration of the recitals above made and in further consideration of the promises and agreements that follow,**

**IT IS AGREED among the Parties as follows:**

**1. DEFINITIONS.** The following definitions apply to this Agreement:

**1.1 BASE MAP.** That part of Phase One of the GIS necessary to map geospatial land databases within Sarpy County.

**1.2 CONTRACTOR.** Has the meaning set forth in Section 3.1.

**1.3 EQUIPMENT.** The equipment and software which is the subject of this Agreement, to-wit: GIS related equipment and software.

**1.4 FACILITIES.** The GIS and Equipment housed in the Sarpy County Courthouse procured, engineered, owned, constructed, and operated and maintained pursuant to this Agreement by Sarpy including all real and personal property, including and satellite antenna(s).

**1.5 GIS.** Has the meaning set forth in the first preamble paragraph to this Agreement.

**1.6 GIS ADVISORY BOARD.** Has the meaning set forth in Section 4.

**1.7 PHASE ONE.** Has the meaning set forth in the preamble to this Agreement.

**1.8 PHASE TWO.** After Phase One, the future needs and enhancements to the GIS as determined by the GIS Advisory Board.

**1.9 RFP.** Has the meaning set forth in Section 3.1.

**1.10 SHARE.** Has the meaning set forth in Section 3.3.

WITHDRAWN PARTY. Has the meaning set forth in Section 12.2.

**2. SCOPE OF SERVICES PROVIDED.** This Agreement provides each City and P-MRNRD concurrence and the cost allocations therefore.

**2.1** Each of the Cities, the P-MRNRD and Sarpy acknowledges that it is receiving or will be receiving a GIS Base Map and agrees to cooperate with the County in the development, implementation and maintenance of the system upon the terms and conditions established herein.

**3. ACQUISITION AND PURCHASE.**

**3.1** Subject to the provisions of this Agreement, each City and P-MRNRD hereby designates Sarpy, and Sarpy agrees to serve, as its respective Equipment acquisition agent for the purposes of this Agreement. Upon the acquisition of any Equipment under this agreement, each Party's cost, as applicable, under this Agreement shall be upon the terms, conditions and cost as evidenced by the successful bidder's proposal.

**3.2** Sarpy will take all steps reasonably necessary for the functioning and operation of the GIS.

3.3 The pro rata GIS cost sharing per Party is based upon the average of following factors: percentage of land parcels within corporate/county limits, percentage of total valuation within corporate/county limits, percentage of land parcels within zoning jurisdiction, percentage of total valuation within zoning jurisdiction, and the number of desktop GIS clients supported within each Party. The cost sharing formula and cost shares are displayed in Exhibit A.

3.4 The number of land parcels in each Party's jurisdiction, and thus the resulting cost Shares, is hereby based upon the previous year Assessor parcel data and city limits/jurisdictional boundaries which exists as of the date of this Agreement.

3.5 Sarpy will send an invoice to each Party for the amount of its respective Share by October 15<sup>th</sup> of each year. Each Party shall pay the amount of its respective Share within forty five (45) days after receipt of an invoice therefore.

3.6 Should a Party fail to timely pay its Share, Sarpy may terminate services upon forty five (45) days written notice by Sarpy to the non-paying Party.

#### **4. GIS ADVISORY BOARD.**

4.1 A GIS Advisory Board is hereby created to facilitate the purchase, installation, development, operation and management of the GIS (the "Board's Mission"). The GIS Advisory Board may adopt such rules for its functions as the GIS Advisory Board deems necessary to carry out the applicable provisions of this Agreement.

4.2 Each Party will appoint one (1) GIS Advisory Board member and will notify the Sarpy County Clerk of same in writing upon each appointment. Each member appointment shall be effective as the Sarpy County Clerk is notified and each such member shall serve at the pleasure of their respective governing body. Replacement members shall be appointed by the respective applicable Party. Each Party may appoint an alternate member by giving notice in writing to the Sarpy County Clerk. The alternate member may attend all GIS Advisory Board meetings. The alternate member shall be allowed to vote only when the primary member from his/her respective governing body is absent from the Board meeting.

