



**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO PATRICK CAVLOVIC, of the La Vista Public Works Department, FOR 10 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Pat Cavlovic, has served the City of La Vista since June 6, 1999, and

WHEREAS, Pat Cavlovic's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to Pat Cavlovic on behalf of the City of La Vista for 10 years of service to the City.

DATED THIS 16TH DAY OF JUNE, 2009.

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

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

\_\_\_\_\_  
Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
Councilmember, Ward III

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Alan W. Ronan  
Councilmember, Ward III

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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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







**CITY OF LA VISTA**

**CERTIFICATE OF APPRECIATION**

A CERTIFICATE OF APPRECIATION PRESENTED TO JAMES RUFFNER, of the La Vista Public Works Department, FOR 15 YEARS OF FAITHFUL AND EFFICIENT SERVICE TO THE CITY OF LA VISTA.

WHEREAS, Jim Ruffner, has served the City of La Vista since June 12, 1994, and

WHEREAS, Jim Ruffner's input and contributions to the City of La Vista have contributed to the success of the City.

NOW, THEREFORE BE IT RESOLVED, that this Certificate of Appreciation is hereby presented to Jim Ruffner on behalf of the City of La Vista for 15 years of service to the City.

DATED THIS 16TH DAY OF JUNE, 2009. — — —

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

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Ronald Sheehan  
Councilmember, Ward I

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Brenda L. Carlisle  
Councilmember, Ward I

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Mike Crawford  
Councilmember, Ward II

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Terrilyn Quick  
Councilmember, Ward II

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Mark D. Ellerbeck  
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Kelly R. Sell  
Councilmember, Ward IV

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Anthony J. Gowan  
Councilmember, Ward IV

ATTEST:

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



# MINUTE RECORD

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

## LA VISTA CITY COUNCIL MEETING June 2, 2009

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 June 2, 2009. Present were Councilmembers: Sell, Ronan Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Absent: None. Also in attendance were City Attorney McKeon, City Administrator Gunn, Assistant City Administrator Ramirez, City Engineer Kottmann, City Clerk Buethe, Library Director Iwan, Community Development Director Birch, Police Chief Lausten, Fire Chief Uhl, Recreation Director Stopak, Finance Director Lindberg, Public Works Director Soucie, and Building and Grounds Director Archibald.

A notice of the meeting was given in advance thereof by publication in the Times on May 21, 2009. Notice was simultaneously given to the Mayor and all members of the City Council and a copy of the acknowledgment of the receipt of notice attached to the minutes. Availability of the agenda was communicated to the Mayor and City Council in the advance notice of the meeting. All proceedings shown were taken while the convened meeting was open to the attendance of the public. Further, all subjects included in said proceedings were contained in the agenda for said meeting which is kept continuously current and available for public inspection at City Hall during normal business hours.

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.

Mayor Kindig made an announcement regarding the new agenda policy statement providing for expanded opportunity for public comment on agenda items.

### **SERVICE AWARD – KYLE RAPPOLD – 5 YEARS; BRADY SMALL – 10 YEARS; SCOTT STOPAK – 15 YEARS; KEVIN POKORNY – 20 YEARS**

Mayor Kindig presented service awards to Kyle Rappold for 5 years of service to the City; Brady Small for 10 years; Scott Stopak for 15 years; and Kevin Pokorny for 20 years.

### **APPOINTMENT OF FIRE DEPARTMENT RECRUITS – JONATHAN ANTHONY, KYLE CORNWELL, ADAM ELBERT, MICHAEL HOPKINS, CHRISTIAN KUBAT, STEVEN MORRIS, KRISTIN OLIVE, JASON PENKE, AARON PETH, PATRICK ROBERTS, ERIC STARLIN, KELLY VOGEL, LUKE WALSH, MELISSA WEBBER, JOHN WYNN, JR.**

Mayor Kindig stated, with the approval of the City Council, he would like to appoint the following Fire Department recruits: Jonathan Anthony, Kyle Cornwell, Adam Elbert, Michael Hopkins, Christian Kubat, Steven Morris, Kristin Olive, Jason Penke, Aaron Peth, Patrick Roberts, Eric Starlin, Kelly Vogel, Luke Walsh, Melissa Webber, and John Wynn, Jr. Fire Chief Uhl introduced the new recruits to the Council. Councilmember Sheehan motioned the approval, seconded by Councilmember Quick. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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

- 1. APPROVAL OF THE AGENDA AS PRESENTED**
- 2. APPROVAL OF CITY COUNCIL MINUTES FROM MAY 19, 2009**
- 3. PAY REQUEST NO. 2 FROM ED AW – 84<sup>TH</sup> STREET REDEVELOPMENT**  
**VISION - \$24,999.24**
- 4. APPROVAL OF CLAIMS**

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

A.S.P. ENTERPRISES, Training	80.00
ACTION BATTERIES, Vehicle Supplies	1,043.23
ALAMAR UNIFORMS, Wearing Apparel	119.98
ALKAR BILLIARDS, Equip	170.72
ALL SEASONS POOL AND SPA, Bldg & Grnds	2,365.00
AMERICAN RED CROSS, Supplies	51.95
APPLE, Equipment	6,281.00

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AQUA-CHEM, Supplies	378.00
ARAMARK UNIFORM SERVICES, Contract Services	238.24
ART FAC GRAPHICS, Vehicle Maint.	698.65
ASPHALT & CONCRETE MATERIALS, Street Maint.	80.52
ASSOCIATED FIRE PROTECTION, Maintenance	85.00
BAKER & TAYLOR BOOKS, Books	688.09
BEACON BUILDING SERVICES, Contract Services	6,437.00
BENNETT REFRIGERATION, Bldg & Grnds	170.00
BENNINGTON EQUIPMENT, Vehicle Maint.	822.03
BETTER BUSINESS EQUIPMENT, Rental	44.58
BLACK HILLS ENERGY, Utilities	21.77
BOLEY, ANN, Auto Allowance	100.00
BROWNING, EILEEN, Supplies	978.00
BUETHE, PAM, Travel	165.25
CALENTINE, JEFFREY, Phone	30.00
CALLAWAY GOLF, Supplies	662.82
CENTER POINT PUBLISHING, Books	261.21
CITY OF BELLEVUE, Training	600.00
COLOMBO/PHELPS CO, Concessions	113.82
COMP CHOICE, Professional Services	1,291.50
COPQUEST, Equipment	385.70
CREIGHTON EMS EDUCATION, Training	2,344.00
CUMMINS CENTRAL POWER, Contract Services	505.76
D & D COMMUNICATIONS, Maintenance	245.67
DAVIDSON TITLE, Books	162.70
DEETER FOUNDRY, Bldg & Grnds/Maint.	450.00
DIAMOND VOGEL PAINTS, Traffic Signs	267.50
DILLON BROS HARLEY DAVIDSON, Vehicle Maint.	221.95
DULTMEIER SALES & SERVICE, Vehicle Maint.	67.16
EASTERN LIBRARY SYSTEM, Training	20.00
ECCLES, PAT, Travel/Auto Allowance	782.00
ED M. FELD EQUIPMENT, Equipment	515.00
EDAW, 84th Street Vision	11,995.20
EDGEWEAR SCREEN PRINTING, Wearing Apparel	1,086.00
ELECTRIC FIXTURE & SUPPLY, Bldg & Grnds	103.73
ELLIOTT EQUIPMENT, Vehicle Maint.	1,360.40
ENNIS PAINT, Traffic Signs	882.30
FARQUHAR, MIKE, Auto Allowance	100.00
FASTENAL, Bldg & Grnds	13.75
FEDEX, Postage	25.21
FIREGUARD, Equip.	192.51
FITZGERALD SCHORR BARMETTLER, Professional Services	9,873.20
FROEHLICH, RORY, Auto Allowance	100.00
GALE, Books	53.90
GOLDMAN, JOHN, Phone	85.00
GRAPHIC IMAGINATION, Supplies	33.87
GRAYBAR ELECTRIC, Bldg & Grnds	191.76
GREAT PLAINS ONE-CALL SVC, Contract Services	404.69
GREAT PLAINS UNIFORMS, Wearing Apparel	1,850.90
GREENKEEPER, Maint.	292.50
GUNN, BRENDA, Travel/Phone	102.75
HAMILTON COLOR LAB, Professional Services	293.09
HANEY SHOE STORE, Wearing Apparel	224.95
HELGET GAS, Squad Supplies	95.50
HOPE HEALTH/IHAC, Dues	32.16
HP EXPRESS SERVICES, Contract Services	1,832.00
HUNTEL, Contract Services	1,131.50
HURST, JEAN, Training	703.80
HY-VEE, Supplies	150.32
INDUSTRIAL SALES, Bldg & Grnds	445.29
INFO USA, CD Rom	1,270.00
J Q OFFICE EQUIPMENT, Contract Services/Supplies	770.02
JIM MORGAN'S BOOKS, Books	163.75
JOHN DEERE LANDSCAPES, Supplies	390.80
KINDIG, DOUGLAS, Phone	40.00
KLINKER, MARK, Professional Services	200.00
LA VISTA COMMUNITY FOUNDATION, Payroll Deductions	125.00
LAUGHLIN, KATHLEEN, Payroll Withholdings	372.00



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LEXIS NEXIS MATTHEW BENDER, Books	217.10
LIFE ASSIST, Squad Supplies	929.06
LIFEGUARD STORE, Supplies	46.75
LINDBERG, SHEILA, Travel	441.00
LINWELD, Wearing Apparel	48.28
LOGAN CONTRACTORS, Sidewalk Maint./Equip.	404.95
LOVELAND LAWNS, Street Maint.	13.95
LUKASIEWICZ, BRIAN, Phone	50.00
M. B. WILDER, Vehicle Maint.	40.00
MAPA, Travel	60.00
METRO AREA TRANSIT, April Fees	605.00
MID AMERICA PAY PHONES, Phone	100.00
MIDWEST TAPE, Media	15.24
MILLER BRANDS, Concessions	292.70
MNJ TECHNOLOGIES DIRECT, Contract Services	1,124.55
MUD, Utilities	888.90
NACR, Contract Services	4,890.90
NATIONAL PAPER, Supplies	195.82
NE DEPT HEALTH/HUMAN SERVICES, Repair	100.00
NEBRASKA NATIONAL BANK, Cart Lease	660.00
NEBRASKA TURF PRODUCTS, Supplies	241.95
NEUMAN EQUIPMENT, Bldg & Grnds/Vehicle Maint.	63.60
NEXTEL, Phone	690.12
NUTS AND BOLTS, Vehicle Maint.	3.00
OABR, Printing	653.03
OFFICE DEPOT, Supplies	976.17
OMAHA WORLD HERALD, Legal Advertising	749.80
OMB EXPRESS POLICE SUPPLY, Wearing Apparel	28.98
ON YOUR MARKS, Professional Services	987.49
ORIZON CPAS, Professional Services	4,753.25
PAPILLION TIRE, Vehicle Maint.	495.47
PARAMOUNT LINEN & UNIFORM, Uniform Cleaning	362.46
PAYLESS, Supplies	162.15
PEPSI, Concessions	430.70
PITNEY BOWES, Supplies/Postage	221.00
PORT-A-JOHNS, Bldg & Grnds	70.00
PRECISION INDUSTRIES, Vehicle Maint.	46.32
PREMIER-MIDWEST BEVERAGE, Concessions	283.00
PRINCIPAL LIFE-FLEX SPENDING, Employee Benefits	216.00
QUALITY BRANDS, Concessions	893.20
QWEST, Phone	1,050.83
R BRUHN PHOTOGRAPHY & DESIGN, Professional Services	400.00
RAMIREZ, RITA, Phone	43.00
REDSHAW PAINT SUPPLY, Vehicle Maint.	204.21
SARPY COUNTY CHAMBER, Travel	15.00
SARPY COUNTY COURTHOUSE, Contract Services	3,487.34
SCHOLASTIC BOOK FAIRS, Summer Reading	63.46
SCHOLASTIC LIBRARY PUBLISHING, CD Rom	458.00
SENTRY ARMOR SYSTEMS, Wearing Apparel	1,757.31
SMITH, MELANIE, Travel	1,035.37
SOUCIE, JOSEPH, Phone	60.00
SPRINT, Phone	102.99
STATE FIRE MARSHALL, Training	250.00
STERIL MANUFACTURING, Repair	100.00
SUBURBAN NEWSPAPERS, Legal Advertising	555.11
SUPERIOR SPA & POOL, Bldg & Grnds	141.96
TED'S MOWER SALES & SERVICE, Equip.	48.21
TRANE, Bldg & Grnds	14.42
TRI-TECH, Supplies	259.49
TURFWERKS, Vehicle Maint.	118.51
UPSTART, Summer Reading	27.00
VERIZON, Phones	267.14
WAL-MART, Wearing Apparel/Supplies/Concessions/ Equip.	2,635.40
WASTE MANAGEMENT, Contract Services	2,642.22
YORK, JOHN, Wearing Apparel	54.57
YOST, JOHN, Contract Services	31.00
ZEE MEDICAL SERVICE, Supplies	136.60

# MINUTE RECORD

## REPORTS FROM CITY ADMINISTRATOR AND DEPARTMENT HEADS

City Administrator Gunn stated that the ribbon cutting for the Marriott Courtyard is June 10<sup>th</sup> at 4:00. Budget Workshops in July on the 13<sup>th</sup> and 14<sup>th</sup> and the 15<sup>th</sup> if needed.

Finance Director Lindberg asked council to return their budget workshop notebooks so they can be reused this year.

Public Works Director Soucie informed Council that the Eastport Parkway Street Lighting project was about ¾ done in April when OPPD ran out of materials. As soon as the remainder of the light poles arrive they will complete this project. Good news back from the Federal Highway Administration on the stimulus funding that the City will be allowed to use for the preliminary engineering that we have done over the past several months; so the City will be moving forward with the Giles Road Retrofit project and also the warning signal project by the District 2 fire station. Grant money has been awarded by the NRD to the City. We received a \$7,000 grant which will be used to finish the park master plans for each individual park. We also received a \$10,000 grant from the stormwater portion and it will be used toward placement of a storm septic in the storm sewer pipe that runs to the golf course parking lot and into the upper lake. This will separate the trash and silt and allow Public Works to clean it out with the vac truck. There is also some state water grant money that will help to pay for this project and we are waiting on word of grant money from the DEQ as this entire project will cost approximately \$81,000.

Community Development Director Birch introduced Rod Zeches, a new intern for the City, who is working on a Masters Degree from Peru State and working for hours of credit only to complete his degree. He will be with us through July.

Recreation Director Stopak thanked the Fire Department, the Police Department, Public Works Department, and the Recreation Department for their assistance in preparation for the Slumbuster tournament, which begins on June 11<sup>th</sup> at the Sports Complex. Their big kickoff event will be the evening of the 11<sup>th</sup>. Due to the economic crunch the tournament will not be televised this year. The tournament will continue for 2 weeks. There were thousands of attendees last year.

Library Director Iwan informed Council the Summer Registration kickoff begins tomorrow from 2:00 p.m. – 4:00 p.m. Thursday from 2:00 p.m. – 3:00 p.m. will be the teen kickoff. The program has been extended into August due to popular demand.

## **B. APPLICATION FOR PRELIMINARY PLANNED UNIT DEVELOPMENT,**

### **LOT 380, CIMARRON WOODS**

#### **1. PUBLIC HEARING**

Mayor Kindig informed the audience of the procedure which will be followed regarding the public hearing as follows: Staff will introduce this item. The Mayor will then open the public hearing. The applicant will present their request. The Mayor will then ask for public comment from those who wish to speak for and/or against the request. The applicant will then have an opportunity for rebuttal. The Council will then vote to close the public hearing at which time the council will discuss this agenda item and take action.

Community Development Director Birch introduced the application for the preliminary planned unit development on Lot 380 in Cimarron Woods. She stated that this is for approval of the preliminary planned unit development (PUD) which is essentially a site plan approval. The application is by Pedcor Investments LLC. This site is approximately 26 acres on Lot 380 in Cimarron Woods. The property is currently zoned R-3 PUD-1(High density residential) with a Gateway Corridor Overlay District. The original Cimarron Plat, PUD plan, and subdivision agreement approved in 2003 identified this lot for multi-family development and included a site plan showing 418 units. The application as submitted is titled Cimarron Terrace and consists of 84 units in Phase I, 192 units in Phase II for a total of 276 units. It also includes 168 garage stalls in addition to surface parking. The previous request heard by the City Council, approximately one year ago, included a total of 354 units and 24 garage stalls in addition to the surface parking. Modifications with the current plan have also been made to the location of the clubhouse, swimming pool, and playground. The request is for preliminary PUD review so if approved it would have to come back for final PUD review and approval of a Conditional Use Permit since multi-family is a conditional use in the R-3 district. Preliminary building design has also been completed however final building design approval is a part of the conditional use permit which would be finalized at the next phase. At the Planning Commission meeting several concerns were raised, one of which was with regard to an existing drainage problem, another was with regard to the public hearing schedule for this revised application. [See City Engineer comments regarding drainage issues below.] Regarding the schedule, the City has an internal set of



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submittal guidelines that are followed for initial submittals. Sometimes it makes sense to modify the schedule for resubmittals such as this when we have done a majority of the review previously. However, key deadlines such as the public hearing notification deadlines that are statutory, are always met. Ms. Birch further explained that some plans were submitted May 12 for building design review. Those actually were revised building designs after they had been initially submitted and received some preliminary comments before being revised and resubmitted. Those plans are under review by the design review architect and will be considered during the final approval phase when the Final PUD and Conditional Use permit come before Planning Commission and Council for consideration. The Planning Commission did recommend approval of this preliminary planned unit development application with some conditions which are stated in the staff report.

City Engineer Kottmann discussed drainage issues. He has reviewed the drainage studies that go back to 2003 at the beginning of Cimarron Woods. Throughout the drainage studies this site has been anticipated as an apartment site and therefore the subdivision drainage system was designed in anticipation of apartment usage on this property. Lot 380 is approximately 8% of the drainage area that is east of 101<sup>st</sup> avenue. The current subdivision regulations and the subdivision regulations from 2003 when Cimarron Woods was platted required 10 year storm events to be limited to no more than 125% of existing conditions. The initial drainage studies submitted for this project complied with that requirement. The study was reviewed with some revisions requested and there was a significant reduction in the proposed culvert size at the lower end of the apartment project. It was originally shown as a 6x6 box culvert and has been downsized to a 36 or 42 inch culvert, which is significantly smaller. The 10 year peak flow revised calculations were 124% of existing conditions and the 100 year flow was estimated at 89% of existing conditions. Due to neighbor concerns expressed during the review process leading up to the Planning Commission meeting and from his observations on the property he recommended at the Planning Commission meeting that an additional requirement be placed on the project to limit peak flows for all storm events up to 100 year events to existing conditions or less. This would exceed the current subdivision regulations. The applicant has agreed to do this during the planning commission hearing and, last Friday sent a revised drainage study to Kottmann which is under review and appears to comply with the specified requirement. He will continue to review. If any corrections are needed those would be required as part of the approval of the final PUD submittal. There is ample room on the site due to the low density of the project to achieve the required detention to reduce the flows. Once the storm water quality factors are put in there will be even more of a reduction in flow.

At 7:30 p.m. Mayor Kindig opened the public hearing and stated the floor was now open for discussion on the application for Preliminary Planned Unit Development, Lot 380, Cimarron Woods.

Larry Jobeun, Mike Smith, and Mark Westergard were present representing Pedcor Investments LLC. Mr. Jobeun addressed Council using a power point presentation. Pedcor was established in 1988 and is headquartered in Carmel Indiana. The company owns 12,000 units in 11 states. Pedcor is a suburban fringe developer. Mr. Jobeun showed and described other Pedcor developments, specifically those involving multi-unit developments near upscale single family housing. Mr. Jobeun gave an overview of the project and compared the first submittal to this submittal. The development on Lot 380 in Cimarron Woods will consist of 276 multi-family units in 14 buildings which will be done in as many as 2 to 3 phases. There will be a total of 168 garages of which 64 garages will be in Phase I and 104 garages in the Phase II. Total density is 10.64 units per acre in comparison with 13.65 units per acre in their previous submittal. This is a 78 unit reduction from original design submitted to the City in 2008. A signal will be installed with the project at 99<sup>th</sup> Street and Harrison Street. There will be a connection to the trail system. There will also be perimeter fencing, which was approved by the residential side of the neighborhood, on the south side of the project. With the reduced density the first phase will be a stand alone project with two access points. There will be amenities including a 3317 sq. ft. clubhouse which will be professionally staffed, along with a swimming pool and playground. There will be 425 surface parking spaces, along with 168 garages. The plan is to begin development in the fall of 2009, with completion of the project in 2011. Mr. Jobeun believes that all outstanding issues will be addressed before the final PUD. Mark Westergard addressed the drainage issues of the development. He showed the council which basins would be constructed with Phase I and Phase II. The project shows reductions in peak flows. Mr. Jobeun provided handouts to the Mayor and Council, which included his power point presentation.

Mayor Kindig asked if there were any members of the public wishing to speak for this item and stated that they would need to come to the podium, print their name and address and state the same for the record. Each individual will be given 3 minutes to speak and he asked that they not repeat what was previously stated. There were no other proponents present to speak.

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Mayor Kindig asked if there were any members of the public wishing to speak against this item and stated that they may now come forward. He stated that the person with the power point presentation should come up to the podium, print their name and address and state the same for the record and give their presentation. Jennifer Taylor, representing residents of Cimarron Woods and Eileen Williamson, a resident of Cimarron Woods, addressed the Council. Taylor asked to make a few introductory comments on behalf of some of the neighbors and asked the Mayor and Council to take their concerns into consideration. In reference to Mr. Jobeun's presentation, Ms. Taylor acknowledged that the buildings seem nicely constructed and appear to meet Gateway requirements, and that there are ordinances and regulations in place to ensure property is properly maintained. She then voiced concerns of the residents including appearance, maintenance, and the ability of the City to make sure maintenance continues. Taylor stated the neighbors have drafted a letter, which has been signed by 155 of the neighbors. She presented the letter to the Mayor and Council and proceeded to summarize it. The letter requests a preliminary drainage study of Phase I only, though Taylor acknowledged that, based on Mr. Westergard's comments at the meeting, the study might have been completed. She also acknowledged that proposed landscaping is extensive, but asked if there could be some guarantee of the maintenance/replacement of landscaping. The residents want to know what the area will look like in 5 years, and what the recourse is if the owner does not maintain the property. Taylor suggested the City could put forth as a covenant a landscape plan, with maintenance requirements and the recourse for the City if Pedcor breaches it. Finally, the residents are requesting additional setbacks from 25' feet to 30' minimum. Taylor stated the neighbors will reserve additional comments for the public hearing for the final PUD. Williamson [using power point] addressed Council to cite ratings from the internet of tenant satisfaction with respect to other Pedcor properties; state concerns about location near Cimarron Woods single family homes and rebut examples provided in Mr. Jobeun's presentation; concerns about not retaining the existing trees and noting that newly planted trees will not mature for a long time; concerns with the fencing being close to homes; concerns about setbacks; concerns with flooding, showing pictures of flooding near her home last year unrelated to the Pedcor proposed project; concerns with the build out on existing residential lots abutting the property; and concerns about the 3-story buildings and the transition from the single family to these large structures. She also provided examples of design features that might be considered, such as usage of stone accents and unique gables on fronts of buildings.

Mayor Kindig then asked if there were any other members of the public wishing to speak against this item and stated that they would need to come to the podium, print their name and address and state the same for the record. Each individual will be given 3 minutes to speak and he asked that they keep their comments to the subject and not repeat what was previously stated.

Craig Martin, president of the Homeowners Association, addressed Council to state his concern about the cost to maintain the property and the round-about. He would like to see Pedcor agree in the PUD that they would support the Homeowners Association landscape maintenance and the other items that were requested.

Jackie Hill, a resident of Cimarron Woods, addressed Council to state her concerns with the safety of children near the railroad track with the fencing that has been proposed.

Larry Jobeun was given time for rebuttal. He addressed Council with regard to the setbacks and stated that an additional 5' setback would only affect a minimal number of buildings – specifically only two garages and one building – and any perceived issue with these structures will be minimized due to steep grade changes. He explained that landscaping requirements are set in the PUD. Pedcor will do what it is required to do and Pedcor cannot vary from the plan without coming back to the Planning Commission and City Council for approval. The company will have to meet the guidelines required. Jobeun stated this is a 30 million dollar project, which is a significant investment. He stated the landscaping and structures will be maintained. He stated the application includes the removal of trees for the trail system, at the request of the City. He also noted that Pedcor provided notice to the Cimarron Woods and Southwind neighborhood associations and voluntarily held a meeting for homeowners the night before the Planning Commission meeting on the preliminary PUD; and only 17 residents showed up. Pedcor would consider an arrangement in the sharing of maintenance for the landscaping in the boulevard and round-about. Joebeun stated that there is not fencing along the rear yards of many of the homes by the railroad tracks.

At 8:21 p.m. Councilmember Gowan made a motion to close the public hearing. Seconded by Councilmember Ellerbeck. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

Councilmember Crawford asked Ms. Williamson about the tenant reviews of other Pedcor properties that she spoke of. She stated there were various factors to rate on and could



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recommend living at a particular property. Of the two ratings she spoke of, one had 3 and one had 30 responses. Reviews are not time specific. Mayor Kindig asked for confirmation of the number of responses. Council member Ellerbeck stated that these are self-reporting websites. Councilmember Ellerbeck stated anyone can report on problems at an apartment now online. Councilmember Gowan stated he was initially skeptical, but is impressed with the revised application and the improved landscape criteria. Gowan stated he has lived in areas where neighbors don't keep up their property, but he is confident that Pedcor will have good maintenance of the property. He noted that the landscaping plan is not perfect, but perfection must happen over time as landscaping matures. Gowan stated he feels it is an overall worthwhile project, but would like to see the wrought iron fence all around the property. Councilmember Ellerbeck states his opinion has not changed from last year, and he is satisfied. Councilmember Crawford stated his concerns with the online survey and with meetings held right before the Planning Commission meeting, as he had the impression that meetings between Pedcor and the neighbors would be ongoing and encourages them to continue to meet. At this time he supports the project. Councilmember Carlisle expressed she feels there are still some issues to be worked out between the neighbors and Pedcor and she is concerned with water runoff. She is okay with the project, but wants to make sure all issues are addressed. Councilmember Sell stated he feels that Pedcor has come a long way since the initial application. He feels the drainage issue needs to be handled in Phase I, that the gateway corridor standards be met, and that Pedcor works with the City and the neighborhood on the landscape maintenance. Sell stated he is open on the setbacks. Councilmember Ronan stated the revised application is better than the original. He has concerns about the setback and feels that needs to be further discussed. Councilmember Quick stated that Pedcor has made good progress. She would like the design to be more extraordinary. Quick wants to make sure landscape maintenance is done. Councilmember Sheehan stated that he has been against the project from the beginning. He doesn't think apartments should be there. He would like to give Pedcor credit for increasing the number of garages and an application that can work on this property. He stated he would vote against the resolution because he does not like this area zoned for apartments. Sheehan also stated the 300 foot area for notifying neighbors should be increased. Administrator Gunn stated that this is the statutory requirement. Sheehan would like the city to look at this. Mayor Kindig stated he would like to see Pedcor work with the City toward a long term maintenance agreement and with tree replacement. He also wants to look at a drainage study to make sure it is correct and verify this development will not add to existing drainage issues. Councilmember Crawford asked if there would be another public hearing. City Administrator Gunn stated a public hearing would be held on the Conditional Use Permit Application and the final PUD. Councilmember Sell asked when issues in the resident's letter would be addressed. City Administrator Gunn stated those issue would be addressed in the Conditional Use Permit Application process.

## 2. RESOLUTION

Councilmember Ellerbeck introduced and moved for the adoption of Resolution No. 09-052: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, DETERMINING CONDITIONS FOR APPROVAL OF THE PRELIMINARY PLANNED UNIT DEVELOPMENT (PUD 1) PLAN FOR LOT 380 CIMARRON WOODS, A SUBDIVISION LOCATED IN THE N1/2 OF SECTION 16, T14N, R12E OF THE 6<sup>TH</sup> P.M., SARPY COUNTY, NEBRASKA.

WHEREAS, the owners of the above described piece of property have made application for approval of a preliminary planned unit development plan for Lot 380, Cimarron Woods; and

WHEREAS, the City Administrator and the City Engineer have reviewed the preliminary planned unit development plan; and

WHEREAS, on May 21, 2009, the La Vista Planning Commission held a public hearing and reviewed the preliminary planned unit development plan and recommended approval subject to resolution of the following items identified by the city engineer and staff:

1. The Preliminary PUD Plan and application refers to the property as being zoned R-1 (PUD). This needs to be revised on the Final PUD Plan to read R-3, PUD-1 zoning.
2. A traffic signal shall be installed at the intersection of 99<sup>th</sup> and Harrison Streets as part of Phase I development of Lot 380, Cimarron Woods, as per the Cimarron Woods Subdivision Agreement. The traffic signal and all additional improvements recommended by the updated traffic study shall be installed before final building occupancies are allowed in Phase I.
3. A 10-foot wide trail shall be installed in Phase II of the development, as per Exhibit E-1 of the Cimarron Woods Subdivision Agreement. An opening or

# MINUTE RECORD

gate needs to be provided in the fence to access the pedestrian trail on the Westside of the property. Preferably, the gate should be at a convenient and accessible location to apartment buildings 7 and 14

4. Revisions requested by the City Engineer, in his letter dated April 30, 2009, shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal. Additionally, peak stormwater run-off for this project shall not exceed the existing conditions of Lot 380 for all storm events, up to a 100-year storm.
5. Revisions and additional information requested by the City's Design Review Architect shall be incorporated into the Final PUD Plan and Conditional Use Permit submittal.
6. Other revisions stated in the Staff Report shall be addressed prior to Final PUD Plan and Conditional Use Permit submittal.
7. A preliminary assessment of the potential waterway / wetland issues needs to be performed by a qualified environmental consultant prior to approval of the Final PUD plan. All applicable Army Corps of Engineers permits shall also be acquired by the developer prior to approval of the Final PUD plan.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of La Vista, Nebraska, that the preliminary Planned Unit Development (PUD-1) plan for Lot 380, Cimarron Woods, located in the N1/2 of Section 16, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, Nebraska, generally located southwest of 96<sup>th</sup> & Harrison Streets be, and hereby is, approved subject to the items listed above.

Seconded by Councilmember Gowan. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: Sheehan. Absent: None. Motion carried.

## **C. RESOLUTION – CONTRACT FOR PROFESSIONAL SERVICES – GIS**

Councilmember Gowan introduced and moved for the adoption of Resolution No. 09-053: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AWARDING A CONTRACT TO KIRKHAM MICHAEL & ASSOCIATES, INC., OMAHA, NE, FOR PROFESSIONAL SERVICES TO PROVIDE CONVERSION OF STORM WATER DATA INTO A GEOGRAPHICAL INFORMATION SYSTEM (GIS) IN AN AMOUNT NOT TO EXCEED \$20,000.00.

WHEREAS, the City Council of the City of La Vista has determined that said project is necessary; and

WHEREAS, the FY 2008/09 Storm Water Management Fund provides funding for the proposed project; and

WHEREAS, the project is recognized in the City of La Vista's Storm Water Management Plan that is annually submitted to the Nebraska Department of Environmental Quality; 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 authorization is given to execute a contract with Kirkham Michael & Associates, Inc., Omaha, Nebraska, for professional services to provide conversion of storm water data into a Geographical Information System, in an amount not to exceed \$20,000.00.

Seconded by Councilmember Quick. Public Works Director Soucie informed Council this is Phase III. He gave an overview of the project. Mayor Kindig asked if there was anyone here to speak on this agenda item. There being no one, Mayor Kindig asked for the vote. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

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



# MINUTE RECORD

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

June 2, 2009

## COMMENTS FROM THE FLOOR

Mayor Kindig asked if there were any comments from the floor; and stated that anyone having comments should limit them to three minutes.

### D. EXECUTIVE SESSION - STRATEGY SESSION/NEGOTIATING GUIDANCE

At 8:39 p.m. Councilmember Carlisle made a motion to go into executive session for protection of the public interest for a Strategy Session and Negotiating Guidance. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, 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.

At 9:01 p.m. the Council came out of executive session. Councilmember Crawford made a motion to reconvene in open and public session. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

## COMMENTS FROM MAYOR AND COUNCIL

Mayor Kindig reminded Councilmembers to bring in some of their business cards to City Hal.

Mayor Kindig thanked everyone for their help with the golf fundraiser over the weekend. He thanked La Vista Falls Golf Course Services Manager Denny Dinan and his staff for their help and Chief Building Inspector Jeff Calentine and his staff for their help.

At 9:07 p.m. Councilmember Carlisle made a motion to adjourn the meeting. Seconded by Councilmember Gowan. Councilmembers voting aye: Sell, Ronan, Quick, Sheehan, Carlisle, Crawford, Ellerbeck, and Gowan. Nays: None. Absent: None. Motion carried.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2009.

CITY OF LA VISTA

ATTEST:

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

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

# MEETING OF THE LIBRARY ADVISORY BOARD CITY OF LA VISTA

## MINUTES OF MEETING May 14, 2009

Members Present:      Rose Iwan                      Janice Podoll              Valerie Russell  
                                 Kim Schmit-Pokorny      Carol Westlund

### Agenda Item #1: Call to Order

The meeting was called to order at 5:30 p.m.

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

An announcement was made of the location of the posted copy of the Open Meetings Act for public reference.

### Agenda Item #3: Introductions

There were no introductions made.

### Agenda Item #4: Approval of Minutes of , 2009 Meeting

It was moved by Podoll and seconded by Westlund 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 2009 Summer Reading Programs for children and teens.
- b. Employee updates were given.
- c. Library Meetings were reviewed.
- d. General Library Information.

### 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 final report was reviewed for the La Vista Community Foundation for the Mary Louise Anderson Storytime Room. The Midland Community Foundation Grant for Grieving Teen/Child book bags through Teddy Bear Hollow is to be informed in May if the grant was accepted or not. To date, no information has been received. The Nebraska Humanities Council grant is for a Summer Reading Program speaker.
- b. Budget FY 08/09. Six new computers for the children's area were ordered in November. The use of State Aid moneys went for the purchase of a large print keyboard to compliment the seeing impaired software that has already been installed on one of the computers in the library's computer lab.
- c. Book Drop – Discussion. The Recreation Center agreed to act as a site where library materials can be dropped off. To date, this service has not been utilized.
- d. Inventory 2009. The final count for the inventory report was 105 missing items. These materials will be reviewed in one year. It will be determined if the items need to be replaced, if they have not been replaced already.



Agenda Item #8: New Business

- a. New Automation System: Apollo. At the beginning of April, the existing system was replaced with the Apollo system. This system allows for more control and options for the patron: patrons can renew materials online and from home, new materials can be requested online, e-mail notifications can go out to notify you that your materials will be due. The library has received many positive comments about the new system.
- b. Budget FY 09/10. The budget was submitted to City Administration. Budget workshops occur in July.

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 Schmit-Pokorny and seconded by Russell to adjourn the meeting at 6:14 p.m.

The next meeting is scheduled for July 9, 2009 at 5:30 p.m. at the La Vista Public Library, Conference Room #142.