4.3 The Advisory Board shall:

- a. meet as necessary to share information and to fulfill the Board's Mission; and,
- b. appoint the GIS Technical Committee to advise the Board on software and system upgrades, operations, and standards.

**4.4 Identify emerging enhancements for the GIS System and/or use. From time to time determine whether such technological levels should be changed.**

**4.5 Be familiar with the current level of GIS service technology and use and offer assistance and advice during reviews of technological levels as an aid in determining whether to change such technology levels at any level of service.**

**5. DUTIES OF SARPY.** To carry out the faithful performance of this Agreement, Sarpy shall:

**5.1 Provide facilities and staff in the Sarpy County Courthouse or other similar space and install and operate the GIS;**

**5.2 Maintain, keep and determine that the facilities, Base Map and Equipment are current and functional to deliver GIS services;**

**5.3 Maintain, keep and determine that Sarpy Information Systems personnel and/or GIS related personnel are currently trained and provide such upgrades and retraining as necessary to competently and adequately deliver GIS services;**

**5.4 Collect, account for and safeguard all GIS related funds;**

**5.5 Provide each Party with access to and a report of the financial acts and doings as such relate to revenues and expenses relating to the GIS;**

**5.6 On or before September 15<sup>th</sup> of each year, adopt the GIS Coalition budget taking into account a prior recommendation of approval given by the GIS Advisory Board by June 1<sup>st</sup> of each year, which budget shall generally itemize GIS costs, together with installation, maintenance or operating charges relating thereto. Such annual budget shall be prorated and each Party's Share shall be due and payable pursuant to Section 3.**

**5.7 Provide each Party with access to the GIS;**

**5.8 Provide each Party with all records or data necessary to develop and maintain data bases for the GIS;**

**5.9 Continue to control and furnish the operation of GIS services during the term of this Agreement in accord with sound public service standards and the standard operating procedures to be defined by the GIS Advisory Board; and**

**5.10** Maintain such types, kinds, and amounts of insurance to insure its risk of loss to property or persons as it in its sole discretion deems necessary or required; and, to hold each Party and their governing body harmless from loss or expense resulting from Sarpy's negligent acts or the negligent acts of its personnel.

**6. DUTIES OF THE PARTIES.** To carry out the faithful performance of this Agreement, each Party agrees at its cost to:

**6.1** Maintain, keep and determine that its facilities, property, and Equipment are reasonably current and functional to operate GIS services as applicable.

**6.2** Maintain, keep and determine that its personnel are currently trained, together with such upgrading and retraining as are necessary to operate GIS services as applicable.

**6.3** Provide Sarpy County GIS personnel or contracted agency with all records or data necessary to develop and maintain data bases for the GIS.

**7. GOVERNING LAW.** The governing law of the State of Nebraska shall apply concerning the validity, construction, interpretation and effect of this Agreement. To the extent any provision herein is inadvertently inconsistent, conflicts with, or because of legislative amendment becomes contrary to any provision of legislation, such legislative provisions shall prevail and this Agreement shall be construed to the end that it be and become in conformity to such legislation.

**7.1** To the extent any provision herein is declared to be void by final decision of a court, such event shall not constitute a cessation of this Agreement. Each Party will be responsible for carrying out the faithful performance of the remaining Agreement provisions. Each Party hereto represents and declares that it has, by acts of business, taken all steps necessary or required to authorize the execution of this Agreement and implement or carry out its several rights, duties, or obligations contained herein.

**8. COMMENCEMENT DATE.** This Agreement begins upon execution by all Parties by October 15<sup>th</sup>, 2007.

**9. TERM.** This Agreement begins upon its execution by all Parties and shall terminate after five (5) years plus that additional period which shall be necessary to enable the term of this Agreement to end on the last day of Sarpy's fiscal year. In the event a Party becomes a Withdrawn Party, this Agreement will continue with the continuing Parties.

**10. AUTHORITY TO CONTRACT.** Each Party acknowledges and declares that the relationship created herein is that of independent contractor.