**CITY OF LAVISTA, NEBRASKA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-ALL GOVERNMENTAL FUND TYPES**

For the eight months ended May 31, 2009

67% of the Fiscal Year

	General Fund					Debt Service Fund				Capital Fund			
	<u>Budget</u> <u>(12 month)</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>% of budget</u> <u>Used</u>	<u>Budget</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>	<u>Budget</u>	<u>MTD</u> <u>Actual</u>	<u>YTD</u> <u>Actual</u>	<u>Over(under)</u> <u>Budget</u>
<b>REVENUES</b>													
Property Taxes	\$ 4,531,026	\$ 400,944	\$ 2,566,921	\$ (1,964,106)	57%	\$ 761,601	\$ 67,607	\$ 427,328	\$ (334,273)	\$ -	\$ -	\$ -	\$ -
Sales and use taxes	1,955,000	201,333	1,485,982	(469,018)	76%	977,500	100,666	742,991	(234,509)	835,334	-	-	(835,334)
Payments in Lieu of taxes	90,000	100,776	100,776	10,776	112%	-	18,178	18,178	18,178	-	-	-	-
State revenue	1,070,440	84,415	726,857	(343,583)	68%	-	-	-	-	-	-	-	-
Occupation and franchise taxes	500,000	11,476	545,129	45,129	109%	-	-	-	-	-	-	-	-
Hotel Occupation Tax	872,400	33,632	255,885	(616,515)	29%	-	-	-	-	-	-	-	-
Licenses and permits	637,000	66,411	399,996	(237,004)	63%	-	-	-	-	-	-	-	-
Interest income	50,000	2,340	31,783	(18,217)	64%	100,000	2,663	72,558	(27,442)	-	-	-	-
Recreation fees	151,000	11,558	80,386	(70,614)	53%	-	-	-	-	-	-	-	-
Special Services	27,295	1,278	11,619	(15,676)	43%	-	-	-	-	-	-	-	-
Grant Income	182,750	1,106	83,020	(99,730)	45%	-	-	-	-	2,893,337	-	-	(2,893,337)
Other	176,000	17,384	183,719	7,719	104%	585,000	139,252	379,171	(205,829)	653,334	38,600	195,057	(458,277)
<b>Total Revenues</b>	<u>10,242,911</u>	<u>932,654</u>	<u>6,472,074</u>	<u>(3,770,838)</u>	<u>63%</u>	<u>2,424,101</u>	<u>328,367</u>	<u>1,640,226</u>	<u>(783,874)</u>	<u>4,382,005</u>	<u>38,600</u>	<u>195,057</u>	<u>(4,186,948)</u>
<b>EXPENDITURES</b>													
Current:													
Mayor and Council	140,996	11,045	73,563	(67,433)	52%	-	-	-	-	-	-	-	-
Boards & Commissions	10,025	534	4,429	(5,596)	44%	-	-	-	-	-	-	-	-
Public Buildings & Grounds	476,009	42,729	259,048	(216,962)	54%	-	-	-	-	-	-	-	-
Administration	540,793	51,889	355,104	(185,689)	66%	90,000	3,416	12,625	(77,375)	-	-	-	-
Police and Animal Control	3,311,601	330,377	2,088,873	(1,222,728)	63%	-	-	-	-	-	-	-	-
Fire	514,198	70,311	265,467	(248,731)	52%	-	-	-	-	-	-	-	-
Community Development	639,075	77,998	403,122	(235,953)	63%	-	-	-	-	-	-	-	-
Public Works	2,584,143	247,682	1,568,931	(1,015,212)	61%	-	-	-	-	-	-	-	-
Recreation	567,335	50,151	288,834	(278,501)	51%	-	-	-	-	-	-	-	-
Library	590,046	59,512	356,028	(234,019)	60%	-	-	-	-	-	-	-	-
Human Resources	397,775	6,280	351,398	(46,377)	88%	-	-	-	-	-	-	-	-
Special Services & Tri-City Bus	77,600	6,463	36,670	(40,930)	47%	-	-	-	-	-	-	-	-
Capital outlay	315,671	6,415	86,273	(229,398)	27%	-	-	-	-	6,560,859	38,600	195,057	(6,365,802)
Debt service: (Warrants)						1,475,000	-	378,374	(1,096,626)	-	-	-	-
Principal	-	-	-	-	-	1,770,000	-	1,410,000	(360,000)	-	-	-	-
Interest	-	-	-	-	-	1,665,549	202,552	972,947	(692,602)	-	-	-	-
<b>Total Expenditures</b>	<u>10,165,267</u>	<u>961,385</u>	<u>6,137,739</u>	<u>(4,027,529)</u>	<u>60%</u>	<u>5,000,549</u>	<u>205,968</u>	<u>2,773,946</u>	<u>(2,226,603)</u>	<u>6,560,859</u>	<u>38,600</u>	<u>195,057</u>	<u>(6,365,802)</u>
<b>EXCESS OF REVENUES OVER (UNDER) EXPENDITURES</b>	77,644	(28,732)	334,335	(256,691)	431%	(2,576,448)	122,399	(1,133,720)	(1,442,728)	(2,178,854)	-	-	(2,178,854)
<b>OTHER FINANCING SOURCES (USES)</b>													
Operating transfers in (out)	(820,280)	-	-	820,280	-	134,092	-	-	(134,092)	118,854	-	-	(118,854)
Bond/registered warrant proceeds	-	-	-	-	-	1,475,000	-	-	(1,475,000)	2,060,000	-	-	(2,060,000)
<b>Total other Financing Sources (Uses)</b>	<u>(820,280)</u>	<u>-</u>	<u>-</u>	<u>820,280</u>	<u>-</u>	<u>1,609,092</u>	<u>-</u>	<u>-</u>	<u>(1,609,092)</u>	<u>2,178,854</u>	<u>-</u>	<u>-</u>	<u>(2,178,854)</u>
<b>EXCESS OF REVENUES AND OTHER FINANCING SOURCES OVER (UNDER) EXPENDITURES AND OTHER FINANCING USES</b>	\$ (742,636)	\$ (28,732)	\$ 334,335	\$ (1,076,971)	-	\$ (967,356)	\$ 122,399	\$ (1,133,720)	\$ 166,364	\$ -	\$ -	\$ -	\$ -
<b>FUND BALANCE, beginning of the year</b>			<u>4,523,855</u>					<u>7,508,967</u>				<u>(292,031)</u>	
<b>FUND BALANCES, END OF PERIOD</b>			<u>\$ 4,858,190</u>					<u>\$ 6,375,247</u>				<u>\$ (292,031)</u>	

\* FY09 Liability and Workers' Comp Insurance

**CITY OF LAVISTA**  
**COMBINED STATEMENT OF REVENUES, EXPENDITURES**  
**AND CHANGES IN FUND BALANCE-PROPRIETARY FUNDS**

**BUDGET AND ACTUAL**

For the eight months ended May 31, 2009

67% of the Fiscal Year

	Sewer Fund					Golf Course Fund				
	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over (Under) Budget</u>	<u>% of Budget Used</u>	<u>Budget</u>	<u>MTD Actual</u>	<u>YTD Actual</u>	<u>Over (Under) Budget</u>	<u>% of Budget Used</u>
<b>REVENUES</b>										
User fees	\$ 1,073,780	\$ 99,333	\$ 781,337	\$ (292,443)	73%	\$ 175,000	\$ 40,538	\$ 95,184	\$ (79,816)	54%
Service charge and hook-up fees	300,000	26,600	140,789	(159,211)	47%	-	-	-	-	-
Merchandise sales	-	-	-	-	-	31,800	6,076	12,475	(19,325)	39%
Grant	50,000	-	27,980	(22,020)	n/a	-	-	-	-	-
Miscellaneous	200	19	170	(30)	85%	300	33	150	-	50%
<b>Total Revenues</b>	<u>1,423,980</u>	<u>125,952</u>	<u>950,276</u>	<u>(473,704)</u>	<u>67%</u>	<u>207,100</u>	<u>46,646</u>	<u>107,809</u>	<u>(99,141)</u>	<u>52%</u>
<b>EXPENDITURES</b>										
General Administrative	473,381	45,794	352,161	(121,220)	74%	-	-	-	-	-
Cost of merchandise sold	-	-	-	-	-	25,278	4,321	10,615	(14,663)	42%
Maintenance	1,141,633	122,244	631,876	(509,757)	55%	180,170	15,318	91,126	(89,044)	51%
Production and distribution	-	-	-	-	-	112,798	11,966	59,140	(53,658)	52%
Capital Outlay	2,900	-	3,550	650	122%	9,500	-	2,285	(7,215)	24%
Debt Service:										
Principal	-	-	-	-	-	95,000	-	95,000	-	100%
Interest	-	-	-	-	-	33,370	-	17,944	(15,426)	54%
<b>Total Expenditures</b>	<u>1,617,914</u>	<u>168,038</u>	<u>987,586</u>	<u>(630,328)</u>	<u>61%</u>	<u>456,116</u>	<u>31,605</u>	<u>276,111</u>	<u>(180,005)</u>	<u>61%</u>
<b>OPERATING INCOME (LOSS)</b>	(193,934)	(42,086)	(37,310)	(156,624)	-	(249,016)	15,041	(168,302)	80,864	-
<b>NON-OPERATING REVENUE (EXPENSE)</b>										
Interest income	<u>35,000</u>	<u>673</u>	<u>12,649</u>	<u>(22,351)</u>	<u>36%</u>	<u>25</u>	<u>7</u>	<u>63</u>	<u>38</u>	<u>254%</u>
	<u>35,000</u>	<u>673</u>	<u>12,649</u>	<u>(22,351)</u>	<u>36%</u>	<u>25</u>	<u>7</u>	<u>63</u>	<u>38</u>	<u>254%</u>
<b>INCOME (LOSS) BEFORE OPERATING TRANSFERS</b>	(158,934)	(41,413)	(24,661)	(134,273)	-	(248,991)	15,048	(168,238)	80,753	-
<b>OTHER FINANCING SOURCES (USES)</b>										
Operating transfers in (out)	-	-	-	-	-	238,000	112,944	112,944	(125,056)	47%
<b>NET INCOME (LOSS)</b>	<u>\$ (158,934)</u>	<u>\$ (41,413)</u>	<u>\$ (24,661)</u>	<u>\$ (134,273)</u>	<u>-</u>	<u>\$ (10,991)</u>	<u>\$ 127,992</u>	<u>\$ (55,294)</u>	<u>\$ 44,303</u>	<u>-</u>
<b>NET ASSETS, Beginning of the year</b>			<u>4,962,384</u>					<u>124,229</u>		
<b>NET ASSETS, End of the year</b>			<u>\$ 4,937,723</u>					<u>\$ 68,935</u>		

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME	CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
-----									
1	Bank of Nebraska (600-873)								
		46039			Payroll Checks				
Thru		46042							
		46043			Gap in Checks				
Thru		96593							
		96594	6/03/2009	1194	QUALITY BRANDS OF OMAHA	331.45			**MANUAL**
		96595	6/03/2009	4123	EDAW INCORPORATED	24,999.24			**MANUAL**
		96596	6/08/2009	615	MILLER BRANDS OF OMAHA INC	275.70			**MANUAL**
		96597	6/08/2009	1194	QUALITY BRANDS OF OMAHA	242.00			**MANUAL**
		96598	6/09/2009	3702	LAUGHLIN, KATHLEEN A, TRUSTEE	372.00			**MANUAL**
		96599	6/09/2009	292	SAM'S CLUB	35.00			**MANUAL**
		96600	6/16/2009	3983	ABE'S PORTABLES INC	222.03			
		96601	6/16/2009	762	ACTION BATTERIES UNLTD INC	87.95			
		96602	6/16/2009	571	ALAMAR UNIFORMS	679.92			
		96603	6/16/2009	3698	APPLE BOOKS	82.59			
		96604	6/16/2009	736	AQUA-CHEM INCORPORATED	146.00			
		96605	6/16/2009	536	ARAMARK UNIFORM SERVICES INC	260.53			
		96606	6/16/2009	2945	AVI SYSTEMS INC	25.00			
		96607	6/16/2009	201	BAKER & TAYLOR BOOKS	1,423.65			
		96608	6/16/2009	1839	BCDM-BERINGER CIACCIO DENNELL	448.75			
		96609	6/16/2009	1784	BENNINGTON EQUIPMENT INC	1,554.69			
		96610	6/16/2009	3774	BENSON RECORDS MANAGEMENT CTR	53.54			
		96611	6/16/2009	196	BLACK HILLS ENERGY	2,070.26			
		96612	6/16/2009	220	BLUE CROSS BLUE SHIELD	425.33			
		96613	6/16/2009	56	BOB'S RADIATOR REPAIR CO INC	169.00			
		96614	6/16/2009	117	BRODART	141.72			
		96615	6/16/2009	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
		96616	6/16/2009	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
		96617	6/16/2009	2625	CARDMEMBER SERVICE-ELAN	.00	**CLEARED**	**VOIDED**	
		96618	6/16/2009	2625	CARDMEMBER SERVICE-ELAN	9,672.42			
		96619	6/16/2009	92	CARL JARL LOCKSMITHS	12.00			
		96620	6/16/2009	914	CITY OF COUNCIL BLUFFS	530.00			
		96621	6/16/2009	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		96622	6/16/2009	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		96623	6/16/2009	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		96624	6/16/2009	83	CJ'S HOME CENTER	.00	**CLEARED**	**VOIDED**	
		96625	6/16/2009	83	CJ'S HOME CENTER	1,046.62			
		96626	6/16/2009	2683	COLOMBO/PHELPS COMPANY	836.56			
		96627	6/16/2009	3176	COMP CHOICE INC	.00	**CLEARED**	**VOIDED**	
		96628	6/16/2009	3176	COMP CHOICE INC	.00	**CLEARED**	**VOIDED**	
		96629	6/16/2009	3176	COMP CHOICE INC	3,535.00			
		96630	6/16/2009	2158	COX COMMUNICATIONS	198.80			
		96631	6/16/2009	3136	D & D COMMUNICATIONS	9.45			
		96632	6/16/2009	3359	DAVIS & STANTON	39.00			
		96633	6/16/2009	4017	DAVIS, FRANKLIN TODD	27.50			
		96634	6/16/2009	364	DULTMEIER SALES & SERVICE	46.20			
		96635	6/16/2009	3334	EDGEWEAR SCREEN PRINTING	740.70			
		96636	6/16/2009	2434	FAVORABLE IMPRESSIONS	39.96			



BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
96637	6/16/2009	1245	FILTER CARE	82.70			
96638	6/16/2009	1254	FLEETPRIDE	20.10			
96639	6/16/2009	1344	GALE	149.14			
96640	6/16/2009	1161	GALL'S INCORPORATED	157.99			
96641	6/16/2009	4078	GASSERT, ADAM	30.00			
96642	6/16/2009	53	GCR OMAHA TRUCK TIRE CENTER	23.95			
96643	6/16/2009	3271	GLENDALE PARADE STORE	48.20			
96644	6/16/2009	285	GRAYBAR ELECTRIC COMPANY INC	431.78			
96645	6/16/2009	385	GREAT PLAINS ONE-CALL SVC INC	397.62			
96646	6/16/2009	4086	GREAT PLAINS UNIFORMS	256.50			
96647	6/16/2009	71	GREENKEEPER COMPANY INC	300.00			
96648	6/16/2009	4127	HALLETT AUTO BODY	983.60			
96649	6/16/2009	426	HANEY SHOE STORE	101.95			
96650	6/16/2009	3657	HEARTLAND PAPER	156.00			
96651	6/16/2009	2407	HEIMES CORPORATION	107.87			
96652	6/16/2009	526	HOT COFFEE SERVICE INC	21.50			
96653	6/16/2009	2140	HYDROLOGIC WATER MANAGEMENT	69.62			
96654	6/16/2009	1498	INDUSTRIAL SALES COMPANY INC	408.90			
96655	6/16/2009	162	INLAND TRUCK PARTS	185.54			
96656	6/16/2009	1896	J Q OFFICE EQUIPMENT INC	843.55			
96657	6/16/2009	831	JOHN DEERE LANDSCAPES/LESCO	218.44			
96658	6/16/2009	3870	JOHNSON CONTROLS INC	239.00			
96659	6/16/2009	381	LANDS' END BUSINESS OUTFITTERS	553.73			
96660	6/16/2009	4128	LEYPOLDT, SUZANNE	45.00			
96661	6/16/2009	877	LINWELD	252.29			
96662	6/16/2009	1573	LOGAN CONTRACTORS SUPPLY	2,902.91			
96663	6/16/2009	2664	LOU'S SPORTING GOODS	98.84			
96664	6/16/2009	263	LOVELAND LAWNS	107.76			
96665	6/16/2009	3531	LUPOMECH, CATHY	788.21			
96666	6/16/2009	4029	MAPES, HANNAH	20.00			
96667	6/16/2009	4125	MAPES, RYAN	80.00			
96668	6/16/2009	3061	MES-MIDAM	12,740.00			
96669	6/16/2009	3884	METRO LANDSCAPE MATERIALS &	1,400.00			
96670	6/16/2009	872	METROPOLITAN COMMUNITY COLLEGE	7,042.04			
96671	6/16/2009	553	METROPOLITAN UTILITIES DIST.	396.37			
96672	6/16/2009	2701	MIDWEST MUDJACKING INC	1,835.00			
96673	6/16/2009	2299	MIDWEST TAPE	235.67			
96674	6/16/2009	1046	MIDWEST TURF & IRRIGATION	154.68			
96675	6/16/2009	2382	MONARCH OIL INC	139.75			
96676	6/16/2009	2818	MULHALL'S	880.20			
96677	6/16/2009	3352	NE DEPT OF LABOR-WORKFORCE DEV	100.00			
96678	6/16/2009	911	NEBRASKA AIR FILTER INC	210.24			
96679	6/16/2009	649	NEBRASKA GOLF & TURF INC	2,128.63			
96680	6/16/2009	479	NEBRASKA LIBRARY COMMISSION	444.00			
96681	6/16/2009	3565	NEBRASKA LTAP TRAINING	300.00			
96682	6/16/2009	2529	NEBRASKA SOFTBALL ASSN DIST#10	176.00			
96683	6/16/2009	1968	O'KEEFE ELEVATOR COMPANY INC	185.00			
96684	6/16/2009	3415	OABR PRINT SHOP	.00	**CLEARED**	**VOIDED**	
96685	6/16/2009	3415	OABR PRINT SHOP	692.00			
96686	6/16/2009	1014	OFFICE DEPOT INC-CINCINNATI	.00	**CLEARED**	**VOIDED**	
96687	6/16/2009	1014	OFFICE DEPOT INC-CINCINNATI	624.59			
96688	6/16/2009	79	OMAHA COMPOUND COMPANY	171.51			
96689	6/16/2009	3611	OMAHA NEWSPAPER	397.50			

## ACCOUNTS PAYABLE CHECK REGISTER

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
96690	6/16/2009	195	OMAHA PUBLIC POWER DISTRICT	.00	**CLEARED**	**VOIDED**	
96691	6/16/2009	195	OMAHA PUBLIC POWER DISTRICT	38,656.09			
96692	6/16/2009	2129	OMB EXPRESS POLICE SUPPLY	403.91			
96693	6/16/2009	3039	PAPILLION SANITATION	212.11			
96694	6/16/2009	2686	PARAMOUNT LINEN & UNIFORM	402.46			
96695	6/16/2009	1769	PAYLESS OFFICE PRODUCTS INC	241.85			
96696	6/16/2009	709	PEPSI COLA COMPANY	308.50			
96697	6/16/2009	1821	PETTY CASH-PAM BUETHE	126.13			
96698	6/16/2009	1030	POKORNY, KEVIN L	61.20			
96699	6/16/2009	159	PRECISION INDUSTRIES INC	18.11			
96700	6/16/2009	219	QWEST	134.37			
96701	6/16/2009	191	READY MIXED CONCRETE COMPANY	233.98			
96702	6/16/2009	1978	RECREONICS INC ETAL	39.72			
96703	6/16/2009	3090	REGAL AWARDS OF DISTINCTION	10.56			
96704	6/16/2009	2930	REPUBLIC NATIONAL DISTR CO LLC	219.35			
96705	6/16/2009	4037	RUSTY ECK FORD	60.00			
96706	6/16/2009	487	SAPP BROS PETROLEUM INC	15,653.11			
96707	6/16/2009	4122	SMITH MANUFACTURING CO INC	1,880.26			
96708	6/16/2009	2704	SMOOTHER CUT ENTERPRISES INC	1,320.00			
96709	6/16/2009	3234	SNITILY CARR	995.00			
96710	6/16/2009	3499	SQUAD-FITTERS INC	334.95			
96711	6/16/2009	505	STANDARD HEATING AND AIR COND	2,609.00			
96712	6/16/2009	2111	STAPLES BUSINESS ADVANTAGE	50.97			
96713	6/16/2009	47	SUBURBAN NEWSPAPERS INC	909.17			
96714	6/16/2009	3795	SUN COUNTRY DISTRIBUTING LTD	59.70			
96715	6/16/2009	3718	SUN LIFE & HEALTH INSURANCE CO	2,072.28			
96716	6/16/2009	913	TARGET BANK	17.96			
96717	6/16/2009	264	TED'S MOWER SALES & SERVICE	234.43			
96718	6/16/2009	4129	THERNKA, DAMON	35.00			
96719	6/16/2009	143	THOMPSON DREESSEN & DORNER	.00	**CLEARED**	**VOIDED**	
96720	6/16/2009	143	THOMPSON DREESSEN & DORNER	19,505.10			
96721	6/16/2009	161	TRACTOR SUPPLY CREDIT PLAN	424.57			
96722	6/16/2009	176	TURFWERKS	50.19			
96723	6/16/2009	167	U S ASPHALT COMPANY	.00	**CLEARED**	**VOIDED**	
96724	6/16/2009	167	U S ASPHALT COMPANY	1,483.78			
96725	6/16/2009	2426	UNITED PARCEL SERVICE	26.63			
96726	6/16/2009	2720	USI INC	101.99			
96727	6/16/2009	300	UTILITY EQUIPMENT COMPANY	112.08			
96728	6/16/2009	3052	V & V MANUFACTURING INC	285.90			
96729	6/16/2009	766	VIERREGGER ELECTRIC COMPANY	458.96			
96730	6/16/2009	78	WASTE MANAGEMENT NEBRASKA	955.77			
96731	6/16/2009	3150	WHITE CAP CONSTRUCTION SUPPLY	57.16			
96732	6/16/2009	295	ZEE MEDICAL SERVICE INC	129.95			
BANK TOTAL				182,008.68			
OUTSTANDING				182,008.68			
CLEARED				.00			
VOIDED				.00			
<hr/>							
FUND			TOTAL	OUTSTANDING	CLEARED	VOIDED	
01	GENERAL FUND		123,461.32	123,461.32	.00	.00	
02	SEWER FUND		5,693.20	5,693.20	.00	.00	
05	CONSTRUCTION		36,141.68	36,141.68	.00	.00	

BANK NO	BANK NAME						
CHECK NO	DATE	VENDOR NO	VENDOR NAME	CHECK AMOUNT	CLEARED	VOIDED	MANUAL
08	LOTTERY FUND		5,609.43	5,609.43		.00	.00
09	GOLF COURSE FUND		8,405.32	8,405.32		.00	.00
15	OFF-STREET PARKING		2,697.73	2,697.73		.00	.00
REPORT TOTAL				182,008.68			
OUTSTANDING				182,008.68			
CLEARED				.00			
VOIDED				.00			
+ Gross Payroll 5-29-09				215,411.52			
+ Gross Payroll 6-12-09				223,905.91			
GRAND TOTAL				<u>\$621,326.11</u>			

APPROVED BY COUNCIL MEMBERS 6-16-09

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COUNCIL MEMBER

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COUNCIL MEMBER

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**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
ZONING TEXT AMENDMENT — HOME OCCUPATIONS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled and an ordinance has been prepared for Council to consider amendments to Section 2.02.155, Section 2.02.156, and Section 7.10 of the Zoning Ordinance regarding Home Occupations.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approve.

**BACKGROUND**

A public hearing has been scheduled for Council to consider amendments to Section 2.02.155, Section 2.02.156, and Section 7.10 of the Zoning Ordinance regarding home occupations.

Home occupations have become increasingly popular as technology enables more and more people to work from computers and mobile devices in remote locations. Planning staff believes the zoning code needs to be modernized to reflect these advances in technology and provide an effective and efficient planning process to accommodate the trend.

In summary, the revisions seek to clarify the definition of "Home Occupation" and enhance existing code requirements related to home occupations and licensing. For example, Home Occupation II (Minor) permits would no longer require a resident to gather signatures of approval from neighbors within 200 feet. Also, the lists of uses defining specific home occupations have been replaced with generic performance standards or categories. According to the Home Based Business Council, over 200 potential home occupations have been identified. It is not possible to list them all in the code. Therefore, instead of regulating based on the type of business, the City would instead regulate based on necessary parking, number of employees, and other mitigating factors.

Attached is a red-lined copy of Section 2.02.155, Section 2.02.156, and Section 7.10 of the Zoning Ordinance with the proposed amendments.

The Planning Commission held public hearings on April 16, 2009, and May 21, 2009, and recommended approval.



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

AN ORDINANCE TO AMEND SECTION 2.02.155, SECTION 2.02.156, AND SECTION 7.10 OF ORDINANCE NO. 848 (ZONING ORDINANCE); TO REPEAL SECTION 2.02.155, SECTION 2.02.156, AND SECTION 7.10 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 2.02.155. Section 2.02.155 of Ordinance No. 848 is hereby amended to read as follows:

2.02.155 **HOME OCCUPATION** shall mean an "in-home" or "home-based" business, industry, or service (not including uses defined as Adult Entertainment Establishment) operating from within a residential dwelling, or within an accessory structure in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property. Home Occupations shall satisfy the standards set forth in Section 7.10 of the City's Zoning Ordinance.

- 2.02.155.01 **Home Occupation I (Major)** shall include Home Occupations that include on-site sales or services (at least 3 days per week) and/or one part-time or full-time employee that does not reside on the premises.
- 2.02.155.02 **Home Occupation II (Minor)** shall include Home Occupations in which an office in the home is used for telecommuting and/or deriving other income or sales. Minor Home Occupations shall also include all home-based craftmaking or cooking for retail sales (occurring less than three days a week.) **(Ordinance No. 879, 11-19-02)**
- 2.02.155.03 Occupations defined as Home Occupation II are exempt from a conditional use permit. All home occupations (I and II) are required to have a Home Occupation License. **(Ordinance No. 879, 11-19-02)**

SECTION 2. Amendment of Section 2.02.156. Section 2.02.156 of Ordinance No. 848 is hereby amended to read as follows:

2.02.156 **HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation. Such license shall include (but not limited to) the following:

- 2.02.156.01 Application fee in accordance with Master Fee Schedule. **(Ordinance No. 879, 11-19-02)**
- 2.02.156.02 For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A "no objections" signature form shall be provided by the City and said residents shall sign next to their respective address. **(Ordinance No. 879, 11-19-02)**
- 2.02.156.03 A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes. **(Ordinance No. 879, 11-19-02)**

SECTION 3. Amendment of Section 7.10. Section 7.10 of Ordinance No. 848 is hereby amended to read as follows:

**Section 7.10 Home Occupations**

The following are the minimum standards required for a Home Occupation:

- 7.10.01 *No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two (2) square foot in area attached flat against the building located on local or collector streets. However, four (4) square feet in area attached flat against the building located on arterial streets.*
- 7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 7.10.03 No more than twenty-five percent (25%) of the home, *not to exceed four hundred (400) square feet*, can be used for the home occupation, *except for Child Care Home. This percentage is inclusive of any detached accessory buildings used for the Home Occupation.*
- 7.10.04 Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.

- 7.10.05 Unless expressly permitted by a Conditional Use Permit, No retail sales are permitted from the site other than incidental sales related to services provided.
- 7.10.06 No exterior storage is permitted.
- 7.10.07 Additional off-street parking may be required for the business.
- 7.10.08 *If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.*
- 7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.10 Home Occupation License shall be required.
- 7.10.11 Conditional use permit is required, except for Home Occupation II uses and Child Care homes.
- 7.10.12 Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.
- 7.10.13 All fees shall be paid in accordance with the Master Fee Schedule.
- 7.10.14 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R.R.S. 1943, Sec. §71-1911. **(Ordinance No. 884, 11-19-02)**

SECTION 4. Repeal of Section 2.02.155, Section 2.02.156, and Section 7.10 as Previously Enacted. Section 2.02.155, Section 2.02.156, and Section 7.10 of Ordinance No. 848 as previously enacted is hereby repealed.

SECTION 5. 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 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 16<sup>th</sup> DAY OF JUNE 2009.

CITY OF LA VISTA

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

ATTEST:

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

**2.02.155 HOME OCCUPATION** shall mean an “in-home” or “home-based” business, industry, or service (not including uses defined as Adult Entertainment Establishment) operating from within a residential dwelling, or within an accessory structure in a residential zoning district. Home occupations shall be secondary and incidental in nature to the primary residential structure and/or property. Home Occupations shall satisfy the standards set forth in Section 7.10 of the City’s Zoning Ordinance.

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**Deleted:** or other concern

**Deleted:** within La Vista

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**Deleted:** are considered

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**Deleted:** in all residential zoning districts

2.02.155.01 **Home Occupation I (Major):** shall include Home Occupations that include on-site sales or services (at least 3 days per week) and/or one part-time or full-time employee that does not reside on the premises.

2.02.155.02 **Home Occupation II (Minor):** shall include Home Occupations in which an office in the home is used for telecommuting and/or deriving other income or sales. Minor Home Occupations shall also include all home-based craftmaking or cooking for retail sales (occurring less than three days a week.) (Ordinance No. 879, 11-19-02)

2.02.155.03 Occupations defined as Home Occupation II are exempt from a conditional use permit. All home occupations (I and II) are required to have a Home Occupation License. (Ordinance No. 879, 11-19-02)

**Deleted:** art/craft making, seamstress services, professional offices (real estate/insurance/medical), multi-level marketing, vending services, service businesses (contracting/janitorial/mechanical), instruction (music), consulting, wholesale/catalogue sales, personal service (Beauty/barber/massage/tattoo), shops, renting of rooms for residential purposes, and other similar uses. (Ordinance No. 879, 11-19-02)

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**Deleted:** home phone, computer, etc. are used in

**Deleted:** This includes business offices for services such as construction, repair and cosmetic services/sales rendered at other locations, internet business, and other similar uses

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2.02.156 **HOME OCCUPATION LICENSE** shall mean a license provided to the owner/operator of a home occupation. Such license shall include (but not limited to) the following: **(Ordinance No. 879, 11-19-02)**

2.02.156.01 Application fee in accordance with Master Fee Schedule. **(Ordinance No. 879, 11-19-02)**

2.02.156.02 For major Home Occupations requiring a Conditional Use Permit, a minimum of seventy-five percent (75%) of the households within two hundred feet (200') of the proposed home occupation shall indicate no objections, in writing, to the operation of such home occupation. A “no objections” signature form shall be provided by the City and said residents shall sign next to their respective address. **(Ordinance No. 879, 11-19-02)**

2.02.156.03 A Conditional Use Permit is required for Home Occupation I uses, except Child Care Homes. **(Ordinance No. 879, 11-19-02)**

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**Deleted:** Minimum standards for home occupations as provided in Section 7.10 of the Supplemental Regulations. (Ordinance No. 879, 11-19-02)¶

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## **Section 7.10 Home Occupations**

The following are the minimum standards required for a Home Occupation:

- 7.10.01 *No external evidence of the home occupation with the exception of one unlighted nameplate of not more than two (2) square foot in area attached flat against the building located on local or collector streets. However, four (4) square feet in area attached flat against the building located on arterial streets.*
- 7.10.02 Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
- 7.10.03 No more than twenty-five percent (25%) of the home, *not to exceed four hundred (400) square feet*, can be used for the home occupation, *except for Child Care Home. This percentage is inclusive of any detached accessory buildings used for the Home Occupation.*
- 7.10.04 *Home occupations shall employ no more than one full-time or part-time employee on-site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.*
- 7.10.05 *Unless expressly permitted by a Conidional Use Permit,* No retail sales are permitted from the site other than incidental sales related to services provided.
- 7.10.06 No exterior storage is permitted.
- 7.10.07 *Additional off-street parking may be required for the business.*
- 7.10.08 *If home occupation is for a business office for services rendered at another location then not more than two (2) business or employee vehicles parked on or adjacent to the home occupation property at any one time; provided only one said vehicle may be allowed to park on street right-of-way. Construction or maintenance equipment shall not be stored on the property other than in an enclosed garage; provided one (1) piece of equipment shall be counted as one (1) of the two (2) business or employee vehicles allowed. For the purpose of enforcement of the home occupation provisions of this ordinance, a piece of construction equipment parked on a trailer shall be counted as a single business vehicle. A trailer being pulled by another vehicle, however, shall be counted as two (2) vehicles. Personal vehicles of occupants of the residential dwelling shall not be included in the count of number of business or employee vehicles.*
- 7.10.09 No offensive noise, vibration, smoke, odor, heat, or glare shall be noticeable at or beyond the property line.
- 7.10.10 *Home Occupation License shall be required.*
- 7.10.11 *Conditional use permit is required, except for Home Occupation II uses and Child Care homes.*
- 7.10.12 *Child Care Homes and Child Care Centers shall require a certificate (CRED 9911) signed by the State of Nebraska Fire Marshall.*
- 7.10.13 All fees shall be paid in accordance with the Master Fee Schedule.
- 7.10.14 All businesses related to Child Care Homes and Child Care Centers shall be in accordance with Nebr. R. R. S. 1943, Sec. §71-1911.

**Deleted:** No one other than the resident(s) can work from that site

**Deleted:** <#>There shall not be a stock of goods or material on the premises in excess of one hundred twenty (120) square feet of the area of the home occupation, none of which shall be of a flammable or hazardous nature.¶

**Formatted:** Bullets and Numbering

**(Ordinance No. 884, 11-19-02)**



**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
CONDITIONAL USE PERMIT — OUTDOOR STORAGE (WALDINGER CORPORATION), LOT 4, PAPIO VALLEY 2	◆ RESOLUTION ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

**SYNOPSIS**

A public hearing has been scheduled for Council to consider an application for a Conditional Use Permit for the Waldinger Corporation to have outdoor storage of materials on Lot 4, Papio Valley 2 Business Park, generally located west of 121<sup>st</sup> and Centennial Road.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

A public hearing has been scheduled to consider an application submitted by the Waldinger Corporation, represented by Jack Wilhelmi, on behalf of the property owner, Bell Avenue Properties, Inc., to approve a conditional use permit for outdoor storage of materials on Lot 4, Papio Valley 2 Business Park, generally located west of 121<sup>st</sup> and Centennial Road. The property is zoned I-2, Heavy Industrial and is currently undeveloped. The applicant proposes to construct and operate a mechanical, electrical and sheet metal fabrication business on a portion of the property. The request is for outdoor storage of materials to be used in the production of finished goods and for storage of finished product prepared for shipping.

City Engineer John Kottmann and staff have reviewed the application; review comments are included in the attached staff report.

The Planning Commission held a public hearing on May 21, 2009 and recommended approval of the conditional use permit to City Council subject to the conditions identified in the staff report.

**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 THE WALDINGER CORPORATION FOR OUTDOOR STORAGE ON LOT 4, PAPIO VALLEY 2 BUSINESS PARK.

WHEREAS, The Waldinger Corporation, represented by Jack Wilhelmi, on behalf of the property owner, Bell Avenue Properties, Inc., has applied for a conditional use permit for the purpose of having outdoor storage of materials on Lot 4, Papio Valley 2 Business Park; and

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

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

1. A barrier and/or landscape screening shall be constructed around the gravel surface to reduce the chance of gravel dust going airborne due to unnecessary driving or parking on the gravel area.
2. Visual screening of the outdoor storage area shall meet the requirements of Section 7.17.04 of the Zoning Ordinance.
3. All landscaping requirements in Section 7.17.03 shall be satisfied.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council of the City of La Vista hereby authorize the execution of a Conditional Use Permit in form and content submitted at this meeting, for the Waldinger Corporation, represented by Jack Wilhelmi, for the purpose of having outdoor storage of materials on Lot 4, Papio Valley 2 Business Park, subject to the conditions listed in the last recital above.

PASSED AND APPROVED THIS 16<sup>th</sup> DAY OF JUNE 2009.

CITY OF LA VISTA

ATTEST:

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

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



CITY OF LA VISTA  
CITY COUNCIL

## **STAFF REPORT**

CONDITIONAL USE PERMIT  
WALDINGER CORPORATION

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### **DATE OF HEARING:**

June 16, 2009

### **PROPOSAL:**

Outdoor storage of materials to be used in the production of finished goods and for storage of finished product prepared for shipping.

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### **PROPERTY INFORMATION**

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#### **APPLICANT:**

Waldinger Corporation  
Jack Wilhelmi  
4226 S. 80<sup>th</sup> St.  
Omaha, NE 68127

#### **PROPERTY OWNER:**

Bell Avenue Properties, Inc.  
Thomas Koehn  
2601 Bell Ave.  
Des Moines, IA 50321

#### **LOCATION AND SIZE:**

8802 S. 121<sup>st</sup> Street  
Lot 4 of Papio Valley 2 Business Park  
Lot = 23.03 Acres

#### **CURRENT ZONING:**

I-2, Heavy Industrial

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## **APPLICABLE DEFINITIONS**

(from Section 2 of Zoning Ordinance)

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**OUTDOOR STORAGE** shall mean the storage of any material for a period greater than 72 hours not in an enclosed building, including items for sale, lease, processing, and repair (including motor vehicles).

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## **BACKGROUND**

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### **History of Subject Properties:**

The plat for Papio Valley 2 Business Park was recorded in the Fall of 2000. The property is currently undeveloped.

A 20-foot wide sanitary sewer and drainage easement runs along the entire South boundary of Lot 4, Papio Valley 2 Business Park. Also, a 28.76 foot wide outfall sewer easement runs along the West property line, within that easement is another channel maintenance easement to the Papio-Missouri River Natural Resources District.

### **Description of Proposed Development:**

On April 10, 2009, the City of La Vista received an application from Waldinger Corporation who is looking to construct and operate a mechanical, electrical and sheet metal fabrication business on a portion of the subject property. According to Waldinger's website, they are "a full-service contractor specializing in the design, fabrication, installation, maintenance and repair of heating, ventilation, air conditioning, refrigeration, electrical, plumbing and piping systems."

This operation is a permitted use within the current zoning district; however, the applicant would also like to have outdoor storage of product. The outdoor storage component of the operation is the subject of the conditional use permit. The applicant wishes to permit outdoor storage of materials to be used in the production of finished goods and for storage of finished product prepared for shipping.

### **Existing Conditions of Site:**

Vacant with Westmont Creek located on the western border of the property line.