**10.1** Each Party to this Agreement is authorized pursuant to the Interlocal Cooperation Act of the State of Nebraska to enter into this Agreement, found at 13-801 et. Seq. Neb. Rev. Stat., '43, Reissue 1991.

**11. ENTIRETY AND AMENDMENTS.** This agreement supersedes all prior agreements, whether oral or written, relating to the subject matter hereof. This Agreement contains the entire agreement between the Parties hereto and the terms are contractual and not a mere recital. There are no further agreements or understandings between the Parties other than those expressed herein. An amendment to this Agreement occurs when in writing and signed by all of the Parties hereto.

**12. TERMINATION OR WITHDRAWAL.** Each Party will faithfully attempt to provide its respective GIS service functions continuously and without termination.

**12.1** In the event that Sarpy intends to so withdraw, it shall provide a one (1) year advance withdrawal notice to the Cities and P-MRNRD whereby its service area users will have the opportunity to select a new GIS service provider.

**12.2** Notwithstanding anything in this Agreement to the contrary, any Party may Withdraw from the Agreement subsequent to the completion of Phase One ("Withdrawn Party") without further obligation and such Withdrawn Party shall have absolute right to access and possess copies of any and all work, data and other information generated in connection with establishing and creating the Base Map, including, but not limited to, computer programs and models.

**12.3** In the event a Party becomes a Withdrawn Party, any and all additions, deletions, modifications, upgrades, and/or other alterations made to the Base Map, or any portion of a Party's geospatial land database, by the Withdrawn Party shall be made available to all other Parties.

**12.4** In the event a Party becomes a Withdrawn Party, the cost share of the withdrawn party will be reallocated amongst the remaining parties the following year, in the same manner as described in 3.3 above.

**13. ASSIGNMENT.** Assignment or substitution by assignment or substitution by termination in 12 above by Sarpy shall not be allowed without prior written consent of each City and P-MRNRD. Written consent is only effective when the terms of paragraph 12 above are followed.

**14. AUTHORITY TO ACT.** Each Party hereto declares that it has by regular acts of business taken all steps and passed all resolution(s)/ordinances(s) which are legally necessary or required to authorize this Agreement and the rights, duties, and obligations herein. Each Party represents and warrants that each has the power and authority to enter into this Agreement, perform its obligations, incur expenditures or debt, and to consummate the contemplated transactions.

**15. NOTICE AND CONTACT PERSON.** Except as otherwise specifically provided in this Agreement, all notices and other communications required or permitted to be given under this Agreement shall be in writing, addressed to the Parties at their respective addresses as provided below, and may be delivered in person, sent by overnight express mail or courier service, or by facsimile, or by e-mail, certified or registered mail, postage prepaid, return receipt requested. Provided that all notices and other communications sent by e-mail shall not be effective unless followed up the same day by registered mail, postage prepaid, return receipt requested. The addresses of the Parties are as follows:

**If to Gretna:**

**City of Gretna**  
**Attn: Colleen Lawry**  
**City Clerk**

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**Telephone: (402) 332-3336 x 5**  
**Facsimile: (402) 332-5631**  
**E-Mail: cityclerk@cityofgretna.com**

**If to Papillion:**

**City of Papillion**  
**Attn: Dan Hoins**

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**Telephone: (402) 597-2000**  
**Facsimile: (402) 339-0670**  
**E-Mail: dhoins@papillion.org**

**If to Bellevue:**

**City of Bellevue**  
**Attn: Gary Troutman**  
**City Administrator**  
**210 West Mission Avenue**  
**Bellevue, Nebraska 68005**  
**Telephone: (402) 293-3021**  
**Facsimile: (402) 293-3058**  
**E-Mail: gary@bellevue.net**

**If to La Vista:**

**City of La Vista**  
**Attn: Pam Buethe**  
**City Clerk**

**Telephone:** (402) 331-4343  
**Facsimile:** (402) 331-4375  
**E-Mail:** pbuethe@ci.la-vista.ne.us

**If to Springfield:** **City of Springfield**  
**Attn: Colleen Keleher**  
**City Clerk/Treasurer**

Telephone: (402) 253-2204  
Facsimile: (402) 253-2204  
E-Mail:

If to Sarpy:  
Sarpy County  
Attn: Deb Houghtaling  
Sarpy County Clerk  
1210 Golden Gate Drive, Suite 1118  
Papillion, Nebraska 68046-2895  
Telephone: (402) 593-5915  
Facsimile: (402) 593-4360  
E-Mail: [clerk@sarpy.com](mailto:clerk@sarpy.com)

If to P-MRNRD: Papio-Missouri River Natural Resources District  
Attn: John Winkler  
General Manager  
8901 South 154<sup>th</sup> Street  
Omaha, Nebraska 68138  
Telephone: (402) 444-6222  
Facsimile: (402) 895-6543  
E-Mail: [jwinkler@papionrd.org](mailto:jwinkler@papionrd.org)

This Agreement was executed in seven (7) duplicate originals as of this day of \_\_\_\_\_, 2007.

Governing Body:

CITY OF GRETNNA

SEAL

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Mayor

ATTEST:

---

City Clerk

Governing Body:

CITY OF PAPILLION

SEAL

---

Mayor

ATTEST:

---

City Clerk

Governing Body:

CITY OF BELLEVUE

SEAL

---

Mayor

ATTEST:

---

City Clerk

APPROVED AS TO FORM:

---

Bellevue City Attorney

Governing Body:

CITY OF LAVISTA

SEAL

---

Mayor

ATTEST:

---

City Clerk

Governing Body:

CITY OF SPRINGFIELD

SEAL

---

Mayor

ATTEST:

---

City Clerk

Governing Body:

PATIO-MISSOURI RIVER NATURAL  
RESOURCES DISTRICT

SEAL

---

Chairman, Board of Directors

ATTEST:

---

Secretary

Governing Body:  
SARPY COUNTY

SEAL

---

Chairman, Board of Commissioners

ATTEST:

---

County Clerk

APPROVED AS TO FORM:

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Sarpy County Attorney

**EXHIBIT**  
**"A"**  
**To GIS Interlocal Agreement**

**COST SHARE FORMULA**

Member	# Parcels in Limits*	% Parcels in Limits	Total Valuation in Limits*	% Total Valuation in Limits	# Parcels Zoning Jurisdiction on	% Parcels in Zoning Jurisdiction	Total Valuation Zoning Jurisdiction	% Total Valuation Zoning Jurisdiction	# Desktop P Clients	% Desktop Clients	Total %
Sarpy County	58095	69.0%	\$9,323,939,366	69.5%	11131	19.2%	\$1,930,888,534	20.7%	9	23.1%	40.3%
Bellevue	15088	17.9%	\$2,179,842,480	16.2%	22536	38.8%	\$3,338,939,785	35.8%	11	28.2%	27.4%
Gretna	1271	1.5%	\$185,192,017	1.4%	4207	7.2%	\$634,828,492	6.8%	0	0.0%	3.4%
LaVista	3604	4.3%	\$649,021,670	4.8%	7886	13.6%	\$1,519,867,142	16.3%	6	15.4%	10.9%
Papillion	5548	6.6%	\$1,023,232,040	7.6%	11464	19.7%	\$1,797,511,572	19.3%	13	33.3%	17.3%
Springfield	609	0.7%	\$61,408,703	0.5%	871	1.5%	\$101,903,841	1.1%	0	0.0%	0.8%
<b>TOTAL</b>	<b>84215</b>		<b>\$13,422,636,276</b>		<b>58095</b>		<b>\$9,323,939,366</b>		<b>39</b>		

\*The total number of parcels within Sarpy County is attributed to the county's share

Calculated 2/21/2007

**COST SHARES**

Member	% Share	Operations Share*	Special Projects Share**	TOTAL SHARE
Sarpy County	40.3%	\$32,868	\$0	\$32,868
Bellevue	27.4%	\$22,352	\$0	\$22,352
Gretna	3.4%	\$2,764	\$0	\$2,764
LaVista	10.9%	\$8,874	\$0	\$8,874
Papillion	17.3%	\$14,126	\$0	\$14,126
Springfield	0.8%	\$616	\$0	\$616
<b>TOTAL</b>		<b>\$81,600</b>	<b>\$0</b>	<b>\$81,600</b>