### **Surrounding Area and Adjacent Neighborhoods Land Uses and Zoning:**

North – Lot 3, Papio Valley 2 Business Park; I-2, Heavy Industrial;

East – Lot 6 & 9 of Papio Valley 2 Business Park; I-2, Heavy Industrial;

South – Sarpy County, Pink Industrial Park; and

West – Harlan Otte's property; I-1, Light Industrial

### **Applicable Regulations:**

Section 5.14 of the Zoning Ordinance, I-2 Heavy Industrial



Section 6.05 of the Zoning Ordinance, Standards

No conditional use permit shall be granted unless that Planning Commission or City Council has found:

- 6.05.01 That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, moral, comfort, or general welfare of the community.
- 6.05.02 That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood.
- 6.05.03 That the establishment of the conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- 6.05.04 That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided.
- 6.05.05 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 6.05.06 The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled.
- 6.05.07 The use shall not involve any pollution of the air by fly-ash, dust, vapors or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation.
- 6.05.08 The use shall not involve any malodorous gas or matter which is discernible on any adjoining lot or property.
- 6.05.09 The use shall not involve any direct or reflected glare which is visible from any adjoining property or from any public street, road, or highway.
- 6.05.10 The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are instituted to limit traffic hazards and congestion.
- 6.05.11 The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments.

Section 7.16 of the Zoning Ordinance, regarding Performance Standards for Industrial Uses

**Applicable Plans:**

The Comprehensive Plan and Future Land Use Map

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**REVIEW COMMENTS FROM CITY STAFF AND OUTSIDE AGENCIES**

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**Black Hills Energy, Denise Montgomery**

No comments received

**City Engineer, John Kottmann:**

1. Relative to Article 6.05.02, the proposed outdoor storage area needs to be screened from view of the public street. Article 7.16.01 is also applicable. For security reasons, I would expect the entire perimeter of the outdoor storage area to be fenced, but I did not see this proposed in the submittal.
2. Relative to Article 6.05.07, the proposal to utilize gravel surfacing in the storage area would be acceptable as long as there is no routine traffic through the gravel surface area. Such routine

traffic would lead to airborne dust and tracking of sediment off the site. It is important that the gravel surface not become utilized as a parking area. Gravel surface for parking areas has not been permitted in the past for a variety of code enforcement reasons, including pollution, fire land access, pedestrian safety, delineation of parking stalls, and general appearance of properties. In this circumstance given the location of the gravel surfacing away from regular traffic patterns, potential to reduce storm water runoff, and that the area will be screened from view, I am of the opinion that the gravel surfacing can be permitted.

**Chief Building Official, Jeff Sinnott**

No comments received.

**Fire Chief, Rich Uhl**

No comments received.

**Metropolitan Utility District, Jeff Loll**

No comments received.

**Omaha Public Power District, Steve Sauer**

No comments received.

**Police Chief, Bob Lausten**

No concerns identified by police.

**Public Works Director, Joe Soucie**

No comments received.

**Public School District**

No comments received.

**Qwest, Aaron Krebs**

No comments received.

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## **PUBLIC COMMENTS**

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No public comments or questions have been received regarding this application.

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## **PLANNING STAFF ANALYSIS**

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**Land Use:**

Outdoor storage is conditionally permitted in the I-2 Zoning District only. The proposed location of the applicant's outdoor storage area presents minimal impact in a predominantly industrial area. However, as stated in Section 7.16.01 of the Zoning Ordinance, "allowable outdoor storage or display shall be visually

screened from public roadways and residential properties.” In this case, the outdoor storage area will be required to be screened from view of 120<sup>th</sup> Street, 121<sup>st</sup> Street, and Centennial Road, in accordance with the screening requirements in Section 7.17.04 of the Zoning Ordinance.

**Transportation:**

As the City Engineer has indicated, the gravel surface may present an issue with dust if it is driven over regularly or used as a parking area. It is unclear on the plans if there will be a specific access point to the storage area or if it will be open on all sides. Although the applicant has explained that there would be a curb along the parking lot on the east side of the outdoor storage area.

**Landscaping:**

A landscape plan was submitted showing perimeter tree plantings, but it does not address screening of the outdoor storage area. A revised landscape plan will be needed to satisfy Section 7.17.04. This section states that screening shall be equivalent to one of the following:

1. Solid fences or walls as approved by the City on the final development plan.
2. Hedges, coniferous shrubs, or evergreen trees of thirty-six (36) inches in height at planting spaced appropriately to provide a solid screen within three (3) years after planting.
3. Berms of not less than three (3) feet in height and that provide a maximum slope of 3:1 for easy maintenance. Such berms may be used in conjunction with plantings to achieve the solid visual screen as described above.

Section 7.17.03 addresses general landscaping requirements for commercial or industrial properties. Specifically this section addresses perimeter landscaping to include a minimum of one (1) tree for each forty (40) lineal feet of street frontage; planting schedule and planting materials. This landscaping is required by code in addition to the screening requirements for the outdoor storage area.

**Stormwater Drainage:**

Stormwater detention ponds are proposed on the western boundary of the property. These will help contain any pollutants that runoff the gravel surfaced area but will not prevent pollutants from infiltrating the groundwater table associated with the adjacent creek.

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## PLANNING COMMISSION RECOMMENDATION


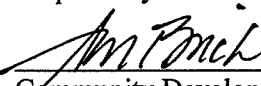
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Planning Commission and Planning Staff finds that the application can satisfy the standards set forth in Section 6.05 of the Zoning Ordinance and therefore recommends approval of the Waldinger Corporation’s Conditional Use Permit with the following conditions:

1. A barrier and/or landscape screening shall be constructed around the gravel surface to reduce the chance of gravel dust going airborne due to unnecessary driving or parking on the gravel area.
2. Visual screening of the outdoor storage area shall meet the requirements of Section 7.17.04 of the Zoning Ordinance.
3. All landscaping requirements in Section 7.17.03 shall be satisfied.

**Additional Planning Staff recommendation:**

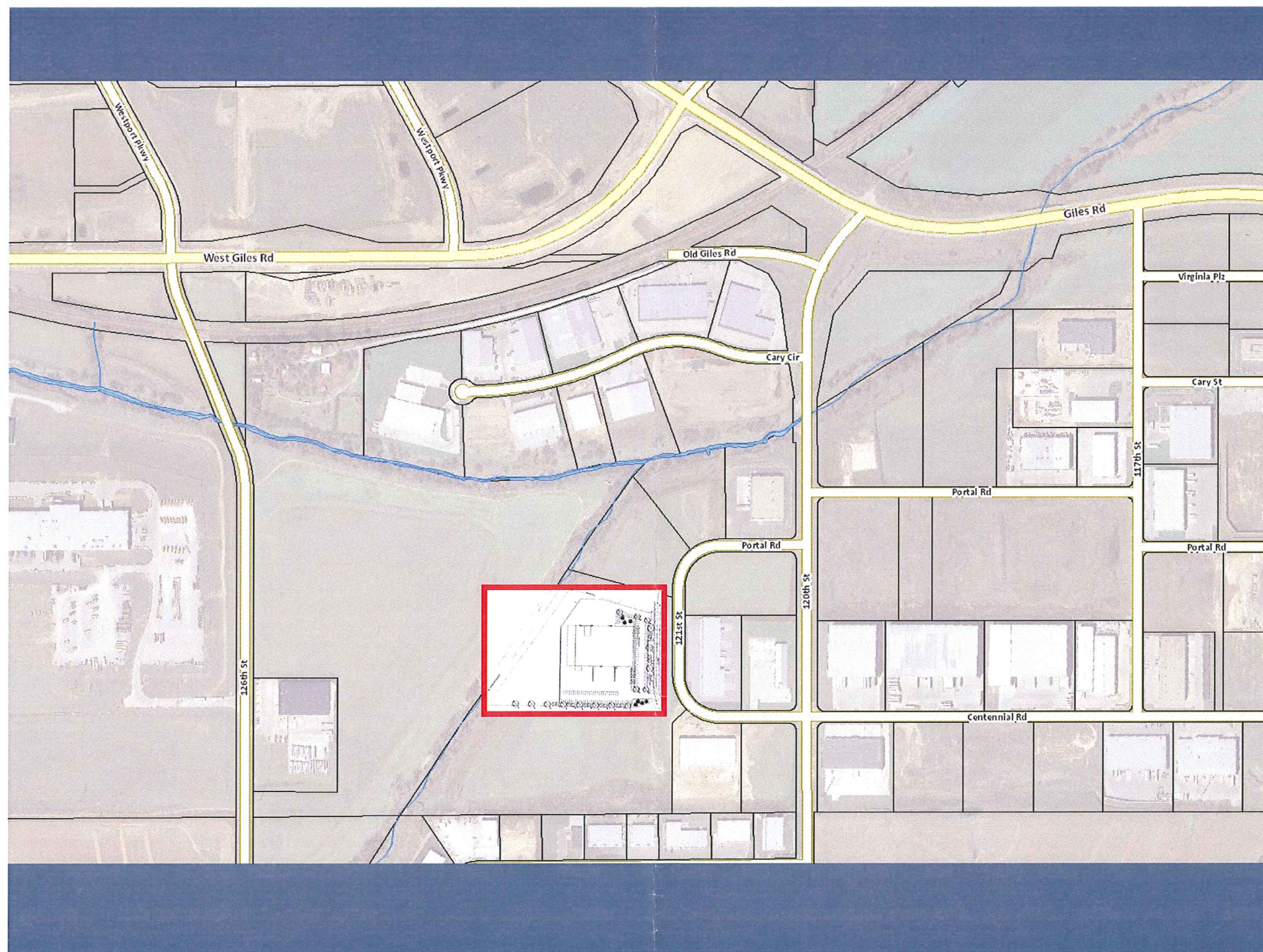
Landscape screening shall be used in conjunction with the concrete curb on the west edge of the parking lot. The landscaping shall consist of coniferous shrubs or trees and shall be installed along the east perimeter of the outdoor storage area. This design could satisfy both conditions 1 & 2.

  
Prepared by: \_\_\_\_\_  
 6-11-09  
Community Development Director      Date

**Attachments:**

1. Vicinity Map
2. Site Plan
3. Conditional Use Permit











# **City of La Vista Conditional Use Permit**

## **Conditional Use Permit for Waldinger Corporation**

This Conditional Use Permit issued this 16th day of June, 2009, by the City of La Vista, a municipal corporation in the County of Sarpy County, Nebraska ("City") to Bell Avenue Properties, Inc. ("Owner"), pursuant to the La Vista Zoning Ordinance.

WHEREAS, Owner wishes to construct and operate an outdoor storage area upon the following described tract of land within the City of La Vista zoning jurisdiction:

Lot 4, Papio Valley 2 Business Park located in the NE ¼ Section 19, Township 14 North, Range 12 East of the 6th P.M. Sarpy County, Nebraska, located at 8802 S. 121<sup>st</sup> Street.

WHEREAS, Owner has applied for a conditional use permit for the purpose of storing materials and finished product outdoors; 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 outdoor storage, said use hereinafter being referred to as "Permitted Use or Use".

### **Conditions of Permit**

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

1. The rights granted by this permit are transferable and any variation or breach of any terms hereof shall cause permit to expire and terminate without the prior written consent of the City (amendment to permit) or unless exempted herein.
2. In respect to the Permitted Use:
  - a. 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. Landscape screening shall be used in conjunction with the concrete curb on the west edge of the parking lot. The landscaping shall consist of coniferous shrubs or trees and shall be installed along the east perimeter of the outdoor storage area.
  - c. There shall be no storage, placement or display of goods, supplies or any other material, substance, container or receptacle outside of the designated area for the Permitted Use, except trash receptacles and those approved in writing by the City.
  - d. Landscaping requirements from Section 7.17.03 and 7.17.04 of the City of La Vista Zoning Ordinance shall be satisfied and maintained by the property owner.
  - e. Owner shall obtain all required permits from the City of La Vista and shall comply with any additional requirements as determined by the Chief Building Official, including, but not limited to, building, fire, and ADA.

- f. 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.
  - g. Owner hereby indemnifies the City against, and holds the City harmless from, any liability, loss, claim or expense whatsoever (including, but not limited to, reasonable attorney fees and court cost) arising out of or resulting from the acts, omissions or negligence of the owner, his agents, employees, assigns, suppliers or invitees, including, but not limited to, any liability, loss, claim or expense arising out of or resulting from any violation on the premises of any environmental or safety law, rule or regulation.
3. The applicant's right to maintain the use as approved pursuant to these provisions shall be based on the following:
  - a. An annual inspection to determine compliance with the conditions of approval. The conditional use permit may be revoked upon a finding by the City that there is a violation of the terms of approval.
  - b. The use authorized by the conditional use permit must be initiated within one (1) year of approval and shall become void two (2) years after the date of approval unless the applicant has fully complied with the terms of approval.
  - c. All obsolete or unused structures, accessory facilities or materials with an environmental or safety hazard shall be abated and/or removed at owner's expense within twelve (12) months of cessation of the conditional use.
4. Notwithstanding any other provision herein to the contrary, this permit, and all rights granted hereby, shall expire and terminate as to a permitted use hereunder upon the first of the following to occur:
  - a. Owner's abandonment of the permitted use. Non-use thereof for a period of twelve (12) months shall constitute a presumption of abandonment.
  - b. Cancellation, revocation, denial or failure to maintain any federal, state or local permit required for the Use.
  - c. Owner's breach of any other terms hereof and his failure to correct such breach within ten (10) days of City's giving notice thereof.
5. If the permitted use is not commenced within one (1) year from June 16, 2009, this Permit shall be null and void and all rights hereunder shall lapse, without prejudice to owner's right to file for an extension of time pursuant to the La Vista Zoning Ordinance.
6. In the event of the owner's failure to promptly remove any safety or environmental hazard from the premises, or the expiration or termination of this permit and the owner's failure to promptly remove any permitted materials or any remaining environmental or safety hazard, the City may, at its option (but without any obligation to the owner or any third party to exercise said option) cause the same to be removed at owner's cost (including, but not limited to, the cost of any excavation and earthwork that is necessary or advisable) and the owner shall reimburse the City the costs incurred to remove the same. Owner hereby irrevocably grants the City, its agents and employees the right to enter the premises and to take whatever action as is necessary or appropriate to remove the structures or any environmental or safety hazards in accordance with the terms of this permit, and the right of the City to enter the premises as necessary or appropriate to carry out any other provision of this permit.
7. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remaining provisions hereof, or portions thereof, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

## Miscellaneous

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

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

**Contact Name and Address:** Jack Wilhelmi  
Waldinger Corporation  
4226 S. 80<sup>th</sup> St  
Omaha, NE 68127  
(402) 339-2666

Thomas Koehn  
Bell Avenue Properties, Inc.  
2601 Bell Ave  
Des Moines, IA 50321  
(515) 323-5129

## 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:

\_\_\_\_\_  
Pam Buethe  
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: \_\_\_\_\_

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
INTERLOCAL COOPERATION AGREEMENT - ♦ IT SERVICES	RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the execution of an Interlocal Cooperation Agreement with Sarpy County for Information Technology services.

**FISCAL IMPACT**

The annual cost was decreased thirty percent since the City was only utilizing about one-third of the capped hours of 1,000. The annual cost will be \$35,000 for the first year with a 5 % annual increase in subsequent years.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Sarpy County IT has provided information technology services for the City since July 1, 2006. The three year contract expires June 30, 2009. Since the City has consistently only used about one- third of the 1,000 hours, Sarpy County has reduced the annual cost but retained the capped hours at 1,000. Prior to contracting with Sarpy County IT, the City had contracted with Vital Support Systems. There had been several issues with Vital, most importantly concerning the City's wireless system, which prompted us to look at other options. Sarpy County provides IT services for other governmental entities.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING EXECUTION OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN SARPY COUNTY AND THE CITY OF LA VISTA FOR INFORMATION TECHNOLOGY SERVICES.

WHEREAS, the City Council has determined that a need exists to contract for Information Technology Services; and

WHEREAS, the City's current contract for Information Technology Services expires on June 30, 2009; and

WHEREAS, Sarpy County has the resources and technology to provide said Information Technology Services; and

WHEREAS, Sarpy County has proposed an Interlocal agreement between the City of La Vista and the County for a period of three years to provide Information Technology Services to the City;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City of La Vista, Nebraska, that the proposed Interlocal agreement between Sarpy County and the City of La Vista regarding Information Technology Services for the City of La Vista is hereby approved subject to review by the City Attorney as to form, and that the Mayor and City Clerk are hereby authorized to execute said agreement on behalf of the City of La Vista.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2009.

CITY OF LA VISTA

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

ATTEST:

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



## **INTERLOCAL COOPERATION AGREEMENT**

This Interlocal Cooperation Agreement is made and entered into by and between the County of Sarpy, State of Nebraska (hereinafter "County"), and the City of LaVista, located in the County of Sarpy, State of Nebraska (hereinafter "City"), pursuant to the authority granted the parties under Neb. Rev. Stat. §13-801, *et seq.*, (Reissue 2007).

WHEREAS, County is a duly existing body politic and corporate, created by the laws of the State of Nebraska; and,

WHEREAS, through a current agreement, the City utilizes the resources of the County's Information Services Department and has compensated the County for the expense of the said service; and,

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. §13-801, *et seq.* (Reissue 1997), the Parties wish to continue to operate under said agreement to make the most efficient use of their powers by enabling them to cooperate with each other on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE AND FOREGOING, IT IS AGREED:

### **I. DUTIES OF CITY:**

- A. City shall pay to County compensation of \$35,000.00 in 4 equal quarterly installments (3 months), with the first payment due before July 1, 2009, with subsequent payments at 3 month intervals thereafter. This sum shall be increased by 5% per year in subsequent years of this contract, with said increased effective as of July 1 of each subsequent year.
- B. In the event that this contract is terminated prior to the end of its term, City's obligation to pay County shall be limited to an amount prorated for that portion of the contract term in which the contract is effective.
- C. City shall also be responsible for the cost of any parts or hardware necessary, including the cost of shipping. In the event County uses parts or hardware in the County's inventory on the City's system, City shall reimburse County for the cost to County to replace said parts or hardware,

or the original cost to County for the purchase of said parts or hardware, whichever is greater within sixty (60) days. The County may utilize vendor accounts setup by the City with the Cities' permission to purchase replacement parts as required.

- D. City will grant to County such access to the City's facilities and network resources as needed for the County to perform its duties as described herein.

II. **DUTIES OF COUNTY:** County will, in consideration of the above:

- A. Provide certain services to the City, as further outlined on Attachment #1, which is attached hereto and made a part hereof by reference.
- B. Provide City with monthly reports detailing the activities performed by County during subsequent months under the terms of this agreement.
- C. Participate in monthly Information Technology (I.T.) meetings with designated city representatives.
- D. County shall provide licensing of software through its' vendors.
- E. Keep all city data and information confidential.