\*TOTAL COALITION OPERATIONS CONTRIBUTIONS FUND GIS TECHNICIAN & 25% GIS SPECIALIST SALARIES

\*\*2007-2008 COALITION SPECIAL PROJECTS 100% FUNDED THROUGH GRANT FUNDS

**RE: Appeal request for bill received from the City of LaVista  
for lawn mowing completed by City of La Vista at  
10521 Hillcrest Drive.**

**Appealed By: Homes By Design One L.L.C.**  
7306 S 191<sup>st</sup> Street  
Omaha, NE 68136  
402-933-8535

**To Whom it May Concern:**

As the home builder on the address in question we never received notice from the La Vista Public Works Department requesting that we had to complete the mowing of the yard by a specific deadline. The error occurred because the notice was not sent to us but to the home buyer. We ended up receiving a bill charged to us for the mowing of the backyard in question in the amount of \$259.12. This amount seems excessive for 2 reasons. Number one we did not receive notice and number 2 the mower was there for 1 hour with 1 man. We feel a fair amount for the work completed is \$100.00. Please review our request and advise.

Homes By Design One L.L.C.  
402-933-8535

Office Manager,

*Christine Kekoly*

CMAH

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

0296 6212	0004	1350	7004	0004	0296	0004	1350	7004
Postage      \$								
Certified Fee								
Return Receipt Fee (Endorsement Required)								
Restricted Delivery Fee (Endorsement Required)								
Total Postage & Fees      \$								

Postmark  
Here

Sent To

THOMAS & MARCO CLAWSON

Street, Apt. No.;  
or PO Box No. 5911 SOUTH 50TH ST

City, State, ZIP: OMAHA NE 68117

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

**COMPLETE THIS SECTION ON DELIVERY**

**A. Signature**

Kelly Love

Agent  
 Addressee

**B. Received by (Printed Name)**

Kelly Love

**C. Date of Delivery**

9-14

**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No

**1. Article Addressed to:**

Thomas & Marco Clawson  
5911 South 50th St.  
Omaha, NE 68117

**3. Service Type**

Certified Mail     Express Mail  
 Registered     Return Receipt for Merchandise  
 Insured Mail     C.O.D.

**4. Restricted Delivery? (Extra Fee)**

Yes

**2. Article Number**

(Transfer from service label)

7004 1350 0004 0296 6212



September 13, 2007

Thomas & Margo Clawson  
5911 South 50th Street  
Omaha, NE 68117

RE: Lot 7/10521 Hillcrest Drive, Val Vista Subdivision, Sarpy County

Dear Mr. Anderson:

On July 30, 2007, your property at 10521 Hillcrest Drive in La Vista was in violation of the City of La Vista's Municipal Code, Section 133.01 and a letter was sent to you giving you until August 7, 2007 to mow or the City would correct the violation at the owner's expense. On August 22, 2007 the Public Works Department mowed the property. A total cost of \$259.12 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
 Mowing		
Four Workers, 1 Hours Each		86.47
Equipment Cost		122.00
Material Cost		.65
 TOTAL	\$	<u>259.12</u>

Please remit \$259.12, payable to the City of La Vista, 8116 Park View Blvd., La Vista, Nebraska 68128, within 30 days. If payment is not received within 30 days of issuance of this statement, the City Council will, on November 6, 2007, take action to file the above referenced cost with the Sarpy County Treasurer as a special assessment for improvements against your property.

Thank you for your attention to this matter.

Sincerely,

Pamela A. Buethe, CMC  
City Clerk

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

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

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

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

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

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

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

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

August 30, 2007

TO: Valerie Houloose  
Code Enforcement

FR: Joe Soucie  
Public Works Director

RE: Residential Property Clean-Up  
10521 Hillcrest Dr. (Lot #7)

The following is a list of the expenses incurred by the Public Works Department on August 22, 2007 while mowing the vacant lot, 10521 Hillcrest Dr., (Lot #7), per your request.