III. **Exclusion of other Agreements** - The terms of this agreement do not release either party from their respective obligations in any previous agreements between the parties.

IV. **Compliance With Laws:** City and County promise to comply with all applicable Federal and State laws regarding the activities of either party under the terms of this contract.

V. **Insurance and Hold Harmless Clause:** Each party hereby warrants it is adequately insured for the activities and the period of this Agreement. Each party shall and does hereby save the other party, and its officers, employees, agents, contractors and subcontractors harmless from any and all claims and/or liability whatsoever due to or arising out of its acts, conduct, omissions, or negligence to any other person or persons, trust or trustee, estate, partnership, corporation, business, company, political subdivision, or property thereof.

VI. **Term of Agreement and Changes Hereto:** This Agreement may be terminated by either party upon 60 days notice. Unless terminated as provided for herein, this Agreement shall be in full force and effect for a period of three years, unless

otherwise terminated. This Agreement states the complete understanding of the parties, and may not be amended except by written agreement of the parties.

Notice to parties shall be given in writing to the individuals shown below:

COUNTY: Ms. Deb Houghtaling  
Sarpy County Clerk  
1210 Golden Gate Drive  
Papillion, NE 68046

CITY: Pam Buethe  
City Clerk  
8116 Park View Blvd.  
LaVista, NE 68128

- VII. **Authority to Act:** Each party hereto declares that it has taken all steps which are legally necessary or required to authorize this Agreement, and the rights, duties, and obligations hereunder. Each party further represents and warrants that each has the power and authority to enter into this Agreement, to perform its obligations hereunder, and to consummate the contemplated transactions.
- VIII. **Neither Party Agent for the Other:** Each party declares, represents, warrants and acknowledges that it is not an agent for the other now, nor will it be in the future. Each party is an independent contractor, and neither party is nor will become the employee of the other as a result of the contractual relationship created by this Agreement. Furthermore, County and City will separately administer their respective rights and responsibilities under this Agreement, there being no joint or cooperative body created for the financing, operating, or management of the same. This Agreement does not constitute a joint venture between the parties.

EXECUTED IN DUPLICATE this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY OF LAVISTA, NEBRASKA,**  
A Body Politic and Corporate.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

---

City Clerk

**COUNTY OF SARPY, NEBRASKA,**  
A Body Politic and Corporate.

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Chairman,  
Board of Commissioners of  
Sarpy County, Nebraska

(SEAL)

ATTEST:

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Sarpy County Clerk

# **Sarpy County Information Systems Statement of Work and Service Level Agreement for the City of La Vista**

## **Section I: Technical Support Information**

### **County Work Days** (normal working hours)

Sarpy County Information Systems (SCIS) will provide technical support and contact via a toll free local phone number (Help Desk) that is always answered between the hours of 8:00 a.m. and 5:00 p.m. Central Standard Time (CST) on all County work days. County Holidays are defined below; any defined date holiday that falls on Saturday will be observed on the preceding Friday, and any defined date holiday that falls on Sunday will be observed on the following Monday.

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25

### **County Holidays that do not coincide with City Holidays Support**

SCIS will work with the City to provide technical support on County Holidays that do not coincide with City Holidays. SCIS will try to resolve any non-urgent issue via phone and provide on-site service on urgent issues. Example of urgent issues would be a server crash or a network outage.

### **Weekend and after Normal Working Hours Support**

SCIS will provide telephone support on weekends and after normal working hours (see County Work Days above). SCIS will try to resolve any non-urgent issue via phone and provide on-site service on urgent issues. SCIS will work scheduled events after hours or on weekends when needed. An example of a scheduled event would be to upgrade a server or network device.

### **Support Response Time**

SCIS will typically respond to a support call immediately (via Help Desk) but may require (1) hour for initial contact. If the support requires on-site response, SCIS will be on-site within three (3) hours or at a mutually agreed scheduled time.

### **Support Reporting**

SCIS will provide the City a monthly detailed report containing a description and the amount of time for each incident. This report will be electronically emailed to the designated City employee(s) by the 10<sup>th</sup> day of the following month the report is for. SCIS will also provide an annual summary report indicating the number of incidents and the total amount of time provided by SCIS.

## **Section II: Technical Equipment Inventory**

SCIS will maintain an inventory of all technical equipment for the City. SCIS will also affix City provided asset tags if requested.

Personal computers, laptops, and server inventory information maintained by SCIS will be: manufacturer, hard-drive capacity, amount of memory (RAM), model, CPU type and speed, serial #, asset tag #, Installed licensed software, purchase price, date purchased, warranty expiration, location, etc.

Other technical equipment inventory information maintained by SCIS will be specific by device type but will be similar to what is kept for personal computers (above).

SCIS will relocate/move technical equipment as needed or requested. This helps ensure that equipment is handled appropriately and that inventory records can be updated.

## **Section III: Technical Equipment Diagnosis and Repair**

### **Personal Computers, laptops, notebooks, and servers**

#### **Warrantied items**

Provide hardware diagnosis and repair including;

Contact vendor and have failed warrantied part(s) shipped.

Replace part(s) and ship failed part(s) to vendor. (City/Vendor responsible for shipping)

#### **Non-Warrantied items**

Provide diagnosis and provide City with estimate to repair/replace.

Order and repair/replace item. (City responsible for replacement item)

### **Printers, plotters, and scanners**

Assess inoperable printers and provide recommendations for repair/replacement and/or maintenance contracts.

Contact manufacturer/vendor/reseller for warranty work and coordinate repair/replacement.

### **Network Equipment**

Configure hubs, switches, and routers. Provide hardware diagnosis and provide recommendations for repair/replacement and/or maintenance contracts.

Contact manufacturer/vendor/reseller for warranty work and coordinate repair/replacement.

### **Other technical Equipment**

Assess inoperable devices and provide recommendations for repair/replacement and/or maintenance contracts.

Contact manufacturer/vendor/reseller for warranty work and coordinate repair/replacement.

## **Section IV: Software**

### **SCIS will:**

Maintain and inventory of all software licenses, including the number of users authorized for each license.

Provide written recommendations on PC/Server software with justification and estimated



cost.  
Perform software installation.  
Insure Server Operating Systems are properly patched/updated as needed.  
Work with individual departments on the use and implementation of various custom software packages.

## **Section V: Technical Training**

SCIS will make available technical training for city employees.

Sarpy County currently has a Technical Training Coordinator and a facility with twelve workstations for training on various PC software. The classes are usually 3½ hours in length and are scheduled from 8:30-noon or 1:00-4:30. The various software packages include the Microsoft Office Suite of products (Word, Excel, Outlook, PowerPoint, and Access), Corel WordPerfect, and the Windows Explorer. A class on the introduction to computers is also provided that gives a non-technical overview of the various hardware components of a PC.

Specialized or custom training classes can also be designed.

## **Section VI: Consulting**

SCIS staff will be made available (if requested):

- To review and/or make recommendations for various Information Technology projects that the City may consider or undertake.
- Attend various meetings as needed, including City Council meetings.
- To act as a liaison between technology vendors and the City.
- To recommend technology vendors or products for the City.
- Assist in budget recommendations and/or planning.

SCIS will attempt to provide the same individual(s) to ensure cohesion on projects.

## **Section VII: Miscellaneous**

It is the goal of SCIS to provide the City of La Vista with the best possible technical support, while simplifying payment with a annual price to cover the Interlocal agreement. However, SCIS services would be capped at one thousand (1,000) hours per year. If the City appears to be nearing the limit of 1,000 hours, SCIS will notify the City. Additional work after 1,000 hours will be billed at \$50 per hour in increments of 1/4 hour (15 minutes) billed on a monthly basis.

SCIS will work with the City to obtain pricing for software and hardware through various governments contracts available. SCIS will provide quotes through various sources to provide the City with the best possible pricing.

SCIS will maintain an accurate network diagram for the City.

## **Section VIII: Exclusions**

This agreement does not include GIS services or software programming.

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
COUNCIL POLICY STATEMENT — ASSET CONTROL PROGRAM	◆ RESOLUTION ORDINANCE RECEIVE/FILE	SHEILA LINDBERG FINANCE DIRECTOR

**SYNOPSIS**

A resolution has been prepared for the approval of a Council Policy Statement pertaining to the Asset Control Program.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval.

**BACKGROUND**

The Asset Control Program is the system in which the Finance Department, with cooperation from all other departments, will track and control all property owned by the City over the established threshold amount. The City had previously used \$1,000 as the threshold amount, but the Finance Department along with the City Auditor's, BKD, believe \$2,500 should become the established value threshold.

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA APPROVING A COUNCIL POLICY STATEMENT PERTAINING TO THE ASSET CONTROL PROGRAM OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that it is necessary and desirable to create Council Policy Statements as a means of establishing guidelines and direction to the members of the City Council and to the city administration in regard to various issues which regularly occur; and

WHEREAS, a recommendation by the Finance Director to the City Administrator, in consultation with staff, has been made regarding procedures pertaining to the Asset Control Program

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska, do hereby approve the Council Policy Statement pertaining to the Asset Control Program of the City and do further hereby direct the distribution of said Council Policy Statement to the appropriate City Departments.

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2009.

CITY OF LA VISTA

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

ATTEST:

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

**CITY OF LA VISTA  
COUNCIL POLICY STATEMENT**

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**ASSET CONTROL PROGRAM**

Issued: (Date)  
Resolution No. xx-xxxx

**Introduction**

The Asset Control Program for the City of La Vista shall be an efficient system of accounting for property owned by the City and will be coordinated by the Finance Department.

Department Directors will be responsible for tracking and controlling all property owned by the City of La Vista. Property over an established value threshold will be appropriately identified, periodically verified, transferred according to established guidelines and accounted for in a computerized database system by Finance Department personnel and the designated Property Coordinators from all City departments.

**Asset Control**

Maintaining an effective and accurate inventory of City-owned property (assets) is necessary for insurance and reporting purposes. The Finance Department is responsible for the maintenance of automated inventory records for City property over the established value threshold and for reporting said assets as part of the City's Financial Statements.

The City Finance Director and the City's auditor will establish the depreciation method and the useful life of City-owned property.

**Asset Inventory**

The Finance Department will periodically perform a physical inventory of the assets within each Department and Property Coordinators will be notified prior to the actual physical count. A list of assets assigned to each location will be generated from the automated database records. The list will include an inventory number, description of the item, the account number and a location where the item can be found. The individuals performing the inventory will verify the location of each item on the list and identify any new assets that need to be assigned an inventory number and added to the database. If there are items on the list that are not found, an inquiry will be made to determine the location or disposition of the item(s). Finance Personnel and Property Coordinators will complete any necessary disposition forms or theft reports.

**Asset Accountability**

Department Directors shall:

1. Appoint a Property Coordinator for their Department.
2. Make each employee aware of the Asset Control policy.
3. Inform employees that the City is not responsible for personal items brought into the workplace.

Property Coordinators shall:

1. Serve as the liaison regarding property between their department and the Finance Department.
2. Be responsible for assisting the Finance Department with maintaining the fixed asset inventory and periodic inventory of the equipment.
3. Be aware of all equipment additions, transfers and disposals in their department and report the same to the Finance Department when the event occurs and according to the following procedure.
  - a. Acquisition of property over the value threshold shall be reported to the Finance Department on the Fixed Asset Report Form accompanied by a copy of the purchase order and the invoice.
  - b. Acquisition of property over the value threshold that must be licensed shall, in addition to the above requirements, be reported to the City Clerk with all original paperwork (invoice, certificate of origin, sales and use tax statement, and application of title).
  - b. City property that has become unserviceable, unusable, or outdated may be considered surplus. Disposal of surplus property can be accomplished by transfer, trade-in, auction or disposal.
    - 1) Transfer - Equipment that is included in the database can be transferred to another department within the City by completing the Fixed Asset Report Form and sending a copy to the Finance Department and the City Clerk. Property Coordinators in both the transferring and the receiving department should also keep copies of the form.
    - 2) Disposal – If property is determined to be surplus, the Fixed Asset Report Form shall be completed and arrangements made with the Finance Department regarding disposal. The Finance Director and the Department Director will make the decision regarding which property shall be sold at auction, traded-in or otherwise disposed of. (All auction proceeds shall become general fund revenue.)

### **Current Value Threshold**

The current value threshold for property to be included in the City's asset database shall be \$2,500.

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
APPROVE AGREEMENT - UPDATE OF MASTER FACILITIES PLAN – CIVIC CAMPUS CONCEPT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	RITA M. RAMIREZ ASSISTANT CITY ADMINISTRATOR

**SYNOPSIS**

A resolution has been prepared to approve an agreement with Leo A. Daly firm for professional services related to the updating of the Master Facilities Plan regarding the civic campus site concept in an amount not to exceed \$10,000.00.

**FISCAL IMPACT**

This project would be funded through cost savings in the lottery fund.

**RECOMMENDATION**

Approval.

**BACKGROUND**

Grant application guidelines for the federal stimulus program regarding fire station construction grants are now available. This is a competitive grant process with a very short timeframe—the application deadline is July 10, 2009. Staff has already anticipated that professional architectural, engineering and planning services will be necessary to meet the technical requirements of the grant submittal, and have met with representatives from Leo A. Daly (who did our Master Facility Plan) and FGM Architects (who designed the District 2 Fire Station). These two firms have agreed to collaborate in order to assist us in the grant process.

The proposal from Leo A. Daly is attached and incorporates the work of FGM. The objective of the work is to further develop the civic campus site concept and building plans for the District 1 Fire Station in order to support the grant application process.



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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING AN AGREEMENT WITH LEO A. DALY FOR PROFESSIONAL SERVICES ASSOCIATED WITH THE FEDERAL APPLICATION PROCESS FOR THE FIRE STATION CONSTRUCTION GRANT PROGRAM IN AN AMOUNT NOT TO EXCEED \$10,000.

WHEREAS, the Leo A. Daly firm completed work on the City's Municipal Facilities Plan (MFP) in the fall of 2008; and

WHEREAS, the MFP identified the District 1 Fire Station as the City's first priority facility project; and

WHEREAS, the 2009 Federal stimulus funding package includes a grant program for fire station construction; and

WHEREAS, in order to meet the application timeline and the technical requirements of the grant submittal, some professional architectural, engineering and planning services will be necessary; and

WHEREAS, Leo A. Daly and FGM Architects have agreed to collaborate to provide said services.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska do hereby approve an agreement with Leo A. Daly to provide professional services associated with the Federal application process for the Fire Station Construction Grant Program in an amount not to exceed \$10,000 in the form and content presented at this meeting.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2009.

CITY OF LA VISTA

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

ATTEST:

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

# LEO A DALY

May 28, 2009

City of La Vista  
La Vista City Hall  
8116 Park View Boulevard  
La Vista, NE 68128

PLANNING

ARCHITECTURE

ENGINEERING

INTERIORS



EST. 1915

ATLANTA

AUSTIN

DALLAS

FORT WORTH

HONG KONG

HONOLULU

HOUSTON

LAS VEGAS

LOS ANGELES

MIAMI

MINNEAPOLIS

OMAHA

PHOENIX

SAN ANTONIO

WACO

WASHINGTON, DC

Attention: Brenda Gunn and Rita Ramirez

Subject: La Vista District 1 Fire Station Grant Study

This letter will serve as an Agreement between the City of La Vista (the Owner) and the LEO A DALY Company for professional architectural, engineering and planning services related to the revision of the City of La Vista Facilities Master Plan (Facilities Master Plan), dated October 2008, and specific to the anticipated grant submittal for the District 1 Fire Station.

The objective of this work is to further develop the civic campus site concept and building plans for the District 1 Fire Station to support the grant application process. The anticipated deliverables include:

- Revised Master Plan Site Plan
  - Review fire truck turning radius
  - Explore optimal building location on site
- Fire Station Floor Plans
  - Based on District #2 Fire Station plans
- Conceptual Building Elevations (if required)
- Revised Estimate of Probable Construction and/or Project costs

Our project team includes collaboration with Andrew Jasek of FGM Architect. Using the District 2 station design as a prototype, Mr. Jasek will provide revised floor plans that will correlate with the District 1 space program as outlined in the Facilities Master Plan. LEO A DALY will provide an updated site plan, which will include a site adapt/revised floor plan(s) as provided by FGM.

The fees for this work will be billed on an hourly basis, with a Ten Thousand Dollars (\$10,000) maximum, including reimbursable expenses.

See Exhibit A, General Conditions (attached). These General Conditions are incorporated into and made a part of this Agreement by this reference.

If this meets with your approval, please sign and return one (1) copy of this letter to us. Thank you for this opportunity to serve you.

Very truly yours,  
LEO A DALY COMPANY

Edward J. Vidlak, AIA, NCARB  
Vice President, Architect

Christine M. Rupert, AICP  
Director of Planning

ACCEPTED:

Approved by:

  
Lloyd A. Meyer  
Vice President

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

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

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

## **EXHIBIT A – GENERAL CONDITIONS**

### **DIRECT PERSONNEL EXPENSE**

Direct Personnel Expense is defined as the direct salaries of Leo A Daly's personnel engaged on the Project and the portion of the cost of their mandatory and customary contributions and benefits related thereto, such as employment taxes and other statutory employee benefits, insurance, sick leave, holidays, vacations, pensions and similar contributions and benefits.

### **REIMBURSABLE EXPENSES**

Reimbursable Expenses are in addition to compensation for Services and include expenses incurred by the Leo A Daly Company and their employees and subconsultants in the interest of the Project, plus ten (10) percent administrative costs, as identified in the following Clauses:

Expense of transportation in connection with the Project; expenses in connection with authorized in and out-of-town travel; long-distance communications; electronic communications; and fees paid for securing approval of authorities having jurisdiction over the Project.

Expense of reproductions, postage and handling of Drawings, Specifications and other documents.

### **PAYMENTS**

Payments are due and payable fifteen (15) days from the date of Leo A Daly's monthly invoice. Amounts unpaid thirty (30) days after the invoice date shall bear interest at the rate of 12 percent (12%) per annum.

### **OWNERSHIP AND USE OF DOCUMENTS**

The Drawings, Specifications and other documents prepared by Leo A Daly for this Project are instruments of Leo A Daly's service for use solely with respect to this Project and Leo A Daly shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright.

Upon receipt of payment for Leo A Daly's services as provided herein, the Owner shall be permitted to retain copies, including reproducible copies, of Leo A Daly's Drawings, Specifications and other documents for information and reference in connection with the Owner's use and occupancy of the Project. Leo A Daly's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others, except by agreement in writing and with appropriate compensation to Leo A Daly.

### **LIMIT OF LIABILITY**

Neither the Leo A Daly Company, their consultants, nor their agents or employees shall be jointly, severally or individually liable to the Owner in excess of the compensation to be paid pursuant to this Agreement, by reason of any act or omission, including breach of contract or negligence not amounting to a willful or intentional wrong. In no event shall the Leo A Daly Company, their consultants, nor their agents or employees be responsible or liable for damages or loss of profits, loss of use, loss of revenue, or for any other special, indirect, incidental or consequential damages of any kind arising in any way in connection with this Agreement or the Project.

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AUTHORIZATION TO PURCHASE MOWING EQUIPMENT	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE PUBLIC WORKS DIRECTOR

**SYNOPSIS**

A resolution has been prepared authorizing the purchase of (2) 2009 John Deere 1445 Front Mowers; (2) 72" Commercial Side Discharge Mower Decks; (1) Hard Cab; (1) 60" Heavy-Duty Hydraulic Angling Front Blade; (1) Winter Wheel and Tire Package; (2) Light Packages from A & M Green Power, 15508 2<sup>nd</sup> Avenue, Plattsmouth, NE 68048, for an amount not to exceed \$43,772.00.

**FISCAL IMPACT**

The FY 2008/09 General Fund Parks Operating Budget provides \$44,000 in funding for the proposed purchase of mowing equipment.

**RECOMMENDATION**

Approval

**BACKGROUND**

The purchase of the proposed equipment is to replace mower #2238 – 1991 John Deere 725 Mower and #2241 – 1995 John Deere 1145 Mower. Specifications for the proposed equipment were prepared by Public Works Park Superintendent Brian Lukasiewicz. Approval to advertise for bids was granted on May 19, 2009. Bids were opened and publicly read on June 4, 2009 at 2:00 p.m. Listed below is a synopsis of the bids:

	A & M Green Power	Bennington Equipment Inc.	Platte Valley Equipment Co.
(2) 2009 John Deere 1445 Mower	\$ 30,680.00	\$ 31,469.34	\$ 31,284.12
(2) 72" commercial Mower Decks	\$ 6,264.00	\$ 6,478.34	\$ 6,580.86
(1) Hard Cab	\$ 3,885.00	\$ 5,119.46	\$ 4,358.96
(1) 60" Hydraulic Angling Front Blade	\$ 1,315.00	\$ 1,286.82	\$ 1,325.78
(1) Winter Wheel and Tire Package	\$ 648.00	\$ 717.40	\$ 547.10
(2) Light Packages	\$ 980.00	\$ 699.80	\$ 940.00
TOTAL	\$ 43,772.00	\$ 45,771.16	\$ 45,036.82

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AUTHORIZING THE PURCHASE OF TWO (2) 2009 JOHN DEERE 1445 FRONT MOWERS; TWO (2) 72" COMMERCIAL SIDE DISCHARGE MOWER DECKS; ONE (1) Hard CAB; ONE (1) 60" HEAVY-DUTY HYDRAULIC ANGLING FRONT BLADE; ONE (1) WINTER WHEEL AND TIRE PACKAGE; AND TWO (2) LIGHT PACKAGES FROM A & M GREEN POWER, 15508 2<sup>ND</sup> AVENUE, PLATTSMOUTH, NE 68048, IN AN AMOUNT NOT TO EXCEED \$43,772.00.

WHEREAS, the City Council of the City of La Vista has determined that the purchase of said mowing equipment for the Public Works Department is necessary; and

WHEREAS, the FY 2008/09 General Fund Parks Operating Budget did include funds for the purchase of said mowing equipment; and

WHEREAS, the City Council authorized the solicitation of bids for said mowing equipment on May 19, 2009, and

WHEREAS A & M Green Power of Plattsmouth, Nebraska, has submitted the low, compliant bid, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of La Vista, Nebraska designate A & M Green Power, Plattsmouth, Nebraska as the low compliant bid for two (2) 2009 John Deere 1445 front mowers; two (2) 72" commercial side discharge mower decks; one (1) hard cab; one (1) 60" heavy-duty hydraulic angling front blade; one (1) winter wheel and tire package; and two (2) light packages in an amount not to exceed \$43,772.00.

PASSED AND APPROVED THIS 16TH DAY OF JUNE 2009.

CITY OF LA VISTA

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

ATTEST:

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

CITY OF LA VISTA

REQUEST FOR BIDS

ON: TWO (2) 4-WHEEL DRIVE FRONT MOWERS

GENERAL CONDITIONS AND INSTRUCTIONS FOR BIDDERS is attached hereto and by this reference is incorporated herein and made part of these specifications.

**DESCRIPTION:** See attached descriptive specifications.

**GENERAL:** The bid equipment shall meet all current Federal Government and State of Nebraska Safety Regulations. Bidder shall be either a manufacturer, factory branch, or agent, engaged in the business of selling and servicing the equipment offered. City of La Vista reserves the right to reject any or all bids. All equipment provided shall be equipped with all factory standard equipment for the model bid. The successful bidder must maintain a full line of replacement parts in order to render the machine serviceable to the City of La Vista.

**WARRANTY:** The equipment furnished under these specifications shall carry a two (2) year (from the date of delivery) warranty.

WE PROPOSE TO FURNISH TWO:

<u>2009</u>	<u>John Deere</u>	<u>1445</u>
YEAR	MAKE	MODEL
Base Machine	(each) <u>15,340<sup>00</sup></u>	(2) <u>30,680<sup>00</sup></u>
72 In. Commercial Side Discharge Mower Deck	(each) <u>3132<sup>00</sup></u>	(2) <u>6264<sup>00</sup></u>
Total Delivered Package Price	(each) <u>18,472<sup>00</sup></u>	(2) <u>36,944<sup>00</sup></u>
<u>Optional Equipment</u>		
Hard Cab	(each) <u>3885<sup>00</sup></u>	(1) <u>3885<sup>00</sup></u>
60 In. Heavy-Duty Hydraulic Angling Front Blade	(each) <u>1315<sup>00</sup></u>	(1) <u>1315<sup>00</sup></u>
47 In. Heavy-Duty Two-Stage Snow Blower	(each) <u>2998<sup>00</sup></u>	(1) <u>2998<sup>00</sup></u>
Winter Wheel and Tire Package	(each) <u>648<sup>00</sup></u>	(1) <u>648<sup>00</sup></u>
Light Package	(each) <u>490<sup>00</sup></u>	(1) <u>490<sup>00</sup></u>

BY

TITLE

COMPANY

Jim Swenson

Sales

Adm Green Power

## CITY OF LA VISTA

## REQUEST FOR BIDS

## ON: TWO (2) 4-WHEEL DRIVE FRONT MOWERS

GENERAL CONDITIONS AND INSTRUCTIONS FOR BIDDERS is attached hereto and by this reference is incorporated herein and made part of these specifications.

**DESCRIPTION:** See attached descriptive specifications.

**GENERAL:** The bid equipment shall meet all current Federal Government and State of Nebraska Safety Regulations. Bidder shall be either a manufacturer, factory branch, or agent, engaged in the business of selling and servicing the equipment offered. City of La Vista reserves the right to reject any or all bids. All equipment provided shall be equipped with all factory standard equipment for the model bid. The successful bidder must maintain a full line of replacement parts in order to render the machine serviceable to the City of La Vista.

**WARRANTY:** The equipment furnished under these specifications shall carry a two (2) year (from the date of delivery) warranty.

WE PROPOSE TO FURNISH TWO:

	<u>(1) 2008 (1) 2009</u> YEAR	<u>John Deere</u> MAKE	<u>Both are 1445</u> MODEL
Base Machine	(each) 2008	\$14,732 <sup>85</sup>	(2) \$14,732 <sup>85</sup>
72 In. Commercial Side Discharge Mower Deck	(each) 2009	\$15,734 <sup>67</sup>	(2) \$15,734 <sup>67</sup>
Total Delivered Package Price	(each) <del>08</del> 17,972 <sup>02</sup>		(2) \$36,945 <sup>86</sup>
<u>Optional Equipment</u>	09 \$18,973 <sup>89</sup>		\$37,947.67
Hard Cab	(each) \$5,119 <sup>46</sup>		(1) \$5,119 <sup>46</sup>
60 In. Heavy-Duty Hydraulic Angling Front Blade	(each) \$1,286 <sup>82</sup>		(1) \$1,286 <sup>82</sup>
47 In. Heavy-Duty Two-Stage Snow Blower	(each) \$3,164 <sup>55</sup>		(1) \$3,164 <sup>55</sup>
Winter Wheel and Tire Package	(each) \$717 <sup>40</sup>		(1) \$717 <sup>40</sup>
Light Package	(each) \$349 <sup>90</sup>		(1) \$349 <sup>90</sup>

BY

Ty Erat

TITLE

Lawn and Garden Sales Manager

COMPANY

Bennington Equipment



## CITY OF LA VISTA

## REQUEST FOR BIDS

ON: TWO (2) 4-WHEEL DRIVE FRONT MOWERS

GENERAL CONDITIONS AND INSTRUCTIONS FOR BIDDERS is attached hereto and by this reference is incorporated herein and made part of these specifications.

**DESCRIPTION:** See attached descriptive specifications.

**GENERAL:** The bid equipment shall meet all current Federal Government and State of Nebraska Safety Regulations. Bidder shall be either a manufacturer, factory branch, or agent, engaged in the business of selling and servicing the equipment offered. City of La Vista reserves the right to reject any or all bids. All equipment provided shall be equipped with all factory standard equipment for the model bid. The successful bidder must maintain a full line of replacement parts in order to render the machine serviceable to the City of La Vista.

**WARRANTY:** The equipment furnished under these specifications shall carry a two (2) year (from the date of delivery) warranty.

WE PROPOSE TO FURNISH TWO:

	<u>2009</u> YEAR	<u>John Deere</u> MAKE	<u>1445</u> MODEL
Base Machine		(each) \$15642.06	(2) \$31284.12
72 In. Commercial Side Discharge Mower Deck		(each) \$3290.43	(2) \$6580.86
Total Delivered Package Price		(each) \$18932.49	(2) \$37864.98
<u>Optional Equipment</u>			37,864.98 OK.
Hard Cab		(each) \$4358.96	(1) \$4358.96
60 In. Heavy-Duty Hydraulic Angling Front Blade		(each) \$1325.78	(1) \$1325.78
47 In. Heavy-Duty Two-Stage Snow Blower		(each) \$3087.96	(1) \$3087.96
Winter Wheel and Tire Package		(each) \$547.10	(1) \$547.10
Light Package		(each) \$470.00	(1) \$470.00

BY

ALAN FOY

TITLE

MARKETING MANAGER

COMPANY

PLATTE VALLEY EQUIPMENT FREMONT

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
JUNE 16, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
STRATEGIC PLAN PROGRESS REPORT	RESOLUTION ORDINANCE ◆ RECEIVE/FILE	BRENDA S. GUNN CITY ADMINISTRATOR

**SYNOPSIS**

On April 7, 2009 the City Council adopted the strategic plan that was developed during the annual strategic planning work session held by the Mayor and City Council on February 28, 2009. This is the first progress report since the adoption of the plan.

**FISCAL IMPACT**

N/A.

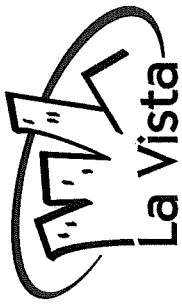
**RECOMMENDATION**

Receive/File.

**BACKGROUND**

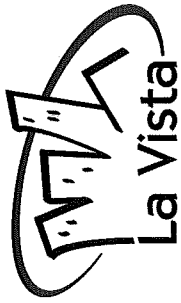
On Saturday, February 28, 2009 the Mayor and City Council held their annual strategic planning work session. As a result, the collaborative effort with the management team produced the City's Strategic Plan for 2009-2011 which Council approved via Resolution No. 09-035 on April 7, 2009.

The format of the report has also been updated in order to make it easier to track and review progress. Feedback regarding the format would be appreciated.



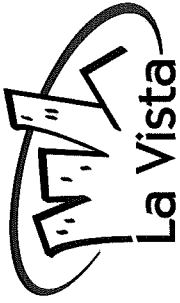
# Strategic Plan 2009-2011 Progress Report June 2009

1. Pursue revitalization of the 84 <sup>th</sup> Street corridor					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Complete Vision 84	Identify stakeholders & encourage active participation in the visioning process.	2009-spring 2010	Stakeholders identified and invited to meet with consultant	June 23 Community workshop June 24 mobile tour w/working group	
	Identify community resources				
	Keep public informed about issues and progress		Summer issue of Citywise included flyer and press release re: walking tours	August 1 newsletter	
	Pursue discussions with Papillion & Ralston about inter-local cooperation		Papillion's City Planner is on the Working Group Steering Committee and Ralston will be kept informed of progress		
	Charge Vision 84 Working Group to evaluate options and advise the City Council on a long-term vision for the corridor				
	Facilitate the preparation of a long-range plan for City Council consideration				
b. Consensus on a long-term corridor vision including a "City Centre"	Seek and encourage citizen participation	ongoing	Newsletter and press release	Community workshop	
	Utilize Municipal Facilities Plan as a springboard for community discussion of a "city centre" concept				
c. Develop Vision 84 Implementation Plan	Work with NDOR on transition of 84th Street from a State Highway to local arterial	spring 2010-ongoing	We received a letter indicating that this could possibly happen in July 2009... it is anticipated that this timeline may be lengthened		
	Coordinate with neighboring cities		This will be an ongoing effort		
	Incorporate public improvements into the CIP				
	Stay abreast of opportunities to facilitate the "City Centre" concept				



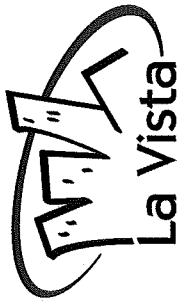
# Strategic Plan 2009-2011 Progress Report June 2009

d. Rigorously pursue actions to encourage property owners with vacant space to lease or sell their property to viable businesses	Involve property owners in Vision 84 as stakeholders	immediate & ongoing	Owners & tenants invited to meet with consultants. Will be kept informed & encouraged to participate in upcoming events.		
	ICSC Meeting with Kroenke representative		This did not happen as planned, however, we did meet with someone associated with The Kroenke Group (TKG) who has provided useful contact information		
	Provide additional information to Kroenke as requested				Complete
	Coordinate meeting with property decision maker(s)		One of the property owners has agreed to talk with EDAW and we will be presenting the findings of Vision 84 to TKG		
	Develop inventory of vacant commercial/retail properties and link to site that lists available properties				
	* Market the plan to potential developers through ICSC events and other local opportunities				
e. Develop and cultivate relationships with commercial/shopping center owners, developers, leasing agents and retailers	Continued ICSC Participation & Exposure	immediate & ongoing	Attended ICSC in Las Vegas		
	ICSC Alliance		included in budget for 2010	Funding will be proposed as part of the FY10 budget	
	ICSC Annual Conference		included in budget for 2010	Funding will be proposed as part of the FY10 budget	
	Continue to market La Vista to targeted retailers & restaurants				
	Use Vision 84 to engage with developers, owners, property managers, etc.				



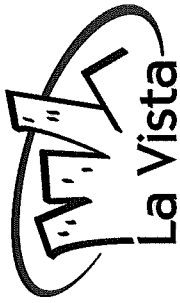
## Strategic Plan 2009-2011 Progress Report June 2009

2. Provide for planned, fiscally responsible expansion of the city's boundaries.					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Adopt a long-range plan	Finalize detailed annexation plan	plan adoption Fall 2009	A draft annexation plan is currently being developed	It is anticipated that this will be brought before the Council in the Fall 2009	
	Adopt annexation plan as part of Comprehensive Plan				
b. Implementation of annexation plan	Preparation of necessary plans, notices, ordinances, and other documents	immediate & ongoing			
	Consider extending the City's ETJ				
c. Ensure budget and CIP provide for infrastructure improvements necessary to serve areas targeted in annexation plan	Evaluate infrastructure in areas contemplated for annexation	ongoing			
	Incorporate infrastructure improvements as part of the CIP process				
d. Communicate annexation plan & property tax implications to residents and businesses located in new growth areas	Letters to property owners, Quarterly Newsletter, Website, Public Meetings	TBD based on plan			
e. Work with neighboring cities to protect the integrity of each city's boundaries and ETJs	Pursue this discussion through the United Cities format	Ongoing			



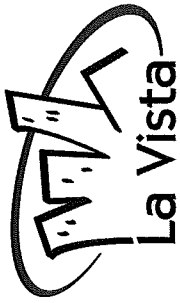
# Strategic Plan 2009-2011 Progress Report June 2009

3. Maintain Quality of Older Residential Neighborhoods					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Provide for essential maintenance & priority improvements in neighborhood public facilities through CIP	Submit public facility improvements as part of the CIP process	ongoing			
b. Ensure attractive neighborhoods by strengthening and enforcing city building and environmental codes	Review and propose improvements to municipal codes	ongoing	Adopted Property Maintenance Code Proposed Rental Inspection Programs		
	Continue to be proactive in code enforcement				
	Evaluate using a private vendor to complete property clean up and mowing				
c. Contribute to the safety and attractiveness of rental housing through a rental inspection program	Work toward implementation of the proposed program that was presented to City Council in a draft format	Summer 2009	A draft has been presented to Council	It is anticipated that a final draft will be brought back late this summer for Council Consideration	
d. Continue to develop strategy to address the erosion and maintenance issues related to Thompson Creek	Identify potential funding sources through grant applications	immediate & ongoing	We are still awaiting a response on the federal grant application that was submitted about a year ago		
	Provide regular progress reports				
	Based on funding refine the scope & develop project timeline				
e. Evaluate need for Neighborhood Revitalization Program	Research the need for and the City's role in a Neighborhood Revitalization Program	Summer 2011			



# Strategic Plan 2009-2011 Progress Report June 2009

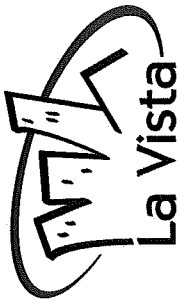
4. Strengthen a sense of shared community identity among residents and businesses					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Provide leadership to accomplish a significant celebration of the community's 50th anniversary	Continue to document La Vista's history and finalize the written La Vista Story	February 2010 and remainder of 2010	Bookwriter is scheduled to have a draft ready for review by late summer/early fall.	To publisher in November for February 2010 kickoff	
	Engage La Vista Community Foundation in the planning of events				The LVCF is actively involved in planning and fundraising for the anniversary events
	Work with 50th Anniversary Celebration Committee to identify and facilitate a variety of events during 2010		An event list is currently being finalized	Events will continue to be planned and announced to the public on the City's anniversary... February 23, 2010	
b. Develop and aggressively market a La Vista community identity through strategic partnerships with the Chamber of Commerce and the Community Foundation	Provide funding for community marketing materials	immediate & ongoing			
	Expand usage of banners & signage to "brand" La Vista			It is anticipated that 50th Anniversary celebration banners will be requested as part of the FY10 budget	
	Identify opportunities for cooperative efforts with Chamber and Foundation				
	Consider creation of a Communications staff position				
c. Continue to pursue opportunities to engage citizens in City decision making	Develop citizens leadership academy program	dependant on addition of staff or after La Vista 50 activities		Funding will be requested as part of the FY10 budget	
	Develop Mayor's youth leadership council				