**EQUIPMENT:**

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
2 pickups	\$40.00	1	\$40.00
2 tractors	\$40.00	1	\$40.00
1 push mower	\$13.50	1	\$13.50
3 line trimmers	\$28.50	1	\$28.50
<b>TOTAL</b>			<b>\$122.00</b>

**LABOR:**

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$36.40	1	\$36.40
Employee #2	\$25.19	1	\$25.19
Employee #3	\$16.38	1	\$16.38
Employee #4	\$8.50	1	\$8.50
<b>TOTAL</b>			<b>\$86.47</b>

**MATERIALS:**

1 trash bag	\$0.65
<b>TOTAL</b>	<b>\$0.65</b>

**TOTAL EQUIPMENT, LABOR and MATERIALS:** **\$209.12**



7/30/07

Thomas & Margo Clawson  
5911 S. 50<sup>th</sup> Street  
Omaha, NE 68117

Re: Lots #7  
Val Vista Subdivision

To Thomas & Margo Clawson:

The City of La Vista continues to emphasize citizen participation in improving our community. Through our efforts we hope to make La Vista a safe and more attractive place.

This letter is to inform you that the property needs to be mowed. Please mow the property by August 7<sup>th</sup>, 2007 or the city will send a crew out to correct the violation. Any violations corrected by the city will be at the owner's expense.

If you have any questions or concerns, please contact our office.

Sincerely,

*Valerie Houlouse*

Valerie Houlouse  
Code Enforcement Inspector

8/6, 8/7, & 8/8 Rain/storms.

8/9 Heat index 103; storms  
overnight.

8/10 Heat index 107.

8/14/07 Picture taken and  
turned over to Public Works to  
mow.

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

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

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

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

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

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

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

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

# City of La Vista

## Service Request Form



Council Member

Citizen

Employee

Caller's Name: [REDACTED]

Address: [REDACTED]

Phone Number: [REDACTED]

Date Received: 07-26-2007 Time Received: 08:03 a.m. Received By: Cathy

Request by Phone

Request by Mail

Request in Person

**Nature of Request:** Hillcrest Drive - between 103rd and 107th - seven lots owned by Boyer Young have overgrown weeds in all lots.

**Department Responsible for Action:**

**Assigned Date:**

**Report of Action:**

**Date Accomplished:**

Reviewed by DH:

Date:

Reviewed by CA:

Date:

Date Mailed:



SEARCH OUR SITE

GO

HOME JOB OPPORTUNITIES SITE MAP

Monday, July 30

## NAVIGATION

- Home
- Photo/Video
- Business Services
- Premium Services
- Old Spice
- Forms
- Health Department
- Tourism
- Events
- Chamber Store
- About Sarpy County

1210 Golden Gate Drive  
Papillion, NE 68046  
Phone: (402) 593-2100  
Fax: (402) 593-4360



HIPAA Privacy Policy (PDF)

[Information](#) / [Homestead](#) / [Property Search](#) / [Tax Rates](#) / [Premium Services](#) / [Partial Valuation \(Greenbelt\)](#)

Current as of 7/29/2007 Date Created 6/18/2001 Last Updated

Owner	Values	Sales	Lot Information
Levy	Treasurer Info	Taxes	Back to Search

**Address:** 10521 \HILLCREST DR

**Active Record**

**Locid** 011574354  
**OwnerCode** [See Premium Services](#)  
**Tax Dist** 27044  
**Prop Class** [See Premium Services](#)  
**Cadstral #** [See Premium Services](#)  
**Present Use** Single Family  
**Zoning** Single Family  
**Location** Urban  
**More Pics** [See Premium Services](#)  
**Legal** LOT 7 VAL VISTA  
**Map #** [See Premium Services](#)

**No Photo on File**

**Current Owner Address** [Back to Top](#)

**TaxPayer** CLAWSON/THOMAS E & MARGO C  
**Address** 5911 S 50TH ST  
OMAHA NE 68117-

&lt;

**Valuation** [Back to Top](#)

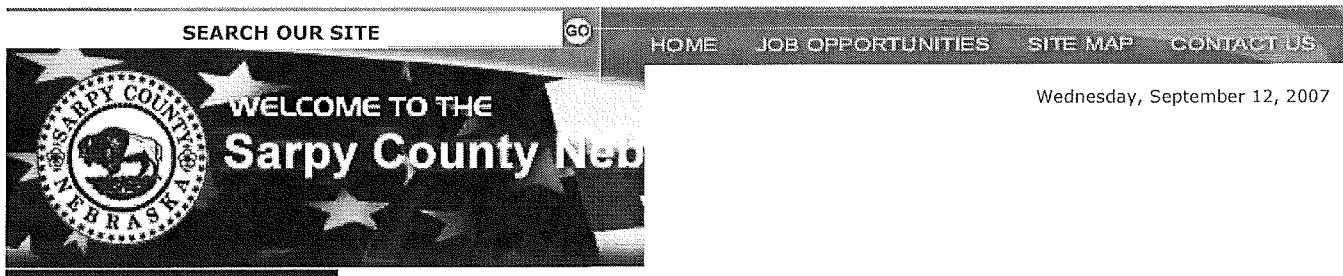
PV = [Partial Valuation](#)

	Improvements	Land	OutBuildings	T
2007	\$0	\$32,000	\$0	\$3
2006	\$0	\$31,000	\$0	\$3

**GreenBelt**  
**No GreenBelt**

**Sales** [Back to Top](#)

Book & Page	Grantor	Sale Date	Sal
2007-14094	VAL VISTA LLC	4/20/2007	\$1



## NAVIGATION

- » Home
- » About Sarpy County
- » Sarpy County Map
- » Sarpy County Parks
- » Health Department
- » Tourism
- » Events
- » Surplus Store
- » About Sarpy County

1210 Golden Gate Drive  
Papillion, NE 68046  
Phone: (402) 593-2100  
Fax: (402) 593-4360



HIPAA Privacy Policy (PDF)

[Information](#) / [Homestead](#) / [Property Search](#) / [Tax Rates](#) / [Premium Services](#) / [Partial Valuation](#) / [Special Valuation \(Greenbelt\)](#)

Current as of 9/11/2007 Date Created 6/18/2001 Last Updated 5/16/2007

Owner	Values	Sales	Lot Information
Levy	Treasurer Info	Taxes	<a href="#">Back to Search</a>

**Address:** 10521 \HILLCREST DR

**Active Record**

**Locid** 011574354  
**OwnerCode** [See Premium Services](#)  
**Tax Dist** 27044  
**Prop Class** [See Premium Services](#)  
**Cadstral #** [See Premium Services](#)  
**Present Use** Single Family  
**Zoning** Single Family  
**Location** Urban  
**More Pics** [See Premium Services](#)  
**Legal** LOT 7 VAL VISTA  
**Map #** [See Premium Services](#)

**No Photo on File**

**Current Owner Address** [Back to Top](#)  
**TaxPayer** CLAWSON/THOMAS E & MARGO C  
**Address** 5911 S 50TH ST  
OMAHA NE 68117-

<

	<a href="#">Improvements</a>	<a href="#">Land</a>	<a href="#">OutBuildings</a>	<a href="#">Total</a>	<a href="#">PV</a>
2007	\$0	\$32,000	\$0	\$32,000	No
2006	\$0	\$31,000	\$0	\$31,000	No

[Valuation](#) [Back to Top](#)  
PV = [Partial Valuation](#)

**GreenBelt**  
**No GreenBelt**

<a href="#">Book &amp; Page</a>	<a href="#">Sales</a>	<a href="#">Back to Top</a>	
	<a href="#">Grantor</a>	<a href="#">Sale Date</a>	
2007-14094	VAL VISTA LLC	4/20/2007	\$15,500

[Improvement Information](#) [Back to Top](#)

<b>Style</b>	<b>Bedrooms</b>
<b>Year Built</b>	<b>Total Sqft</b>
<b>Bathrooms</b>	<b>0 Bsmt Total Sqft</b>
<b>Total Bsmt Finish Sqft</b>	<b>Garage Sqft</b>
<b>Garage Type</b>	