# Strategic Plan 2009-2011 Progress Report June 2009

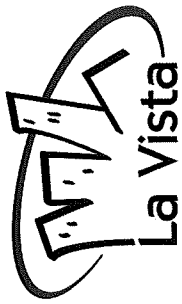
d. Create new opportunities that bring residents together for celebration, leisure pursuits or civic engagement	Seek community partners, including the Community Foundation and La Vista Area Chamber of Commerce	ongoing			
	Investigate feasibility of Holiday Lights initiative	Immediate	An internal committee has been established to begin developing this concept. We also met with vendors at ICSC.	It is anticipated that a RFQ proposal will be brought to Council in late summer or fall	
	Look for opportunities to initiate ongoing events such as community movie nights	Ongoing			
	Look for opportunities to incorporate elements such as a community garden or memorial feature into future park and facility improvements	Ongoing		This will be incorporated in to the mini-park plan development process	
	Investigate the feasibility of providing live and archived web casts of City Council meetings (Dependent upon the addition of Communication staff)				





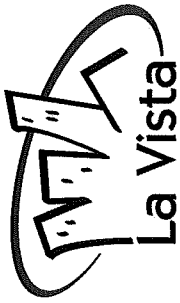
# Strategic Plan 2009-2011 Progress Report June 2009

5. Improve and expand the City's quality of life amenities for residents and visitors					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Address the needs associated with the City's aging swimming pool facility	Make recommendations to address operational issues with the existing swimming pool as they arise				
	Following completion of the Vision 84 process, make a recommendation regarding the future of the existing swimming pool		Discussed the pool issue w/all walking tour participants	will continue to discuss pool with workshop participants	
b. Identify options for creation of public green space with the property owner of the sod farm and develop a plan	Explore opportunities with the La Vista Community Foundation	immediate & ongoing			
	Provide funding for plan development in FY10 budget		In CIP		
	Seek participation from current property owner		A report has been planned to review Adult & Senior Programs	Mayor & Council Review	
c. Expand recreation programs and services for all age groups	Evaluate existing programs for popularity and effectiveness	ongoing			
	Research & recommend new programs or changes to existing programs				
d. Initiate development of other high priority quality of life amenities identified by residents through the citizen survey	Identify & promote development of new cultural amenities in partnership with other community groups	ongoing			
e. Maintain and enhance City's existing & future park areas & green spaces	Create mini-plan for each City park that identifies needed amenities		Some grant funding secured to complete these plans	Funding will be requested as part of the FY10 budget	
	Develop a plan for financing park amenities and incorporate into the CIP				



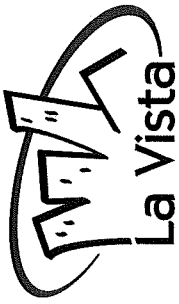
# Strategic Plan 2009-2011 Progress Report June 2009

f. Develop & begin implementation of a "green plan" that identifies the City's role, through its facilities and programs, in contributing to a sustainable community	Continued involvement with the Papillion Creek Watershed Partnership	ongoing		
	Explore the development of an organizational recycling program		Quotes have been taken to provide recycling opportunities at municipal facilities	
	Explore options to incorporate green building principals as city facilities are remodeled or new facilities are constructed			



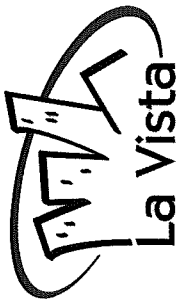
# Strategic Plan 2009-2011 Progress Report June 2009

6. Pursue action that enables the City to be more proactive on legislative issues					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Participate in UCSC to promote shared interests of La Vista and its partner communities	Continue regular meetings of the Mayors of Sarpy County communities	Ongoing			
b. Adopt and lobby on behalf of a legislative agenda specific to the City	Continue joint lobbying efforts with UCSC	Ongoing		Work will begin late this summer on developing a 2010 legislative agenda	
c. Actively pursue opportunities under the American Recovery and Reinvestment Act and other future stimulus legislation for financing city projects	Identify legislative issues of specific interest to La Vista and allocate resources for lobbying				
	Monitor current stimulus programs for application requirements and deadlines	ongoing			
	Make contact with State officials regarding potential projects				
	Pursue COPS Grant funding		Police department awarded Byrne stimulus grant for \$16,300 for in-car computers and COPS grant request was submitted to fund two police officers	Awaiting notification from DOJ on COPS grant	
	Pursue funding for construction of District 1 Fire Station		Grant writer secured. Leo Daly & FGM working on site planning & preliminary design.	Grant submittal deadline is 7-10-09, awarded by Sept. 30	
	CDBG – Sanitary Sewer Replacement				



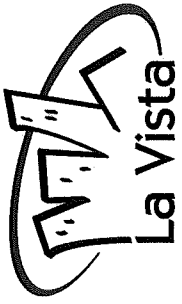
**Strategic Plan 2009-2011  
Progress Report  
June 2009**

<b>7. Adopt and implement standards of excellence for the administration of City services.</b>					
<b>Key Objectives</b>	<b>Action Steps</b>	<b>Timeline</b>	<b>Progress to Date</b>	<b>Anticipated Next Step(s)</b>	<b>Objective Achieved / Comments</b>
a. Maintain City's Volunteer Fire Department	Monitor current operational procedures in comparison to NFPA Standards	immediate & ongoing			
	Make recommendations for changes to Department into compliance with NFPA 1720 Standards for volunteer departments				
	Establish targets for recommended changes & incorporate funding into budget and/or CIP				
b. Determine role City government should play in the delivery of solid waste services	Compile information regarding alternative methods of delivering solid waste services	Strategic Planning 2010			
c. Provide for the orderly and uninterrupted transition of personnel into key City appointed positions through a succession plan	Utilize hiring process to review position descriptions to articulate long term organizational expectations	immediate & ongoing			
	Fund and provide training opportunities			Funding for training opportunities will be proposed as part of the FY10 budget	
	Provide succession planning training to the Management Team			Funding for training opportunities will be proposed as part of the FY10 budget	
	Review and make recommendation regarding the City's policies for funding for employee educational assistance				
	Work with a local educational institution to develop a training program for mid-level supervisors			Funding for training opportunities will be proposed as part of the FY10 budget	
	Continue regular meetings between mid-level supervisors and City Administrator	Ongoing		Next meeting July 14, 2009	



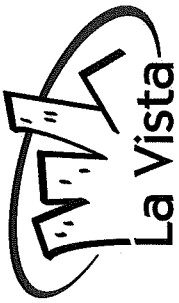
# Strategic Plan 2009-2011 Progress Report June 2009

	Enlist mid-level managers to coordinate events and activities associated with La Vista 50		This group assisting with the 50th Anniversary event planning	
	Continue to explore options for involving mid-level managers in organizational initiatives and special projects			
	Consider establishing a City Hall internship for an up and coming supervisor			
d. Provide for continuous employee professional development through expansion of in-house, customized education programs	Fund training requests as part of the annual budget	immediate & ongoing	Funding for training opportunities will be proposed as part of the FY10 budget	
	Identify in-house training opportunities			
	Initiate leadership development program for senior and mid-level management staff		Funding for training opportunities will be proposed as part of the FY10 budget	
e. Contribute to the successful recruitment and retention of high quality City staff through implementation of the pay recommendations in the City's 2008 Compensation Study	Compensation study is complete and execution of the recommendations contained in the study is ongoing		Council has reviewed draft RFP policy and discussed. They have also taken action to move all employees to new range minimums.	Approve final RFP policy and new salary schedule in conjunction with budget process.
	Implementation of a new performance appraisal system		Building instrument	Training July-Sept. Implement Oct. 1
f. Update the City's Emergency Preparedness Plan	Provide opportunities for appropriate staff and officials to receive the NIMS 100 and 700 training	ongoing	All police officers have completed the required NIMS 100, 200 and 700 training. Command personnel have completed 100, 200, 300, 400, 700 and 800	
	Complete Pandemic Plan		A draft plan has been prepared and is anticipated to be presented to Council in late summer	
	Keep Local Emergency Operations Plan (LEOP) up to date		The Sarpy County LEOP plan is currently being updated county-wide	Should be completed in 2009



Strategic Plan 2009-2011  
Progress Report  
June 2009

	Communicate Emergency Preparedness Plan to elected officials through periodic review				
g. Begin the process of developing a high performance work culture	Provide opportunities for appropriate staff training	Ongoing	Department Head audio conference & discussion	Funding for training opportunities will be proposed as part of the FY10 budget	



Strategic Plan 2009-2011  
Progress Report  
June 2009

8. Insure efficient, effective investment in technology to enhance service delivery.					
Key Objectives	Action Steps	Timeline	Progress to Date	Anticipated Next Step(s)	Objective Achieved / Comments
a. Secure outside expertise to work with the City's Internal Technology Committee regarding a review of the city's existing technology and recommendations for new technology that could enhance productivity.			In process of identifying a scope of work		
b. Develop a long-range technology plan		on-going			
c. Develop a multi-year plan for financing technology improvements					
d. Designate adequate resources to provide appropriate technology training for city staff					

I

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

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA AUTHORIZING THE LA VISTA CITY CLERK TO FILE WITH THE SARPY COUNTY TREASURER A SPECIAL ASSESSMENT FOR PROPERTY IMPROVEMENTS AT THE LOCATION AND IN AMOUNTS CITED HEREIN.

WHEREAS, the property owners of  
7121 Harrison Street, Lot 1C EX PT TO RD La Vista Replat, \$111.88  
were under an order to keep the building secure, or the City would do so and bill them accordingly, and

WHEREAS, the property owners of said addresses chose not to keep the building secure, thus necessitating the City to do so, and

WHEREAS, the City sent the property owners bills for said work to secure the building which have not been paid, and

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

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

PASSED AND APPROVED THIS 16TH DAY OF JUNE, 2009

CITY OF LA VISTA

ATTEST:

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

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



**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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OFFICIAL USE

Postage	\$		
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$		

Postmark  
Here

Sent To	EARL & LETA LONG
Street, Apt. No., or PO Box No.	7501 S 76TH AVE
City, State, ZIP+4	LA VISTA NE 68128

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY						
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  X  <span style="float: right;"><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span>  Julie Long <span style="float: right;">4-29</span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>						
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; margin-top: 20px;">EARL &amp; LETA LONG  7501 S 76TH AVE  LA VISTA NE 68128</p>	<p>3. Service Type</p> <table style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> Certified Mail</td> <td><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> C.O.D.</td> </tr> </table> <p>4. Restricted Delivery? (Extra Fee) <span style="float: right;"><input type="checkbox"/> Yes</span></p>	<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail						
<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise						
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.						
<p>2. Article Number  (Transfer from service label)</p>	<p style="font-size: 1.2em; text-align: center;">7006 0810 0001 6713 8525</p>						

April 28, 2009



Earl & Leta Long  
7501 S 76<sup>th</sup> Ave  
La Vista, NE 68128

RE: 7121 Harrison Street  
Lot 1C EX PT TO RD La Vista Replat

Dear Mr. and Mrs. Long:

On April 15, 2009, your property on Harrison in La Vista was in violation of an order to keep the Long's DX Service Station secure. The Public Works Department boarded up the window of on east side of the building at this location. The cost of \$111.88 was incurred by the City for the clean up. The cost breakdown is as follows:

Administrative Fee	\$	50.00
Board up Window		
Two Workers, 1 Hour Each		37.88
Equipment Cost		20.00
Material		4.00
TOTAL	\$	<u>111.88</u>

Please remit \$111.88, 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 June 16, 2009, 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

April 20, 2009

TO: Valerie Houloose  
Code Enforcement

FR: Joe Soucie  
Public Works Director

RE: Commercial Property Clean-Up  
Long's DX Service Station

The following is a list of the expenses incurred by the Public Works Department on April 15, 2009 while boarding up the window on the east side of the building at Long's DX Service Station, per your request.

**LABOR:**

	<u>HOURLY WAGE</u>	<u>HOURS</u>	<u>TOTAL</u>
Employee #1	\$25.38	1	\$25.38
Employee #2	\$12.50	1	\$12.50
TOTAL			\$37.88

**EQUIPMENT:**

	<u>HOURLY RATE</u>	<u>HOURS</u>	<u>TOTAL</u>
1 pickup	\$20.00	1	\$20.00
TOTAL			\$20.00

**MATERIALS:**

8 self-tapping screws	\$4.00
Used plywood from the premises	\$0.00
TOTAL	\$4.00

**TOTAL LABOR, EQUIPMENT and MATERIALS: \$61.88**

Date: 4-16-09 ☐ Pay by Petty Cash  
 Code: 01.22.0401 Dept. Head: \_\_\_\_\_  
 Dept. Head: \_\_\_\_\_

**ACE Hardware**  
**CJ's HOMECENTER**  
 8018 HARRISON STREET  
 RALSTON, NE 68128  
 402 331-1638

ANNA 291051003 08:19 AM 04/15/09  
 5261540 SCRW SLFDR HX 10x2 7.39nt\*

Subtotal 7.39  
 If Paid Within Terms Disc => -1.11  
 Tax 0.00  
**NET DUE May.10 6.28**  
**GROSS DUE May 11 7.39**

**CITY OF LA VISTA**

8110 PARKVIEW BLVD.  
 LA VISTA, NE 68128

DICK U

*Dick Ulrich*

Terms: Net 10th on purchases thru end of month

PO # PARK

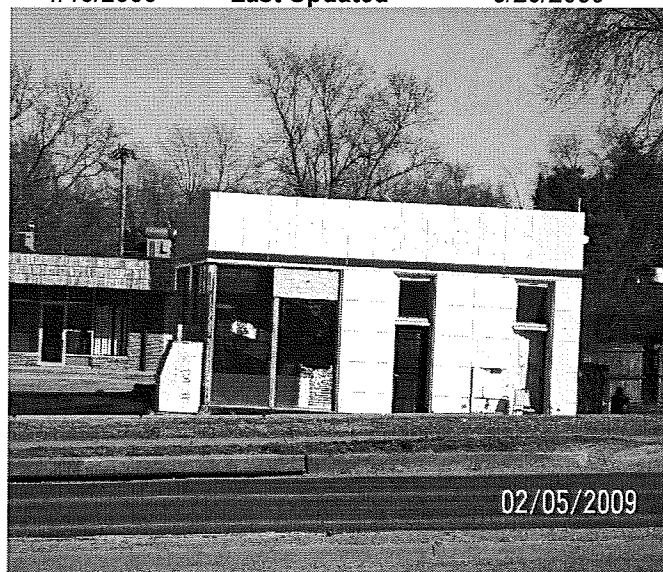
Inv # 91051003 ACCT# CL01

**NOW TWO CJ's LOCATIONS**  
**8018 HARRISON STREET**  
**5502 CENTER STREET**

Current as of 4/24/2009 Date Created 1/10/2000 Last Updated 3/20/2009

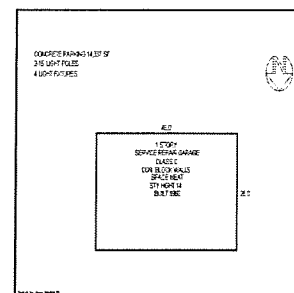
**Active Record**

Parcel Number: 010331794  
 Location: 07121 HARRISON ST  
 Owner: LONG EARL F & LETA A  
 C/O:  
 Mail Address: 7501 S 76TH AVE  
 LA VISTA NE 68128-0000  
 Legal: LOT 1C EX PT TO RD LA VISTA REPLAT  
 Map #: 2959-13-2-30051-000-0001  
 Tax District: 27002

[Maps/Plats](#)


## Commercial Information for 1 January Roll Year 2008

Business Name: LONG SERVICE STATION  
 Primary Description: SERVICE REPAIR~GARAGE  
 Commercial units: 1  
 Lot Sqft: 15625  
 Total Area: 1288



Building Information					
Bldg #	Built	Stories	Total Area	Ext Wall	Description
1	1960	1	1288	CONCRETE BLOCK, STANDARD	SERVICE REPAIR GARAGE

Refinements					
Bldg #	Sec #	Code	Description	Sqft or Quantity	
1	2	CON	CONCRETE SLAB SF	14337	
1	2	LPF	LIGHT FIXTURES	4	
1	2	LPO	LIGHT POLES LF	30	

## Sales Information (Updated 4/26/2009)

No Sales on File

## Valuation

PV = Partial Valuation

	Improvements	Land	OutBuildings	Total	PV
2008	\$23,475	\$78,125	\$0	\$101,600	No
2007	\$23,475	\$78,125	\$0	\$101,600	No
2006	\$23,475	\$78,125	\$0	\$101,600	No
2005	\$23,475	\$78,125	\$0	\$101,600	No
2004	\$23,475	\$78,125	\$0	\$101,600	No
2003	\$23,475	\$78,125	\$0	\$101,600	No
2002	\$23,475	\$78,125	\$0	\$101,600	No
2001	\$23,475	\$78,125	\$0	\$101,600	No
2000	\$22,459	\$78,125	\$0	\$100,584	No
1999	\$18,553	\$82,031	\$0	\$100,584	No
1998	\$22,424	\$31,250	\$0	\$53,674	No
1997	\$0	\$53,674	\$0	\$53,674	No
1996	\$0	\$53,674	\$0	\$53,674	No
1995	\$0	\$52,830	\$0	\$52,830	No
1994	\$0	\$52,830	\$0	\$52,830	No
1993	\$0	\$52,830	\$0	\$52,830	No
1992	\$0	\$63,000	\$0	\$63,000	No

City of La Vista  
8116 Park View Blvd.  
La Vista, NE 68128  
402-331-4343 phone number  
402-331-4375 fax number  
www.cityoflavista.org



# fax

To: Cindy

Fax Number: \_\_\_\_\_

Phone Number: \_\_\_\_\_

RE: \_\_\_\_\_

From: Valerie

Pages: 2 (Including Cover Page)

Date: 4/13/2009

CC: \_\_\_\_\_

☐ Urgent

☐ For Review

☐ Please Comment

☐ Please Reply

Comments:

Please send a crew to Long's Dx and  
board up the window on the east side of the  
building. A picture is attached.  
Nothing else is to be done.

— Thank you!





↖ This area  
needs to be  
boarded  
up.

04/13/2009





04/15/2009